JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the sixth day of January, in the year of our Lord two thousand and nine, being the *first session* of the ONE HUNDRED ELEVENTH CONGRESS, held under the Constitution of the United States, and in the two hundred and thirty-third year of the independence of the United States.

FRIDAY, JUNE 26, 2009 (85)

The House was called to order by the SPEAKER.

¶85.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, June 25, 2009.

Mr. MURPHY of Connecticut, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MURPHY of Connecticut, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶85.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2459. A letter from the U.S. Senate, transmitting a message from the Senate pertaining to the certification of the resignation of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas. Referred to the Managers on the part of the House appointed by House Resolution 565; (H. Doc. No. 111—53).

2460. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2008, through December 31, 2008; to the Committee on Financial Services.

2461. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on two modifications to the auction process in 2008 that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

2462. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-116, ''City Market At O Street Project Financing Clarification Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-117, ''DCPL Procurement Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-118, ''Day Care Facility Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-122, ''Adoption and Safe Families Amendment Act of 2002'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-115, ''Withholding of Tax on Lottery Winnings Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2467. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Activities at San Nicolas Island, CA [Docket No.: 090218189-9910-02] (RIN: 0648-AX29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2468. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No.: 080728943-9716-02] (RIN: 0648-AX12) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2469. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Pelagic Longline Take Reduction Plan [Docket No.: 070717352-8886-02] (RIN: 0648-AV65) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2470. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Amendment 27 [Docket No.: 080416577-9898-03] (RIN: 0648-AW73) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2471. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP21) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2472. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2473. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP22) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2474. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP23) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2475. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific Crustacean Fisheries; Deepwater Shrimp [Docket No.: 070719388-9911-04] (RIN: 0648-AV29) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Insturment Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30672 Amdt. No 3326] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30673; Amdt. No. 3327] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes [Docket No.: FAA-2009-0284; Directorate Identifier 2009-CE-016-AD; Amendment 39-15939; AD 2009-12-16] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-500 and ATR72-212A Airplanes [Docket No.: FAA-2009-0524; Directorate Identifier 2009-NM-030-AD; Amendment 39-15935; AD 2009-12-12] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0523; Directorate Identifier 2009-NM-018-AD; Amendment 39-15934; AD 2009-12-11] (RIN: 2120-AA64) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2481. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A Airplanes [Docket No.: FAA-2008-1237; Directorate Identifier 2008-NM-125-AD; Amendment 39-15932; AD 2009-12-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2482. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Itda. Model AMT-200 and AMT-300 Series Gliders [Docket No.: FAA-2009-0323 Directorate Identifier 2009-CE-012-AD; Amendment 39-15937; AD 2009-12-14] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2483. A letter from the Regulations Officer, Federal Highway Administration, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2484. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto required to be filed by Members of the House with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 111—54); to the Committee on Standards of Official Conduct and ordered to be printed.

2485. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series I — received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶85.3 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. HIRONO, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 2009.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Given my nomination by the President as Undersecretary of State for Arms Control and International Security, this letter serves as my intent to resign from the Committee on Transportation and Infrastructure, effective today.

Sincerely,

ELLEN O. TAUSCHER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶85.4 PROVIDING FOR CONSIDERATION OF H.R. 2454

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 587):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 2998, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) three hours of debate, with two and one half hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Forbes of Virginia or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.5 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House the following privileged concurrent resolution of the Senate (S. Con. Res. 31):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the

Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 180

¶85.6 [Roll No. 464]

YEAS—243

Abercrombie
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—180

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—10

Ackerman
Culberson
Flake
Hall (TX)
Hastings (FL)
Kennedy
Lewis (GA)
McHenry
Sullivan
Sutton

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶85.7 MOMENT OF SILENCE IN MEMORY OF THE LATE MICHAEL JACKSON

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that all Members stand and observe a moment of silence in memory of the late Michael Jackson.

¶85.8 H. RES. 587—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 587) providing for consideration of the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to clean energy economy.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 189

¶85.9 [Roll No. 465]

YEAS—232

Abercrombie
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Boehner
Culberson
Flake
Hastings (FL)
Hoyer
Kennedy
Lewis (GA)
Murphy (NY)
Radanovich
Sullivan
Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 205

¶85.10 [Roll No. 466]

AYES—217

Abercrombie
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—205

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Dahlkemper
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Holt
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Culberson
Flake
Hastings (FL)
Kennedy
Lewis (GA)
Maloney
Mollohan
Sullivan
Walz
Waxman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.11 INTERIOR APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to House Resolution 578 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Mr. LYNCH, Acting Chairman, assumed the chair; and after some time spent therein,

¶85.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 111-184, submitted by Mr. HELLER:

Page 119, after line 22, insert the following:

SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

It was decided in the negative { Yeas ..... 202 / Nays ..... 225 }

¶85.13 [Roll No. 467]

AYES—202

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Cummings
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—12

Bordallo
Buchanan
Diaz-Balart, L.
Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Kline (MN)
Lewis (GA)
Miller, Gary
Norton
Sullivan

So the amendment was not agreed to.

¶85.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part B of House Report 111-184, submitted by Mr. JORDAN of Ohio:

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

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of $5,750,000,000.

It was decided in the negative { Yeas ..... 169 / Nays ..... 259 }

¶85.15 [Roll No. 468]

AYES—169

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOES—259

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey

Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Boehner
Brown, Corrine
Farr
Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Lewis (GA)
Minnick
Norton
Sullivan

So the amendment was not agreed to.

¶85.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part B of House Report 111-184, submitted by Mr. STEARNS:

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

SEC. ____. Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

It was decided in the negative ..... { Yeas ..... 170 / Nays 261

¶85.17 [Roll No. 469]

AYES—170

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tanner
Taylor
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—261

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Christensen
Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Lewis (GA)
Norton
Sullivan

So the amendment was not agreed to.

¶85.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part C of House Report 111-184, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Construction'' shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

It was decided in the negative ..... { Yeas ..... 123 / Nays 305

¶85.19 [Roll No. 470]

AYES—123

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns

Terry
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Wittman

NOES—305

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Flake
Hastings (FL)
Kennedy
Kilpatrick (MI)
Kind
Lewis (GA)
Markey (MA)
Serrano
Sullivan
Waxman
Wexler

So the amendment was not agreed to.

¶85.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part D of House Report 111-184, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

It was decided in the negative ..... { Yeas ..... 122 / Nays 309

¶85.21 [Roll No. 471]

AYES—122

Adler (NJ)
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Tierney
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—309

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Chandler
Flake
Hastings (FL)
Israel
Kennedy
Lewis (GA)
Platts
Sullivan

So the amendment was not agreed to.

¶85.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part C of House Report 111-184, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

It was decided in the negative ..... { Yeas ..... 122 / Nays 301

¶85.23 [Roll No. 472]

AYES—122

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Bean
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—301

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bilbray
Bishop (GA)
Broun (GA)
Clyburn
Crowley
Flake
Gohmert
Hastings (FL)
Kennedy
Klein (FL)
Lewis (GA)
Platts
Price (GA)
Ros-Lehtinen
Rush
Sullivan

So the amendment was not agreed to.

¶85.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part E of House Report 111-184, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds made available in this Act under the heading ''National Park Service—Statutory or Contractual Aid'' shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by $1,000,000.

It was decided in the negative ..... { Yeas ..... 131 / Nays 296

¶85.25 [Roll No. 473]

AYES—131

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)

NOES—296

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)

Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Boswell
Flake
Hastings (FL)
Kennedy
Lewis (GA)
Platts
Rush
Schwartz
Smith (TX)
Stark
Sullivan
Wittman

So the amendment was not agreed to.

¶85.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part C of House Report 111-184, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

It was decided in the negative ..... { Yeas ..... 114 / Nays 317

¶85.27 [Roll No. 474]

AYES—114

Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bean
Blackburn
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Tierney
Upton
Westmoreland
Wilson (SC)
Wittman

NOES—317

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Flake
Hastings (FL)
Israel
Kennedy
Lewis (GA)
Olver
Platts
Sullivan

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. LYNCH, Acting Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 578, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 10, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 16, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 3, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 18, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 18, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 18, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 46, line 2, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 57, line 14, after the dollar amount, insert ''(reduced by $2,000,000)''.

In the item relating to ''Office of Surface Mining Reclamation and Enforcement_Abandoned Mine Reclamation Fund'' (page 26, line 2), before the period at the end insert '': *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act''.

Under the heading ''NATIONAL FOREST SYSTEM'' insert after the first dollar amount the following: ''(reduced by $25,000,000) (increased by $25,000,000)''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 254 / Nays 173

¶85.28 [Roll No. 475]

YEAS—254

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—6

Flake
Hastings (FL)
Kennedy
Lewis (GA)
Melancon
Sullivan

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.29 CLEAN ENERGY

Mr. WAXMAN, pursuant to House Resolution 587, called up for consideration the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

Pending consideration of said bill.

Pursuant to House Resolution 587, in lieu of the amendment recommended by the Committee on Energy and Commerce printed in the bill, the following amendment in the nature of a substitute consisting of the text of H.R. 2998, modified by the amendment printed in Part A of House Report 111-185, was considered as agreed to:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Clean Energy and Security Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. International participation.

TITLE I—CLEAN ENERGY

Subtitle A—Combined Efficiency and Renewable Electricity Standard

Sec. 101. Combined efficiency and renewable electricity standard.
Sec. 102. Clarifying State authority to adopt renewable energy incentives.
Sec. 103. Federal renewable energy purchases.

Subtitle B—Carbon Capture and Sequestration

Sec. 111. National strategy.
Sec. 112. Regulations for geologic sequestration sites.
''Sec. 813. Geologic sequestration sites.
Sec. 113. Studies and reports.
Sec. 114. Carbon capture and sequestration demonstration and early deployment program.
Sec. 115. Commercial deployment of carbon capture and sequestration technologies.
''Sec. 786. Commercial deployment of carbon capture and sequestration technologies.
Sec. 116. Performance standards for coal-fueled power plants.
''Sec. 812. Performance standards for new coal-fired power plants.

Subtitle C—Clean Transportation

Sec. 121. Electric vehicle infrastructure.
Sec. 122. Large-scale vehicle electrification program.
Sec. 123. Plug-in electric drive vehicle manufacturing.
Sec. 124. Investment in clean vehicles.
Sec. 125. Advanced technology vehicle manufacturing incentive loans.
Sec. 126. Amendment to renewable fuels standard.
Sec. 127. Open fuel standard.
Sec. 128. Diesel emissions reduction.
Sec. 129. Loan guarantees for projects to construct renewable fuel pipelines.
Sec. 130. Fleet vehicles.
Sec. 130A. Report on natural gas vehicle emissions reductions.

Subtitle D—State Energy and Environment Development Accounts

Sec. 131. Establishment of SEED Accounts.

Sec. 132. Support of State renewable energy and energy efficiency programs.
Sec. 133. Support of Indian renewable energy and energy efficiency programs.
Subtitle E—Smart Grid Advancement
Sec. 141. Definitions.
Sec. 142. Assessment of Smart Grid cost effectiveness in products.
Sec. 143. Inclusions of Smart Grid capability on appliance ENERGY GUIDE labels.
Sec. 144. Smart Grid peak demand reduction goals.
Sec. 145. Reauthorization of energy efficiency public information program to include Smart Grid information.
Sec. 146. Inclusion of Smart Grid features in appliance rebate program.
Subtitle F—Transmission Planning
Sec. 151. Transmission planning and siting.
Sec. 152. Net metering for Federal agencies.
Sec. 153. Support for qualified advanced electric transmission manufacturing plants, qualified high efficiency transmission property, and qualified advanced electric transmission property.
Subtitle G—Technical Corrections to Energy Laws
Sec. 161. Technical corrections to Energy Independence and Security Act of 2007.
Sec. 162. Technical corrections to Energy Policy Act of 2005.
Subtitle H—Energy and Efficiency Centers and Research
Sec. 171. Energy Innovation Hubs.
Sec. 172. Advanced energy research.
Sec. 173. Building Assessment Centers.
Sec. 174. Centers for Energy and Environmental Knowledge and Outreach.
Subtitle I—Nuclear and Advanced Technologies
Sec. 181. Revisions to loan guarantee program authority.
Sec. 182. Purpose.
Sec. 183. Definitions.
Sec. 184. Clean energy investment fund.
Sec. 185. Energy technology deployment goals.
Sec. 186. Clean energy deployment administration.
Sec. 187. Direct support.
Sec. 188. Indirect support.
Sec. 189. Federal credit authority.
Sec. 190. General provisions.
Sec. 191. Conforming amendments.
Subtitle J—Miscellaneous
Sec. 195. Increased hydroelectric generation at existing Federal facilities.
Sec. 196. Clean technology business competition grant program.
Sec. 197. National Bioenergy Partnership.
Sec. 198. Office of Consumer Advocacy.
Sec. 199. Development corporation for renewable power borrowing authority.
Sec. 199A. Study.
TITLE II—ENERGY EFFICIENCY
Subtitle A—Building Energy Efficiency Programs
Sec. 201. Greater energy efficiency in building codes.
Sec. 202. Building retrofit program.
Sec. 203. Energy efficient manufactured homes.
Sec. 204. Building energy performance labeling program.
Sec. 205. Tree planting programs.
Sec. 206. Energy efficiency for data center buildings.
Sec. 207. Community building code.
Sec. 208. Solar energy systems building permit requirement for receipt of community development block grant funds.
Subtitle B—Lighting and Appliance Energy Efficiency Programs
Sec. 211. Lighting efficiency standards.
Sec. 212. Other appliance efficiency standards.
Sec. 213. Appliance efficiency determinations and procedures.
Sec. 214. Best-in-Class Appliances Deployment Program.
Sec. 215. WaterSense.
Sec. 216. Federal procurement of water efficient products.
Sec. 216A. Transmission planning.
Sec. 216B. Siting and construction in the western interconnection.
Sec. 217. Water efficient product rebate programs.
Sec. 218. Certified stoves program.
Sec. 219. Energy Star standards.
Subtitle C—Transportation Efficiency
Sec. 221. Emissions standards.
''PART B—MOBILE SOURCES
''Sec. 821. Greenhouse gas emission standards for mobile sources.
Sec. 222. Greenhouse gas emissions reductions through transportation efficiency.
''PART D—TRANSPORTATION EMISSIONS
''Sec. 841. Greenhouse gas emissions reductions through transportation efficiency.
Sec. 223. SmartWay transportation efficiency program.
''Sec. 822. SmartWay transportation efficiency program.
Sec. 224. State vehicle fleets.
Subtitle D—Industrial Energy Efficiency Programs
Sec. 241. Industrial plant energy efficiency standards.
Sec. 242. Electric and thermal waste energy recovery award program.
Sec. 243. Clarifying election of waste heat recovery financial incentives.
Sec. 244. Motor market assessment and commercial awareness program.
Sec. 245. Motor efficiency rebate program.
Subtitle E—Improvements in Energy Savings Performance Contracting
Sec. 251. Energy savings performance contracts.
Subtitle F—Public Institutions
Sec. 261. Public institutions.
Sec. 262. Community energy efficiency flexibility.
Sec. 263. Small community joint participation.
Sec. 264. Low income community energy efficiency program.
Sec. 265. Consumer behavior research.
Subtitle G—Miscellaneous
Sec. 271. Energy efficient information and communications technologies.
Sec. 272. National energy efficiency goals.
Sec. 273. Affiliated island energy independence team.
Sec. 274. Product carbon disclosure program.
TITLE III—REDUCING GLOBAL WARMING POLLUTION
Sec. 301. Short title.
Subtitle A—Reducing Global Warming Pollution
Sec. 311. Reducing global warming pollution.
''TITLE VII—GLOBAL WARMING POLLUTION REDUCTION PROGRAM
''PART A—GLOBAL WARMING POLLUTION REDUCTION GOALS AND TARGETS
''Sec. 701. Findings and purpose.
''Sec. 702. Economy-wide reduction goals.
''Sec. 703. Reduction targets for specified sources.
''Sec. 704. Supplemental pollution reductions.
''Sec. 705. Review and program recommendations.
''Sec. 706. National Academy review.
''Sec. 707. Presidential response and recommendations.
''PART B—DESIGNATION AND REGISTRATION OF GREENHOUSE GASES
''Sec. 711. Designation of greenhouse gases.
''Sec. 712. Carbon dioxide equivalent value of greenhouse gases.
''Sec. 713. Greenhouse gas registry.
''PART C—PROGRAM RULES
''Sec. 721. Emission allowances.
''Sec. 722. Prohibition of excess emissions.
''Sec. 723. Penalty for noncompliance.
''Sec. 724. Trading.
''Sec. 725. Banking and borrowing.
''Sec. 726. Strategic reserve.
''Sec. 727. Permits.
''Sec. 728. International emission allowances.
''PART D—OFFSETS
''Sec. 731. Offsets Integrity Advisory Board.
''Sec. 732. Establishment of offsets program.
''Sec. 733. Eligible project types.
''Sec. 734. Requirements for offset projects.
''Sec. 735. Approval of offset projects.
''Sec. 736. Verification of offset projects.
''Sec. 737. Issuance of offset credits.
''Sec. 738. Audits.
''Sec. 739. Program review and revision.
''Sec. 740. Early offset supply.
''Sec. 741. Environmental considerations.
''Sec. 742. Trading.
''Sec. 743. International offset credits.
''PART E—SUPPLEMENTAL EMISSIONS REDUCTIONS FROM REDUCED DEFORESTATION
''Sec. 751. Definitions.
''Sec. 752. Findings.
''Sec. 753. Supplemental emissions reductions through reduced deforestation.
''Sec. 754. Requirements for international deforestation reduction program.
''Sec. 755. Reports and reviews.
''Sec. 756. Legal effect of part.
Sec. 312. Definitions.
''Sec. 700. Definitions.
Subtitle B—Disposition of Allowances
Sec. 321. Disposition of allowances for global warming pollution reduction program.
''PART H—DISPOSITION OF ALLOWANCES
''Sec. 781. Allocation of allowances for supplemental reductions.
''Sec. 782. Allocation of emission allowances.
''Sec. 783. Electricity consumers.
''Sec. 784. Natural gas consumers.
''Sec. 785. Home heating oil, propane, and kerosene consumers.
''Sec. 787. Allocations to refineries.
''Sec. 788. [SECTION RESERVED].
''Sec. 789. Climate change consumer refunds.
''Sec. 790. Exchange for State-issued allowances.
''Sec. 791. Auction procedures.
''Sec. 792. Auctioning allowances for other entities.
''Sec. 793. Establishment of funds.
''Sec. 794. Oversight of allocations.
Subtitle C—Additional Greenhouse Gas Standards
Sec. 331. Greenhouse gas standards.
''TITLE VIII—ADDITIONAL GREENHOUSE GAS STANDARDS
''Sec. 801. Definitions.

''PART A—STATIONARY SOURCE STANDARDS
''Sec. 811. Standards of performance.
''PART C—EXEMPTIONS FROM OTHER PROGRAMS
''Sec. 831. Criteria pollutants.
''Sec. 832. International air pollution.
''Sec. 833. Hazardous air pollutants.
''Sec. 834. New source review.
''Sec. 835. Title V permits.
Sec. 332. HFC Regulation.
Sec. 333. Black carbon.
''PART E—BLACK CARBON
''Sec. 851. Black carbon.
Sec. 334. States.
Sec. 335. State programs.
''PART F—MISCELLANEOUS
''Sec. 861. State programs.
''Sec. 862. Grants for support of air pollution control programs.
Sec. 336. Enforcement.
Sec. 337. Conforming amendments.
Sec. 338. Davis-Bacon compliance.
Sec. 339. National strategy for domestic biological carbon sequestration.
Subtitle D—Carbon Market Assurance
Sec. 341. Carbon market assurance.
Sec. 342. Carbon derivative markets.
Subtitle E—Additional Market Assurance
Sec. 351. Regulation of certain transactions in derivatives involving energy commodities.
Sec. 352. No effect on authority of the Federal Energy Regulatory Commission.
Sec. 353. Inspector General of the Commodity Futures Trading Commission.
Sec. 354. Settlement and clearing through registered derivatives clearing organizations.
Sec. 355. Limitation on eligibility to purchase a credit default swap.
Sec. 356. Transaction fees.
Sec. 357. No effect on antitrust law or authority of the Federal Trade Commission.
Sec. 358. Effect of derivatives regulatory reform legislation.
Sec. 359. Cease-and-desist authority.
Sec. 360. Presidential review of regulations.
TITLE IV—TRANSITIONING TO A CLEAN ENERGY ECONOMY
Subtitle A—Ensuring Real Reductions in Industrial Emissions
Sec. 401. Ensuring real reductions in industrial emissions.
''PART F—ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS
''Sec. 761. Purposes.
''Sec. 762. International negotiations.
''Sec. 763. Definitions.
''SUBPART 1—EMISSION ALLOWANCE REBATE PROGRAM
''Sec. 764. Eligible industrial sectors.
''Sec. 765. Distribution of emission allowance rebates.
''SUBPART 2—INTERNATIONAL RESERVE ALLOWANCE PROGRAM
''Sec. 766. International reserve allowance program.
''SUBPART 3—PRESIDENTIAL DETERMINATION
''Sec. 767. Presidential reports and determinations.
Subtitle B—Green Jobs and Worker Transition
PART 1—GREEN JOBS
Sec. 421. Clean energy curriculum development grants.
Sec. 422. Increased funding for energy worker training program.
PART 2—CLIMATE CHANGE WORKER ADJUSTMENT ASSISTANCE
Sec. 425. Petitions, eligibility requirements, and determinations.
Sec. 426. Program benefits.
Sec. 427. General provisions.
Subtitle C—Consumer Assistance
Sec. 431. Energy refund program.
Sec. 432. Modification of earned income credit amount for individuals with no qualifying children.
Sec. 433. Protection of Social Security and Medicare trust funds.
Subtitle D—Exporting Clean Technology
Sec. 441. Findings and purposes.
Sec. 442. Definitions.
Sec. 443. Governance.
Sec. 444. Determination of eligible countries.
Sec. 445. Qualifying activities.
Sec. 446. Assistance.
Subtitle E—Adapting to Climate Change
PART 1—DOMESTIC ADAPTATION
SUBPART A—NATIONAL CLIMATE CHANGE ADAPTATION PROGRAM
Sec. 451. Global change research and data management.
Sec. 452. National Climate Service.
Sec. 453. State programs to build resilience to climate change impacts.
SUBPART B—PUBLIC HEALTH AND CLIMATE CHANGE
Sec. 461. Sense of Congress on public health and climate change.
Sec. 462. Relationship to other laws.
Sec. 463. National strategic action plan.
Sec. 464. Advisory board.
Sec. 465. Reports.
Sec. 466. Definitions.
Sec. 467. Climate Change Health Protection and Promotion Fund.
SUBPART C—NATURAL RESOURCE ADAPTATION
Sec. 471. Purposes.
Sec. 472. Natural resources climate change adaptation policy.
Sec. 473. Definitions.
Sec. 474. Council on Environmental Quality.
Sec. 475. Natural Resources Climate Change Adaptation Panel.
Sec. 476. Natural Resources Climate Change Adaptation Strategy.
Sec. 477. Natural resources adaptation science and information.
Sec. 478. Federal natural resource agency adaptation plans.
Sec. 479. State natural resources adaptation plans.
Sec. 480. Natural Resources Climate Change Adaptation Fund.
Sec. 481. National Wildlife Habitat and Corridors Information Program.
Sec. 482. Additional provisions regarding Indian tribes.
PART 2—INTERNATIONAL CLIMATE CHANGE ADAPTATION PROGRAM
Sec. 491. Findings and purposes.
Sec. 492. Definitions.
Sec. 493. International Climate Change Adaptation Program.
Sec. 494. Distribution of allowances.
Sec. 495. Bilateral assistance.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) STATE.—The term ''State'' has the meaning given that term in section 302 of the Clean Air Act.

SEC. 3. INTERNATIONAL PARTICIPATION.

The Administrator, in consultation with the Department of State and the United States Trade Representative, shall annually prepare and certify a report to the Congress regarding whether China and India have adopted greenhouse gas emissions standards at least as strict as those standards required under this Act. If the Administrator determines that China and India have not adopted greenhouse gas emissions standards at least as stringent as those set forth in this Act, the Administrator shall notify each Member of Congress of his determination, and shall release his determination to the media.

TITLE I—CLEAN ENERGY

Subtitle A—Combined Efficiency and Renewable Electricity Standard

SEC. 101. COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following) is amended by adding at the end the following:

"SEC. 610. COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CHP SAVINGS.—The term 'CHP savings' means—

''(A) CHP system savings from a combined heat and power system that commences operation after the date of enactment of this section; and

''(B) the increase in CHP system savings from, at any time after the date of the enactment of this section, upgrading, replacing, expanding, or increasing the utilization of a combined heat and power system that commenced operation on or before the date of enactment of this section.

''(2) CHP SYSTEM SAVINGS.—The term 'CHP system savings' means the increment of electric output of a combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs).

''(3) COMBINED HEAT AND POWER SYSTEM.—The term 'combined heat and power system' means a system that uses the same energy source both for the generation of electrical or mechanical power and the production of steam or another form of useful thermal energy, provided that—

''(A) the system meets such requirements relating to efficiency and other operating characteristics as the Commission may promulgate by regulation; and

''(B) the net sales of electricity by the facility to customers not consuming the thermal output from that facility will not exceed 50 percent of total annual electric generation by the facility.

''(4) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity consumption (including recycled energy savings) at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to—

''(A) in the case of a new facility, consumption at a reference facility of average efficiency;

''(B) in the case of an existing facility, consumption at such facility during a base period, except as provided in subparagraphs (C) and (D);

''(C) in the case of new equipment that replaces existing equipment with remaining useful life, the projected consumption of the existing equipment for the remaining useful life of such equipment, and thereafter, consumption of new equipment of average efficiency of the same equipment type; and

''(D) in the case of new equipment that replaces existing equipment at the end of the useful life of the existing equipment, consumption by new equipment of average efficiency of the same equipment type.

''(5) DISTRIBUTED RENEWABLE GENERATION FACILITY.—The term 'distributed renewable generation facility' means a facility that—

''(A) generates renewable electricity;

''(B) primarily serves 1 or more electricity consumers at or near the facility site; and

''(C) is no greater than—

''(i) 2 megawatts in capacity; or

''(ii) 4 megawatts in capacity, in the case of a facility that is placed in service after the date of enactment of this section and generates electricity from a renewable energy resource other than by means of combustion.

''(6) ELECTRICITY SAVINGS.—The term 'electricity savings' means reductions in electricity consumption, relative to business-as-usual projections, achieved through measures implemented after the date of enactment of this section, limited to—

''(A) customer facility savings of electricity, adjusted to reflect any associated increase in fuel consumption at the facility;

''(B) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses attributable to new or replacement distribution system equipment of average efficiency;

''(C) CHP savings; and

''(D) fuel cell savings.

''(7) CENTRAL PROCUREMENT STATE.—The term 'central procurement State' means a State that, as of January 1, 2009, had adopted and implemented a legally enforceable mandate that, in lieu of requiring utilities to submit credits or certificates issued based on generation of electricity from (or to purchase or generate electricity from) resources defined by the State as renewable, requires retail electric suppliers to collect payments from electricity ratepayers within the State that are used for central procurement, by a State agency or a public benefit corporation established pursuant to State law, of credits or certificates issued based on generation of electricity from resources defined by the State as renewable.

''(8) FEDERAL RENEWABLE ELECTRICITY CREDIT.—The term 'Federal renewable electricity credit' means a credit, representing one megawatt hour of renewable electricity, issued pursuant to subsection (e).

''(9) FUEL CELL.—The term 'fuel cell' means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

''(10) FUEL CELL SAVINGS.—The term 'fuel cell savings' means the electricity saved by a fuel cell that is installed after the date of enactment of this section, or by upgrading a fuel cell that commenced operation on or before the date of enactment of this section, as a result of the greater efficiency with which the fuel cell transforms fuel into electricity as compared with sources of electricity delivered through the grid, provided that—

''(A) the fuel cell meets such requirements relating to efficiency and other operating characteristics as the Commission may promulgate by regulation; and

''(B) the net sales of electricity from the fuel cell to customers not consuming the thermal output from the fuel cell, if any, do not exceed 50 percent of the total annual electricity generation by the fuel cell.

''(12) OTHER QUALIFYING ENERGY RESOURCE.—The term 'other qualifying energy resource' means any of the following:

''(A) Landfill gas.

''(B) Wastewater treatment gas.

''(C) Coal mine methane used to generate electricity at or near the mine mouth.

''(D) Qualified waste-to-energy.

''(13) QUALIFIED HYDROPOWER.—The term 'qualified hydropower' means—

''(A) energy produced from increased efficiency achieved, or additions of capacity made, on or after January 1, 1988, at a hydroelectric facility that was placed in service before that date and does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions; or

''(B) energy produced from generating capacity added to a dam on or after January 1, 1988, provided that the Commission certifies that—

''(i) the dam was placed in service before the date of the enactment of this section and was operated for flood control, navigation, or water supply purposes and was not producing hydroelectric power prior to the addition of such capacity;

''(ii) the hydroelectric project installed on the dam is licensed (or is exempt from licensing) by the Commission and is in compliance with the terms and conditions of the license or exemption, and with other applicable legal requirements for the protection of environmental quality, including applicable fish passage requirements; and

''(iii) the hydroelectric project installed on the dam is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license or exemption requirements that require changes in water surface elevation for the purpose of improving the environmental quality of the affected waterway.

''(14) QUALIFIED WASTE-TO-ENERGY.—The term 'qualified waste-to-energy' means energy from the combustion of municipal solid waste or construction, demolition, or disaster debris, or from the gasification or pyrolization of such waste or debris and the combustion of the resulting gas at the same facility, provided that—

''(A) such term shall include only the energy derived from the non-fossil biogenic portion of such waste or debris;

''(B) the Commission determines, with the concurrence of the Administrator of the Environmental Protection Agency, that the total lifecycle greenhouse gas emissions attributable to the generation of electricity from such waste or debris are lower than those attributable to the likely alternative method of disposing of such waste or debris; and

''(C) the owner or operator of the facility generating electricity from such energy provides to the Commission, on an annual basis—

''(i) a certification that the facility is in compliance with all applicable State, tribal, and Federal environmental permits;

''(ii) in the case of a facility that commenced operation before the date of enactment of this section, a certification that the facility meets emissions standards promulgated under sections 112 or 129 of the Clean Air Act (42 U.S.C. 7412 or 7429) that apply as of the date of enactment of this section to new facilities within the relevant source category; and

''(iii) in the case of the combustion, pyrolization, or gasification of municipal solid waste, a certification that each local government unit from which such waste originates operates, participates in the operation of, contracts for, or otherwise provides for, recycling services for its residents.

''(15) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that results from a modification of an industrial or commercial system that commenced operation before the date of enactment of this section, in order to recapture electrical, mechanical, or thermal energy that would otherwise be wasted.

''(16) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(A) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(i) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(ii) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(iii) harvested in accordance with Federal and State law, and applicable land management plans.

''(B) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure);

''(IV) construction waste; and

''(V) food waste and yard waste.

''(C) Residues and byproducts from wood, pulp, or paper products facilities.''.

''(17) RENEWABLE ELECTRICITY.—The term 'renewable electricity' means electricity generated (including by means of a fuel cell) from a renewable energy resource or other qualifying energy resources.

''(18) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means each of the following:

''(A) Wind energy.

''(B) Solar energy.

''(C) Geothermal energy.

''(D) Renewable biomass.

''(E) Biogas derived exclusively from renewable biomass.

''(F) Biofuels derived exclusively from renewable biomass.

''(G) Qualified hydropower.

''(H) Marine and hydrokinetic renewable energy, as that term is defined in section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211).

''(19) RETAIL ELECTRIC SUPPLIER.—

''(A) IN GENERAL.—The term 'retail electric supplier' means, for any given year, an electric utility that sold not less than 4,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

''(B) INCLUSIONS AND LIMITATIONS.—For purposes of determining whether an electric utility qualifies as a retail electric supplier under subparagraph (A)—

''(i) the sales of any affiliate of an electric utility to electric consumers, other than sales to the affiliate's lessees or tenants, for purposes other than resale shall be considered to be sales of such electric utility; and

''(ii) sales by any electric utility to an affiliate, lessee, or tenant of such electric utility shall not be treated as sales to electric consumers.

''(C) AFFILIATE.—For purposes of this paragraph, the term 'affiliate' when used in relation to a person, means another person that directly or indirectly owns or controls, is owned or controlled by, or is under common

ownership or control with, such person, as determined under regulations promulgated by the Commission.

''(20) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in megawatt hours, to electric customers for purposes other than resale during the relevant calendar year, excluding—

''(A) electricity generated by a hydroelectric facility that is not qualified hydropower;

''(B) electricity generated by a nuclear generating unit placed in service after the date of enactment of this section; and

''(C) the proportion of electricity generated by a fossil-fueled generating unit that is equal to the proportion of greenhouse gases produced by such unit that are captured and geologically sequestered.

''(21) RETIRE AND RETIREMENT.—The terms 'retire' and 'retirement' with respect to a Federal renewable electricity credit, means to disqualify such credit for any subsequent use under this section, regardless of whether the use is a sale, transfer, exchange, or submission in satisfaction of a compliance obligation.

''(22) THIRD-PARTY EFFICIENCY PROVIDER.—The term 'third-party efficiency provider' means any retailer, building owner, energy service company, financial institution or other commercial, industrial or nonprofit entity that is capable of providing electricity savings in accordance with the requirements of this section.

''(23) TOTAL ANNUAL ELECTRICITY SAVINGS.—The term 'total annual electricity savings' means electricity savings during a specified calendar year from measures implemented since the date of the enactment of this section, taking into account verified measure lifetimes or verified annual savings attrition rates, as determined in accordance with such regulations as the Commission may promulgate and measured in megawatt hours.

''(b) ANNUAL COMPLIANCE OBLIGATION.—

''(1) IN GENERAL.—For each of calendar years 2012 through 2039, not later than March 31 of the following calendar year, each retail electric supplier shall submit to the Commission an amount of Federal renewable electricity credits and demonstrated total annual electricity savings that, in the aggregate, is equal to such retail electric supplier's annual combined target as set forth in subsection (d), except as otherwise provided in subsection (h).

''(2) DEMONSTRATION OF SAVINGS.—For purposes of this subsection, submission of demonstrated total annual electricity savings means submission of a report that demonstrates, in accordance with the requirements of subsection (f), the total annual electricity savings achieved by the retail electric supplier within the relevant compliance year.

''(3) RENEWABLE ELECTRICITY CREDITS PORTION.—Except as provided in paragraph (4), each retail electric supplier must submit Federal renewable electricity credits equal to at least three quarters of the retail electric supplier's annual combined target.

''(4) STATE PETITION.—

''(A) IN GENERAL.—Upon written request from the Governor of any State (including, for purposes of this paragraph, the Mayor of the District of Columbia), the Commission shall increase, to not more than two fifths, the proportion of the annual combined targets of retail electric suppliers located within such State that may be met through submission of demonstrated total annual electricity savings, provided that such increase shall be effective only with regard to the portion of a retail electric supplier's annual combined target that is attributable to electricity sales within such State.

''(B) CONTENTS.—A Governor's request under this paragraph shall include an explanation of the Governor's rationale for determining, after consultation with the relevant State regulatory authority and other retail electricity ratemaking authorities within the State, to make such request. The request shall specify the maximum proportion of annual combined targets (not more than two fifths) that can be met through demonstrated total annual electricity savings, and the period for which such proportion shall be effective.

''(C) REVISION.—The Governor of any State may, after consultation with the relevant State regulatory authority and other retail electricity ratemaking authorities within the State, submit a written request for revocation or revision of a previous request submitted under this paragraph. The Commission shall grant such request, provided that—

''(i) any revocation or revision shall not apply to the combined annual target for any year that is any earlier than 2 calendar years after the calendar year in which such request is submitted, so as to provide retail electric suppliers with adequate notice of such change; and

''(ii) any revision shall meet the requirements of subparagraph (A).

''(c) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate regulations to implement and enforce the requirements of this section. In promulgating such regulations, the Commission shall, to the extent practicable—

''(1) preserve the integrity, and incorporate best practices, of existing State and tribal renewable electricity and energy efficiency programs;

''(2) rely upon existing and emerging State, tribal, or regional tracking systems that issue and track non-Federal renewable electricity credits; and

''(3) cooperate with the States and Indian tribes to facilitate coordination between State, tribal, and Federal renewable electricity and energy efficiency programs and to minimize administrative burdens and costs to retail electric suppliers.

''(d) ANNUAL COMPLIANCE REQUIREMENT.—

''(1) ANNUAL COMBINED TARGETS.—For each of calendar years 2012 through 2039, a retail electric supplier's annual combined target shall be the product of—

''(A) the required annual percentage for such year, as set forth in paragraph (2); and

''(B) the retail electric supplier's base amount for such year.

''(2) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2012 through 2039, the required annual percentage shall be as follows:

"Calendar year	Required annual percentage
2012	6.0
2013	6.0
2014	9.5
2015	9.5
2016	13.0
2017	13.0
2018	16.5
2019	16.5
2020	20.0
2021 through 2039	20.0

''(e) FEDERAL RENEWABLE ELECTRICITY CREDITS.—

''(1) IN GENERAL.—The regulations promulgated under this section shall include provisions governing the issuance, tracking, and verification of Federal renewable electricity credits. Except as provided in paragraphs (2), (3), and (4) of this subsection, the Commission shall issue to each generator of renewable electricity, 1 Federal renewable electricity credit for each megawatt hour of renewable electricity generated by such generator after December 31, 2011. The Commission shall assign a unique serial number to each Federal renewable electricity credit.

''(2) GENERATION FROM CERTAIN STATE RENEWABLE ELECTRICITY PROGRAMS.—''(A) Except as provided in subparagraph (B), where renewable electricity is generated with the support of payments from a retail electric supplier pursuant to a State renewable electricity program (whether through State alternative compliance payments or through payments to a State renewable electricity procurement fund or entity), the Commission shall issue Federal renewable electricity credits to such retail electric supplier for the proportion of the relevant renewable electricity generation that is attributable to the retail electric supplier's payments, as determined pursuant to regulations issued by the Commission. For any remaining portion of the relevant renewable electricity generation, the Commission shall issue Federal renewable electricity credits to the generator, as provided in paragraph (1), except that in no event shall more than 1 Federal renewable electricity credit be issued for the same megawatt hour of electricity. In determining how Federal renewable electricity credits will be apportioned among retail electric suppliers and generators in such circumstances, the Commission shall consider information and guidance furnished by the relevant State or States.

''(B) In the case of a central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b), the Commission shall issue directly to the State Federal renewable electricity credits for any renewable electricity for which the State, pursuant to a mandate described in subsection (a)(7), has centrally procured credits or certificates issued based on generation of such renewable electricity.

''(3) CERTAIN POWER SALES CONTRACTS.—Except as otherwise provided in paragraph (2), when a generator has sold renewable electricity to a retail electric supplier under a contract for power from a facility placed in service before the date of enactment of this section, and the contract does not provide for the determination of ownership of the Federal renewable electricity credits associated with such generation, the Commission shall issue such Federal renewable electricity credits to the retail electric supplier for the duration of the contract.

''(4) CREDIT MULTIPLIER FOR DISTRIBUTED RENEWABLE GENERATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall issue 3 Federal renewable electricity credits for each megawatt hour of renewable electricity generated by a distributed renewable generation facility.

''(B) ADJUSTMENT.—Except as provided in subparagraph (C), not later than January 1, 2014, and not less frequently than every 4 years thereafter, the Commission shall review the effect of this paragraph and shall, as necessary, reduce the number of Federal renewable electricity credits per megawatt hour issued under this paragraph for any given energy source or technology, but not below 1, to ensure that such number is no higher than the Commission determines is necessary to make distributed renewable generation facilities using such source or technology cost competitive with other sources of renewable electricity generation.

''(C) FACILITIES PLACED IN SERVICE AFTER ENACTMENT.—For any distributed renewable generation facility placed in service after the date of enactment of this section, subparagraph (B) shall not apply for the first 10 years after the date on which the facility is

placed in service. For each year during such 10-year period, the Commission shall issue to the facility the same number of Federal renewable electricity credits per megawatt hour as are issued to that facility in the year in which such facility is placed in service. After such 10-year period, the Commission shall issue Federal renewable electricity credits to the facility in accordance with the current multiplier as determined pursuant to subparagraph (B).

''(5) CREDITS BASED ON QUALIFIED HYDROPOWER.—For purposes of this subsection, the number of Federal renewable electricity credits issued for qualified hydropower shall be calculated—

''(A) based solely on the increase in average annual generation directly resulting from the efficiency improvements or capacity additions described in subsection (a)(13)(A); and

''(B) using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility, as certified by the Commission.

''(6) GENERATION FROM QUALIFIED WASTE-TO-ENERGY.—In the case of electricity generated from the combustion of any municipal solid waste or construction, demolition, or disaster debris that is included in the definition of renewable biomass, or from the gasification or pyrolization of such waste or debris and the combustion of the resulting gas at the same facility, the Commission shall issue Federal renewable electricity credits only for electricity generated from qualified waste-to-energy.

''(7) GENERATION FROM MIXED RENEWABLE AND NONRENEWABLE RESOURCES.—If electricity is generated using both a renewable energy resource or other qualifying energy resource and an energy source that is not a renewable energy resource or other qualifying energy resource (as, for example, in the case of co-firing of renewable biomass and fossil fuel), the Commission shall issue Federal renewable electricity credits based on the proportion of the electricity that is attributable to the renewable energy resource or other qualifying energy resource.

''(8) PROHIBITION AGAINST DOUBLE-COUNTING.—Except as provided in paragraph (4) of this subsection, the Commission shall ensure that no more than 1 Federal renewable electricity credit will be issued for any megawatt hour of renewable electricity and that no Federal renewable electricity credit will be used more than once for compliance with this section.

''(9) TRADING.—The lawful holder of a Federal renewable electricity credit may sell, exchange, transfer, submit for compliance in accordance with subsection (b), or submit such credit for retirement by the Commission.

''(10) BANKING.—A Federal renewable electricity credit may be submitted in satisfaction of the compliance obligation set forth in subsection (b) for the compliance year in which the credit was issued or for any of the 3 immediately subsequent compliance years. The Commission shall retire any Federal renewable electricity credit that has not been retired by April 2 of the calendar year that is 3 years after the calendar year in which the credit was issued.

''(11) RETIREMENT.—The Commission shall retire a Federal renewable electricity credit immediately upon submission by the lawful holder of such credit, whether in satisfaction of a compliance obligation under subsection (b) or on some other basis.

''(f) ELECTRICITY SAVINGS.—

''(1) STANDARDS FOR MEASUREMENT OF SAVINGS.—As part of the regulations promulgated under this section, the Commission shall prescribe standards and protocols for defining and measuring electricity savings and total annual electricity savings that can be counted towards the compliance obligation set forth in subsection (b). Such protocols and standards shall, at minimum—

''(A) specify the types of energy efficiency and energy conservation measures that can be counted;

''(B) require that energy consumption estimates for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

''(C) account for the useful life of measures;

''(D) include deemed savings values for specific, commonly used measures;

''(E) allow for savings from a program to be estimated based on extrapolation from a representative sample of participating customers;

''(F) include procedures for counting CHP savings, recycled energy savings, and fuel cell savings;

''(G) include procedures for documenting measurable and verifiable electricity savings achieved as a result of market transformation efforts;

''(H) include procedures for counting electricity savings achieved by solar water heating and solar light pipe technology that has the capability to provide measurable data on the amount of megawatt-hours displaced;

''(I) avoid double-counting of savings used for compliance with this section, including savings that are transferred pursuant to paragraph (3);

''(J) ensure that, except as provided in subparagraph (L), the retail electric supplier claiming the savings played a significant role in achieving the savings (including through the activities of a designated agent of the supplier or through the purchase of transferred savings);

''(K) include savings from programs administered by a retail electric supplier (or a retail electricity distributor that is not a retail electric supplier) that are funded by State, Federal, or other sources;

''(L) in any State in which the State regulatory authority has designated 1 or more entities to administer electric ratepayer-funded efficiency programs approved by such State regulatory authority, provide that electricity savings achieved through such programs shall be distributed equitably among retail electric suppliers in accordance with the direction of the relevant State regulatory authority; and

''(M) exclude savings achieved as a result of compliance with mandatory appliance and equipment efficiency standards or building codes.

''(2) STANDARDS FOR THIRD-PARTY VERIFICATION OF SAVINGS.—The regulations promulgated under this section shall establish procedures and standards requiring third-party verification of all reported electricity savings, including requirements for accreditation of third-party verifiers to ensure that such verifiers are professionally qualified and have no conflicts of interest.

''(3) TRANSFERS OF SAVINGS.—

''(A) BILATERAL CONTRACTS FOR SAVINGS TRANSFERS.—Subject to the limitations of this paragraph, a retail electric supplier may use electricity savings transferred, pursuant to a bilateral contract, from another retail electric supplier, an owner of an electric distribution facility that is not a retail electric supplier, a State, or a third-party efficiency provider to meet the applicable compliance obligation under subsection (b).

''(B) REQUIREMENTS.—Electricity savings transferred and used for compliance pursuant to this paragraph shall be—

''(i) measured and verified in accordance with the procedures specified under this subsection;

''(ii) reported in accordance with paragraph (4) of this subsection; and

''(iii) achieved within the same State as is served by the retail electric supplier.

''(C) REGULATORY APPROVAL.—Nothing in this paragraph shall limit or affect the authority of a State regulatory authority to require a retail electric supplier that is regulated by such authority to obtain such authority's authorization or approval of a contract for transfer of savings under this paragraph.

''(4) REPORTING SAVINGS.—

''(A) REQUIREMENTS.—The regulations promulgated under this section shall establish requirements governing the submission of reports to demonstrate, in accordance with the protocols and standards for measurement and third-party verification established under this subsection, the total annual electricity savings achieved by a retail electric supplier within the relevant year.

''(B) REVIEW AND APPROVAL.—The Commission shall review each report submitted to the Commission by a retail electric supplier and shall exclude any electricity savings that have not been adequately demonstrated in accordance with the requirements of this subsection.

''(5) STATE ADMINISTRATION.—

''(A) DELEGATION OF AUTHORITY.—Upon receipt of an application from the Governor of a State (including, for purposes of this subsection, the Mayor of the District of Columbia), the Commission may delegate to the State the authority to review and verify reported electricity savings for purposes of determining demonstrated total annual electricity savings that may be counted towards a retail electric supplier's compliance obligation under subsection (b). The Commission shall make a substantive determination approving or disapproving a State application under this subparagraph, after notice and comment, within 180 days of receipt of a complete application.

''(B) ALTERNATIVE MEASUREMENT AND VERIFICATION PROCEDURES AND STANDARDS.—As part of an application submitted under subparagraph (A), a State may request to use alternative measurement and verification procedures and standards to those specified in paragraphs (1) and (2), provided the State demonstrates that such alternative procedures and standards provide a level of accuracy of measurement and verification at least equivalent to the Federal procedures and standards promulgated under paragraphs (1) and (2).

''(C) REVIEW OF STATE IMPLEMENTATION.—The Commission shall, not less frequently than once every 4 years, review each State's implementation of delegated authority under this paragraph to ensure conformance with the requirements of this section. The Commission may, at any time, revoke the delegation of authority under this section upon a finding that the State is not implementing its delegated responsibilities in conformity with this paragraph. As a condition of maintaining its delegated authority under this paragraph, the Commission may require a State to submit a revised application under subparagraph (A) if the Commission has—

''(i) promulgated new or substantially revised measurement and verification procedures and standards under this subsection; or

''(ii) otherwise substantially revised the program established under this section.

''(g) ALTERNATIVE COMPLIANCE PAYMENTS.—

''(1) IN GENERAL.—A retail electric supplier '', or a central procurement State that, pursuant to subsection (g), has assumed responsibility for compliance with the requirements of subsection (b),'' may satisfy the requirements of subsection (b) in whole or in part by submitting in accordance with this subsection, in lieu of each Federal renewable

electricity credit or megawatt hour of demonstrated total annual electricity savings that would otherwise be due, a payment equal to $25, adjusted for inflation on January 1 of each year following calendar year 2009, in accordance with such regulations as the Commission may promulgate.

''(2) PAYMENT TO STATE FUNDS.—Except as otherwise provided in this paragraph and paragraph (4), payments made under this subsection shall be made directly to the State or States in which the retail electric supplier is located, in proportion to the portion of the retail electric supplier's base amount that is sold within each relevant State, provided that such payments are deposited directly into a fund in the State treasury established for this purpose and that the State uses such funds in accordance with paragraphs (3) and (5) and with paragraph (4) where applicable. If the Commission determines at any time that a State is in substantial noncompliance with paragraph (3) or (5), or with paragraph (4) where applicable, the Commission shall direct that any future alternative compliance payments that would otherwise be paid to such State under this subsection shall instead be paid to the Commission and deposited in the United States Treasury.

''(3) STATE USE OF FUNDS.—As a condition of continued receipt of alternative compliance payments pursuant to this subsection, a State shall use such payments exclusively for the purposes of—

''(A) deploying technologies that generate electricity from renewable energy resources; or

''(B) implementing cost-effective energy efficiency programs to achieve electricity savings.

''(4) CENTRAL PROCUREMENT STATES.—

''(A) IN GENERAL.—A central procurement State that, pursuant to subsection (g), has assumed responsibility for compliance with the requirements of subsection (b) shall deposit any alternative compliance payments under this subsection in a unique fund in the State treasury created and used solely for this purpose.

''(B) REQUIREMENTS.—As a precondition of making alternative compliance payments under this subsection, a central procurement State shall certify to the Commission, in accordance with such requirements as the Commission may prescribe, that—

''(i) making such payments is the lowest cost alternative to meet the requirements of subsection (b); and

''(ii) moneys used by the State to make such payments are in addition to any spending that the State, and any separate entity charged with administering the State central procurement requirement identified under subsection (a)(7), otherwise collectively would direct to the purposes identified in paragraph (3).

''(C) USES.—A central procurement State that makes alternative compliance payments under this subsection shall certify to the Commission that, in using such payments in accordance with paragraph (3), it has, to the extent practicable, maximized the level of deployment of renewable electricity generation (measured in megawatt hours) and electricity savings per dollar that are achieved through such expenditures.

''(5) REPORTING.—As a condition of continued receipt of alternative compliance payments pursuant to this subsection, a State shall, within 12 months of receipt of any such payments and at 12-month intervals thereafter until such payments are expended, provide a report to the Commission, in accordance with such regulations as the Commission may prescribe, giving a full accounting of the use of such payments, including a detailed description of the activities funded thereby and demonstrating compliance with the requirements of this subsection.

''(g) CENTRAL PROCUREMENT STATES.—

''(1) IN GENERAL.—A central procurement State may, upon submission of a written request by the Governor of such State to the Commission, assume responsibility for compliance with the requirements of subsection (b) on behalf of retail electric suppliers located in such State, exclusively with regard to the portion of such retail electric suppliers' base amount that is sold within the State.

''(2) DEMONSTRATION OF ELECTRICITY SAVINGS.—If a central procurement State opts to meet any part of the requirements of subsection (b) based on the achievement of demonstrated total annual electricity savings, regardless of whether such State has received delegated authority pursuant to subsection (f)(5), such State shall submit such demonstrated total annual electricity savings to the Commission through an annual report in accordance with requirements prescribed by the Commission by regulation, which shall be of equivalent stringency to those applicable to retail electric suppliers under subsection (f).

''(3) NONCOMPLIANCE.—If a central procurement State that pursuant to this subsection has assumed responsibility for compliance with the requirements of subsection (b), fails to satisfy the requirements of subsection (b) or (h) for any year, the State's assumption of responsibility under this subsection shall be discontinued immediately, and retail electric suppliers located in such State henceforth shall be directly subject to the requirements of this section.

''(h) INFORMATION COLLECTION.—The Commission may require any retail electric supplier, renewable electricity generator, or such other entities as the Commission deems appropriate, to provide any information the Commission determines appropriate to carry out this section. Failure to submit such information or submission of false or misleading information under this subsection shall be a violation of this section.

''(i) ENFORCEMENT AND JUDICIAL REVIEW.—

''(1) FAILURE TO SUBMIT CREDITS OR DEMONSTRATE SAVINGS.—If any person '', other than any central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b),'' fails to comply with the requirements of subsection (b) or (h), such person shall be liable to pay to the Commission a civil penalty equal to the product of—

''(A) double the alternative compliance payment calculated under subsection (h)(1), and

''(B) the aggregate quantity of Federal renewable electricity credits, total annual electricity savings, or equivalent alternative compliance payments that the person failed to submit in violation of the requirements of subsections (b) and (h).

''(2) ENFORCEMENT.—The Commission shall assess a civil penalty under paragraph (1) in accordance with the procedures described in section 31(d) of the Federal Power Act (16 U.S.C. 823b(d)).

''(3) VIOLATION OF REQUIREMENT OF REGULATIONS OR ORDERS.—Any person '', other than any central procurement State that pursuant to subsection (g) has assumed responsibility for compliance with the requirements of subsection (b),''. who violates, or fails or refuses to comply with, any requirement of a regulation promulgated or order issued under this section shall be subject to a civil penalty under section 316A(b) of the Federal Power Act (16 U.S.C. 825o–1). Such penalty shall be assessed by the Commission in the same manner as in the case of a violation referred to in section 316A(b) of such Act.

''(j) JUDICIAL REVIEW.—Any person aggrieved by a final action taken by the Commission under this section, other than the assessment of a civil penalty under subsection (j), may use the procedures for review described in section 313 of the Federal Power Act (16 U.S.C. 8251). For purposes of this paragraph, references to an order in section 313 of such Act shall be deemed to refer also to all other final actions of the Commission under this section other than the assessment of a civil penalty under subsection (i).

''(k) SAVINGS PROVISIONS.—Nothing in this section shall—

''(1) diminish or qualify any authority of a State, a political subdivision of a State, or an Indian tribe to—

''(A) adopt or enforce any law or regulation respecting renewable electricity or energy efficiency, including any law or regulation establishing requirements more stringent than those established by this section, provided that no such law or regulation may relieve any person of any requirement otherwise applicable under this section; or

''(B) regulate the acquisition and disposition of Federal renewable electricity credits by retail electric suppliers within the jurisdiction of such State, political subdivision, or Indian tribe, including the authority to require such retail electric supplier to acquire and submit to the Secretary for retirement Federal renewable electricity credits in excess of those submitted under this section; or

''(2) affect the application of, or the responsibility for compliance with, any other provision of law or regulation, including environmental and licensing requirements.

''(l) SUNSET.—This section expires on December 31, 2040.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following) is amended by inserting after the item relating to section 609 the following:

''Sec. 610. Combined efficiency and renewable electricity standard.''.

SEC. 102. CLARIFYING STATE AUTHORITY TO ADOPT RENEWABLE ENERGY INCENTIVES.

Section 210 of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end thereof:

''(o) CLARIFICATION OF STATE AUTHORITY TO ADOPT RENEWABLE ENERGY INCENTIVES.—Notwithstanding any other provision of this Act or the Federal Power Act, a State legislature or regulatory authority may set the rates for a sale of electric energy by a facility generating electric energy from renewable energy sources pursuant to a State-approved production incentive program under which the facility voluntarily sells electric energy. For purposes of this subsection, 'State-approved production incentive program' means a requirement imposed pursuant to State law, or by a State regulatory authority acting within its authority under State law, that an electric utility purchase renewable energy (as defined in section 609 of this Act) at a specified rate.''.

SEC. 103. FEDERAL RENEWABLE ENERGY PURCHASES.

(a) REQUIREMENT.—For each of calendar years 2012 through 2039, the President shall ensure that, of the total amount of electricity Federal agencies consume in the United States during each calendar year, the following percentage shall be renewable electricity:

Calendar year	Required annual percentage
2012	6.0

Calendar year	Required annual percentage
2013	6.0
2014	9.5
2015	9.5
2016	13.0
2017	13.0
2018	16.5
2019	16.5
2020	20.0
2021 through 2039	20.0

(b) DEFINITIONS.—For purposes of this section:

(1) RENEWABLE ELECTRICITY.—The term ''renewable electricity'' shall have the meaning given in section 610 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following).

(2) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given in section 610 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 and following).

(c) MODIFICATION OF REQUIREMENT.—If the President determines that the Federal Government cannot feasibly meet the requirement established in subsection (a) in a specific calendar year, the President may, by written order, reduce such requirement for such calendar year to a percentage the President determines the Federal Government can feasibly meet.

(d) REPORTS.—Not later than April 1, 2013, and each year thereafter, the Secretary of Energy shall provide a report to Congress on the percentage of each Federal agency's electricity consumption in the United States that was renewable electricity in the previous calendar year.

(e) CONTRACTS FOR RENEWABLE ENERGY.—(1) Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for the acquisition of electricity generated from a renewable energy resource for the Federal Government may be made for a period of not more than 20 years.

(2) Not later than 90 days after the date of enactment of this subsection, the Secretary of Energy, through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement, setting forth commercial terms and conditions, that Federal agencies may use to acquire electricity generated from a renewable energy resource.

(3) The Secretary of Energy shall provide technical assistance to assist Federal agencies in implementing this subsection.

Subtitle B—Carbon Capture and Sequestration

SEC. 111. NATIONAL STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of such other relevant Federal agencies as the President may designate, shall submit to Congress a report setting forth a unified and comprehensive strategy to address the key legal, regulatory and other barriers to the commercial-scale deployment of carbon capture and sequestration.

(b) BARRIERS.— The report under this section shall—

(1) identify those regulatory, legal, and other gaps and barriers that could be addressed by a Federal agency using existing statutory authority, those, if any, that require Federal legislation, and those that would be best addressed at the State, tribal, or regional level;

(2) identify regulatory implementation challenges, including those related to approval of State and tribal programs and delegation of authority for permitting; and

(3) recommend rulemakings, Federal legislation, or other actions that should be taken to further evaluate and address such barriers.

SEC. 112. REGULATIONS FOR GEOLOGIC SEQUESTRATION SITES.

(a) COORDINATED CERTIFICATION AND PERMITTING PROCESS.—Title VIII of the Clean Air Act, as added by section 331 of this Act, is amended by adding after section 812 (as added by section 116 of this Act) the following:

''SEC. 813. GEOLOGIC SEQUESTRATION SITES.

''(a) COORDINATED PROCESS.—The Administrator shall establish a coordinated approach to certifying and permitting geologic sequestration, taking into consideration all relevant statutory authorities. In establishing such approach, the Administrator shall—

''(1) take into account, and reduce redundancy with, the requirements of section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h), as amended by section 112(b) of the American Clean Energy and Security Act of 2009, including the rulemaking for geologic sequestration wells described at 73 Fed. Reg. 43491–541 (July 25, 2008); and

''(2) to the extent practicable, reduce the burden on certified entities and implementing authorities.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to protect human health and the environment by minimizing the risk of escape to the atmosphere of carbon dioxide injected for purposes of geologic sequestration.

''(c) REQUIREMENTS.—The regulations under subsection (b) shall include—

''(1) a process to obtain certification for geologic sequestration under this section; and

''(2) requirements for—

''(A) monitoring, record keeping, and reporting for emissions associated with injection into, and escape from, geologic sequestration sites, taking into account any requirements or protocols developed under section 713;

''(B) public participation in the certification process that maximizes transparency;

''(C) the sharing of data between States, Indian tribes, and the Environmental Protection Agency; and

''(D) other elements or safeguards necessary to achieve the purpose set forth in subsection (b).

''(d) REPORT.—Not later than 2 years after the promulgation of regulations under subsection (b), and at 3-year intervals thereafter, the Administrator shall deliver to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on geologic sequestration in the United States, and, to the extent relevant, other countries in North America. Such report shall include—

''(1) data regarding injection, emissions to the atmosphere, if any, and performance of active and closed geologic sequestration sites, including those where enhanced hydrocarbon recovery operations occur;

''(2) an evaluation of the performance of relevant Federal environmental regulations and programs in ensuring environmentally protective geologic sequestration practices;

''(3) recommendations on how such programs and regulations should be improved or made more effective; and

''(4) other relevant information.''.

(b) SAFE DRINKING WATER ACT STANDARDS.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) is amended by inserting after subsection (d) the following:

''(e) CARBON DIOXIDE GEOLOGIC SEQUESTRATION WELLS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) for carbon dioxide geologic sequestration wells.

''(2) FINANCIAL RESPONSIBILITY.—The regulations referred to in paragraph (1) shall include requirements for maintaining evidence of financial responsibility, including financial responsibility for emergency and remedial response, well plugging, site closure, and post-injection site care. Financial responsibility may be established for carbon dioxide geologic sequestration wells in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, trust, standby trust, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator.''.

SEC. 113. STUDIES AND REPORTS.

(a) STUDY OF LEGAL FRAMEWORK FOR GEOLOGIC SEQUESTRATION SITES.—

(1) ESTABLISHMENT OF TASK FORCE.—As soon as practicable, but not later than 6 months after the date of enactment of this Act, the Administrator shall establish a task force to be composed of an equal number of subject matter experts, nongovernmental organizations with expertise in environmental policy, academic experts with expertise in environmental law, State and tribal officials with environmental expertise, representatives of State and tribal Attorneys General, representatives from the Environmental Protection Agency, the Department of the Interior, the Department of Energy, the Department of Transportation, and other relevant Federal agencies, and members of the private sector, to conduct a study of—

(A) existing Federal environmental statutes, State environmental statutes, and State common law that apply to geologic sequestration sites for carbon dioxide, including the ability of such laws to serve as risk management tools;

(B) the existing statutory framework, including Federal and State laws, that apply to harm and damage to the environment or public health at closed sites where carbon dioxide injection has been used for enhanced hydrocarbon recovery;

(C) the statutory framework, environmental health and safety considerations, implementation issues, and financial implications of potential models for Federal, State, or private sector assumption of liabilities and financial responsibilities with respect to closed geologic sequestration sites;

(D) private sector mechanisms, including insurance and bonding, that may be available to manage environmental, health and safety risk from closed geologic sequestration sites; and

(E) the subsurface mineral rights, water rights, or property rights issues associated with geologic sequestration of carbon dioxide, including issues specific to Federal lands.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the task force established under paragraph (1) shall submit to Congress a report describing the results of the study conducted under that paragraph including any consensus recommendations of the task force.

(b) ENVIRONMENTAL STATUTES.—

(1) STUDY.—The Administrator shall conduct a study examining how, and under what circumstances, the environmental statutes for which the Environmental Protection Agency has responsibility would apply to carbon dioxide injection and geologic sequestration activities.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under paragraph (1).

SEC. 114. CARBON CAPTURE AND SEQUESTRATION DEMONSTRATION AND EARLY DEPLOYMENT PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) DISTRIBUTION UTILITY.—The term ''distribution utility'' means an entity that distributes electricity directly to retail consumers under a legal, regulatory, or contractual obligation to do so.

(3) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning provided by section 3(22) of the Federal Power Act (16 U.S.C. 796(22)).

(4) FOSSIL FUEL-BASED ELECTRICITY.—The term ''fossil fuel-based electricity'' means electricity that is produced from the combustion of fossil fuels.

(5) FOSSIL FUEL.—The term ''fossil fuel'' means coal, petroleum, natural gas or any derivative of coal, petroleum, or natural gas.

(6) CORPORATION.—The term ''Corporation'' means the Carbon Storage Research Corporation established in accordance with this section.

(7) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, a successor organization of such organizations, or a group of owners or operators of distribution utilities delivering fossil fuel-based electricity who collectively represent at least 20 percent of the volume of fossil fuel-based electricity delivered by distribution utilities to consumers in the United States.

(8) RETAIL CONSUMER.—The term ''retail consumer'' means an end-user of electricity.

(b) CARBON STORAGE RESEARCH CORPORATION.—

(1) ESTABLISHMENT.—

(A) REFERENDUM.—Qualified industry organizations may conduct, at their own expense, a referendum among the owners or operators of distribution utilities delivering fossil fuel-based electricity for the creation of a Carbon Storage Research Corporation. Such referendum shall be conducted by an independent auditing firm agreed to by the qualified industry organizations. Voting rights in such referendum shall be based on the quantity of fossil fuel-based electricity delivered to consumers in the previous calendar year or other representative period as determined by the Secretary pursuant to subsection (f). Upon approval of those persons representing two-thirds of the total quantity of fossil fuel-based electricity delivered to retail consumers, the Corporation shall be established unless opposed by the State regulatory authorities pursuant to subparagraph (B). All distribution utilities voting in the referendum shall certify to the independent auditing firm the quantity of fossil fuel-based electricity represented by their vote.

(B) STATE REGULATORY AUTHORITIES.—Upon its own motion or the petition of a qualified industry organization, each State regulatory authority shall consider its support or opposition to the creation of the Corporation under subparagraph (A). State regulatory authorities may notify the independent auditing firm referred to in subparagraph (A) of their views on the creation of the Corporation within 180 days after the date of enactment of this Act. If 40 percent or more of the State regulatory authorities submit to the independent auditing firm written notices of opposition, the Corporation shall not be established notwithstanding the approval of the qualified industry organizations as provided in subparagraph (A).

(2) TERMINATION.—The Corporation shall be authorized to collect assessments and conduct operations pursuant to this section for a 10-year period from the date 6 months after the date of enactment of this Act. After such 10-year period, the Corporation is no longer authorized to collect assessments and shall be dissolved on the date 15 years after such date of enactment, unless the period is extended by an Act of Congress.

(3) GOVERNANCE.—The Corporation shall operate as a division or affiliate of the Electric Power Research Institute (referred to in this section as ''EPRI'') and be managed by a Board of not more than 15 voting members responsible for its operations, including compliance with this section. EPRI, in consultation with the Edison Electric Institute, the American Public Power Association and the National Rural Electric Cooperative Association shall appoint the Board members under clauses (i), (ii), and (iii) of subparagraph (A) from among candidates recommended by those organizations. At least a majority of the Board members appointed by EPRI shall be representatives of distribution utilities subject to assessments under subsection (d).

(A) MEMBERS.—The Board shall include at least one representative of each of the following:

(i) Investor-owned utilities.

(ii) Utilities owned by a State agency, a municipality, and an Indian tribe.

(iii) Rural electric cooperatives.

(iv) Fossil fuel producers.

(v) Nonprofit environmental organizations.

(vi) Independent generators or wholesale power providers.

(vii) Consumer groups.

(B) NONVOTING MEMBERS.—The Board shall also include as additional nonvoting Members the Secretary of Energy or his designee and 2 representatives of State regulatory authorities as defined in section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)), each designated by the National Association of State Regulatory Utility Commissioners from States that are not within the same transmission interconnection.

(4) COMPENSATION.—Corporation Board members shall receive no compensation for their services, nor shall Corporation Board members be reimbursed for expenses relating to their service.

(5) TERMS.—Corporation Board members shall serve terms of 4 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 8 consecutive years. Former members of the Corporation Board may be reappointed to the Corporation Board if they have not been members for a period of 2 years. Initial appointments to the Corporation Board shall be for terms of 1, 2, 3, and 4 years, staggered to provide for the selection of 3 members each year.

(6) STATUS OF CORPORATION.—The Corporation shall not be considered to be an agency, department, or instrumentality of the United States, and no officer or director or employee of the Corporation shall be considered to be an officer or employee of the United States Government, for purposes of title 5 or title 31 of the United States Code, or for any other purpose, and no funds of the Corporation shall be treated as public money for purposes of chapter 33 of title 31, United States Code, or for any other purpose.

(c) FUNCTIONS AND ADMINISTRATION OF THE CORPORATION.—

(1) IN GENERAL.—The Corporation shall establish and administer a program to accelerate the commercial availability of carbon dioxide capture and storage technologies and methods, including technologies which capture and store, or capture and convert, carbon dioxide. Under such program competitively awarded grants, contracts, and financial assistance shall be provided and entered into with eligible entities. Except as provided in paragraph (8), the Corporation shall use all funds derived from assessments under subsection (d) to issue grants and contracts to eligible entities.

(2) PURPOSE.—The purposes of the grants, contracts, and assistance under this subsection shall be to support commercial-scale demonstrations of carbon capture or storage technology projects capable of advancing the technologies to commercial readiness. Such projects should encompass a range of different coal and other fossil fuel varieties, be geographically diverse, involve diverse storage media, and employ capture or storage, or capture and conversion, technologies potentially suitable either for new or for retrofit applications. The Corporation shall seek, to the extent feasible, to support at least 5 commercial-scale demonstration projects integrating carbon capture and sequestration or conversion technologies.

(3) ELIGIBLE ENTITIES.—Entities eligible for grants, contracts or assistance under this subsection may include distribution utilities, electric utilities and other private entities, academic institutions, national laboratories, Federal research agencies, State and tribal research agencies, nonprofit organizations, or consortiums of 2 or more entities. Pilot-scale and similar small-scale projects are not eligible for support by the Corporation. Owners or developers of projects supported by the Corporation shall, where appropriate, share in the costs of such projects.

(4) GRANTS FOR EARLY MOVERS.—Fifty percent of the funds raised under this section shall be provided in the form of grants to electric utilities that had, prior to the award of any grant under this section, committed resources to deploy a large scale electricity generation unit with integrated carbon capture and sequestration or conversion applied to a substantial portion of the unit's carbon dioxide emissions. Grant funds shall be provided to defray costs incurred by such electricity utilities for at least 5 such electricity generation units.

(5) ADMINISTRATION.—The members of the Board of Directors of the Corporation shall elect a Chairman and other officers as necessary, may establish committees and subcommittees of the Corporation, and shall adopt rules and bylaws for the conduct of business and the implementation of this section. The Board shall appoint an Executive Director and professional support staff who may be employees of the Electric Power Research Institute (EPRI). After consultation with the Technical Advisory Committee established under subsection (j), the Secretary, and the Director of the National Energy Technology Laboratory to obtain advice and recommendations on plans, programs, and project selection criteria, the Board shall establish priorities for grants, contracts, and assistance; publish requests for proposals for grants, contracts, and assistance; and award grants, contracts, and assistance competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by the Technical Advisory Committee. The Board shall give preference to applications that reflect the best overall value and prospect for achieving the purposes of the section, such as those which demonstrate an integrated approach for capture and storage or capture and conversion technologies. The Board members shall not participate in making grants or awards to entities with whom they are affiliated.

(6) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or other assistance provided under this subsection may be used to purchase carbon dioxide when needed to conduct tests of carbon dioxide storage sites, in the case of established projects that are storing carbon dioxide emissions, or for other purposes consistent with the purposes of this section. The Corporation shall make publicly available at no cost information

learned as a result of projects which it supports financially.

(7) INTELLECTUAL PROPERTY.—The Board shall establish policies regarding the ownership of intellectual property developed as a result of Corporation grants and other forms of technology support. Such policies shall encourage individual ingenuity and invention.

(8) ADMINISTRATIVE EXPENSES.—Up to 5 percent of the funds collected in any fiscal year under subsection (d) may be used for the administrative expenses of operating the Corporation (not including costs incurred in the determination and collection of the assessments pursuant to subsection (d)).

(9) PROGRAMS AND BUDGET.—Before August 1 each year, the Corporation, after consulting with the Technical Advisory Committee and the Secretary and the Director of the Department's National Energy Technology Laboratory and other interested parties to obtain advice and recommendations, shall publish for public review and comment its proposed plans, programs, project selection criteria, and projects to be funded by the Corporation for the next calendar year. The Corporation shall also publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. The Secretary may recommend programs and activities the Secretary considers appropriate. The Corporation shall include in the first publication it issues under this paragraph a strategic plan or roadmap for the achievement of the purposes of the Corporation, as set forth in paragraph (2).

(10) RECORDS; AUDITS.—The Corporation shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Corporation and make public such information. The books of the Corporation shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Corporation may designate. Copies of each audit shall be provided to the Congress, all Corporation board members, all qualified industry organizations, each State regulatory authority and, upon request, to other members of the industry. If the audit determines that the Corporation's practices fail to meet generally accepted accounting principles the assessment collection authority of the Corporation under subsection (d) shall be suspended until a certified public accountant renders a subsequent opinion that the failure has been corrected. The Corporation shall make its books and records available for review by the Secretary or the Comptroller General of the United States.

(11) PUBLIC ACCESS.—The Corporation Board's meetings shall be open to the public and shall occur after at least 30 days advance public notice. Meetings of the Board of Directors may be closed to the public where the agenda of such meetings includes only confidential matters pertaining to project selection, the award of grants or contracts, personnel matters, or the receipt of legal advice. The minutes of all meetings of the Corporation shall be made available to and readily accessible by the public.

(12) ANNUAL REPORT.—Each year the Corporation shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Corporation during the previous year. The report shall also detail the allocation or planned allocation of Corporation resources for each such program and project. The Corporation shall provide its annual report to the Congress, the Secretary, each State regulatory authority, and upon request to the public. The Secretary shall, not less than 60 days after receiving such report, provide to the President and Congress a report assessing the progress of the Corporation in meeting the objectives of this section.

(d) ASSESSMENTS.—

(1) AMOUNT.—(A) In all calendar years following its establishment, the Corporation shall collect an assessment on distribution utilities for all fossil fuel-based electricity delivered directly to retail consumers (as determined under subsection (f)). The assessments shall reflect the relative carbon dioxide emission rates of different fossil fuel-based electricity, and initially shall be not less than the following amounts for coal, natural gas, and oil:

Fuel type	Rate of assessment per kilowatt hour
Coal	$0.00043
Natural Gas	$0.00022
Oil	$0.00032.

(B) The Corporation is authorized to adjust the assessments on fossil fuel-based electricity to reflect changes in the expected quantities of such electricity from different fuel types, such that the assessments generate not less than $1.0 billion and not more than $1.1 billion annually. The Corporation is authorized to supplement assessments through additional financial commitments.

(2) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments under this subsection, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(3) REVERSION OF UNUSED FUNDS.—If the Corporation does not disburse, dedicate or assign 75 percent or more of the available proceeds of the assessed fees in any calendar year 7 or more years following its establishment, due to an absence of qualified projects or similar circumstances, it shall reimburse the remaining undedicated or unassigned balance of such fees, less administrative and other expenses authorized by this section, to the distribution utilities upon which such fees were assessed, in proportion to their collected assessments.

(e) ERCOT.—

(1) ASSESSMENT, COLLECTION, AND REMITTANCE.—(A) Notwithstanding any other provision of this section, within ERCOT, the assessment provided for in subsection (d) shall be—

(i) levied directly on qualified scheduling entities, or their successor entities;

(ii) charged consistent with other charges imposed on qualified scheduling entities as a fee on energy used by the load-serving entities; and

(iii) collected and remitted by ERCOT to the Corporation in the amounts and in the same manner as set forth in subsection (d).

(B) The assessment amounts referred to in subparagraph (A) shall be—

(i) determined by the amount and types of fossil fuel-based electricity delivered directly to all retail customers in the prior calendar year beginning with the year ending immediately prior to the period described in subsection (b)(2); and

(ii) take into account the number of renewable energy credits retired by the load-serving entities represented by a qualified scheduling entity within the prior calendar year.

(2) ADMINISTRATION EXPENSES.—Up to 1 percent of the funds collected in any fiscal year by ERCOT under the provisions of this subsection may be used for the administrative expenses incurred in the determination, collection and remittance of the assessments to the Corporation.

(3) AUDIT.—ERCOT shall provide a copy of its annual audit pertaining to the administration of the provisions of this subsection to the Corporation.

(4) DEFINITIONS.—For the purposes of this subsection:

(A) The term ''ERCOT'' means the Electric Reliability Council of Texas.

(B) The term ''load-serving entities'' has the meaning adopted by ERCOT Protocols and in effect on the date of enactment of this Act.

(C) The term ''qualified scheduling entities'' has the meaning adopted by ERCOT Protocols and in effect on the date of enactment of this Act.

(D) The term ''renewable energy credit'' has the meaning as promulgated and adopted by the Public Utility Commission of Texas pursuant to section 39.904(b) of the Public Utility Regulatory Act of 1999, and in effect on the date of enactment of this Act.

(f) DETERMINATION OF FOSSIL FUEL-BASED ELECTRICITY DELIVERIES.—

(1) FINDINGS.—The Congress finds that:

(A) The assessments under subsection (d) are to be collected based on the amount of fossil fuel-based electricity delivered by each distribution utility.

(B) Since many distribution utilities purchase all or part of their retail consumer's electricity needs from other entities, it may not be practical to determine the precise fuel mix for the power sold by each individual distribution utility.

(C) It may be necessary to use average data, often on a regional basis with reference to Regional Transmission Organization (''RTO'') or NERC regions, to make the determinations necessary for making assessments.

(2) DOE PROPOSED RULE.—The Secretary, acting in close consultation with the Energy Information Administration, shall issue for notice and comment a proposed rule to determine the level of fossil fuel electricity delivered to retail customers by each distribution utility in the United States during the most recent calendar year or other period determined to be most appropriate. Such proposed rule shall balance the need to be efficient, reasonably precise, and timely, taking into account the nature and cost of data currently available and the nature of markets and regulation in effect in various regions of the country. Different methodologies may be applied in different regions if appropriate to obtain the best balance of such factors.

(3) FINAL RULE.—Within 6 months after the date of enactment of this Act, and after opportunity for comment, the Secretary shall issue a final rule under this subsection for determining the level and type of fossil fuel-based electricity delivered to retail customers by each distribution utility in the United States during the appropriate period. In issuing such rule, the Secretary may consider opportunities and costs to develop new data sources in the future and issue recommendations for the Energy Information Administration or other entities to collect such data. After notice and opportunity for comment the Secretary may, by rule, subsequently update and modify the methodology for making such determinations.

(4) ANNUAL DETERMINATIONS.—Pursuant to the final rule issued under paragraph (3), the Secretary shall make annual determinations of the amounts and types for each such utility and publish such determinations in the Federal Register. Such determinations shall be used to conduct the referendum under subsection (b) and by the Corporation in applying any assessment under this subsection.

(5) REHEARING AND JUDICIAL REVIEW.—The owner or operator of any distribution utility that believes that the Secretary has misapplied the methodology in the final rule in determining the amount and types of fossil fuel electricity delivered by such distribution utility may seek rehearing of such determination within 30 days of publication of the determination in the Federal Register. The Secretary shall decide such rehearing petitions within 30 days. The Secretary's determinations following rehearing shall be final and subject to judicial review in the United States Court of Appeals for the District of Columbia.

(g) COMPLIANCE WITH CORPORATION ASSESSMENTS.—The Corporation may bring an action in the appropriate court of the United States to compel compliance with an assessment levied by the Corporation under this section. A successful action for compliance under this subsection may also require payment by the defendant of the costs incurred by the Corporation in bringing such action.

(h) MIDCOURSE REVIEW.—Not later than 5 years following establishment of the Corporation, the Comptroller General of the United States shall prepare an analysis, and report to Congress, assessing the Corporation's activities, including project selection and methods of disbursement of assessed fees, impacts on the prospects for commercialization of carbon capture and storage technologies, adequacy of funding, and administration of funds. The report shall also make such recommendations as may be appropriate in each of these areas. The Corporation shall reimburse the Government Accountability Office for the costs associated with performing this midcourse review.

(i) RECOVERY OF COSTS.—

(1) IN GENERAL.—A distribution utility whose transmission, delivery, or sales of electric energy are subject to any form of rate regulation shall not be denied the opportunity to recover the full amount of the prudently incurred costs associated with complying with this section, consistent with applicable State or Federal law.

(2) RATEPAYER REBATES.—Regulatory authorities that approve cost recovery pursuant to paragraph (1) may order rebates to ratepayers to the extent that distribution utilities are reimbursed undedicated or unassigned balances pursuant to subsection (d)(3).

(j) TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee, to be known as the ''Technical Advisory Committee''.

(2) MEMBERSHIP.—The Technical Advisory Committee shall be comprised of not less than 7 members appointed by the Board from among academic institutions, national laboratories, independent research institutions, and other qualified institutions. No member of the Committee shall be affiliated with EPRI or with any organization having members serving on the Board. At least one member of the Committee shall be appointed from among officers or employees of the Department of Energy recommended to the Board by the Secretary of Energy.

(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall designate one member of the Technical Advisory Committee to serve as Chairperson of the Committee and one to serve as Vice Chairperson of the Committee.

(4) COMPENSATION.—The Board shall provide compensation to members of the Technical Advisory Committee for travel and other incidental expenses and such other compensation as the Board determines to be necessary.

(5) PURPOSE.—The Technical Advisory Committee shall provide independent assessments and technical evaluations, as well as make non-binding recommendations to the Board, concerning Corporation activities, including but not limited to the following:

(A) Reviewing and evaluating the Corporation's plans and budgets described in subsection (c)(9), as well as any other appropriate areas, which could include approaches to prioritizing technologies, appropriateness of engineering techniques, monitoring and verification technologies for storage, geological site selection, and cost control measures.

(B) Making annual non-binding recommendations to the Board concerning any of the matters referred to in subparagraph (A), as well as what types of investments, scientific research, or engineering practices would best further the goals of the Corporation.

(6) PUBLIC AVAILABILITY.—All reports, evaluations, and other materials of the Technical Advisory Committee shall be made available to the public by the Board, without charge, at time of receipt by the Board.

(k) LOBBYING RESTRICTIONS.—No funds collected by the Corporation shall be used in any manner for influencing legislation or elections, except that the Corporation may recommend to the Secretary and the Congress changes in this section or other statutes that would further the purposes of this section.

(l) DAVIS-BACON COMPLIANCE.—The Corporation shall ensure that entities receiving grants, contracts, or other financial support from the Corporation for the project activities authorized by this section are in compliance with the Davis-Bacon Act (40 U.S.C. 276a–276a–5).

SEC. 115. COMMERCIAL DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES.

Part H of title VII of the Clean Air Act (as added by section 321 of this Act) is amended by adding the following new section after section 785:

"SEC. 786. COMMERCIAL DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations providing for the distribution of emission allowances allocated pursuant to section 782(f), pursuant to the requirements of this section, to support the commercial deployment of carbon capture and sequestration technologies in both electric power generation and industrial operations.

''(b) ELIGIBILITY CRITERIA.—For an owner or operator of a project to be eligible to receive emission allowances under this section, the project must—

''(1) implement carbon capture and sequestration technology—

''(A) at an electric generating unit that—

''(i) has a nameplate capacity of 200 megawatts or more;

''(ii) in the case of a retrofit application, applies the carbon capture and sequestration technology to the flue gas from at least 200 megawatts of the total nameplate generating capacity of the unit, provided that clause (i) shall apply without exception;

''(iii) derives at least 50 percent of its annual fuel input from coal, petroleum coke, or any combination of these 2 fuels; and

''(iv) upon implementation of capture and sequestration technology, will achieve an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by—

''(I) the unit, measured on an annual basis, determined in accordance with section 812(b)(2); or

''(II) in the case of retrofit applications under clause (ii), the treated portion of flue gas from the unit, measured on an annual basis, determined in accordance with section 812(b)(2); or

''(B) at an industrial source that—

''(i) absent carbon capture and sequestration, would emit greater than 50,000 tons per year of carbon dioxide;

''(ii) upon implementation, will achieve an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the emission point, measured on an annual basis, determined in accordance with section 812(b)(2); and

''(iii) does not produce a liquid transportation fuel from a solid fossil-based feedstock;

''(2) geologically sequester carbon dioxide at a site that meets all applicable permitting and certification requirements for geologic sequestration, or, pursuant to such requirements as the Administrator may prescribe by regulation, convert captured carbon dioxide to a stable form that will safely and permanently sequester such carbon dioxide;

''(3) meet all other applicable State, tribal, and Federal permitting requirements; and

''(4) be located in the United States.

''(c) PHASE I DISTRIBUTION TO ELECTRIC GENERATING UNITS.—

''(1) APPLICATION.—This subsection shall apply only to projects at the first 6 gigawatts of electric generating units, measured in cumulative generating capacity of such units, that receive allowances under this section.

''(2) DISTRIBUTION.—The Administrator shall distribute emission allowances allocated under section 782(f) to the owner or operator of each eligible project at an electric generating unit in a quantity equal to the quotient obtained by dividing—

''(A) the product obtained by multiplying—

''(i) the number of metric tons of carbon dioxide emissions avoided through capture and sequestration of emissions by the project, as determined pursuant to such methodology as the Administrator shall prescribe by regulation; and

''(ii) a bonus allowance value, pursuant to paragraph (3); by

''(B) the average fair market value of an emission allowance during the preceding year.

''(3) BONUS ALLOWANCE VALUES.—

''(A) For a generating unit achieving the capture and sequestration of 85 percent or more of the carbon dioxide that otherwise would be emitted by such unit, the bonus allowance value shall be $90 per ton.

''(B) The Administrator shall by regulation establish a bonus allowance value for each rate of lower capture and sequestration achieved by a generating unit, from a minimum of $50 per ton for a 50 percent rate and varying directly with increasing rates of capture and sequestration up to $90 per ton for an 85 percent rate.

''(C) For a generating unit that achieves the capture and sequestration of at least 50 percent of the carbon dioxide that otherwise would be emitted by such unit by not later than January 1, 2017, the otherwise applicable bonus allowance value under this paragraph shall be increased by $10, provided that the owner of such unit notifies the Administrator by not later than January 1, 2012, of its intent to achieve such rate of capture and sequestration.

''(D) For a carbon capture and sequestration project sequestering in a geological formation for purposes of enhanced hydrocarbon recovery, the Administrator shall, by regulation, reduce the applicable bonus allowance value under this paragraph to reflect the lower net cost of the project when compared to sequestration into geological formations solely for purposes of sequestration.

''(E) The Administrator shall annually adjust for inflation the bonus allowance values established under this paragraph.

''(d) PHASE II DISTRIBUTION TO ELECTRIC GENERATING UNITS.—

''(1) APPLICATION.—This subsection shall apply only to the distribution of emission allowances for carbon capture and sequestration projects at electric generating units after the capacity threshold identified in subsection (c)(1) is reached.

''(2) REGULATIONS.—Not later than 2 years prior to the date on which the capacity threshold identified in subsection (c)(1) is projected to be reached, the Administrator shall promulgate regulations to govern the distribution of emission allowances to the owners or operators of eligible projects under this subsection.

''(3) REVERSE AUCTIONS.—

''(A) IN GENERAL.—Except as provided in paragraph (4), the regulations promulgated under paragraph (2) shall provide for the distribution of emission allowances to the owners or operators of eligible projects under this subsection through reverse auctions, which shall be held no less frequently than once each calendar year. The Administrator may establish a separate auction for each of no more than 5 different project categories, defined on the basis of coal type, capture technology, geological formation type, new unit versus retrofit application, such other factors as the Administrator may prescribe, or any combination thereof. The Administrator may establish appropriate minimum rates of capture and sequestration in implementing this paragraph.

''(B) AUCTION PROCESS.—At each reverse auction—

''(i) the Administrator shall solicit bids from eligible projects;

''(ii) eligible projects participating in the auction shall submit a bid including the desired level of carbon dioxide sequestration incentive per ton and the estimated quantity of carbon dioxide that the project will permanently sequester over 10 years; and

''(iii) the Administrator shall select bids, within each auction, for the sequestration amount submitted, beginning with the eligible project submitting the bid for the lowest level of sequestration incentive on a per ton basis and meeting such other requirements as the Administrator may specify, until the amount of funds available for the reverse auction is committed.

''(C) FORM OF DISTRIBUTION.—The Administrator shall distribute emission allowances to the owners or operators of eligible projects selected through a reverse auction under this paragraph pursuant to a formula equivalent to that described in subsection (c)(2), except that the bonus allowance value that is bid by the entity shall be substituted for the bonus allowance values set forth in subsection (c)(3).

''(4) ALTERNATIVE DISTRIBUTION METHOD.—

''(A) IN GENERAL.—If the Administrator determines that reverse auctions would not provide for efficient and cost-effective commercial deployment of carbon capture and sequestration technologies, the Administrator may instead, through regulations promulgated under paragraph (2) or (5), prescribe a schedule for the award of bonus allowances to the owners or operators of eligible projects under this subsection, in accordance with the requirements of this paragraph.

''(B) MULTIPLE TRANCHES.—The Administrator shall divide emission allowances available for distribution to the owners or operators of eligible projects into a series of tranches, each supporting the deployment of a specified quantity of cumulative electric generating capacity utilizing carbon capture and sequestration technology, each of which shall not be greater than 6 gigawatts.

''(C) METHOD OF DISTRIBUTION.—The Administrator shall distribute emission allowances within each tranche, on a first-come, first-served basis—

''(i) based on the date of full-scale operation of capture and sequestration technology; and

''(ii) pursuant to a formula, similar to that set forth in subsection (c)(2) (except that the Administrator shall prescribe bonus allowance values different than those set forth in subsection (c)(3)), establishing the number of allowances to be distributed per ton of carbon dioxide sequestered by the project.

''(D) REQUIREMENTS.—For each tranche established pursuant to subparagraph (B), the Administrator shall establish a schedule for distributing emission allowances that—

''(i) is based on a sliding scale that provides higher bonus allowance values for projects achieving higher rates of capture and sequestration;

''(ii) for each capture and sequestration rate, establishes a bonus allowance value that is lower than that established for such rate in the previous tranche (or, in the case of the first tranche, than that established for such rate under subsection (c)(3)); and

''(iii) may establish different bonus allowance levels for no more than 5 different project categories, defined by coal type, capture technology, geological formation type, new unit versus retrofit application, such other factors as the Administrator may prescribe, or any combination thereof.

''(E) CRITERIA FOR ESTABLISHING BONUS ALLOWANCE VALUES.—In setting bonus allowance values under this paragraph, the Administrator shall seek to cover no more than the reasonable incremental capital and operating costs of a project that are attributable to implementation of carbon capture, transportation, and sequestration technologies, taking into account—

''(i) the reduced cost of compliance with section 722 of this Act;

''(ii) the reduced cost associated with sequestering in a geological formation for purposes of enhanced hydrocarbon recovery when compared to sequestration into geological formations solely for purposes of sequestration;

''(iii) the relevant factors defining the project category; and

''(iv) such other factors as the Administrator determines are appropriate.

''(5) REVISION OF REGULATIONS.—The Administrator shall review, and as appropriate revise, the applicable regulations under this subsection no less frequently than every 8 years.

''(e) LIMITS FOR CERTAIN ELECTRIC GENERATING UNITS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'covered EGU' and 'initially permitted' shall have the meaning given those terms in section 812 of this Act.

''(2) COVERED EGUS INITIALLY PERMITTED FROM 2009 THROUGH 2014.—For a covered EGU that is initially permitted on or after January 1, 2009, and before January 1, 2015, the Administrator shall reduce the quantity of emission allowances that the owner or operator of such covered EGU would otherwise be eligible to receive under this section as follows:

''(A) In the case of a unit commencing operation on or before January 1, 2019, if the date in clause (ii)(I) is earlier than the date in clause (ii)(II), by the product of—

''(i) 20 percent; and

''(ii) the number of years, if any, that have elapsed between—

''(I) the earlier of January 1, 2020, or the date that is 5 years after the commencement of operation of such covered EGU; and

''(II) the first year that such covered EGU achieves (and thereafter maintains) an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(B) In the case of a unit commencing operation after January 1, 2019, by the product of—

''(i) 20 percent; and

''(ii) the number of years between—

''(I) the commencement of operation of such covered EGU; and

''(II) the first year that such covered EGU achieves (and thereafter maintains) an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(3) COVERED EGUS INITIALLY PERMITTED FROM 2015 THROUGH 2019.—The owner or operator of a covered EGU that is initially permitted on or after January 1, 2015, and before January 1, 2020, shall be ineligible to receive emission allowances pursuant to this section if such unit, upon commencement of operations (and thereafter), does not achieve and maintain an emission limit that is at least a 50 percent reduction in emissions of the carbon dioxide produced by the unit, measured on an annual basis, as determined in accordance with section 812(b)(2).

''(f) INDUSTRIAL SOURCES.—

''(1) ALLOWANCES.—The Administrator may distribute not more than 15 percent of the allowances allocated under section 782(f) for any vintage year to the owners or operators of eligible industrial sources to support the commercial-scale deployment of carbon capture and sequestration technologies at such sources.

''(2) DISTRIBUTION.—The Administrator shall, by regulation, prescribe requirements for the distribution of emission allowances to the owners or operators of industrial sources under this subsection, based on a bonus allowance formula that awards allowances to qualifying projects on the basis of tons of carbon dioxide captured and permanently sequestered. The Administrator may provide for the distribution of emission allowances pursuant to—

''(A) a reverse auction method, similar to that described under subsection (d)(3), including the use of separate auctions for different project categories; or

''(B) an incentive schedule, similar to that described under subsection (d)(4), which shall ensure that incentives are set so as to satisfy the requirement described in subsection (d)(4)(E).

''(3) REVISION OF REGULATIONS.—The Administrator shall review, and as appropriate revise, the applicable regulations under this subsection no less frequently than every 8 years.

''(g) LIMITATIONS.—Allowances may be distributed under this section only for tons of carbon dioxide emissions that have already been captured and sequestered. A qualifying project may receive annual emission allowances under this section only for the first 10 years of operation. No greater than 72 gigawatts of total cumulative generating capacity (including industrial applications, measured by such equivalent metric as the Administrator may designate) may receive emission allowances under this section. Upon reaching the limit described in the preceding sentence, any emission allowances that are allocated for carbon capture and sequestration deployment under section 782(f) and are not yet obligated under this section shall be treated as allowances not designated for distribution for purposes of section 782(r).

''(h) EXHAUSTION OF ACCOUNT AND ANNUAL ROLL-OVER OF SURPLUS ALLOWANCES.—

''(1) In distributing emission allowances under this section, the Administrator shall ensure that qualifying projects receiving allowances receive distributions for 10 years.

''(2) If the Administrator determines that the emission allowances allocated under section 782(f) with a vintage year that matches

the year of distribution will be exhausted once the estimated full 10-year distributions will be provided to current eligible participants, the Administrator shall provide to new eligible projects allowances from vintage years after the year of the distribution.

''(i) RETROFIT APPLICATIONS.—(1) In calculating bonus allowance values for retrofit applications eligible under subsection (b)(1)(A)(ii) and (iv)(II), the Administrator shall apply the required capture rates with respect to the treated portion of flue gas from the unit.

''(2) No additional projects shall be eligible for allowances under subsection (b)(1)(A)(ii) and (iv)(II) as of such time as the Administrator reports, pursuant to section 812(d), that carbon capture and sequestration retrofit projects at electric generating units that are eligible for allowances under this section have been applied, in the aggregate, to the flue gas generated by 1 gigawatt of total cumulative generating capacity. ''The limitation in the preceding sentence shall not apply to projects that meet the eligibility criteria in subsection (b)(1)(A)(iv)(I).'' after ''generating capacity.''.

''(j) DAVIS-BACON COMPLIANCE.—All laborers and mechanics employed on projects funded directly by or assisted in whole or in part by this section through the use of emission allowances shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV, chapter 31, part A of subtitle II of title 40, United States Code. With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

SEC. 116. PERFORMANCE STANDARDS FOR COAL-FUELED POWER PLANTS.

(a) IN GENERAL.—Title VIII of the Clean Air Act (as added by section 331 of this Act) is amended by adding the following new section after section 811:

''SEC. 812. PERFORMANCE STANDARDS FOR NEW COAL-FIRED POWER PLANTS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COVERED EGU.—The term 'covered EGU' means a utility unit that is required to have a permit under section 503(a) and is authorized under state or federal law to derive at least 30 percent of its annual heat input from coal, petroleum coke, or any combination of these fuels.

''(2) INITIALLY PERMITTED.—The term 'initially permitted' means that the owner or operator has received a Clean Air Act preconstruction approval or permit, for the covered EGU as a new (not a modified) source, but administrative review or appeal of such approval or permit has not been exhausted. A subsequent modification of any such approval or permits, ongoing administrative or court review, appeals, or challenges, or the existence or tolling of any time to pursue further review, appeals, or challenges shall not affect the date on which a covered EGU is considered to be initially permitted under this paragraph.

''(b) STANDARDS.—(1) A covered EGU that is initially permitted on or after January 1, 2020, shall achieve an emission limit that is a 65 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis, or meet such more stringent standard as the Administrator may establish pursuant to subsection (c).

''(2) A covered EGU that is initially permitted after January 1, 2009, and before January 1, 2020, shall, by the applicable compliance date established under this paragraph, achieve an emission limit that is a 50 percent reduction in emissions of the carbon dioxide produced by the unit, as measured on an annual basis. Compliance with the requirement set forth in this paragraph shall be required by the earliest of the following:

''(A) Four years after the date the Administrator has published pursuant to subsection (d) a report that there are in commercial operation in the United States electric generating units or other stationary sources equipped with carbon capture and sequestration technology that, in the aggregate—

''(i) have a total of at least 4 gigawatts of nameplate generating capacity of which—

''(I) at least 3 gigawatts must be electric generating units; and

''(II) up to 1 gigawatt may be industrial applications, for which capture and sequestration of 3 million tons of carbon dioxide per year on an aggregate annualized basis shall be considered equivalent to 1 gigawatt;

''(ii) include at least 2 electric generating units, each with a nameplate generating capacity of 250 megawatts or greater, that capture, inject, and sequester carbon dioxide into geologic formations other than oil and gas fields; and

''(iii) are capturing and sequestering in the aggregate at least 12 million tons of carbon dioxide per year, calculated on an aggregate annualized basis.

''(B) January 1, 2025.

''(3) If the deadline for compliance with paragraph (2) is January 1, 2025, the Administrator may extend the deadline for compliance by a covered EGU by up to 18 months if the Administrator makes a determination, based on a showing by the owner or operator of the unit, that it will be technically infeasible for the unit to meet the standard by the deadline. The owner or operator must submit a request for such an extension by no later than January 1, 2022, and the Administrator shall provide for public notice and comment on the extension request.

''(c) REVIEW AND REVISION OF STANDARDS.—Not later than 2025 and at 5-year intervals thereafter, the Administrator shall review the standards for new covered EGUs under this section and shall, by rule, reduce the maximum carbon dioxide emission rate for new covered EGUs to a rate which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.

''(d) REPORTS.—Not later than the date 18 months after the date of enactment of this title and semiannually thereafter, the Administrator shall publish a report on the nameplate capacity of units (determined pursuant to subsection (b)(2)(A)) in commercial operation in the United States equipped with carbon capture and sequestration technology, including the information described in subsection (b)(2)(A) (including the cumulative generating capacity to which carbon capture and sequestration retrofit projects meeting the criteria described in section 786(b)(1)(A)(ii) and (b)(1)(A)(iv)(II) has been applied and the quantities of carbon dioxide captured and sequestered by such projects).

''(e) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to carry out the requirements of this section.''.

Subtitle C—Clean Transportation

SEC. 121. ELECTRIC VEHICLE INFRASTRUCTURE.

(a) AMENDMENT OF PURPA.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) PLUG-IN ELECTRIC DRIVE VEHICLE INFRASTRUCTURE.—

''(A) UTILITY PLAN FOR INFRASTRUCTURE.—Each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including heavy-duty hybrid electric vehicles. The plan may provide for deployment of electrical charging stations in public or private locations, including street parking, parking garages, parking lots, homes, gas stations, and highway rest stops. Any such plan may also include—

''(i) battery exchange, fast charging infrastructure and other services;

''(ii) triggers for infrastructure deployment based upon market penetration of plug-in electric drive vehicles; and

''(iii) such other elements as the State determines necessary to support plug-in electric drive vehicles.

Each plan under this paragraph shall provide for the deployment of the charging infrastructure or other infrastructure necessary to adequately support the use of plug-in electric drive vehicles.

''(B) SUPPORT REQUIREMENTS.—Each State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall—

''(i) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the extent possible; and

''(ii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

''(C) COST RECOVERY.—Each State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

''(D) SMART GRID INTEGRATION.—The State regulatory authority (in the case of each electric utility for which it has ratemaking authority) and each utility (in the case of a nonregulated utility) shall, in accordance with regulations issued by the Federal Energy Regulatory Commission pursuant to section 1305(d) of the Energy Independence and Security Act of 2007—

''(i) establish any appropriate protocols and standards for integrating plug-in electric drive vehicles into an electrical distribution system, including Smart Grid systems and devices as described in title XIII of the Energy Independence and Security Act of 2007;

''(ii) include, to the extent feasible, the ability for each plug-in electric drive vehicle to be identified individually and to be associated with its owner's electric utility account, regardless of the location that the vehicle is plugged in, for purposes of appropriate billing for any electricity required to charge the vehicle's batteries as well as any crediting for electricity provided to the electric utility from the vehicle's batteries; and

''(iii) review the determination made in response to section 1252 of the Energy Policy Act of 2005 in light of this section, including whether time-of-use pricing should be employed to enable the use of plug-in electric drive vehicles to contribute to meeting peak-load and ancillary service power needs.''.

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding the following at the end thereof:

''(7)(A) Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated

utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

''(B) Not later than 4 years after the date of enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end: ''In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph.''.

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by striking ''(19)'' and inserting ''(20)'' before ''of section 111(d)''.

SEC. 122. LARGE-SCALE VEHICLE ELECTRIFICATION PROGRAM.

(a) DEPLOYMENT PROGRAM.—The Secretary of Energy shall establish a program to deploy and integrate plug-in electric drive vehicles into the electricity grid in multiple regions. In carrying out the program, the Secretary may provide financial assistance described under subsection (d), consistent with the goals under subsection (b). The Secretary shall select regions based upon applications for assistance received pursuant to subsection (c).

(b) GOALS.—The goals of the program established pursuant to subsection (a) shall be—

(1) to demonstrate the viability of a vehicle-based transportation system that is not overly dependent on petroleum as a fuel and contributes to lower carbon emissions than a system based on conventional vehicles;

(2) to facilitate the integration of advanced vehicle technologies into electricity distribution areas to improve system performance and reliability;

(3) to demonstrate the potential benefits of coordinated investments in vehicle electrification on personal mobility and a regional grid;

(4) to demonstrate protocols and standards that facilitate vehicle integration into the grid; and

(5) to investigate differences in each region and regulatory environment regarding best practices in implementing vehicle electrification.

(c) APPLICATIONS.—Any State, Indian tribe, or local government (or group of State, Indian tribe, or local governments) may apply to the Secretary of Energy for financial assistance in furthering the regional deployment and integration into the electricity grid of plug-in electric drive vehicles. Such applications may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, car sharing companies or organizations, or other persons or entities.

(d) USE OF FUNDS.—Pursuant to applications received under subsection (c), the Secretary may make financial assistance available to any applicant or joint sponsor of the application to be used for any of the following:

(1) Assisting persons located in the regional deployment area, including fleet owners, in the purchase of new plug-in electric drive vehicles by offsetting in whole or in part the incremental cost of such vehicles above the cost of comparable conventionally fueled vehicles.

(2) Supporting the use of plug-in electric drive vehicles by funding projects for the deployment of any of the following:

(A) Electrical charging infrastructure for plug-in electric drive vehicles, including battery exchange, fast charging infrastructure, and other services, in public or private locations, including street parking, parking garages, parking lots, homes, gas stations, and highway rest stops.

(B) Smart Grid equipment and infrastructure, as described in title XIII of the Energy Independence and Security Act of 2007, to facilitate the charging and integration of plug-in electric drive vehicles.

(3) Such other projects as the Secretary determines appropriate to support the large-scale deployment of plug-in electric drive vehicles in regional deployment areas.

(e) PROGRAM REQUIREMENTS.—The Secretary, in consultation with the Administrator and the Secretary of Transportation, shall determine design elements and requirements of the program established pursuant to subsection (a), including—

(1) the type of financial mechanism with which to provide financial assistance;

(2) criteria for evaluating applications submitted under subsection (c), including the anticipated ability to promote deployment and market penetration of vehicles that are less dependent on petroleum as a fuel source; and

(3) reporting requirements for entities that receive financial assistance under this section, including a comprehensive set of performance data characterizing the results of the deployment program.

(f) INFORMATION CLEARINGHOUSE.—The Secretary shall, as part of the program established pursuant to subsection (a), collect and make available to the public information regarding the cost, performance, and other technical data regarding the deployment and integration of plug-in electric drive vehicles.

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 123. PLUG-IN ELECTRIC DRIVE VEHICLE MANUFACTURING.

(a) VEHICLE MANUFACTURING ASSISTANCE PROGRAM.—The Secretary of Energy shall establish a program to provide financial assistance to automobile manufacturers to facilitate the manufacture of plug-in electric drive vehicles, as defined in section 131(a)(5) of the Energy Independence and Security Act of 2007, that are developed and produced in the United States.

(b) FINANCIAL ASSISTANCE.—The Secretary of Energy may provide financial assistance to an automobile manufacturer under the program established pursuant to ''subsection (a) for the reconstruction or retooling of facilities for the manufacture of plug-in electric drive vehicles or batteries for such vehicles that are developed and produced in the United States.''.

(c) COORDINATION WITH REGIONAL DEPLOYMENT.—The Secretary may provide financial assistance under subsection (b) in conjunction with the award of financial assistance under the large scale vehicle electrification program established pursuant to section 122 of this Act.

(d) PROGRAM REQUIREMENTS.—The Secretary shall determine design elements and requirements of the program established pursuant to subsection (a), including—

(1) the type of financial mechanism with which to provide financial assistance;

(2) criteria, in addition to the criteria described under subsection (e), for evaluating applications for financial assistance; and

(3) reporting requirements for automobile manufacturers that receive financial assistance under this section.

(e) CRITERIA.—In selecting recipients of financial assistance from among applicant automobile manufacturers, the Secretary shall give preference to proposals that—

(1) are most likely to be successful; and

(2) are located in local markets that have the greatest need for the facility.

(f) REPORTS.—The Secretary shall annually submit to Congress a report on the program established pursuant to this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 124. INVESTMENT IN CLEAN VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLES AND QUALIFYING COMPONENTS.—The terms ''advanced technology vehicles'' and ''qualifying components'' shall have the definition of such terms in section 136 of the Energy Independence and Security Act of 2007, except that for purposes of this section, the average base year as described in such section 136(a)(1)(C) shall be the following:

(A) In each of the years 2012 through 2016, model year 2009.

(B) In 2017, the Administrator shall, notwithstanding such section 136(a)(1)(C), determine an appropriate baseline based on technological and economic feasibility.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' shall have the definition of such term in section 131 of the Energy Independence and Security Act of 2007.

(b) DISTRIBUTION OF ALLOWANCES.—The Administrator shall, in accordance with this section, distribute emission allowances allocated pursuant to section 782(i) of the Clean Air Act not later than September 30 of 2012 and each calendar year thereafter through 2025.

(c) PLUG-IN ELECTRIC DRIVE VEHICLE MANUFACTURING AND DEPLOYMENT.—

(1) IN GENERAL.—The Administrator shall, at the direction of the Secretary of Energy, provide emission allowances allocated pursuant to section 782(i) to applicants, joint sponsors and automobile manufacturers pursuant to sections 122 and 123 of this Act.

(2) ANNUAL AMOUNT.—In each of the years 2012 through 2017, one-quarter of the portion of the emission allowances allocated pursuant to section 782(i) of the Clean Air Act shall be available to carry out paragraph (1) such that—

(A) one-eighth of the portion shall be available to carry out section 122; and,

(B) one-eighth of the portion shall be available to carry out section 123.

(3) PREFERENCE.—In directing the provision of emission allowances under this subsection to carry out section 122, the Secretary shall give preference to applications under section 122(c) that are jointly sponsored by one or more automobile manufacturers.

(4) MULTI-YEAR COMMITMENTS.—The Administrator shall commit to providing emission allowances to an applicant, joint sponsor, or automobile manufacturer for up to five consecutive years if—

(A) an application under section 122 or 123 of this Act requests a multi-year commitment;

(B) such application meets the criteria for support established by the Secretary of Energy under sections 122 or 123 of this Act;

(C) the Administrator confirms to the Secretary that emission allowances will be available for a multi-year commitment;

(D) the Secretary of Energy determines that a multi-year commitment for such application will advance the goals of section 122 or 123; and

(E) the Secretary of Energy directs the Administrator to make a multi-year commitment.

(5) INSUFFICIENT APPLICATIONS.—If, in any year, emission allowances available under paragraph (2) cannot be provided because of insufficient numbers of submitted applications that meet the criteria for support established by the Secretary of Energy under sections 122 or 123 of this Act, the remaining emission allowances shall be distributed according to subsection (d).

(d) ADVANCED TECHNOLOGY VEHICLES.—

(1) IN GENERAL.—The Administrator shall, at the direction of the Secretary of Energy, provide any emission allowances allocated pursuant to section 782(i) of the Clean Air Act that are not provided under subsection (c) to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(A) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(2) PREFERENCE.—In directing the provision of emission allowances under this subsection during the years 2012 through 2017, the Secretary shall give preference to applications for projects that save the maximum number of gallons of fuel.

SEC. 125. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING INCENTIVE LOANS.

Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''$25,000,000,000'' and inserting ''$50,000,000,000''.

SEC. 126. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended to read as follows:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(i) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(I) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(II) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(III) harvested in accordance with Federal and State law, and applicable land management plans.

''(ii) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste material (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure);

''(dd) construction waste;

''(ee) food waste and yard waste; and

''(ff) the non-fossil biogenic portion of municipal solid waste and construction, demolition, and disaster debris.

''(iii) Residues and byproducts from wood, pulp, or paper products facilities.''.

(c) REDUCTION.—The last sentence of section 211(o)(7)(D) of the Clean Air Act (42 U.S.C. 7545(o)(7)(D)) is amended to read as follows: ''For any calendar year in which the Administrator makes such a reduction, the Administrator shall also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same volume.''.

SEC. 127. OPEN FUEL STANDARD.

(a) FINDINGS.—The Congress finds that—

(1) the status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States;

(2) in a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines;

(3) technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance;

(4) fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status;

(5) the current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States;

(6) much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies;

(7) alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States;

(8) alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels;

(9) it is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available;

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—(1) Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''§ 32920. Open fuel standard for transportation

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL COVERED INVENTORY.—The term 'light-duty automobile manufacturer's annual covered inventory' means the number of light-duty automobiles powered by an internal combustion engine that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary may promulgate regulations to require each light-duty automobile manufacturer's annual covered inventory to be comprised of a minimum percentage of fuel-choice enabling automobiles, with sufficient lead time, if the Secretary, in coordination with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines such requirement is a cost-effective way to achieve the Nation's energy independence and environmental objectives. The cost-effective determination shall consider the future availability of both alternative fuel supply and infrastructure to deliver the alternative fuel to the fuel-choice enabling vehicles.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as

the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles, including—

''(i) a disruption in the supply of any component required for compliance with the regulations;

''(ii) a disruption in the use and installation by the manufacturer of such component; or

''(iii) application to plug-in electric drive vehicles causing such vehicles to fail to meet State air quality requirements.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufacturers under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.''.

(2) The table of contents in chapter 329 of such title is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

SEC. 128. DIESEL EMISSIONS REDUCTION.

Subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.) is amended—

(1) in the matter preceding clause (i) in section 791(3)(B), by inserting ''in any State'' after ''nonprofit organization or institution'';

(2) in section 791(9), by striking ''The term 'State' includes the District of Columbia.'' and inserting ''The term 'State' includes the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.'':

(3) in section 793(c)—

(A) in paragraph (2)(A), by striking ''51 States'' and inserting ''56 States'';

(B) in paragraph (2)(A), by striking ''1.96 percent'' and inserting ''1.785 percent'';

(C) in paragraph (2)(B), by striking ''51 States'' and inserting ''56 States''; and

(D) in paragraph (2)(B), by amending clause (ii) to read as follows:

''(ii) the amount of funds remaining after each State described in paragraph (1) receives the 1.785-percent allocation under this paragraph.''; and

(4) in section 797, by striking ''2011'' and inserting ''2016''.

SEC. 129. LOAN GUARANTEES FOR PROJECTS TO CONSTRUCT RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

''(6) RENEWABLE FUEL.—The term 'renewable fuel' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), except that the term shall include all ethanol and biodiesel.

''(7) RENEWABLE FUEL PIPELINE.—The term 'renewable fuel pipeline' means a common carrier pipeline for transporting renewable fuel.''.

(b) RENEWABLE FUEL PIPELINE ELIGIBILITY.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(11) Renewable fuel pipelines.''.

SEC. 130. FLEET VEHICLES.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended as follows:

(1) By adding the following new paragraph at the end of subsection (a):

''(6) REPOWERED OR CONVERTED ALTERNATIVE FUELED VEHICLES.—As used in this paragraph, the term 'repowered or converted alternative fueled vehicle' includes light-, medium- or heavy-duty motor vehicles that have been modified with an EPA or CARB compliant engine or vehicle or aftermarket system so that the vehicle or engine is capable of operating on an alternative fuel.''.

(2) By adding the following new paragraph at the end of subsection (b):

''(3) Repowered or converted vehicles. Not later than January 1, 2010, the Secretary shall allocate credits to fleets that repower or convert an existing vehicle so that it is capable of operating on an alternative fuel. In the case of any medium- or heavy-duty vehicle that is repowered or converted so that it is capable of operating on an alternative fuel, the Secretary shall allocate additional credits for such vehicles if he determines that such vehicles displace more petroleum than light duty alternative fueled vehicles. Such rules shall also include a requirement that such vehicles remain in the fleet for a period of no less than 2 years in order to continue to qualify for credit. The Secretary also shall extend the flexibility afforded in this paragraph to Federal fleets subject to the purchase provisions contained in section 303 of this Act.''.

SEC. 130A. REPORT ON NATURAL GAS VEHICLE EMISSIONS REDUCTIONS.

Within 360 days after the date of enactment of this Act, the Administrator, in consultation with the Secretaries of Energy and Transportation, and the Administrator of the General Services Administration, and after an examination of available scientific studies or analysis, shall submit to the Congress a report on—

(1) the contribution that light and heavy duty natural gas vehicles, by category and State, have made during the last decade to the reduction of greenhouse gases and criteria pollutants under the Clean Air Act, and the reduced consumption of petroleum-based fuels;

(2) the contribution that light and heavy duty natural gas vehicles are expected to make from 2010 to 2020 in reducing greenhouse gas and criteria pollutants under the Clean Air Act based, among other things, on additional Federal incentives for the manufacture and deployment of natural gas vehicles provided in this Act, and other Federal legislation; and

(3) additional Federal measures, including legislation, that could, if implemented, maximize the potential for natural gas used in both stationary and mobile sources to contribute to the reduction of greenhouse gases and criteria pollutants under the Clean Air Act.

Subtitle D—State Energy and Environment Development Accounts

SEC. 131. ESTABLISHMENT OF SEED ACCOUNTS.

(a) DEFINITIONS.—In this section:

(1) SEED ACCOUNT.—The term ''SEED Account'' means a State Energy and Environment Development Account established pursuant to this section.

(2) STATE ENERGY OFFICE.—The term ''State Energy Office'' means a State entity eligible for grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program under which a State, through its State Energy Office or other State agency designated by the State, may operate a State Energy and Environment Development Account.

(c) PURPOSE.—The purpose of each SEED Account is to serve as a common State-level repository for managing and accounting for emission allowances provided to States designated for renewable energy and energy efficiency purposes.

(d) REGULATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section, including regulations—

(1) to ensure that each State operates its SEED Account and any subaccounts thereof efficiently and in accordance with this Act and applicable State and Federal laws;

(2) to prevent waste, fraud, and abuse;

(3) to indicate the emission allowances that may be deposited in a State's SEED Account pending distribution or use;

(4) to indicate the programs and objectives authorized by Federal law for which emission allowances in a SEED Account may be distributed or used;

(5) to identify the forms of financial assistance and incentives that States may provide through distribution or use of SEED Accounts; and

(6) to prescribe the form and content of reports that the States are required to submit under this section on the use of SEED Accounts.

(e) OPERATION.—

(1) DEPOSITS.—

(A) IN GENERAL.—In the allowance tracking system established pursuant to section 724(d) of the Clean Air Act, the Administrator shall establish a SEED Account for each State and place in it the allowances allocated pursuant to section 782(g) of the Clean Air Act to be distributed to States pursuant to sections 132 and 201 of this Act.

(B) FINANCIAL ACCOUNT.—A State may create a financial account associated with its SEED Account to deposit, retain, and manage any proceeds of any sale of any allowance provided pursuant to this Act pending expenditure or disbursement of those proceeds for purposes permitted under this section. The funds in such an account shall not be commingled with other funds not derived from the sale of allowances provided to the State; however, loans made by the State from such funds pursuant to paragraph (2)(C)(i) may be repaid into such a financial account, including any interest charged.

(2) WITHDRAWALS.—

(A) IN GENERAL.—All allowances distributed pursuant to sections 132 and 201, including the proceeds of any sale of such allowances, shall support renewable energy and energy efficiency programs authorized or approved by the Federal Government.

(B) DEDICATED ALLOWANCES.—Allowances distributed pursuant to sections 132 and 201 that are required by law to be used for specific purposes for a specified period shall be used according to those requirements during that period.

(C) UNDEDICATED ALLOWANCES.—To the extent that allowances distributed pursuant to sections 132 and 201 are not required by law to be used for specific purposes for a specified period as described in subparagraph (B), such allowances or the proceeds of their sale may be used for any of the following purposes:

(i) LOANS.—Loans of allowances, or the proceeds from the sale of allowances, may be provided, interest on commercial loans may be subsidized at an interest rate as low as zero, and other credit support may be provided to support programs authorized to use SEED Account allowance value or any other

renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(ii) GRANTS.—Grants of allowances or the proceeds of their sale may be provided to support programs authorized to use SEED Account allowance value or any other renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(iii) OTHER FORMS OF SUPPORT.—Allowances or the proceeds of the sale of allowances may be provided for other forms of support for programs authorized to use SEED Account allowance value or any other renewable energy or energy efficiency purpose authorized or approved by the Federal Government.

(iv) ADMINISTRATIVE COSTS.—Except to the extent provided in Federal law authorizing or allocating allowances deposited in a SEED Account, not more than 5 percent of the allowance value in a SEED Account in any year may be used to cover administrative expenses of the SEED Account.

(D) SUBACCOUNTS.—A State may request that the Administrator establish accounts for local governments that request such subaccounts to hold allowances distributed to local governments for renewable energy or energy efficiency programs authorized or approved by the Federal Government.

(E) INTENDED USE PLANS.—

(i) IN GENERAL.—After providing for public review and comment, each State administering a SEED Account shall annually prepare a plan that identifies the intended uses of the allowances or proceeds from the sale of allowances in its SEED Account.

(ii) CONTENTS.—An intended use plan shall include—

(I) a list of the projects or programs for which withdrawals from the SEED Account are intended in the next fiscal year that begins after the date of the plan, including a description of each project;

(II) the relationship of each of the projects or programs to an identified Federal purpose authorized by this Act, or any other Federal statute;

(III) the expected terms of use of allowance value to provide assistance;

(IV) the criteria and methods established for the distribution of allowances or allowance value;

(V) a description of the equivalent financial value and status of the SEED Account; and

(VI) a statement of the mid-term and long-term goals of the State for use of its SEED Account.

(3) ACCOUNTABILITY AND TRANSPARENCY.—

(A) CONTROLS AND PROCEDURES.—Any State that has a SEED Account shall establish fiscal controls and recordkeeping and accounting procedures for the SEED Account sufficient to ensure proper accounting during appropriate accounting periods for distributions into the SEED Account, transfers from the SEED Account, and SEED Account balances, including any related financial accounts. Such controls and procedures shall conform to generally accepted government accounting principles. Any State that has a SEED Account shall retain records for a period of at least 5 years.

(B) AUDITS.—Any State that has a SEED Account shall have an annual audit conducted of the SEED Account by an independent public accountant in accordance with generally accepted auditing standards, and shall transmit the results of that audit to the Administrator.

(C) STATE REPORT.—Each State administering a SEED Account shall make publicly available and submit to the Administrator a report every 2 years on its activities related to its SEED Account.

(D) PUBLIC INFORMATION.—Any—

(i) controls and procedures established under subparagraph (A); and

(ii) information obtained through audits conducted under subparagraph (B), except to the extent that it would be protected from disclosure, if it were information held by the Federal Government, under section 552(b) of title 5, United States Code,

shall be made publicly available.

(E) OTHER PROTECTIONS.—The Administrator shall require such additional procedures and protections as are necessary to ensure that any State that has a SEED Account will operate the SEED Account in an accountable and transparent manner.

(f) REQUIREMENTS FOR ELIGIBILITY.—A State's eligibility to receive allowances in its SEED Account shall depend on that State's compliance with the requirements of this Act (and the amendments made by this Act).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary for SEED Account operations.

SEC. 132. SUPPORT OF STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) COST-EFFECTIVE.—The term ''cost-effective'', with respect to an energy efficiency program, means that the program meets the Total Resource Cost Test, which requires that the net present value of economic benefits over the life of the program or measure, including avoided supply and delivery costs and deferred or avoided investments, is greater than the net present value of the economic costs over the life of the program, including program costs and incremental costs borne by the energy consumer.

(3) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given that term in section 610 of the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of this Act).

(4) VINTAGE YEAR.—The term ''vintage year'' shall the meaning given that term in section 700 of the Clean Air Act (as added by section 311 of this Act).

(b) DISTRIBUTION AMONG STATES.—Not later than September 30 of each calendar year from 2011 through 2049, the Administrator shall, in accordance with this section, distribute allowances allocated pursuant to section 782(g)(1) of the Clean Air Act (as added by section 311 of this Act) for the following vintage year. The Administrator shall distribute 0.5 percent of such allowances pursuant to section 133 of this Act. The Administrator shall distribute the remaining allowances to States for renewable energy and energy efficiency programs to be deposited in and administered through the State Energy and Environment Development (SEED) Accounts established pursuant to section 131. The Administrator shall distribute allowances among the States under this section each year in accordance with the following formula:

(1) One third of the allowances shall be divided equally among the States.

(2) One third of the allowances shall be distributed ratably among the States based on the population of each State, as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time the Administrator calculates the formula for distribution.

(3) One third of the allowances shall be distributed ratably among the States on the basis of the energy consumption of each State as contained in the most recent State Energy Data Report available from the Energy Information Administration (or such alternative reliable source as the Administrator may designate).

(c) USES.—The allowances distributed to each State pursuant to this section shall be used exclusively in accordance with the following requirements:

(1) Not less than 12.5 percent shall be distributed by the State to units of local government within such State to be used exclusively to support the energy efficiency and renewable energy purposes listed in paragraphs (2) and (3).

(2) Not less than 20 percent shall be used exclusively for the following energy efficiency purposes, provided that not less than 1 percent shall be used for the purpose described in subparagraph (D) and not less than 5.5 percent shall be used for the purpose described in subparagraph (E):

(A) Implementation and enforcement of building codes adopted in compliance with section 201.

(B) Implementation of the energy efficient manufactured homes program established pursuant to section 203.

(C) Implementation of the building energy performance labeling program established pursuant to section 204.

(D) Low-income community energy efficiency programs that are consistent with the grant program established under section 264 of this Act.

(E) Implementation of the Retrofit for Energy and Environmental Performance (REEP) program established pursuant to section 202.

(3) Not less than 20 percent shall be used exclusively for capital grants, tax credits, production incentives, loans, loan guarantees, forgivable loans, direct provision of allowances, and interest rate buy-downs for—

(A) re-equipping, expanding, or establishing a manufacturing facility that receives certification from the Secretary of Energy pursuant to section 1302 of the American Recovery and Reinvestment Act of 2009 for the production of—

(i) property designed to be used to produce energy from renewable energy sources; and

(ii) electricity storage systems;

(B) deployment of technologies to generate electricity from renewable energy sources; and

(C) deployment of facilities or equipment, such as solar panels, to generate electricity or thermal energy from renewable energy resources in and on buildings in an urban environment.

(4) The remaining 47.5 percent shall be used exclusively for any of the following purposes:

(A) Energy efficiency purposes described in paragraph (2).

(B) Renewable energy purposes described in paragraph (3)(B) and (C).

(C) Cost-effective energy efficiency programs for end-use consumers of electricity, natural gas, home heating oil, or propane, including, where appropriate, programs or mechanisms administered by local governments and entities other than the State.

(D) Enabling the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)) for State, local government, and other public buildings and facilities, including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis.

(E) Providing the non-Federal share of support for surface transportation capital projects under—

(i) sections 5307, 5308, 5309, 5310, 5311 and 5319 of title 49, United States Code; and

(ii) sections 142, 146, and 149 of title 23, United States Code,

provided that not more than 10 percent of allowances distributed to each State pursuant to this section shall be used for such purpose.

(5) For any allowances used for the purpose described in paragraph (4)(C), the State shall—

(A) prioritize expansion of existing energy efficiency programs approved and overseen by the State or the appropriate State regulatory authority; and

(B) demonstrate that such allowances have been used to supplement, and not to supplant, existing and otherwise available State, local, and ratepayer funding for such purpose.

(d) REPORTING.—Each State receiving allowances under this section shall include in its biennial reports required under section 131, in accordance with such requirements as the Administrator may prescribe

(1) a list of entities receiving allowances or allowance value under this section, including entities receiving such allowances or allowance value from units of local government pursuant to subsection (c)(1);

(2) the amount and nature of allowances or allowance value received by each such recipient;

(3) the specific purposes for which such allowances or allowance value was conveyed to each such recipient;

(4) documentation of the amount of energy savings, emission reductions, renewable energy deployment, and new or retooled manufacturing capacity resulting from the use of such allowances or allowance value; and

(5) for any energy efficiency program supported under subsection (c)(4)(C)—

(A) an assessment demonstrating the cost-effectiveness of such program; and

(B) a demonstration that the requirements set forth in subsection (c)(5) have been satisfied.

(e) ENFORCEMENT.—If the Administrator determines that a State is not in compliance with this section, the Administrator may withhold up to twice the number of allowances that the State failed to use in accordance with the requirements of this section, that such State would otherwise be eligible to receive under this section in later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States in accordance with the requirements of subsection (b).

SEC. 133. SUPPORT OF INDIAN RENEWABLE ENERGY AND ENERGY EFFICIENCY PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE; COST-EFFECTIVE; RENEWABLE ENERGY RESOURCE.—The terms ''allowance'', ''cost-effective'', and ''renewable energy resource'' have the meaning given those terms in section 132 of this Act.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator and the Secretary of the Interior, promulgate regulations establishing a program to distribute allowances to Indian tribes on a competitive basis for the following purposes:

(1) ENERGY EFFICIENCY.—Cost-effective energy efficiency programs for end-use consumers of electricity, natural gas, home heating oil, or propane.

(2) RENEWABLE ENERGY.—Deployment of technologies to generate electricity from renewable energy resources.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (b) shall prescribe design elements and requirements of the program established under this section, including—

(1) objective criteria for evaluating proposals submitted by Indian tribes, and for selecting projects and programs to receive support, under this section;

(2) reporting requirements for Indian tribes that receive allowances under this section; and

(3) other appropriate elements and requirements.

(d) DISTRIBUTION.—The Administrator shall, at the direction of the Secretary, distribute to Indian tribes allowances that are set aside, pursuant to section 132, for use under this section.

Subtitle E—Smart Grid Advancement

SEC. 141. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''applicable baseline'' means the average of the highest three annual peak demands a load-serving entity has experienced during the 5 years immediately prior to the date of enactment of this Act.

(2) The term ''Commission'' means Federal Energy Regulatory Commission.

(3) The term ''load-serving entity'' means an entity that provides electricity directly to retail consumers with the responsibility to assure power quality and reliability, including such entities that are investor-owned, publicly owned, owned by rural electric cooperatives, or other entities.

(4) The term ''peak demand'' means the highest point of electricity demand, net of any distributed electricity generation or storage from sources on the load-serving entity's customers' premises, during any hour on the system of a load serving entity during a calendar year, expressed in Megawatts (MW), or more than one such high point as a function of seasonal demand changes.

(5) The term ''peak demand reduction'' means the reduction in annual peak demand as compared to a previous baseline year or period, expressed in Megawatts (MW), whether accomplished by—

(A) diminishing the end-use requirements for electricity;

(B) use of locally stored energy or generated electricity to meet those requirements from distributed resources on the load-serving entity's customers' premises and without use of high-voltage transmission; or

(C) energy savings from efficient operation of the distribution grid resulting from the use of a Smart Grid.

(6) The term ''peak demand reduction plan'' means a plan developed by or for a load-serving entity that it will implement to meet its peak demand reduction goals.

(7) The term ''peak period'' means the time period on the system of a load-serving entity relative to peak demand that may warrant special measures or electricity resources to maintain system reliability while meeting peak demand.

(8) The term ''Secretary'' means the Secretary of Energy.

(9) The term ''Smart Grid'' has the meaning provided by section 1301 of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381).

SEC. 142. ASSESSMENT OF SMART GRID COST EFFECTIVENESS IN PRODUCTS.

(a) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary and the Administrator shall each assess the potential for cost-effective integration of Smart Grid technologies and capabilities in all products that are reviewed by the Department of Energy and the Environmental Protection Agency, respectively, for potential designation as Energy Star products.

(b) ANALYSIS.—(1) Within 2 years after the date of enactment of this Act, the Secretary and the Administrator shall each prepare an analysis of the potential energy savings, greenhouse gas emission reductions, and electricity cost savings that could accrue for each of the products identified by the assessment in subsection (a) in the following optimal circumstances:

(A) The products possessed Smart Grid capability and interoperability that is tested and proven reliable.

(B) The products were utilized in an electricity utility service area which had Smart Grid capability and offered customers rate or program incentives to use the products.

(C) The utility's rates reflected national average costs, including average peak and valley seasonal and daily electricity costs.

(D) Consumers using such products took full advantage of such capability.

(E) The utility avoided incremental investments and rate increases related to such savings.

(2) The analysis under paragraph (1) shall be considered the ''best case'' Smart Grid analysis. On the basis of such an analysis for each product, the Secretary and the Administrator shall determine whether the installation of Smart Grid capability for such a product would be cost effective. For purposes of this paragraph, the term ''cost effective'' means that the cumulative savings from using the product under the best case Smart Grid circumstances for a period of one-half of the product's expected useful life will be greater than the incremental cost of the Smart Grid features included in the product.

(3) To the extent that including Smart Grid capability in any products analyzed under paragraph (2) is found to be cost effective in the best case, the Secretary and the Administrator shall, not later than 3 years after the date of enactment of this Act take each of the following actions:

(A) Inform the manufacturer of such product of such finding of cost effectiveness.

(B) Assess the potential contributions the development and use of products with Smart Grid technologies bring to reducing peak demand and promoting grid stability.

(C) Assess the potential national energy savings and electricity cost savings that could be realized if Smart Grid potential were installed in the relevant products reviewed by the Energy Star program.

(D) Assess and identify options for providing consumers information on products with Smart Grid capabilities, including the necessary conditions for cost-effective savings.

(E) Submit a report to Congress summarizing the results of the assessment for each class of products, and presenting the potential energy and greenhouse gas savings that could result if Smart Grid capability were installed and utilized on such products.

SEC. 143. INCLUSIONS OF SMART GRID CAPABILITY ON APPLIANCE ENERGY GUIDE LABELS.

Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(J)(i) Not later than 1 year after the date of enactment of this subparagraph, the Federal Trade Commission shall initiate a rulemaking to consider making a special note in a prominent manner on any ENERGY GUIDE label for any product actually including Smart Grid capability that—

''(I) Smart Grid capability is a feature of that product;

''(II) the use and value of that feature depended on the Smart Grid capability of the utility system in which the product was installed and the active utilization of that feature by the customer; and

''(III) on a utility system with Smart Grid capability, the use of the product's Smart Grid capability could reduce the customer's cost of the product's annual operation by an

estimated dollar amount range representing the result of incremental energy and electricity cost savings that would result from the customer taking full advantage of such Smart Grid capability.

''(ii) Not later than 3 years after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).''.

SEC. 144. SMART GRID PEAK DEMAND REDUCTION GOALS.

(a) GOALS.—Not later than one year after the date of enactment of this section, each load-serving entity, or, at the option of the State, each State with respect to load-serving entities that the State regulates, shall determine and publish peak demand reduction goals for any load-serving entities that have an applicable baseline in excess of 250 megawatts.

(b) BASELINES.—(1) The Commission, in consultation with the Secretary and the Administrator, shall develop and publish, after an opportunity for public comment, but not later than 180 days after enactment of this section, a methodology to provide for adjustments or normalization to a load-serving entity's applicable baseline over time to reflect changes in the number of customers served, weather conditions, general economic conditions, and any other appropriate factors external to peak demand management, as determined by the Commission.

(2) The Commission shall support load-serving entities (including any load-serving entities with an applicable baseline of less than 250 megawatts that volunteer to participate in achieving the purposes of this section) in determining their applicable baselines, and in developing their peak demand reduction goals.

(3) The Secretary, in consultation with the Commission, the Administrator, and the North American Electric Reliability Corporation, shall develop a system and rules for measurement and verification of demand reductions.

(c) PEAK DEMAND REDUCTION GOALS.—(1) Peak demand reduction goals may be established for an individual load-serving entity, or, at the determination of a State, tribal, or regional entity, by that State, tribal, or regional entity for a larger region that shares a common system peak demand and for which peak demand reduction measures would offer regional benefit.

(2) A State or regional entity establishing peak demand reduction goals shall cooperate, as necessary and appropriate, with the Commission, the Secretary, State regulatory commissions, State energy offices, the North American Electric Reliability Corporation, and other relevant authorities.

(3) In determining the applicable peak demand reduction goals—

(A) States and other jurisdictional entities may utilize the results of the 2009 National Demand Response Potential Assessment, as authorized by section 571 of the National Energy Conservation Policy Act (42 U.S.C. 8279); and

(B) the relative economics of peak demand reduction and generation required to meet peak demand shall be evaluated in a neutral and objective manner.

(4) The applicable peak demand reduction goals shall provide that—

(A) load-serving entities will reduce or mitigate peak demand by a minimum percentage amount from the applicable baseline to a lower peak demand during calendar year 2012;

(B) load-serving entities will reduce or mitigate peak demand by a minimum percentage greater amount from the applicable baseline to a lower peak demand during calendar year 2015; and

(C) the minimum percentage reductions established as peak demand reduction goals shall be the maximum reductions that are realistically achievable with an aggressive effort to deploy Smart Grid and peak demand reduction technologies and methods, including but not limited to those listed in subsection (d).

(d) PLAN.—Each load-serving entity shall prepare a peak demand reduction plan that demonstrates its ability to meet each applicable goal by any or a combination of the following options:

(1) Direct reduction in megawatts of peak demand through—

(A) energy efficiency measures (including efficient transmission wire technologies which significantly reduce line loss compared to traditional wire technology) with reliable and continued application during peak demand periods; or

(B) use of a Smart Grid.

(2) Demonstration that an amount of megawatts equal to a stated portion of the applicable goal is contractually committed to be available for peak reduction through one or more of the following:

(A) Megawatts enrolled in demand response programs.

(B) Megawatts subject to the ability of a load-serving entity to call on demand response programs, smart appliances, smart electricity or energy storage devices, distributed generation resources on the entity's customers' premises, or other measures directly capable of actively, controllably, reliably, and dynamically reducing peak demand (''dynamic peak management control'').

(C) Megawatts available from distributed dynamic electricity or energy storage under agreement with the owner of that storage.

(D) Megawatts committed from dispatchable distributed generation demonstrated to be reliable under peak period conditions and in compliance with air quality regulations.

(E) Megawatts available from smart appliances and equipment with Smart Grid capability available for direct control by the utility through agreement with the customer owning the appliances or equipment or with a third party pursuant to such agreements.

(F) Megawatts from a demonstrated and assured minimum of distributed solar electric generation capacity in instances where peak period and peak demand conditions are directly related to solar radiation and accompanying heat.

(3) If any of the methods listed in subparagraph (C), (D), or (E) of paragraph (2) are relied upon to meet its peak demand reduction goals, the load-serving entity must demonstrate this capability by operating a test during the applicable calendar year.

(4) Nothing in this section shall require the publication in peak demand reduction goals or in any peak demand reduction plan of any information that is confidential for competitive or other reasons or that identifies individual customers.

(e) EXISTING AUTHORITY AND REQUIREMENTS.—Nothing in this section diminishes or supersedes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting peak demand management, demand response, distributed energy storage, use of distributed generation, or the regulation of load-serving entities. The Commission, in consultation with States and Indian tribes having such peak management, demand response and distributed energy storage programs, shall to the maximum extent practicable, facilitate coordination between the Federal program and such State and tribal programs.

(f) RELIEF.—The Commission may, for good cause, grant relief to load-serving entities from the requirements of this section.

(g) OTHER LAWS.—Except as provided in subsections (e) and (f), no law or regulation shall relieve any person of any requirement otherwise applicable under this section.

(h) COMPLIANCE.—(1) The Commission shall within one year after the date of enactment of this Act establish a public website where the Commission will provide information and data demonstrating compliance by States, Indian tribes regional entities, and load-serving entities with this section, including the success of load-serving entities in meeting applicable peak demand reduction goals.

(2) The Commission shall, by April 1 of each year beginning in 2012, provide a report to Congress on compliance with this section and success in meeting applicable peak demand reduction goals and, as appropriate, shall make recommendations as to how to increase peak demand reduction efforts.

(3) The Commission shall note in each such report any State, political subdivision of a State, or load-serving entity that has failed to comply with this section, or is not a part of any region or group of load-serving entities serving a region that has complied with this section.

(4) The Commission shall have and exercise the authority to take reasonable steps to modify the process of establishing peak demand reduction goals and to accept adjustments to them as appropriate when sought by load-serving entities.

(i) ASSISTANCE AND FUNDING.—

(1) ASSISTANCE TO STATES AND TRIBES.—Any costs incurred by States for activities undertaken pursuant to this section shall be supported by the use of emission allowances allocated to the States' SEED Accounts or to the tribes pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(2) FUNDING.—There are authorized to be appropriated such sums as may be necessary to the Commission, the Secretary, and the Administrator to carry out the provisions of this section.

SEC. 145. REAUTHORIZATION OF ENERGY EFFICIENCY PUBLIC INFORMATION PROGRAM TO INCLUDE SMART GRID INFORMATION.

(a) IN GENERAL.—Section 134 of the Energy Policy Act of 2005 (42 U.S.C. 15832) is amended as follows:

(1) By amending the section heading to read as follows: ''**ENERGY EFFICIENCY AND SMART GRID PUBLIC INFORMATION INITIATIVE**''.

(2) In paragraph (1) of subsection (a) by striking ''reduce energy consumption during the 4-year period beginning on the date of enactment of this Act'' and inserting ''increase energy efficiency and to adopt Smart Grid technology and practices''.

(3) In paragraph (2) of subsection (a) by striking ''benefits to consumers of reducing'' and inserting ''economic and environmental benefits to consumers and the United States of optimizing''.

(4) In subsection (a) by inserting at the beginning of paragraph (3) ''the effect of energy efficiency and Smart Grid capability in reducing energy and electricity prices throughout the economy, together with''.

(5) In subsection (a)(4) by redesignating subparagraph (D) as (E), by striking ''and'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following:

''(D) purchasing and utilizing equipment that includes Smart Grid features and capability; and''.

(6) In subsection (c), by striking ''Not later than July 1, 2009,'' and inserting, ''For each year when appropriations pursuant to the authorization in this section exceed $10,000,000,''.

(7) In subsection (d) by striking ''2010'' and inserting ''2020''.

(8) In subsection (e) by striking ''2010'' and inserting ''2020''.

(b) TABLE OF CONTENTS.—The item relating to section 134 in the table of contents for the Energy Policy Act of 2005 (42 U.S.C. 15801 and following) is amended to read as follows:

''Sec. 134. Energy efficiency and Smart Grid public information initiative.''.

SEC. 146. INCLUSION OF SMART GRID FEATURES IN APPLIANCE REBATE PROGRAM.

(a) AMENDMENTS.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended as follows:

(1) By amending the section heading to read as follows: ''**ENERGY EFFICIENT AND SMART APPLIANCE REBATE PROGRAM**.''.

(2) By redesignating paragraphs (4) and (5) of subsection (a) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

''(4) SMART APPLIANCE.—The term 'smart appliance' means a product that the Administrator of the Environmental Protection Agency or the Secretary of Energy has determined qualifies for such a designation in the Energy Star program pursuant to section 142 of the American Clean Energy and Security Act of 2009, or that the Secretary or the Administrator has separately determined includes the relevant Smart Grid capabilities listed in section 1301 of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381).''.

(3) In subsection (b)(1) by inserting ''and smart'' after ''efficient'' and by inserting after ''products'' the first place it appears '', including products designated as being smart appliances''.

(4) In subsection (b)(3), by inserting ''the administration of'' after ''carry out''.

(5) In subsection (d), by inserting ''the administration of'' after ''carrying out'' and by inserting '', and up to 100 percent of the value of the rebates provided pursuant to this section'' before the period at the end.

(6) In subsection (e)(3), by inserting '', with separate consideration as applicable if the product is also a smart appliance,'' after ''Energy Star product'' the first place it appears and by inserting ''or smart appliance'' before the period at the end.

(7) In subsection (f), by striking ''$50,000,000'' through the period at the end and inserting ''$100,000,000 for each fiscal year from 2010 through 2015.''.

(b) TABLE OF CONTENTS.—The item relating to section 124 in the table of contents for the Energy Policy Act of 2005 (42 U.S.C. 15801 and following) is amended to read as follows:

''Sec. 124. Energy efficient and smart appliance rebate program.''.

Subtitle F—Transmission Planning

SEC. 151. TRANSMISSION PLANNING AND SITING.

(a) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended as follows:

(1) In subsection (b), in paragraph (5), by striking ''; and'' and inserting a semicolon, in paragraph (6) by striking the period and inserting ''; and'' and by adding the following at the end thereof:

''(7) the facility is interstate in nature or is an intrastate segment integral to a proposed interstate facility;''.

(2) In subsection (k), by inserting at the end the following: ''Subsections (a), (b), (c), and (h) of this section shall not apply in the Western interconnection.''.

(3) In subsections (d) and (e), by striking ''subsection (b)'' in each place and inserting ''subsection (b) or section 216B'', and by striking ''permit'' and inserting ''permit or certificate'' in each place it appears.

(b) NEW SECTIONS.—The Federal Power Act (16 U.S.C. 824p) is amended by inserting the following new sections after section 216:

''SEC. 216A TRANSMISSION PLANNING.

''(a) FEDERAL POLICY FOR TRANSMISSION PLANNING.—

''(1) OBJECTIVES.—It is the policy of the United States that regional electric grid planning should facilitate the deployment of renewable and other zero-carbon and low-carbon energy sources for generating electricity to reduce greenhouse gas emissions while ensuring reliability, reducing congestion, ensuring cyber-security, minimizing environmental harm, and providing for cost-effective electricity services throughout the United States, in addition to serving the objectives stated in section 217(b)(4).

''(2) OPTIONS.—In addition to the policy under paragraph (1), it is the policy of the United States that regional electric grid planning to meet these objectives should result from an open, inclusive and transparent process, taking into account all significant demand-side and supply-side options, including energy efficiency, distributed generation, renewable energy and zero-carbon electricity generation technologies, smart-grid technologies and practices, demand response, electricity storage, voltage regulation technologies, high capacity conductors with at least 25 percent greater efficiency than traditional ACSR (aluminum stranded conductors steel reinforced) conductors, superconductor technologies, underground transmission technologies, and new conventional electric transmission capacity and corridors.

''(b) PLANNING.—

''(1) PLANNING PRINCIPLES.—Not later than 1 year after the date of enactment of this section, the Commission shall adopt, after notice and opportunity for comment, national electricity grid planning principles derived from the Federal policy established under subsection (a) to be applied in ongoing and future transmission planning that may implicate interstate transmission of electricity.

''(2) REGIONAL PLANNING ENTITIES.—Not later than 3 months after the date of adoption by the Commission of national electricity grid planning principles pursuant to paragraph (1), entities that conduct or may conduct transmission planning pursuant to State, tribal, or Federal law or regulation, including States, Indian tribes, entities designated by States and Indian tribes, Federal Power Marketing Administrations, transmission providers, operators and owners, regional organizations, and electric utilities, and that are willing to incorporate the national electricity grid planning principles adopted by the Commission in their electric grid planning, shall identify themselves and the regions for which they propose to develop plans to the Commission.

''(3) COORDINATION OF REGIONAL PLANNING ENTITIES.—The Commission shall encourage regional planning entities described under paragraph (2) to cooperate and coordinate across regions and to harmonize regional electric grid planning with planning in adjacent or overlapping jurisdictions to the maximum extent feasible. The Commission shall work with States, Indian tribes, Federal land management agencies, State energy, environment, natural resources, and land management agencies and commissions, Federal power marketing administrations, electric utilities, transmission providers, load-serving entities, transmission operators, regional transmission organizations, independent system operators, and other organizations to resolve any conflict or competition among proposed planning entities in order to build consensus and promote the Federal policy established under subsection (a). The Commission shall seek to ensure that planning that is consistent with the national electricity grid planning principles adopted pursuant to paragraph (1) is conducted in all regions of the United States and the territories, but in a manner that, to the extent feasible, avoids uncoordinated planning by more than one planning entity for the same area.

''(4) RELATION TO EXISTING PLANNING POLICY.—In implementing the Federal policy established under subsection (a), the Commission shall

''(A) incorporate and coordinate with any ongoing planning efforts undertaken pursuant to section 217 and Commission Order No. 890;

''(B) coordinate with the Secretary of Energy in providing to the regional planning entities an annual summary of national energy policy priorities and goals;

''(C) coordinate with corridor designation and planning functions carried out pursuant to section 216 by the Secretary of Energy, who shall provide financial support from available funds to support the purposes of this section; and

''(D) coordinate with the Secretaries of the Interior and Agriculture and Indian tribes in carrying out the Secretaries' or tribal governments' existing responsibilities for the planning or siting of transmission facilities on Federal or tribal lands, consistent with law, policy, and regulations relating to the management of federal public lands .

''(5) ASSISTANCE.—

''(A) IN GENERAL.—The Commission shall provide support to and may participate if invited to do so in the regional grid planning processes conducted by regional planning entities. The Secretary of Energy and the Commission may provide planning resources and assistance as required or as requested by regional planning entities, including system data, cost information, system analysis, technical expertise, modeling support, dispute resolution services, and other assistance to regional planning entities, as appropriate.

''(B) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

''(6) CONFLICT RESOLUTION.—In the event that regional grid plans conflict, the Commission shall assist the regional planning entities in resolving such conflicts in order to achieve the objectives of the Federal policy established under subsection (a).

''(7) SUBMISSION OF PLANS.—The Commission shall require regional planning entities to submit initial regional electric grid plans to the Commission not later than 18 months after the date the Commission promulgates national electricity grid planning principles pursuant to paragraph (1), with updates to such plans not less than every 3 years thereafter. The Commission shall review such plans for consistency with the national grid planning principles and may return a plan to one or more planning entities for further consideration, along with the Commission's own recommendations for resolution of any conflict or for improvement.

''(8) INTEGRATION OF PLANS.—Regional electric grid plans should, in general, be developed from sub-regional requirements and plans, including planning input reflecting individual utility service areas. Regional plans may then in turn be combined into larger regional plans, up to interconnection-wide and national plans, as appropriate and necessary as determined by the Commission. In no case shall a multi-regional plan impose inclusion of a facility on a region that has submitted a valid plan that, after efforts to resolve the conflict, does not include such facility. To the extent practicable, all plans submitted to the Commission shall be public documents and available on the Commission's Web site.

''(9) MULTI-REGIONAL MEETINGS.—As regional grid plans are submitted to the Commission, the Commission may convene multi-regional meetings to discuss regional grid plan consistency and integration, including requirements for multi-regional

projects, and to resolve any conflicts that emerge from such multi-regional projects. The Commission shall provide its recommendations for eliminating any inter-regional conflicts.

''(10) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each 3 years thereafter, the Commission shall provide a report to Congress containing the results of the regional grid planning process, including summaries of the adopted regional plans and the extent to which the Federal policy objectives in subsection (a) have been successfully achieved. The Commission shall provide an electronic version of its report on its website with links to all regional and sub-regional plans taken into account. The Commission shall note and provide its recommended resolution for any conflicts not resolved during the planning process. The Commission shall make any recommendations to Congress on the appropriate Federal role or support required to address the needs of the electric grid, including recommendations for addressing any needs that are beyond the reach of existing State, tribal, and Federal authority.

"SEC. 216B. SITING AND CONSTRUCTION IN THE WESTERN INTERCONNECTION.

''(a) APPLICABILITY.—This section applies only to States located in the Western Interconnection and does not apply to States located in the Eastern Interconnection, to the States of Alaska or Hawaii, or to ERCOT.

''(b) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—The Commission may, after notice and opportunity for hearing, issue a certificate of public convenience and necessity for the construction or modification of a transmission facility if the Commission finds that—

''(1) the facility was identified and included in one or more relevant and final regional or interconnection-wide electric grid plans submitted to the Commission pursuant to subsection (b) of 216A;

''(2) any conflict among regional electric grid plans concerning the need for the facility was resolved;

''(3) such relevant regional electric grid plans are consistent with the national grid planning principles adopted by the Commission pursuant to subsection (b);

''(4) the facility was identified as needed in significant measure to meet demand for renewable energy in such plans;

''(5) the facility is a multistate facility;

''(6) the developer of such facility filed a complete application seeking approval for the siting of the facility with a state commission or other entity that has authority to approve the siting of the facility;

''(7) a State commission or other entity that has authority to approve the siting of the facility—

''(A) did not issue a decision on an application seeking approval for the siting of the facility within 1 year after the date the applicant submitted a completed application to the State;

''(B) denied a complete application seeking approval for the siting of the facility; or

''(C) authorized the siting of the facility subject to conditions that unreasonably interfere with the development of the facility; and

''(8) the siting of the facility can be accomplished in a manner consistent with the Federal policy established in subsection (a) of section 216A and the national grid planning principles adopted by the Commission pursuant to subsection (b) of section 216A.

''(c) STATE RECOMMENDATIONS ON RESOURCE PROTECTION.—In issuing a final certificate of public convenience and necessity pursuant to subsection (b), the Commission shall—

''(1) consider any siting constraints and mitigation measures based on habitat protection, health and safety considerations, environmental considerations, or cultural site protection identified by relevant State or local authorities; and

''(2) incorporate those identified siting constraints or mitigation measures, including recommendations related to project routing, as conditions in the final certificate of public convenience and necessity, or if the Commission determines that a recommended siting constraint or mitigation measure is infeasible, excessively costly, or inconsistent with the Federal policy established in subsection (a) of section 216A or the national grid planning principles adopted by the Commission pursuant to subsection (b) of section 216A—

''(A) consult with State regulatory agencies to seek to resolve the issue;

''(B) incorporate as conditions on the certificate such recommended siting constraints or mitigation measures as are determined to be appropriate by the Commission, based on consultation by the Commission with State regulatory agencies, the Federal policy established in subsection (a) of section 216A and the national grid planning principles adopted by the Commission pursuant to subsection (b)of section 216A, and the record before the Commission; and

''(C) if, after consultation, the Commission does not adopt in whole or in part a recommendation of an agency, publish a finding that the adoption of the recommendation is infeasible, not cost effective, or inconsistent with this section or other applicable provisions of law.

''(d) CERTIFICATE APPLICATIONS.—(1) An application for a preliminary or final certificate of public convenience and necessity under this subsection shall be made in writing to the Commission.

''(2) The Commission shall issue rules specifying—

''(A) the form of the application;

''(B) the information to be contained in the application; and

''(C) the manner of service of notice of the application on interested persons.

''(e) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—

''(1) In this subsection, the term 'Federal authorization' shall have the same meaning and include the same actions as in section 216(h).

''(2) The Federal Energy Regulatory Commission shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility, provided, however, that to the extent the facility is proposed to be sited on Federal lands, the Department of the Interior will assume such lead-agency duties as agreed between the Commission and the Department of Interior.

''(3) To the maximum extent practicable under applicable Federal law, the Commission, and to the extent agreed, the Secretary of Interior, shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

''(4)(A) As head of the lead agency, the Chairman of the Commission, in consultation with the Secretary of Interior and with those entities referred to in paragraph (3) that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.

''(B) The Chairman of the Commission, or the Secretary of Interior, as agreed under paragraph (2), shall ensure that, once an application has been submitted with such data as the lead agency considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed—

''(i) within 1 year; or

''(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.

''(C) The Commission shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—

''(i) the likelihood of approval for a potential facility; and

''(ii) key issues of concern to the agencies and public.

''(5)(A) As lead agency head, the Chairman of the Commission, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.

''(B) The Chairman of the Commission and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.

''(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.

''(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the Commission pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

''(B) Based on the overall record and in consultation with the affected agency, the President may—

''(i) issue the necessary authorization with any appropriate conditions; or

''(ii) deny the application.

''(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

''(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

''(i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

''(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(7)(A) Not later than 18 months after August 8, 2005, the Commission or, as requested, the Secretary or Interior, shall issue any regulations necessary to implement this subsection.

''(B)(i) Not later than 1 year after August 8, 2005, the Commission, the Secretary of Interior, and the heads of all Federal agencies

with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

''(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

''(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

''(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

''(i) for a duration, as determined by the Secretary of Interior, commensurate with the anticipated use of the facility; and

''(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

''(B) On the expiration of the authorization (including an authorization issued before August 8, 2005), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

''(9) In exercising the responsibilities under this section, the Commission shall consult regularly with—

''(A) electric reliability organizations (including related regional entities) approved by the Commission; and

''(B) Transmission Organizations approved by the Commission.''.

SEC. 152. NET METERING FOR FEDERAL AGENCIES.

(a) STANDARD.—Subsection (b) of section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is amended by adding the following new paragraph at the end thereof:

''(6) NET METERING FOR FEDERAL AGENCIES.—Each electric utility shall offer to arrange (either directly or through a third party) to make interconnection and net metering available to Federal Government agencies, offices, or facilities in accordance with the requirements of section 115(j). The standard under this paragraph shall apply only to electric utilities that sold over 4,000,000 megawatt hours of electricity in the preceding year to the ultimate consumers thereof. In the case of a standard under this paragraph, a period of 1 year after the date of the enactment of this section shall be substituted for the 2-year period referred to in other provisions of this section.''.

(b) SPECIAL RULES.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding the following new subsection at the end thereof:

''(j) NET METERING FOR FEDERAL AGENCIES.—(1) The standard under paragraph (6) of section 113(b) shall require that rates and charges and contract terms and conditions for the sale of electric energy to the Federal Government or agency shall be the same as the rates and charges and contract terms and conditions that would be applicable if the agency did not own or operate a qualified generation unit and use a net metering system.

''(2)(A) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall arrange to provide to the Government office or agency that qualifies for net metering an electrical energy meter capable of net metering and measuring, to the maximum extent practicable, the flow of electricity to or from the customer, using a single meter and single register, the cost of which shall be recovered from the customer.

''(B) In a case in which it is not practicable to provide a meter under subparagraph (A), the utility (either directly or through a third party) shall, at the expense of the utility install 1 or more of those electric energy meters.

''(3)(A) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall calculate the electric energy consumption for the Government office or agency using a net metering system that meets the requirements of this subsection and paragraph (6) of section 113(b) and shall measure the net electricity produced or consumed during the billing period using the metering installed in accordance with this paragraph.

''(B) If the electricity supplied by the retail electric supplier exceeds the electricity generated by the Government office or agency during the billing period, the Government office or agency shall be billed for the net electric energy supplied by the retail electric supplier in accordance with normal billing practices.

''(C) If electric energy generated by the Government office or agency exceeds the electric energy supplied by the retail electric supplier during the billing period, the Government office or agency shall be billed for the appropriate customer charges for that billing period and credited for the excess electric energy generated during the billing period, with the credit appearing as a kilowatt-hour credit on the bill for the following billing period.

''(D) Any kilowatt-hour credits provided to the Government office or agency as provided in this subsection shall be applied to the Government office or agency electric energy consumption on the following billing period bill (except for a billing period that ends in the next calendar year). At the beginning of each calendar year, any unused kilowatt-hour credits remaining from the preceding year will carry over to the new year.

''(4) The standard under paragraph (6) of section 113(b) shall require that each electric utility shall offer a meter and retail billing arrangement that has time-differentiated rates. The kilowatt-hour credit shall be based on the ratio representing the difference in retail rates for each time-of-use rate, or the credits shall be reflected on the bill of the Government office or agency as a monetary credit reflecting retail rates at the time of generation of the electric energy by the customer-generator.

''(5) The standard under paragraph (6) of section 113(b) shall require that the qualified generation unit, interconnection standards, and net metering system used by the Government office or agency shall meet all applicable safety and performance and reliability standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and the American National Standards Institute.

''(6) The standard under paragraph (6) of section 113(b) shall require that electric utilities shall not make additional charges, including standby charges, for equipment or services for safety or performance that are in addition to those necessary to meet the other standards and requirements of this subsection and paragraph (6) of section 113(b).

''(7) For purposes of this subsection and paragraph (6) of section 113(b):

''(A) The term 'Government' means any office, facility, or agency of the Federal Government.

''(B) The term 'customer-generator' means the owner or operator of a electricity generation unit.

''(C) The term 'electric generation unit' means any renewable electric generation unit that is owned, operated, or sited on a Federal Government facility.

''(D) The term 'net metering' means the process of—

''(i) measuring the difference between the electricity supplied to a customer-generator and the electricity generated by the customer-generator that is delivered to a utility at the same point of interconnection during an applicable billing period; and

''(ii) providing an energy credit to the customer-generator in the form of a kilowatt-hour credit for each kilowatt-hour of electricity produced by the customer-generator from an electric generation unit.''.

(c) SAVINGS PROVISION.—If this section or a portion of this section is determined to be invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Act.

SEC. 153. SUPPORT FOR QUALIFIED ADVANCED ELECTRIC TRANSMISSION MANUFACTURING PLANTS, QUALIFIED HIGH EFFICIENCY TRANSMISSION PROPERTY, AND QUALIFIED ADVANCED ELECTRIC TRANSMISSION PROPERTY.

(a) LOAN GUARANTEES PRIOR TO SEPTEMBER 30, 2011.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16515(a)), as added by section 406 of the American Recovery and Reinvestment Act of 2009 (Public Law 109-58; 119 Stat. 594) is amended by adding the following new paragraph at the end thereof:

''(5) The development, construction, acquisition, retrofitting, or engineering integration of a qualified advanced electric transmission manufacturing plant or the construction of a qualified high efficiency transmission property or a qualified advanced electric transmission property (whether by construction of new facilities or the modification of existing facilities). For purposes of this paragraph:

''(A) The term 'qualified advanced electric transmission property' means any high voltage electric transmission cable, related substation, converter station, or other integrated facility that—

''(i) utilizes advanced ultra low resistance superconductive material or other advanced technology that has been determined by the Secretary of Energy as—

''(I) reasonably likely to become commercially viable within 10 years after the date of enactment of this paragraph;

''(II) capable of reliably transmitting at least 5 gigawatts of high-voltage electric energy for distances greater than 300 miles with energy losses not exceeding 3 percent of the total power transported; and

''(III) not creating an electromagnetic field;

''(ii) has been determined by an appropriate energy regulatory body, upon application, to be in the public interest and thereby eligible for inclusion in regulated rates; and

''(iii) can be located safely and economically in a permanent underground right of way not to exceed 25 feet in width.

The term 'qualified advanced electric transmission property' shall not include any property placed in service after December 31, 2016.

''(B)(i) The term 'qualified high efficiency transmission property' means any high voltage overhead electric transmission line, related substation, or other integrated facility that—

''(I) utilizes advanced conductor core technology that—

''(aa) has been determined by the Secretary of Energy as reasonably likely to become commercially viable within 10 years after the date of enactment of this paragraph;

''(bb) is suitable for use on transmission lines up to 765kV; and

''(cc) exhibits power losses at least 30 percent lower than that of transmission lines using conventional 'ACSR' conductors;

''(II) has been determined by an appropriate energy regulatory body, upon application, to be in the public interest and thereby eligible for inclusion in regulated rates; and

''(III) can be located safely and economically in a right of way not to exceed that used by conventional 'ACSR' conductors; and

''(ii) The term 'qualified high efficiency transmission property' shall not include any property placed in service after December 31, 2016.

''(C) The term 'qualified advanced electric transmission manufacturing plant' means any industrial facility located in the United States which can be equipped, re-equipped, expanded, or established to produce in whole or in part qualified advanced electric transmission property.''.

(b) ADDITIONAL LOAN GUARANTEE AUTHORITY.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding the following new paragraph at the end of subsection (b):

''(12) The development, construction, acquisition, retrofitting, or engineering integration of a qualified advanced electric transmission manufacturing plant or the construction of a qualified advanced electric transmission property (whether by construction of new facilities or the modification of existing facilities). For purposes of this paragraph, the terms 'qualified advanced electric transmission property' and 'qualified advanced electric transmission manufacturing plant' have the meanings provided by section 1705(a)(5).''.

(c) GRANTS.—The Secretary of Energy is authorized to provide grants for up to 50 percent of costs incurred in connection with the development, construction, acquisition of components for, or engineering of a qualified advanced electric transmission property defined in paragraph (5) of section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16515(a)). Such grants may only be made to the first project which qualifies under that paragraph. There are authorized to be appropriated for purposes of this subsection not more than $100,000,000 for fiscal year 2010. The United States shall take no equity or other ownership interest in the qualified advanced electric transmission manufacturing plant or qualified advanced electric transmission property for which funding is provided under this subsection.

Subtitle G—Technical Corrections to Energy Laws

SEC. 161. TECHNICAL CORRECTIONS TO ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

(a) TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING.—(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302 of the Energy Independence and Security Act of 2007 (121 Stat. 1551)) is amended—

(A) in subsection (a), by striking ''end of the paragraph'' and inserting ''end of subparagraph (A)''; and

(B) in subsection (b), by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 343(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) (as amended by section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551)) is amended—

(A) by striking ''TEST PROCEDURES'' and all that follows through ''At least once'' and inserting ''TEST PROCEDURES.—At least once''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively (and by moving the margins of such subparagraphs 2 ems to the left).

(4) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(5) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007).

(6) Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) is amended by redesignating paragraphs (22) and (23) (as added by section 314(a) of that Act) as paragraphs (23) and (24), respectively.

(7) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B''; and

(C) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(8) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The term 'electric motor' means any motor that is—

''(i) a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1-1987; or

''(ii) a motor incorporating the design elements described in clause (i), but is configured to incorporate one or more of the following variations—

''(I) U-frame motor;

''(II) NEMA Design C motor;

''(III) close-coupled pump motor;

''(IV) footless motor;

''(V) vertical solid shaft normal thrust motor (as tested in a horizontal configuration);

''(VI) 8-pole motor; or

''(VII) poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).''; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(9)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

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

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(iii) by inserting after paragraph (1) the following:

''(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

''(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-12.

''(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or

after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

''(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

''(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.''; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking ''paragraph (1)'' each place it appears in subparagraphs (A) and (D) and inserting ''paragraphs (1) and (2)''.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) shall take effect on December 19, 2010; and

(ii) subparagraph (B) shall take effect on December 19, 2007.

(10) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(11) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(12) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking subsection (i) and inserting the following:

''(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

''(1) ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the following lamp efficacy, new maximum wattage, and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36

''INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
67–85	12.5	36
86–115	14.0	36

''INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
116–155	14.5	36
156–205	15.0	36

''GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

''(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(III) R20 incandescent reflector lamps rated 45 watts or less.

''(ii) ADMINISTRATIVE EXEMPTIONS.—

''(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) EFFECTIVE DATES.—

''(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.

''(ii) SPECIAL EFFECTIVE DATES.—

''(I) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(II) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

''(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

''(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the standards established under paragraph (1) should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

''(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

''(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

''(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

''(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

''(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327(c) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(7) FEDERAL ACTIONS.—

''(A) COMMENTS OF SECRETARY.—

''(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

''(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

''(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

''(8) COMPLIANCE.—

''(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

''(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

''(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

''(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

''(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.''.

(13) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(14) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(15) Section 321(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1586) is amended—

(A) in the matter preceding paragraph (1), by striking ''is amended'' and inserting ''(as amended by section 306(b)) is amended''; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) in paragraph (5), by striking 'or' after the semicolon at the end;

''(2) in paragraph (6), by striking the period at the end and inserting '; or'; and''.

(16) Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) (as amended by section 321(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1586)) is amended by redesignating the second paragraph (6) as paragraph (7).

(17) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(18) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588)) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(19) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594)) is amended—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (8)(B), by striking ''and'' after the semicolon at the end;

(C) in paragraph (9)—

(i) by striking ''except that—'' and all that follows through ''if the Secretary fails to issue'' and inserting ''except that if the Secretary fails to issue'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively (and by moving the margins of such subparagraphs 2 ems to the left); and

(iii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(10) is a regulation for general service lamps that conforms with Federal standards and effective dates;

''(11) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal standards and effective dates pursuant to subsection (b)(1)(B)(ii); or''.

(20) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596)) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(b) TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY.—(1) Section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061) is amended—

(A) in paragraph (2), by striking ''484'' and inserting ''494''; and

(B) in paragraph (13), by striking ''Agency'' and inserting ''Administration''.

(2) Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) (as amended by section 411(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1600)) is amended by striking 1 of the 2 periods at the end of paragraph (5).

(3) Section 305(a)(3)(D)(i) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)(i)) (as amended by section 433(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1612)) is amended—

(A) in subclause (I)—

(i) by striking ''in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency'' and inserting ''as measured by the calendar year 2003 Commercial Buildings Energy Consumption Survey or the calendar year 2005 Residential Energy Consumption Survey data from the Energy Information Administration''; and

(ii) in the table at the end, by striking **"Fiscal Year"** and inserting **"Calendar Year"**; and

(B) in subclause (II)—

(i) by striking ''(II) Upon petition'' and inserting the following:

''(II) DOWNWARD ADJUSTMENT OF NUMERIC REQUIREMENT.—

''(aa) IN GENERAL.—On petition''; and

(ii) by striking the last sentence and inserting the following:

''(bb) EXCEPTIONS TO REQUIREMENT FOR CONCURRENCE OF SECRETARY.—

''(AA) IN GENERAL.—The requirement to petition and obtain the concurrence of the Secretary under this subclause shall not apply to any Federal building with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, or to any other Federal building designed, constructed, or renovated by the Administrator if the Administrator certifies, in writing, that meeting the applicable numeric requirement under subclause (I) with respect to the Federal building would be technically impracticable in light of the specific functional needs for the building.

''(BB) ADJUSTMENT.—In the case of a building described in subitem (AA), the Administrator may adjust the applicable numeric requirement of subclause (I) downward with respect to the building.''.

(4) Section 436(c)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(c)(3)) is amended by striking ''474'' and inserting ''494''.

(5) Section 440 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17096) is amended by striking ''and 482''.

(6) Section 373(c) of the Energy Policy and Conservation Act (42 U.S.C. 6343(c)) (as amended by section 451(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1628)) is amended by striking ''Administrator'' and inserting ''Secretary''.

(c) DATE OF ENACTMENT.—Section 1302 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17382) is amended in the first sentence by striking ''enactment'' and inserting ''the date of enactment of this Act''.

(d) REFERENCE.—Section 1306(c)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(c)(3)) is amended by striking ''section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978)'' and inserting ''paragraph (19) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

SEC. 162. TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 2005.

(a) TITLE I—ENERGY EFFICIENCY.—Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''−20°F''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

Subtitle H—Energy and Efficiency Centers and Research

SEC. 171. ENERGY INNOVATION HUBS.

(a) PURPOSE.—The Secretary shall carry out a program to establish Energy Innovation Hubs to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean, indigenous energy alternatives to oil and other fossil fuels, reducing greenhouse gas emissions, and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall—

(1) leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support cross-disciplinary research and development in areas not being served by the private sector in order to develop and transfer innovative clean energy technologies into the marketplace;

(2) expand the knowledge base and human capital necessary to transition to a low-carbon economy; and

(3) promote regional economic development by cultivating clusters of clean energy technology firms, private research organizations, suppliers, and other complementary groups and businesses.

(b) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications;

(F) enhances water security through improved water management, conservation, distribution, and end use applications; or

(G) improves energy efficiency for transportation, including electric vehicles.

(3) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercialization of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(4) HUB.—The term ''Hub'' means an Energy Innovation Hub established in accordance with this section.

(5) PROJECT.—The term ''project'' means an activity with respect to which a Hub provides support under subsection (e).

(6) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or commercialization expertise in clean energy technology development.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means the unique technology development areas in which a Hub will specialize, and may include solar electricity, fuels from solar energy, batteries and energy storage, electricity grid systems and devices, energy efficient building systems and design, advanced materials, modeling and simulation, and other clean energy technology development areas designated by the Secretary.

(9) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical and commercial applications to enable promising discoveries or inventions to attract investment sufficient for market penetration and diffusion.

(10) VINTAGE YEAR.—The term ''vintage year'' has the meaning given that term in section 700 of the Clean Air Act (as added by section 312 of this Act).

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) provide for the distribution of allowances allocated under section 782(h)(1) of the Clean Air Act (as added by section 321 of this Act) to support the establishment of 8 Hubs, each with a unique designated technology development focus, pursuant to this section;

(3) coordinate the innovation activities of Hubs with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive allowances to support the establishment of a Hub under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) an intellectual property management policy;

(D) a conflicts of interest policy consistent with subsection (e)(4);

(E) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(5); and

(F) that it has an Advisory Board consistent with subsection (e)(3);

(3) it receives financial contributions from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) ENERGY INNOVATION HUBS.—

(1) ROLE.—Hubs receiving allowances under this section shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Hub's project criteria, including national laboratories. Each such Hub shall—

(A) develop and publish for public review and comment proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) submit an annual report to the Secretary summarizing the Hub's activities, organizational expenditures, and Board members, which shall include a certification of compliance with conflict of interest policies and a description of each project in the research portfolio;

(C) establish policies—

(i) regarding intellectual property developed as a result of Hub awards and other forms of technology support that encourage individual ingenuity and invention while speeding technology transfer and facilitating the establishment of rapid commercialization pathways;

(ii) to prevent resources provided to the Hub from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the consortium;

(iii) to facilitate the participation of private investment firms or other private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Hub; and

(iv) to facilitate the participation of entrepreneurs with a demonstrated history of developing and commercializing clean energy technologies;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS BY HUBS.—A Hub shall distribute awards under this subsection to support clean energy technology projects conducting translational research and related activities, provided that at least 50 percent of such support shall be provided to projects related to the Hub's technology development focus.

(3) ADVISORY BOARDS.—

(A) IN GENERAL.—Each Hub shall establish an Advisory Board, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The Advisory Board shall review the Hub's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Hub. Advisory Board members other than those representing consortium members shall serve for no more than 3 years. All Advisory Board members shall comply with the Hub's conflict of interest policies and procedures.

(B) MEMBERS.—Each Advisory Board shall consist of—

(i) 5 members selected by the consortium's research universities;

(ii) 2 members selected by the consortium's other qualifying entities;

(iii) 2 members selected at large by other Advisory Board members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(D) COMPENSATION.—Members of an Advisory Board may receive reimbursement for travel expenses and a reasonable stipend.

(4) CONFLICT OF INTEREST.—

(A) PROCEDURES.—Hubs shall establish procedures to ensure that any employee or consortia designee for Hub activities who serves in a decisionmaking capacity shall—

(i) disclose any financial interests in, or financial relationships with, applicants for or recipients of awards under this subsection, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) recuse himself or herself from any funding decision for projects in which he or she has a personal financial interest.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke allowances distributed to the Hub or awards provided under this subsection, if cognizant officials of the Hub fail to comply with procedures required under subparagraph (A).

(f) DISTRIBUTION OF ALLOWANCES TO ENERGY INNOVATION HUBS.—

(1) DISTRIBUTION OF ALLOWANCES.—Not later than September 30 of 2011 and each calendar year thereafter through 2049, the Secretary shall, in accordance with the requirements of this section, distribute to eligible consortia allowances allocated for the following vintage year under section 782(h)(1) of the Clean Air Act (as added by section 321 of this Act). Not less than 10 percent and not

more than 30 percent of the allowances available for distribution in any given year shall be distributed to support any individual Hub under this section.

(2) SELECTION AND SCHEDULE.—Allowances to support the establishment of a Hub shall be distributed to eligible consortia (as defined in subsection (d)) selected through a competitive process. Not later than 120 days after the date of enactment of this Act, the Secretary shall solicit proposals from eligible consortia to establish Hubs, which shall be submitted not later than 180 days after the date of enactment of this Act. The Secretary shall select the program consortia not later than 270 days after the date of enactment of this Act. For at least 3 awards to consortia under this section, the Secretary shall give special consideration to applications in which 1 or more of the institutions under subsection (d)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(3) AMOUNT AND TERM OF AWARDS.—For each Hub selected to receive an award under this subsection, the Secretary shall define a quantity of allowances that shall be distributed to such Hub each year for an initial period not to exceed 5 years. The Secretary may extend the term of such award by up to 5 additional years, and a Hub may compete to receive an increase in the quantity of allowances per year that it shall receive during any such extension. A Hub shall be eligible to compete for a new award after the expiration of the term of any award, including any extension of such term, under this subsection.

(4) USE OF ALLOWANCES.—Allowances distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that a Hub may use not more than 10 percent of the value of such allowances for its administrative expenses related to making such awards. Allowances distributed under this section shall not be used for construction of new buildings or facilities for Hubs, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(5) AUDIT.—Each Hub shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which allowances distributed to the Hub under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Hub to ensure that allowances distributed to the Hub under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(6) REVOCATION OF ALLOWANCES.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that a Hub has used the award in a manner not consistent with the requirements of this section.

SEC. 172. ADVANCED ENERGY RESEARCH.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) DIRECTOR.—The term ''Director'' means Director of the Advanced Research Projects Agency-Energy.

(b) IN GENERAL.—Not later than September 30 of 2011 and each calendar year thereafter through 2049, the Director shall distribute allowances allocated for the following vintage year under section 782(h)(2) of the Clean Air Act (as added by section 321 of this Act). Such allowances shall be distributed on a competitive basis to institutions of higher education, companies, research foundations, trade and industry research collaborations, or consortia of such entities, or other appropriate research and development entities to achieve the goals of the Advanced Research Projects Agency-Energy (as described in section 5012(c) of the America COMPETES Act) through targeted acceleration of—

(1) novel early-stage energy research with possible technology applications;

(2) development of techniques, processes, and technologies, and related testing and evaluation;

(3) development of manufacturing processes for technologies; and

(4) demonstration and coordination with nongovernmental entities for commercial applications of technologies and research applications.

(c) RESPONSIBILITIES.—The Director shall be responsible for assessing the success of programs and terminating programs carried out under this section that are not achieving the goals of the programs, consistent with 5012(e)(2) and (4) of the America COMPETES Act. The Director shall designate program managers whose responsibilities are consistent with 5012(f)(1)(B) of the America COMPETES Act. The Director's reporting and coordination requirements established through 5012(g) and (h) of the America COMPETES Act shall apply to activities funded through this section.

(d) SUPPLEMENT NOT SUPPLANT.—Assistance provided under this section shall be used to supplement, and not to supplant, any other Federal resources available to carry out activities described in this section.

SEC. 173. BUILDING ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy (in this section referred to as the ''Secretary'') shall provide funding to institutions of higher education for Building Assessment Centers to—

(1) identify opportunities for optimizing energy efficiency and environmental performance in existing buildings;

(2) promote high-efficiency building construction techniques and materials options;

(3) promote applications of emerging concepts and technologies in commercial and institutional buildings;

(4) train engineers, architects, building scientists, and building technicians in energy-efficient design and operation;

(5) assist local community colleges, trade schools, registered apprenticeship programs and other accredited training programs in training building technicians;

(6) promote research and development for the use of alternative energy sources to supply heat and power, for buildings, particularly energy-intensive buildings; and

(7) coordinate with and assist State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(b) COORDINATION WITH REGIONAL CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—A Building Assessment Center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174.

(c) COORDINATION AND DUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department of Energy and other Federal agencies to avoid duplication of effort.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for fiscal year 2010 and each fiscal year thereafter.

SEC. 174. CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.

(a) REGIONAL CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—

(1) ESTABLISHMENT.—The Secretary shall establish not more than 10 regional Centers for Energy and Environmental Knowledge and Outreach at institutions of higher education to coordinate with and advise industrial research and assessment centers, Building Assessment Centers, and Clean Energy Application Centers located in the region of such Center for Energy and Environmental Knowledge and Outreach.

(2) TECHNICAL ASSISTANCE PROGRAMS.—Each Center for Energy and Environmental Knowledge and Outreach shall consist of at least one, new or existing, high performing, of the following:

(A) An industrial research and assessment center.

(B) A Clean Energy Application Center.

(C) A Building Assessment Center.

(3) SELECTION CRITERIA.—The Secretary shall select Centers for Energy and Environmental Knowledge and Outreach through a competitive process, based on the following:

(A) Identification of the highest performing industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(B) The degree to which an institution of higher education maintains credibility among regional private sector organizations such as trade associations, engineering associations, and environmental organizations.

(C) The degree to which an institution of higher education is providing or has provided technical assistance, academic leadership, and market leadership in the energy arena in a manner that is consistent with the areas of focus of industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(D) The presence of an additional industrial research and assessment center, Clean Energy Application Center, or Building Assessment Center at the institution of higher education.

(4) GEOGRAPHIC DIVERSITY.—In selecting Centers for Energy and Environmental Knowledge and Outreach under this subsection, the Secretary shall ensure such Centers are distributed geographically in a relatively uniform manner to ensure all regions of the Nation are represented.

(5) REGIONAL LEADERSHIP.—Each Center for Energy and Environmental Knowledge and Outreach shall, to the extent possible, provide leadership to all other industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers located in the Center's geographic region, as determined by the Secretary. Such leadership shall include—

(A) developing regional goals specific to the purview of the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers programs;

(B) developing regionally specific technical resources; and

(C) outreach to interested parties in the region to inform them of the information, resources, and services available through the

associated industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(6) FURTHER COORDINATION.—To increase the value and capabilities of the regionally associated industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers programs, Centers for Energy and Environmental Knowledge and Outreach shall—

(A) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Science and Technology;

(B) coordinate with the relevant programs in the Department of Energy, including the Building Technology Program and Industrial Technologies Program;

(C) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories to achieve the goals of the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers;

(D) work with relevant municipal, county, and State economic development entities to leverage relevant financial incentives for capital investment and other policy tools for the protection and growth of local business and industry;

(E) partner with local professional and private trade associations and business development interests to leverage existing knowledge of local business challenges and opportunities;

(F) work with energy utilities and other administrators of publicly funded energy programs to leverage existing energy efficiency and clean energy programs;

(G) identify opportunities for reducing greenhouse gas emissions; and

(H) promote sustainable business practices for those served by the industrial research and assessment centers, Clean Energy Application Centers, and Building Assessment Centers.

(7) WORKFORCE TRAINING.—

(A) IN GENERAL.—The Secretary shall require each Center for Energy and Environmental Knowledge and Outreach to establish or maintain an internship program for the region of such Center, designed to encourage students who perform energy assessments to continue working with a particular company, building, or facility to help implement the recommendations contained in any such assessment provided to such company, building, or facility. Each Center for Energy and Environmental Knowledge and Outreach shall act as internship coordinator to help match students to available opportunities.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described under subparagraph (A) shall be 50 percent.

(C) FUNDING.—Subject to the availability of appropriations, of the funds made available to carry out this subsection, the Secretary shall use to carry out this paragraph not less than $5,000,000 for fiscal year 2010 and each fiscal year thereafter.

(8) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) for loans to implement recommendations of any industrial research and assessment center, Clean Energy Application Center, or Building Assessment Center.

(9) DEFINITIONS.—In this subsection:

(A) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term ''industrial research and assessment center'' means a center established or maintained pursuant to section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)).

(B) CLEAN ENERGY APPLICATION CENTER.—The term ''Clean Energy Application Center'' means a center redesignated and described section under section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345).

(C) BUILDING ASSESSMENT CENTER.—The term ''Building Assessment Center'' means an institution of higher education-based center established pursuant to section 173.

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this subsection $10,000,000 for fiscal year 2010 and each fiscal year thereafter. Subject to the availability of appropriations, of the funds made available to carry out this subsection, the Secretary shall provide to each Center for Energy and Environmental Knowledge and Outreach not less than $500,000 for fiscal year 2010 and each fiscal year thereafter.

(b) INTEGRATION OF OTHER TECHNICAL ASSISTANCE PROGRAMS.—

(1) CLEAN ENERGY APPLICATION CENTERS.—Section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by adding after subsection (e) the following new subsection:

''(f) COORDINATION WITH CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—A Clean Energy Application Center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174 of the American Clean Energy and Security Act of 2009.''.

(2) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by striking ''The Secretary'' and all that follows through ''shall be—'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purposes shall be—'';

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively (and by moving the margins of such subparagraphs 2 ems to the right); and

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

''(2) COORDINATION WITH CENTERS FOR ENERGY AND ENVIRONMENTAL KNOWLEDGE AND OUTREACH.—An industrial research and assessment center may serve as a Center for Energy and Environmental Knowledge and Outreach established pursuant to section 174 of the American Clean Energy and Security Act of 2009.''.

(c) ADDITIONAL FUNDING FOR CLEAN ENERGY APPLICATION CENTERS.—Subsection (g) of section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345(f)), as redesignated by subsection (b)(1) of this section, is amended by striking ''$10,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$30,000,000 for fiscal year 2010 and each fiscal year thereafter''.

SEC. 175. HIGH EFFICIENCY GAS TURBINE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Energy shall carry out a multiyear, multiphase program of research, development, and technology demonstration to improve the efficiency of gas turbines used in combined cycle power generation systems and to identify the technologies that ultimately will lead to gas turbine combined cycle efficiency of 65 percent.

(b) PROGRAM ELEMENTS.—The program under this section shall—

(1) support first-of-a-kind engineering and detailed gas turbine design for utility-scale electric power generation, including—

(A) high temperature materials, including superalloys, coatings, and ceramics;

(B) improved heat transfer capability;

(C) manufacturing technology required to construct complex three-dimensional geometry parts with improved aerodynamic capability;

(D) combustion technology to produce higher firing temperature while lowering nitrogen oxide and carbon monoxide emissions per unit of output;

(E) advanced controls and systems integration;

(F) advanced high performance compressor technology; and

(G) validation facilities for the testing of components and subsystems;

(2) include technology demonstration through component testing, subscale testing, and full scale testing in existing fleets;

(3) include field demonstrations of the developed technology elements so as to demonstrate technical and economic feasibility; and

(4) assess overall combined cycle system performance.

(c) PROGRAM GOALS.—The goals of the multiphase program established under subsection (a) shall be—

(1) in phase I—

(A) to develop the conceptual design of advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency on a lower heating value basis; and

(B) to develop and demonstrate the technology required for advanced high efficiency gas turbines that can achieve at least 62 percent combined cycle efficiency on a lower heating value basis; and

(2) in phase II, to develop the conceptual design for advanced high efficiency gas turbines that can achieve at least 65 percent combined cycle efficiency on a lower heating value basis.

(d) PROPOSALS.—Within 180 days after the date of enactment of this section, the Secretary shall solicit proposals for conducting activities under this section. In selecting proposals, the Secretary shall emphasize—

(1) the extent to which the proposal will stimulate the creation or increased retention of jobs in the United States; and

(2) the extent to which the proposal will promote and enhance United States technology leadership.

(e) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to an award of financial assistance made under this section.

(f) LIMITS ON PARTICIPATION.—The limits on participation applicable under section 999E of the Energy Policy Act of 2005 (42 U.S.C. 16375) shall apply to financial assistance awarded under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $65,000,000 for each of fiscal years 2011 through 2014.

Subtitle I—Nuclear and Advanced Technologies

SEC. 181. REVISIONS TO LOAN GUARANTEE PROGRAM AUTHORITY.

(a) DEFINITION OF CONDITIONAL COMMITMENT.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511), as amended by section 130(a) of this Act, is amended by adding after paragraph (7) the following:

''(8) CONDITIONAL COMMITMENT.—The term 'conditional commitment' means a final term sheet negotiated between the Secretary and a project sponsor or sponsors, which term sheet shall be binding on both parties and become a final loan guarantee agreement if all conditions precedent established

in the term sheet, which shall include the acquisition of all necessary permits and licenses, are satisfied.''.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury; or

''(C) a combination of appropriations or payments from the borrower has been made sufficient to cover the cost of the obligation.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

(d) WAGE RATE REQUIREMENTS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) WAGE RATE REQUIREMENTS.—No loan guarantee shall be made under this title unless the borrower has provided to the Secretary reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the guaranteed loan will be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code. With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

(e) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) SUPERIORITY OF RIGHTS.—Except as provided in subparagraph (C), the rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(C) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(i) protect the financial interests of the United States in the case of default;

''(ii) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project;

''(iii) provide for sharing the proceeds received from the sale of project assets with other creditors or control the disposition of project assets if necessary to protect the financial interests of the United States in the case of default; and

''(iv) provide such lien priority in project assets as necessary to protect the financial interests of the United States in the case of a default.''.

SEC. 182. PURPOSE.

The purpose of sections 183 through 189 of this subtitle is to promote the domestic development and deployment of clean energy technologies required for the 21st century through the establishment of a self-sustaining Clean Energy Deployment Administration that will provide for an attractive investment environment through partnership with and support of the private capital market in order to promote access to affordable financing for accelerated and widespread deployment of—

(1) clean energy technologies;

(2) advanced or enabling energy infrastructure technologies;

(3) energy efficiency technologies in residential, commercial, and industrial applications, including end-use efficiency in buildings; and

(4) manufacturing technologies for any of the technologies or applications described in this section.

SEC. 183. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATION.—The term ''Administration'' means the Clean Energy Deployment Administration established by section 186.

(2) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Energy Technology Advisory Council of the Administration.

(3) BREAKTHROUGH TECHNOLOGY.—The term ''breakthrough technology'' means a clean energy technology that—

(A) presents a significant opportunity to advance the goals developed under section 185, as assessed under the methodology established by the Advisory Council; but

(B) has generally not been considered a commercially ready technology as a result of high perceived technology risk or other similar factors.

(4) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy—

(A) that will contribute to a stabilization of atmospheric greenhouse gas concentrations thorough reduction, avoidance, or sequestration of energy-related emissions and—

(i) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

(ii) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; and

(B) for which, as determined by the Administrator, insufficient commercial lending is available at affordable rates to allow for widespread deployment.

(5) COST.—The term ''cost'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(6) DIRECT LOAN.—The term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) FUND.—The term ''Fund'' means the Clean Energy Investment Fund established by section 184(a).

(8) GREEN BONDS.—The term ''Green Bonds'' means bonds issued pursuant to section 184.

(8) LOAN GUARANTEE.—The term ''loan guarantee'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(9) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(12) TECHNOLOGY RISK.—The term ''technology risk'' means the risks during construction or operation associated with the design, development, and deployment of clean energy technologies (including the cost, schedule, performance, reliability and maintenance, and accounting for the perceived risk), from the perspective of commercial lenders, that may be increased as a result of the absence of adequate historical construction, operating, or performance data from commercial applications of the technology.

SEC. 184. CLEAN ENERGY INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Fund'', consisting of—

(1) such amounts as are deposited in the Fund under this subtitle; and

(2) such sums as may be appropriated to supplement the Fund.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this subtitle.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Amounts in the Fund shall be available to the Administrator of the Administration for obligation without fiscal year limitation, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—

(A) FEES.—Fees collected for administrative expenses shall be available without limitation to cover applicable expenses.

(B) FUND.—To the extent that administrative expenses are not reimbursed through fees, an amount not to exceed 1.5 percent of the amounts in the Fund as of the beginning of each fiscal year shall be available to pay the administrative expenses for the fiscal year necessary to carry out this subtitle.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) CASH FLOWS.—Cash flows associated with costs of the Fund described in section 502(5)(B) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(B)) shall be transferred to appropriate credit accounts.

(e) GREEN BONDS.—

(1) INITIAL CAPITALIZATION.—The Secretary of the Treasury shall issue Green Bonds in the amount of $7,500,000,000 on the credit of the United States to acquire capital stock of the Administration. Stock certificates evidencing ownership in the Administration shall be issued by the Administration to the Secretary of the Treasury, to the extent of

payments made for the capital stock of the Administration.

(2) DENOMINATIONS AND MATURITY.—Green Bonds shall be in such forms and denominations, and shall mature within such periods, as determined by the Secretary of the Treasury.

(3) INTEREST.—Green Bonds shall bear interest at a rate not less than the current average yield on outstanding market obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury.

(4) LAWFUL INVESTMENTS.—Green Bonds shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

SEC. 185. ENERGY TECHNOLOGY DEPLOYMENT GOALS.

(a) GOALS.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Advisory Council, shall develop and publish for review and comment in the Federal Register recommended near-, medium-, and long-term goals (including numerical performance targets at appropriate intervals to measure progress toward those goals) for the deployment of clean energy technologies through the credit support programs established by section 187 to promote—

(1) sufficient electric generating capacity using clean energy technologies to meet the energy needs of the United States;

(2) clean energy technologies in vehicles and fuels that will substantially reduce the reliance of the United States on foreign sources of energy and insulate consumers from the volatility of world energy markets;

(3) a domestic commercialization and manufacturing capacity that will establish the United States as a world leader in clean energy technologies across multiple sectors;

(4) installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States;

(5) the transformation of the building stock of the United States to zero net energy consumption;

(6) the recovery, use, and prevention of waste energy;

(7) domestic manufacturing of clean energy technologies on a scale that is sufficient to achieve price parity with conventional energy sources;

(8) domestic production of commodities and materials (such as steel, chemicals, polymers, and cement) using clean energy technologies so that the United States will become a world leader in environmentally sustainable production of the commodities and materials;

(9) a robust, efficient, and interactive electricity transmission grid that will allow for the incorporation of clean energy technologies, distributed generation, and demand-response in each regional electric grid;

(10) sufficient availability of financial products to allow owners and users of residential, retail, commercial, and industrial buildings to make energy efficiency and distributed generation technology investments with reasonable payback periods; and

(11) sufficient availability of financial services and support to small businesses developing and deploying clean energy technologies through partnerships with private entities that have relevant creidt expertise; and

(12) such other goals as the Secretary, in consultation with the Advisory Council, determines to be consistent with the purpose stated in section 182.

(b) REVISIONS.—The Secretary shall revise the goals established under subsection (a), from time to time as appropriate, to account for advances in technology and changes in energy policy.

SEC. 186. CLEAN ENERGY DEPLOYMENT ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT OF CORPORATION.—There is established a corporation to be known as the Clean Energy Deployment Administration that shall be wholly owned by the United States.

(2) INDEPENDENT CORPORATION.—The Administration shall be an independent corporation. Neither the Administration nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress provides otherwise.

(3) CHARTER.—The Administration shall be chartered for 20 years from the date of enactment of this section.

(4) STATUS.—

(A) INSPECTOR GENERAL.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in paragraph (1), by inserting ''the Administrator of the Clean Energy Deployment Administration;'' after ''Export-Import Bank;''; and

(ii) in paragraph (2), by inserting ''the Clean Energy Deployment Administration,'' after ''Export-Import Bank,''.

(3) OFFICES.—

(A) PRINCIPAL OFFICE.—The Administration shall—

(i) maintain the principal office of the Administration in the national capital region; and

(ii) for purposes of venue in civil actions, be considered to be a resident of the District of Columbia.

(B) OTHER OFFICES.—The Administration may establish other offices in such other places as the Administration considers necessary or appropriate for the conduct of the business of the Administration.

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Administration shall be—

(A) appointed by the President, with the advice and consent of the Senate, for a 5-year term; and

(B) compensated at the prevailing rate for compensation for similar positions in industry.

(2) DUTIES.—The Administrator of the Administration shall—

(A) serve as the Chief Executive Officer of the Administration and Chairman of the Board;

(B) ensure that—

(i) the Administration operates in a safe and sound manner, including maintenance of adequate capital and internal controls (consistent with section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262));

(ii) the operations and activities of the Administration foster liquid, efficient, competitive, and resilient energy and energy efficiency finance markets;

(iii) the Administration carries out the purpose stated in section 182 only through activities that are authorized under and consistent with sections 182 through 189; and

(iv) the activities of the Administration and the manner in which the Administration is operated are consistent with the public interest;

(C) develop policies and procedures for the Administration that will—

(i) promote a self-sustaining portfolio of investments that will maximize the value of investments to effectively promote clean energy technologies;

(ii) promote transparency and openness in Administration operations;

(iii) afford the Administration with sufficient flexibility to meet the purpose stated in section 182; and

(iv) provide for the efficient processing of applications; and

(D) with the concurrence of the Board, set expected loss reserves for the support provided by the Administration consistent with section 187(c).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Administration shall consist of—

(A) the Secretary or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(B) the Secretary of the Treasury or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(C) the Secretary of the Interior or the designee of the Secretary, who shall serve as an ex-officio member of the Board of Directors;

(D) the Secretary of Agriculture or the designee of the Secretary, who shall serve as an ex officio member of the Board of Directors;

(E) the Administrator of the Administration, who shall serve as the Chairman of the Board of Directors; and

(F) 4 additional members who shall—

(i) be appointed by the President, with the advice and consent of the Senate, for staggered 5-year terms; and

(ii) have experience in banking, financial services, technology assessment, energy regulation, or risk management, including individuals with substantial experience in the development of energy projects, the electricity generation sector, the transportation sector, the manufacturing sector, and the energy efficiency sector.

(2) DUTIES.—The Board of Directors shall—

(A) oversee the operations of the Administration and ensure industry best practices are followed in all financial transactions involving the Administration;

(B) consult with the Administrator of the Administration on the general policies and procedures of the Administration to ensure the interests of the taxpayers are protected;

(C) ensure the portfolio of investments are consistent with purpose stated in section 182 and with the long-term financial stability of the Administration;

(D) ensure that the operations and activities of the Administration are consistent with the development of a robust private sector that can provide commercial loans or financing products; and

(E) not serve on a full-time basis, except that the Board of Directors shall meet at least quarterly to review, as appropriate, applications for credit support and set policies and procedures as necessary.

(3) REMOVAL.—An appointed member of the Board of Directors may be removed from office by the President for good cause.

(4) VACANCIES.—An appointed seat on the Board of Directors that becomes vacant shall be filled by appointment by the President, but only for the unexpired portion of the term of the vacating member.

(5) COMPENSATION OF MEMBERS.—An appointed member of the Board of Directors shall be compensated at the prevailing rate for compensation for similar positions in industry.

(d) ENERGY TECHNOLOGY ADVISORY COUNCIL.—

(1) IN GENERAL.—The Administration shall have an Energy Technology Advisory Council consisting of 8 members selected by the Board of Directors of the Administration.

(2) QUALIFICATIONS.—The members of the Advisory Council shall—

(A) have clean energy project development, clean energy finance, commercial, and/or relevant scientific expertise; and

(B) include representatives of—

(i) the academic community;

(ii) the private research community;

(iii) National Laboratories;

(iv) the technology or project development community; and

(v) the commercial energy financing and operations sector.

(3) DUTIES.—The Advisory Council shall—

(A) develop and publish for comment in the Federal Register a methodology for assessment of clean energy technologies that will allow the Administration to evaluate projects based on the progress likely to be achieved per-dollar invested in maximizing the attributes of the definition of clean energy technology, taking into account the extent to which support for a clean energy technology is likely to accrue subsequent benefits that are attributable to a commercial scale deployment taking place earlier than that which otherwise would have occurred without the support; and

(B) advise on the technological approaches that should be supported by the Administration to meet the technology deployment goals established by the Secretary pursuant to section 185.

(4) TERM.—

(A) IN GENERAL.—Members of the Advisory Council shall have 5-year staggered terms, as determined by the Administrator of the Administration.

(B) REAPPOINTMENT.—A member of the Advisory Council may be reappointed.

(5) COMPENSATION.—A member of the Advisory Council, who is not otherwise compensated as a Federal employee, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Advisory Council.

(e) STAFF.—

(1) IN GENERAL.—The Administrator of the Administration, in consultation with the Board of Directors, may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this subtitle; and

(B) vest those personnel with such powers and duties as the Administrator of the Administration may determine.

(f) CONFLICTS OF INTEREST.—No director, officer, attorney, agent, or employee of the Administration shall in any manner, directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting such individual's personal interests, or the interests of any corporation, partnership, or association in which such individual is directly or indirectly personally interested.

(g) SUNSET.—

(1) EXPIRATION OF CHARTER.—The Administration shall continue to exercise its functions until all obligations and commitments of the Administration are discharged, even after its charter has expired.

(2) PRIOR OBLIGATIONS.—No provisions of this subsection shall be construed as preventing the Administration from—

(A) undertaking obligations prior to the date of the expiration of its charter which mature subsequent to such date;

(B) assuming, prior to the date of the expiration of its charter, liability as guarantor, endorser, or acceptor of obligations which mature subsequent to such date; or

(C) continuing as a corporation and exercising any of its functions subsequent to the date of the expiration of its charter for purposes of orderly liquidation, including the administration of its assets and the collection of any obligations held by the Administration.

SEC. 187. DIRECT SUPPORT.

(a) IN GENERAL.—The Administration may issue direct loans, letters of credit, and loan guarantees to deploy clean energy technologies if the Administrator of the Administration has determined that deployment of the technologies would benefit or be accelerated by the support.

(b) ELIGIBILITY CRITERIA.—In carrying out this section and awarding credit support to projects, the Administrator of the Administration shall account for—

(1) how the technology rates based on an evaluation methodology established by the Advisory Council;

(2) how the project fits with the goals established under section 185; and

(3) the potential for the applicant to successfully complete the project.

(c) RISK.—

(1) EXPECTED LOAN LOSS RESERVE.—The Administrator of the Administration shall establish an expected loan loss reserve to account for estimated losses attributable to activities under this section that is consistent with the purposes of—

(A) developing breakthrough technologies to the point at which technology risk is largely mitigated;

(B) achieving widespread deployment and advancing the commercial viability of clean energy technologies; and

(C) advancing the goals established under section 185.

(2) INITIAL EXPECTED LOAN LOSS RESERVE.—Until such time as the Administrator of the Administration determines sufficient data exist to establish an expected loan loss reserve that is appropriate, the Administrator of the Administration shall consider establishing an initial rate of 10 percent for the portfolio of investments under this subtitle.

(3) PORTFOLIO INVESTMENT APPROACH.—The Administration shall—

(A) use a portfolio investment approach to mitigate risk and diversify investments across technologies and ensure that no particular technology is provided more than 30 percent of the financial support available;

(B) to the maximum extent practicable and consistent with long-term self-sufficiency, weigh the portfolio of investments in projects to advance the goals established under section 185;

(C) consistent with the expected loan loss reserve established under this subsection, the purpose stated in section 182, and section 186(b)(2)(B), provide the maximum practicable percentage of support to promote breakthrough technologies; and

(D) give the highest priority to investments that promote technologies that will achieve the maximum greenhouse gas emission reductions within a reasonable period of time per dollar invested and the earliest reductions in greenhouse gas emissions.

(4) LOSS RATE REVIEW.—

(A) IN GENERAL.—The Board of Directors shall review on an annual basis the loss rates of the portfolio to determine the adequacy of the reserves.

(B) REPORT.—Not later than 90 days after the date of the initiation of the review, the Administrator of the Administration shall submit to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report describing the results of the review and any recommended policy changes.

(5) FEDERAL COST SHARE.—Direct loans, letters of credit and loan guarantees by the Administration shall not exceed an amount equal to 80 percent of the project cost of the facility that is the subject of the loan, letter of credit or loan guarantee, as estimated at the time at which the loan, letter of credit or loan guarantee is issued.

(d) APPLICATION REVIEW.—

(1) IN GENERAL.—To the maximum extent practicable and consistent with sound business practices, the Administration shall seek to consolidate reviews of applications for credit support under this subtitle such that final decisions on applications can generally be issued not later than 180 days after the date of submission of a completed application.

(2) ENVIRONMENTAL REVIEW.—In carrying out this subtitle, the Administration shall, to the maximum extent practicable—

(A) avoid duplicating efforts that have already been undertaken by other agencies (including State agencies acting under Federal programs); and

(B) with the advice of the Council on Environmental Quality and any other applicable agencies, use the administrative records of similar reviews conducted throughout the executive branch to develop the most expeditious review process practicable.

(e) WAGE RATE REQUIREMENTS.—

(1) IN GENERAL.—No credit support shall be issued under this section unless the borrower has provided to the Administrator of the Administration reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the Administration will be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) LABOR STANDARDS.—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(f) LIMITATIONS.—(1) The Administration shall not provide direct support as defined under this section or indirect support as defined under section 188 to an individual clean energy technology project that obtained a loan guarantee under title XVII of the Energy Policy Act of 2005.

(2) No direct or indirect support provided by the Administration may be used to pay any part of the cost of an obligation or a loan guarantee under Title XVII of the Energy Policy Act of 2005.

SEC. 188. INDIRECT SUPPORT.

(a) IN GENERAL.—For the purpose of enhancing the availability of private financing for clean energy technology deployment, the Administration may—

(1) provide credit support to portfolios of taxable debt obligations originated by state, local, and private sector entities that enable owners and users of buildings and industrial facilities to—

(A) significantly increase the energy efficiency of such buildings or facilities; or

(B) install systems that individually generate electricity from renewable energy resources and have a capacity of no more than 2 megawatts;

(2) facilitate financing transactions in tax equity markets and long-term purchasing of clean energy by state, local, and non-governmental not-for-profit entities, to the degree and extent that the Administration determines such financing activity is appropriate and consistent with carrying out the purposes described in Section 182 of this Act; and

(3) provide credit support to portfolios of taxable debt obligations originated by state,

local, and private sector entities that enable the deployment of energy storage applications for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(b) DEFINITIONS.—For purposes of the section:

(1) CREDIT SUPPORT.—The term ''credit support'' means—

(A) direct loans, letters of credit, loan guarantees, and insurance products; and

(B) the purchase or commitment to purchase, or the sale or commitment to sell, debt instruments (including subordinated securities).

(2) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' shall have the meaning given that term in section 610 of the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of this Act).

(c) TRANSPARENCY.—The Administration shall seek to foster through its credit support activities—

(1) the development and consistent application of standard contractual terms, transparent underwriting standards and consistent measurement and verification protocols, as applicable; and

(2) the creation of performance data that promotes effective underwriting and risk management to support lending markets and stimulate the development of private investment markets.

(d) EXEMPT SECURITIES.—All securities insured or guaranteed by the Administration shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to the principal or interest by the United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

SEC. 189. FEDERAL CREDIT AUTHORITY.

(a) PAYMENTS OF LIABILITIES.—

(1) IN GENERAL.—Any payment made to discharge liabilities arising from agreements under this subtitle shall be paid exclusively out of the Fund or the associated credit account, as appropriate.

(2) SECURITY.—Subject to paragraph (1), the full faith and credit of the United States is pledged to the payment of all obligations entered into by the Administration pursuant to this subtitle.

(b) FEES.—

(1) IN GENERAL.—Consistent with achieving the purpose stated in section 182, the Administrator of the Administration shall charge fees or collect compensation generally in accordance with commercial rates.

(2) AVAILABILITY OF FEES.—All fees collected by the Administration may be retained by the Administration and placed in the Fund and may remain available to the Administration, without further appropriation or fiscal year limitation, for use in carrying out the purpose stated in section 182.

(3) BREAKTHROUGH TECHNOLOGIES.—The Administration shall charge the minimum amount in fees or compensation practicable for breakthrough technologies, consistent with the long-term viability of the Administration, unless the Administration first determines that a higher charge will not impede the development of the technology.

(4) ALTERNATIVE FEE ARRANGEMENTS.—The Administration may use such alternative arrangements (such as profit participation, contingent fees, and other valuable contingent interests) as the Administration considers appropriate to compensate the Administration for the expenses of the Administration and the risk inherent in the support of the Administration.

(c) COST TRANSFER AUTHORITY.—Amounts collected by the Administration for the cost of a loan or loan guarantee shall be transferred by the Administration to the respective credit accounts.

SEC. 190. GENERAL PROVISIONS.

(a) IMMUNITY FROM IMPAIRMENT, LIMITATION, OR RESTRICTION.—

(1) IN GENERAL.—All rights and remedies of the Administration (including any rights and remedies of the Administration on, under, or with respect to any mortgage or any obligation secured by a mortgage) shall be immune from impairment, limitation, or restriction by or under—

(A) any law (other than a law enacted by Congress expressly in limitation of this paragraph) that becomes effective after the acquisition by the Administration of the subject or property on, under, or with respect to which the right or remedy arises or exists or would so arise or exist in the absence of the law; or

(B) any administrative or other action that becomes effective after the acquisition.

(2) STATE LAW.—The Administrator of the Administration may conduct the business of the Administration without regard to any qualification or law of any State relating to incorporation.

(b) USE OF OTHER AGENCIES.—With the consent of a department, establishment, or instrumentality (including any field office), the Administration may—

(1) use and act through any department, establishment, or instrumentality; and

(2) use, and pay compensation for, information, services, facilities, and personnel of the department, establishment, or instrumentality.

(c) FINANCIAL MATTERS.—

(1) INVESTMENTS.—Funds of the Administration may be invested in such investments as the Board of Directors may prescribe. Earnings from such funds, other than fees collected under section 189, may be spent by the Administration only to such extent or in such amounts as are provided in advance by appropriation Acts.

(2) FISCAL AGENTS.—Any Federal Reserve bank or any bank as to which at the time of the designation of the bank by the Administrator of the Administration there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Administrator of the Administration as a depositary or custodian or as a fiscal or other agent of the Administration.

(d) PERIODIC REPORTS.—Not later than 1 year after commencement of operation of the Administration and at least biannually thereafter, the Administrator of the Administration shall submit to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that includes a description of—

(1) the technologies supported by activities of the Administration and how the activities advance the purpose stated in section 182; and

(2) the performance of the Administration on meeting the goals established under section 185.

(g) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Administration shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to, under the control of, or in use by the Administration, or any agent, representative, attorney, advisor, or consultant retained by the Administration, and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information pursuant to section 716(c) of title 31, United States Code.

(3) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—

(i) IN GENERAL.—On the request of the Comptroller General, the Administration shall reimburse the Government Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(ii) CREDITING.—Such reimbursements shall—

(I) be credited to the appropriation account entitled ''Salaries and Expenses, Government Accountability Office'' at the time at which the payment is received; and

(II) remain available until expended.

(h) ANNUAL INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Administrator of the Administration shall—

(A) have an annual independent audit made of the financial statements of the Administration by an independent public accountant in accordance with generally accepted auditing standards; and

(B) submit to the Secretary and to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House the results of the audit.

(2) CONTENT.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Administration—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) comply with any disclosure requirements imposed under this subtitle.

(i) FINANCIAL REPORTS.—

(1) IN GENERAL.—The Administrator of the Administration shall submit to the Secretary and to the Committee on Energy and Natural Resources and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House annual and quarterly reports of the financial condition and operations of the Administration, which shall be in such form, contain such information, and be submitted on such dates as the Secretary shall require.

(2) CONTENTS OF ANNUAL REPORTS.—Each annual report shall include—

(A) financial statements prepared in accordance with generally accepted accounting principles;

(B) any supplemental information or alternative presentation that the Secretary may require; and

(C) an assessment (as of the end of the most recent fiscal year of the Administration), signed by the chief executive officer

and chief accounting or financial officer of the Administration, of—

(i) the effectiveness of the internal control structure and procedures of the Administration; and

(ii) the compliance of the Administration with applicable safety and soundness laws.

(3) SPECIAL REPORTS.—The Secretary may require the Administrator of the Administration to submit other reports on the condition (including financial condition), management, activities, or operations of the Administration, as the Secretary considers appropriate.

(4) ACCURACY.—Each report of financial condition shall contain a declaration by the Administrator of the Administration or any other officer designated by the Board of Directors of the Administration to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

(5) AVAILABILITY OF REPORTS.—Reports required under this section shall be published and made publicly available as soon as is practicable after receipt by the Secretary.

(j) SPENDING SAFEGUARDS AND REPORTING.—

(1) IN GENERAL.—The Administrator—

(A) shall require any entity receiving financing support from the Administration to report quarterly, in a format specified by the Administrator, on such entity's use of such support and its progress fulfilling the objectives for which such support was granted, and the Administrator shall make these reports available to the public;

(B) may establish additional reporting and information requirements for any recipient of financing support from the Administration;

(C) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any financing support from the Administration;

(D) shall create and maintain a fully searchable database, accessible on the Internet (or successor protocol) at no cost to the public, that contains at least—

(i) a list of each entity that has applied for financing support;

(ii) a description of each application;

(iii) the status of each such application;

(iv) the name of each entity receiving financing support;

(v) the purpose for which such entity is receiving such financing support;

(vi) each quarterly report submitted by the entity pursuant to this section; and

(vii) such other information sufficient to allow the public to understand and monitor the financial support provided by the Administration;

(E) shall make all financing transactions available for public inspection, including formal annual reviews by both a private auditor and the Comptroller General; and

(F) shall at all times be available to receive public comment in writing on the activities of the Administration.

(2) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—To the extent necessary and appropriate, the Administrator may redact any information regarding applicants and borrowers to protect confidential business information.

SEC. 191. CONFORMING AMENDMENTS.

(a) TAX EXEMPT STATUS.—Subsection (1) of section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(4) The Clean Energy Deployment Administration established under section 186 of the American Clean Energy and Security Act of 2009''.

(b) WHOLLY OWNED GOVERNMENT CORPORATION.—Paragraph (3) of section 9101 of title 31, United States Code, is amended by adding at the end the following:

''(S) the Clean Energy Deployment Administration.''.

Subtitle J—Miscellaneous

SEC. 195. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Energy, and the Secretary of the Army shall jointly update the study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities required in section 1834 of the Energy Policy Act of 2005.

(b) CONTENT.—The update under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the update of the study under this section by not later than 12 months after the date of enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility, and the level of Federal power customer involvement in the determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or by construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, water supply, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 196. CLEAN TECHNOLOGY BUSINESS COMPETITION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy is authorized to provide grants to organizations to conduct business competitions that provide incentives, training, and mentorship to entrepreneurs including minority-owned and woman-owned and early stage start-up companies throughout the United States to meet high priority economic, environmental, and energy security goals in areas to include energy efficiency, renewable energy, air quality, water quality and conservation, transportation, smart grid, green building, and waste management. Such competitions shall have the purpose of accelerating the development and deployment of clean technology businesses and green jobs; stimulating green economic development; providing business training and mentoring to early stage clean technology companies; and strengthening the competitiveness of United States clean technology industry in world trade markets. Priority shall be given to business competitions that are private sector led, encourage regional and interregional cooperation, and can demonstrate market-driven practices and show the creation of cost-effective green jobs through an annual publication of competition activities and directory of companies.

(b) ELIGIBILITY.—An organization eligible for a grant under subsection (a) is—

(1) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) any sponsored entity of an organization described in paragraph (1) that is operated as a nonprofit entity.

(c) PRIORITY.—In making grants under this section, the Secretary shall give priority to those organizations that can demonstrate broad funding support from private and other non-Federal funding sources to leverage Federal investment.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000.

SEC. 197. NATIONAL BIOENERGY PARTNERSHIP.

(a) IN GENERAL.—The Secretary of Energy shall establish a National Bioenergy Partnership to provide coordination among programs of State governments, the Federal Government, and the private sector that support the institutional and physical infrastructure necessary to promote the deployment of sustainable biomass fuels and bioenergy technologies for the United States.

(b) PROGRAM.—The National Bioenergy Partnership shall consist of five regions, to be administered by the CONEG Policy Research Center, the Council of Great Lakes Governors, the Southern States Energy Board, the Western Governors Association, and the Pacific Regional Biomass Energy Partnership led by the Washington State University Energy Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2014 to carry out this section—

(1) $5,000,000, to be allocated among the 5 regions described in subsection (b) on the basis of the number of States in each region, for distribution among the member States of that region based on procedures developed by the member States of the region; and

(2) $2,500,000, to be allocated equally among the 5 regions described in subsection (b) for region-wide activities, including technical assistance and regional studies and coordination.

SEC. 198. OFFICE OF CONSUMER ADVOCACY.

Section 319 of the Federal Power Act is amended to read as follows:

"SEC. 319. OFFICE OF CONSUMER ADVOCACY.

''(a) OFFICE.—

''(1) ESTABLISHMENT.—There is established within the Commission an Office of Consumer Advocacy to serve as an advocate for the public interest. The Office of Administrative Litigation within the Commission shall be incorporated into the Office of Consumer Advocacy.

''(2) DIRECTOR.—The Office shall be headed by a Director to be appointed by the President by and with the advice and consent of the Senate from among individuals who are licensed attorneys admitted to the Bar of any State or of the District of Columbia and who have experience in public utility proceedings.

''(3) DUTIES.—The Office may—

''(A) represent the interests of energy customers—

''(i) on matters before the Commission concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission;

''(ii) as amicus curiae, in the review in the courts of the United States of rulings by the Commission in such matters; and

''(iii) as amicus, in hearings and proceedings in other Federal regulatory agencies and commissions related to such matters;

''(B) monitor and review energy customer complaints and grievances on matters concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission;

''(C) investigate independently, or within the context of formal proceedings, the services provided by, the rates charged by, and the valuation of the properties of, public utilities and natural gas companies under the jurisdiction of the Commission;

''(D) develop means, such as public dissemination of information, consultative services, and technical assistance, to ensure, to the maximum extent practicable, that the interests of energy consumers are adequately represented in the course of any hearing or proceeding described in subparagraph (A);

''(E) collect data concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission; and

''(F) prepare and issue reports and recommendations.

''(4) COMPENSATION AND POWERS.—The Director shall be compensated at Level IV of the Executive Schedule. The Director may—

''(A) employ not more than 25 full-time professional employees at appropriate levels in the GS Scale and such additional support personnel as required; and

''(B) procure temporary and intermittent services as needed.

''(5) INFORMATION FROM OTHER FEDERAL AGENCIES.—The Director may request, from any department, agency, or instrumentality of the United States such information as he deems necessary to carry out his functions under this section. Upon such request, the head of the department, agency, or instrumentality concerned shall, to the extent practicable and authorized by law, provide such information to the Office.

''(b) CONSUMER ADVOCACY ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Director shall establish an advisory committee to be known as Consumer Advocacy Advisory Committee (in this section referred to as the 'Advisory Committee') to review rates, services, and disputes and to make recommendations to the Director.

''(2) COMPOSITION.—The Director shall appoint 5 members to the Advisory Committee including—

''(A) 2 individuals representing State utility consumer advocates; and

''(B) 1 individual, from a nongovernmental organization representing consumers.

''(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(4) REPORTS.—The Director shall provide for the publication of recommendations of the Advisory Committee on the public website established for the Office.

''(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period for which the Office exists.

''(c) DEFINITIONS.—

''(1) ENERGY CUSTOMER.—The term 'energy customer' means a residential customer or a small commercial customer that receives products or services directly or indirectly from a public utility or natural gas company under the jurisdiction of the Commission.

''(2) NATURAL GAS COMPANY.—The term 'natural gas company' has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a), as modified by section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)).

''(3) OFFICE.—The term 'Office' means the Office of Consumer Advocacy established under this section.

''(4) PUBLIC UTILITY.—The term 'public utility' has the meaning given the term in section 201(e) of this Act.

''(5) SMALL COMMERCIAL CUSTOMER.—The term 'small commercial customer' means a commercial customer that has a peak demand of not more than 1,000 kilowatts per hour.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

''(e) SAVINGS CLAUSE.—Nothing in this section affects the rights or obligations of any State utility consumer advocate.''.

SEC. 199. DEVELOPMENT CORPORATION FOR RENEWABLE POWER BORROWING AUTHORITY

(a) DETERMINATION.—No later than 6 months after the date of enactment of this Act, the Secretary of Energy, in coordination with the Secretary of Commerce, shall—

(1) determine any geographic area within the contiguous United States that lacks a Federal power marketing agency;

(2) develop a plan or criteria for the geographic areas identified in paragraph (1) regarding investment in renewable energy and associated infrastructure within an area identified in paragraph (1); and

(3) identify any Federal agency within an area in paragraph (1) that has, or could develop, the ability to facilitate the investment in paragraph (2).

(b) REPORT.—The Secretary of Energy, in coordination with the Secretary of Commerce, shall provide the determinations made under subsection (a) to the Committee on Energy and Commerce of the House of Representatives.

(c) ESTABLISHMENT.—Based upon the determinations made pursuant to subsection (a), the Secretary of Energy, in coordination with the Secretary of Commerce, shall recommend to the Committee on Energy and Commerce of the House of Representatives the establishment of any new Federal lending authority, including authorization of additional lending authority for existing Federal agencies, not to exceed $3,500,000,000 per geographic area identified in subsection (a)(1).

(d) AUTHORIZATION.—$25,000,000 is authorized to be appropriated for fiscal year 2010 to carry out the provisions of this section.

SEC. 199A. STUDY.

Not later than February 1, 2011, the Secretary of Energy shall transmit to the Congress a report showing the results of a study on the use of thorium-fueled nuclear reactors for national energy needs. Such report shall include a response to the International Atomic Energy Agency study entitled ''Thorium fuel cycle - Potential benefits and challenges'' (IAEA-TECDOC-1450).

TITLE II—ENERGY EFFICIENCY

Subtitle A—Building Energy Efficiency Programs

SEC. 201. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

''(a) ENERGY EFFICIENCY TARGETS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the national building code energy efficiency target for the national average percentage improvement of a building's energy performance when built to a code meeting the target shall be—

''(A) effective on the date of enactment of the American Clean Energy and Security Act of 2009, 30 percent reduction in energy use relative to a comparable building constructed in compliance with the baseline code;

''(B) effective January 1, 2014, for residential buildings, and January 1, 2015, for commercial buildings, 50 percent reduction in energy use relative to the baseline code; and

''(C) effective January 1, 2017, for residential buildings, and January 1, 2018, for commercial buildings, and every 3 years thereafter, respectively, through January 1, 2029, and January 1, 2030, 5 percent additional reduction in energy use relative to the baseline code.

''(2) CONSENSUS-BASED CODES.—If on any effective date specified in paragraph (1)(A), (B), or (C) a successor code to the baseline codes provides for greater reduction in energy use than is required under paragraph (1), the overall percentage reduction in energy use provided by that successor code shall be the national building code energy efficiency target.

''(3) TARGETS ESTABLISHED BY SECRETARY.—The Secretary may by rule establish a national building code energy efficiency target for residential or commercial buildings achieving greater reductions in energy use than the targets prescribed in paragraph (1) or (2) if the Secretary determines that such greater reductions in energy use can be achieved with a code that is life cycle cost-justified and technically feasible. The Secretary may by rule establish a national building code energy efficiency target for residential or commercial buildings achieving a reduction in energy use that is greater than zero but less than the targets prescribed in paragraph (1) or (2) if the Secretary determines that such lesser target is the maximum reduction in energy use that can be achieved through a code that is life cycle cost-justified and technically feasible.

''(4) ADDITIONAL REDUCTIONS IN ENERGY USE.—Effective on January 1, 2033, and once every 3 years thereafter, the Secretary shall determine, after notice and opportunity for comment, whether further energy efficiency building code improvements for residential or commercial buildings, respectively, are life cycle cost-justified and technically feasible, and shall establish updated national building code energy efficiency targets that meet such criteria.

''(5) ZERO-NET-ENERGY BUILDINGS.—In setting targets under this subsection, the Secretary shall consider ways to support the deployment of distributed renewable energy technology, and shall seek to achieve the goal of zero-net-energy commercial buildings established in section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082).

''(6) BASELINE CODE.—For purposes of this section, the term 'baseline code' means—

''(A) for residential buildings, the 2006 International Energy Conservation Code (IECC) published by the International Code Council (ICC); and

''(B) for commercial buildings, the code published in ASHRAE Standard 90.1-2004.

''(7) CONSULTATION.—In establishing the targets required by this section, the Secretary shall consult with the Director of the National Institute of Standards and Technology.

''(b) NATIONAL ENERGY EFFICIENCY BUILDING CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—There shall be established national energy efficiency building codes under this subsection, for residential and commercial buildings, sufficient to meet

each of the national building code energy efficiency targets established under subsection (a), not later than the date that is one year after the deadline for establishment of each such target, except that the national energy efficiency building code established to meet the target described in subsection (a)(1)(A) shall be established by not later than 15 months after the effective date of that target.

''(B) EXISTING CODE.—If the Secretary finds prior to the date provided in subparagraph (A) for establishing a national code for any target that one or more energy efficiency building codes published by a recognized developer of national energy codes and standards meet or exceed the established target, the Secretary shall select the code that meets the target with the highest efficiency in the most cost-effective manner, and such code shall be the national energy efficiency building code.

''(C) REQUIREMENT TO ESTABLISH CODE.—If the Secretary does not make a finding under subparagraph (B), the national energy efficiency building code shall be established by rule by the Secretary under paragraph (2).

''(2) ESTABLISHMENT BY SECRETARY.—

''(A) PROCEDURE.—In order to establish a national energy efficiency building code as required under paragraph (1)(C), the Secretary shall—

''(i) not later than six months prior to the effective date for each target, review existing and proposed codes published or under review by recognized developers of national energy codes and standards;

''(ii) determine the percentage of energy efficiency improvements that are or would be achieved in such published or proposed code versions relative to the target;

''(iii) propose improvements to such published or proposed code versions sufficient to meet or exceed the target; and

''(iv) unless a finding is made under paragraph (1)(B) with respect to a code published by a recognized developer of national energy codes and standards, adopt a code that meets or exceeds the relevant national building code energy efficiency target by not later than one year after the effective date of each such target, and by not later than 15 months after the target is established under subsection (a)(1)(A).

''(B) CALCULATIONS.—Each national energy efficiency building code established by the Secretary under this paragraph shall be set at the maximum level the Secretary determines is life cycle cost-justified and technically feasible, in accordance with the following:

''(i) SAVINGS CALCULATIONS.—Calculations of energy savings shall take into account the typical lifetimes of different products, measures, and system configurations.

''(ii) COST-EFFECTIVENESS CALCULATIONS.—Calculations of life cycle cost-effectiveness shall be based on life cycle cost methods and procedures under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254), but shall incorporate to the extent feasible externalities such as impacts on climate change and on peak energy demand that are not already incorporated in assumed energy costs.

''(C) CONSIDERATIONS.—In developing a national energy efficiency building code under this paragraph, the Secretary shall consider—

''(i) for residential national energy efficiency building codes—

''(I) residential building standards published or proposed by ASHRAE;

''(II) building codes published or proposed by the International Code Council (ICC);

''(III) data from the Residential Energy Services Network (RESNET) on compliance measures utilized by consumers to qualify for the residential energy efficiency tax credits established under the Energy Policy Act of 2005;

''(IV) data and information from the Department of Energy's Building America Program;

''(V) data and information from the Energy Star New Homes program;

''(VI) data and information from the New Building Institute and similar organizations; and

''(VII) standards for practices and materials to achieve cool roofs in residential buildings, taking into consideration reduced air conditioning energy use as a function of cool roofs, the potential reduction in global warming from increased solar reflectance from buildings, and cool roofs criteria in State and local building codes and in national and local voluntary programs, without reduction of otherwise applicable ceiling insulation standards; and

''(ii) for commercial national energy efficiency building codes—

''(I) commercial building standards proposed by ASHRAE;

''(II) building codes proposed by the International Code Council (ICC);

''(III) the Core Performance Criteria published by the New Buildings Institute;

''(IV) data and information developed by the Director of the Commercial High-Performance Green Building Office of the Department of Energy and any public-private partnerships established under that Office;

''(V) data and information from the Energy Star for Buildings program;

''(VI) data and information from the New Building Institute, RESNET, and similar organizations; and

''(VII) standards for practices and materials to achieve cool roofs in commercial buildings, taking into consideration reduced air conditioning energy use as a function of cool roofs, the potential reduction in global warming from increased solar reflectance from buildings, and cool roofs criteria in State and local building codes and in national and local voluntary programs, without reduction of otherwise applicable ceiling insulation standards.

''(D) CONSULTATION.—In establishing any national energy efficiency building code required by this section, the Secretary shall consult with the Director of the National Institute of Standards and Technology.

''(3) CONSENSUS STANDARD ASSISTANCE.—(A) To support the development of consensus standards that may provide the basis for national energy efficiency building codes, minimize duplication of effort, encourage progress through consensus, and facilitate the development of greater building efficiency, the Secretary shall provide assistance to recognized developers of national energy codes and standards to develop, and where the relevant code has been adopted as the national code, disseminate consensus based energy efficiency building codes as provided in this paragraph.

''(B) Upon a finding by the Secretary that a code developed by such a developer meets a target established under subsection (a), the Secretary shall—

''(i) send notice of the Secretary's finding to all duly authorized or appointed State, tribal, and local code agencies; and

''(ii) provide sufficient support to such a developer to make the code available on the Internet, or to accomplish distribution of such code to all such State, tribal, and local code agencies at no cost to the State, tribal, and local code agencies.

''(C) The Secretary may contract with such a developer and with other organizations with expertise on codes to provide training for State, tribal, and local code officials and building inspectors in the implementation and enforcement of such code.

''(D) The Secretary may provide grants and other support to such a developer to—

''(i) develop appropriate refinements to such code; and

''(ii) support analysis of options for improvements in the code to meet the next scheduled target.

''(4) CODE DEVELOPED BY SECRETARY.—If the Secretary establishes a national energy efficiency building code under paragraph (2), the Secretary shall—

''(A) to the extent that such code is based on a prior code developed by a recognized developer of national energy codes and standards, negotiate and provide appropriate compensation to such developer for the use of the code materials that remain in the code established by the Secretary; and

''(B) disseminate the national energy efficiency building codes to State, tribal, and local code officials, and support training and provide guidance and technical assistance to such officials as appropriate.

''(c) STATE ADOPTION OF ENERGY EFFICIENCY BUILDING CODES.—

''(1) REQUIREMENT.—Not later than 1 year after a national energy efficiency building code for residential or commercial buildings is established or revised under subsection (b), each State—

''(A) shall—

''(i) review and update the provisions of its building code regarding energy efficiency to meet or exceed the target met in the new national energy efficiency building code, to achieve equivalent or greater energy savings;

''(ii) document, where local governments establish building codes, that local governments representing not less than 80 percent of the State's urban population have adopted the new national code, or have adopted local codes that meet or exceed the target met in the new national code to achieve equivalent or greater energy savings; or

''(iii) adopt the new national code; and

''(B) shall provide a certification to the Secretary demonstrating that energy efficiency building code provisions that apply pursuant to subparagraph (A) in that State meet or exceed the target met by the new national code, to achieve equivalent or greater energy savings.

''(2) CONFIRMATION.—

''(A) REQUIREMENT.—Not later than 90 days after a State certification is provided under paragraph (1)(B), the Secretary shall determine whether the State's energy efficiency building code provisions meet the requirements of this subsection.

''(B) ACCEPTANCE BY SECRETARY.—If the Secretary determines under subparagraph (A) that the State's energy efficiency building code or codes meet the requirements of this subsection, the Secretary shall accept the certification.

''(C) DEFICIENCY NOTICE.—If the Secretary determines under subparagraph (A) that the State's building code or codes do not meet the requirements of this subsection, the Secretary shall identify the deficiency in meeting the national building code energy efficiency target, and, to the extent possible, indicate areas where further improvement in the State's code provisions would allow the deficiency to be eliminated.

''(D) REVISION OF CODE AND RECERTIFICATION.—A State may revise its code or codes and submit a recertification under paragraph (1)(B) to the Secretary at any time.

''(3) COMPLIANT CODE.—For the purposes of meeting the target described in subsection (a)(1)(A) for residential buildings, a State that adopts the code represented in California's Title 24-2009 by the date 27 months after the date of enactment of the American Clean Energy and Security Act of 2009 shall be considered to have met the requirements of this subsection for the applicable period.

''(d) APPLICATION OF NATIONAL CODE TO STATE AND LOCAL JURISDICTIONS.—

''(1) IN GENERAL.—Upon the expiration of 18 months after a national energy efficiency building code is established under subsection (b), in any jurisdiction where the State has not had a certification relating to that code accepted by the Secretary under subsection (c)(2)(B), and the local government has not had a certification relating to that code accepted by the Secretary under subsection (e)(5), the national energy efficiency building code shall become the applicable energy efficiency building code for such jurisdiction.

''(2) CONFLICTS.—In the event of a conflict between a provision of the national energy efficiency building code and a provision of other applicable energy codes, the national energy efficiency building code shall apply. If there is a conflict between a provision of the national energy efficiency building code and a provision of any applicable fire code, life safety code, egress code, or accessibility code, the Secretary shall take appropriate actions to resolve such conflict in a manner that does not compromise the objectives of such codes.

''(3) STATE LEGISLATIVE ADOPTION.—In a State in which the relevant building energy code is adopted legislatively, the deadline in paragraph (1) shall not be earlier than 1 year after the first day that the legislature meets following establishment of a national energy efficiency building code.

''(4) NOTICE OF INTENT TO ENFORCE.—A State or locality that enforces building codes may assume responsibility for enforcing the national energy efficiency building code by notifying the Secretary to that effect not later than three months after the date established under paragraph (1).

''(5) VIOLATIONS.—Violations of this section shall be defined as follows:

''(A) If the building is subject to the requirements of a State energy efficiency building code with respect to which a certification has been accepted by the Secretary under subsection (c)(2)(B) or a local energy efficiency building code with respect to which a certification has been accepted by the Secretary pursuant to subsection (e)(5), or the requirements of the national energy efficiency building code in a State where the State or locality has notified the Secretary of its intent to enforce the provisions of the national energy efficiency building code, a violation shall be determined pursuant to the relevant provisions of State or local law.

''(B) If the building is subject to the requirements of a national energy efficiency building code made applicable under paragraph (1) of this subsection, except as provided in subparagraph (A), a violation shall be defined by the Secretary pursuant to subsection (g).

''(e) STATE ENFORCEMENT OF ENERGY EFFICIENCY BUILDING CODES.—

''(1) IN GENERAL.—Each State, or where applicable under State law each local government, shall implement and enforce applicable State or local codes with respect to which a certification was accepted by the Secretary under subsection (c)(2)(B) or paragraph (5) of this subsection, or the national energy efficiency building codes, as provided in this subsection.

''(2) STATE CERTIFICATION.—Not later than 2 years after the date of a certification under subsection (c)(1) or the application of a national energy efficiency building code under subsection (d)(1), each State shall certify that it has—

''(A) achieved compliance with—

''(i) State codes, or, as provided under State law, local codes, with respect to which a certification was accepted by the Secretary under subsection (c)(2)(B); or

''(ii) the national energy efficiency building code, as applicable; or

''(B) for any certification submitted within 7 years after the date of enactment of the American Clean Energy and Security Act of 2009, made significant progress toward achieving such compliance.

''(3) ACHIEVING COMPLIANCE.—A State shall be considered to achieve compliance with a code described in paragraph (2)(A) if at least 90 percent of new and substantially renovated building space in that State in the preceding year upon inspection meets the requirements of the code. A certification under paragraph (2) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the new and substantially renovated buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance as determined by the Secretary.

''(4) SIGNIFICANT PROGRESS.—A State shall be considered to have made significant progress toward achieving compliance with a code described in paragraph (2)(A) if—

''(A) the State has developed a plan, including for hiring enforcement staff, providing training, providing manuals and checklists, and instituting enforcement programs, designed to achieve full compliance within 5 years after the date of the adoption of the code;

''(B) the State is taking significant, timely, and measurable action to implement that plan;

''(C) the State has not reduced its expenditures for code enforcement; and

''(D) at least 50 percent of new and substantially renovated building space in the State in the preceding year upon inspection meets the requirements of the code.

''(5) SECRETARY'S DETERMINATION.—Not later than 90 days after a State certification under paragraph (2), the Secretary shall determine whether the State has demonstrated that it has complied with the requirements of this subsection, including accurate measurement of compliance, or that it has made significant progress toward compliance. If such determination is positive, the Secretary shall accept the certification. If the determination is negative, the Secretary shall identify the areas of deficiency.

''(6) OUT OF COMPLIANCE.—

''(A) IN GENERAL.—Any State for which the Secretary has not accepted a certification under paragraph (5) by the dates specified in paragraph (2) is out of compliance with this section.

''(B) LOCAL COMPLIANCE.—In any State that is out of compliance with this section as provided in subparagraph (A), a local government may be in compliance with this section by meeting all certification requirements of this subsection.

''(C) NONCOMPLIANCE.—Any State that is not in compliance with this section, as provided in subparagraph (A), shall, until the State regains such compliance, be ineligible to receive—

''(i) emission allowances pursuant to subsection (h)(1);

''(ii) Federal funding in excess of that State's share (calculated according to the allocation formula in section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323)) of $125,000,000 each year; and

''(iii) for—

''(I) the first year for which the State is out of compliance, 25 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009;

''(II) the second year for which the State is out of compliance, 50 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009;

''(III) the third year for which the State is out of compliance, 75 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009; and

''(IV) the fourth and subsequent years for which the State is out of compliance, 100 percent of any additional funding or other items of monetary value otherwise provided under the American Clean Energy and Security Act of 2009.

''(f) FEDERAL ENFORCEMENT AND TRAINING.—Where a State fails and local governments in that State also fail to enforce the applicable State or national energy efficiency building codes, the Secretary shall enforce such codes, as follows:

''(1) The Secretary shall establish, by rule, within 2 years after the date of enactment of the American Clean Energy and Security Act of 2009, an energy efficiency building code enforcement capability.

''(2) Such enforcement capability shall be designed to achieve 90 percent compliance with such code in any State within 1 year after the date of the Secretary's determination that such State is out of compliance with this section.

''(3) The Secretary may set and collect reasonable inspection fees to cover the costs of inspections required for such enforcement. Revenue from fees collected shall be available to the Secretary to carry out the requirements of this section upon appropriation.

''(4) In any jurisdiction to which this subsection applies, the Secretary shall coordinate enforcement of the national energy efficiency building code with State and local code enforcement of other building codes.

''(5) In any jurisdiction to which this subsection applies, the Secretary shall enhance compliance by conducting training and education of builders and other professionals in the jurisdiction concerning the national energy efficiency building code.

''(6) The Secretary shall coordinate with professional organizations representing code officials, architects, engineers, builders, and other experts to develop training curricula concerning the national energy efficiency building code.

''(7) If the Secretary enforces such codes under this subsection, the Secretary may, as appropriate, redefine violations of such codes.

''(g) ENFORCEMENT PROCEDURES.—The Secretary shall propose and, not later than three years after the date of enactment of the American Clean Energy and Security Act of 2009, shall define by rule violations of the energy efficiency building codes to be enforced by the Secretary pursuant to this section, and the penalties that shall apply to violators, in any jurisdiction in which the national energy efficiency building code has been made applicable under subsection (d)(1). To the extent that the Secretary determines that the authority to adopt and impose such violations and penalties by rule requires further statutory authority, the Secretary shall report such determination to Congress as soon as such determination is made, but not later than one year after the enactment of the American Clean Energy and Security Act of 2009.

''(h) FEDERAL SUPPORT.—

''(1) ALLOWANCE ALLOCATION FOR STATE COMPLIANCE.—For each vintage year from 2012 through 2050, the Administrator shall distribute allowances allocated pursuant to section 782(g)(2) of the Clean Air Act to the SEED Account for each State. Such allowances shall be distributed according to a formula established by the Secretary as follows:

''(A) One-fifth in an equal amount to each of the 50 States and United States territories.

''(B) Two-fifths as a function of the relative energy use in all buildings in each State in the most recent year for which data is available.

''(C) Two-fifths based on the number of building construction starts recorded in each State, the number of new building permits applied for in each State, or other relevant available data indicating building activity in each State, in the judgment of the Secretary, for the year prior to the year of the distribution.

''(2) ALLOWANCE ALLOCATION TO LOCAL GOVERNMENTS.—In the instance that the Secretary certifies that one or more local governments are in compliance with this section pursuant to subsection (e)(6)(B), the Administrator shall provide to each such local government the portion of the emission allowances that would have been provided to that State as a function of the population of that locality as a proportion of the population of that State as a whole.

''(3) UNALLOCATED ALLOWANCES.—To the extent that allowances are not provided to State or local governments for lack of certification in any year, those allowances shall be added to the amount provided to those States and local governments that are certified as eligible in that year.

''(4) USE OF ALLOWANCES.—Each State or each local government shall use such emission allowances as it receives pursuant to this section exclusively for the purposes of this section, including covering a reasonable portion of the costs of the development, adoption, implementation, and enforcement of a State or local energy efficiency building code that meets the national building code energy efficiency targets, or the national energy efficiency building code. In a State where local governments provide substantially all building code enforcement, a minimum of 50 percent of the allowance value received pursuant to this section shall be distributed to local governments as a function of the relative populations of such localities. In a State where local and State governments share building code enforcement duties, the State and local shares of allowance value required for enforcement shall be allocated in proportion to the number of building inspections performed by each level of government, and the share for local governments shall be distributed as a function of the relative populations of such localities. States shall further ensure that the allowance value made available pursuant to section 782 of the Clean Air Act and section 132 of the American Clean Energy and Security Act of 2009 is provided to the applicable State or local governmental entities as necessary to adopt and implement energy efficiency building codes, provide training for inspectors, ensure compliance, and provide such other functions as necessary. Actions taken by local authorities pursuant to this section shall constitute an acceptable use of funds authorized pursuant to the Energy Efficiency and Conservation Block Grant program under section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $25,000,000, and such additional sums as may be necessary to provide enforcement of a national energy efficiency building code, for each of fiscal years 2010 through 2020, and such sums thereafter as may be necessary to support the purposes of this section.

''(j) ANNUAL REPORTS BY SECRETARY.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(1) the status of national energy efficiency building codes;

''(2) the status of energy efficiency building code adoption and compliance in the States;

''(3) the implementation of this section;

''(4) the status of Federal enforcement of building codes, including coordination with State and local enforcement, and the extent and resolution of any conflicts between the national energy efficiency building code and other residential and commercial building codes in force in the same jurisdictions; and

''(5) impacts of past action under this section, and potential impacts of further action, on lifetime energy use by buildings, including resulting energy and cost savings.''.

SEC. 202. BUILDING RETROFIT PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) ASSISTED HOUSING.—The term ''assisted housing'' means those properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or similar programs.

(2) NONRESIDENTIAL BUILDING.—The term ''nonresidential building'' means a building with a primary use or purpose other than residential housing, including any building used for commercial offices, schools, academic and other public and private institutions, nonprofit organizations including faith-based organizations, hospitals, hotels, and other nonresidential purposes. Such buildings shall include mixed-use properties used for both residential and nonresidential purposes in which more than half of building floor space is nonresidential.

(3) PERFORMANCE-BASED BUILDING RETROFIT PROGRAM.—The term ''performance-based building retrofit program'' means a program that determines building energy efficiency success based on actual measured savings after a retrofit is complete, as evidenced by energy invoices or evaluation protocols.

(4) PRESCRIPTIVE BUILDING RETROFIT PROGRAM.—The term ''prescriptive building retrofit program'' means a program that projects building retrofit energy efficiency success based on the known effectiveness of measures prescribed to be included in a retrofit.

(5) PUBLIC HOUSING.—The term ''public housing'' means properties receiving assistance under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(6) RECOMMISSIONING; RETROCOMMISSIONING.—The terms ''recommissioning'' and ''retrocommissioning'' have the meaning given those terms in section 543(f)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(1)).

(7) RESIDENTIAL BUILDING.—The term ''residential building'' means a building whose primary use is residential. Such buildings shall include single-family homes (both attached and detached), owner-occupied units in larger buildings with their own dedicated space-conditioning systems, apartment buildings, multi-unit condominium buildings, public housing, assisted housing, and buildings used for both residential and nonresidential purposes in which more than half of building floor space is residential.

(8) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(b) ESTABLISHMENT.—The Administrator shall develop and implement, in consultation with the Secretary of Energy, standards for a national energy and environmental building retrofit policy for single-family and multifamily residences. The Administrator shall develop and implement, in consultation with the Secretary of Energy and the Director of Commercial High-Performance Green Buildings, standards for a national energy and environmental building retrofit policy for nonresidential buildings. The programs to implement the residential and nonresidential policies based on the standards developed under this section shall together be known as the Retrofit for Energy and Environmental Performance (REEP) program.

(c) PURPOSE.—The purpose of the REEP program is to facilitate the retrofitting of existing buildings across the United States to achieve maximum cost-effective energy efficiency improvements and significant improvements in water use and other environmental attributes.

(d) FEDERAL ADMINISTRATION.—

(1) EXISTING PROGRAMS.—In creating and operating the REEP program—

(A) the Administrator shall make appropriate use of existing programs, including the Energy Star program and in particular the Environmental Protection Agency Energy Star for Buildings program; and

(B) the Secretary of Energy shall make appropriate use of existing programs, including delegating authority to the Director of Commercial High-Performance Green Buildings appointed under section 421 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081), who shall designate and provide funding to support a high-performance green building partnership consortium pursuant to subsection (f) of such section to support efforts under this section.

(2) CONSULTATION AND COORDINATION.—The Administrator and the Secretary of Energy shall consult with and coordinate with the Secretary of Housing and Urban Development in carrying out the REEP program with regard to retrofitting of public housing and assisted housing. As a result of such consultation, the Administrator shall establish standards to ensure that retrofits of public housing and assisted housing funded pursuant to this section are cost-effective, including opportunities to address the potential coperformance of repair and replacement needs that may be supported with other forms of Federal assistance. ''Owners of public housing or assited housing receiving funding through the REEP program shall agree to continue to provide affordable housing consistent with the provisions of the authorizing legislation governing each program for an additional period commensurate with the funding received, as determined in accordance with guidelines established by the Secretary of Housing and Urban Development.''

(3) ASSISTANCE.—The Administrator and the Secretary of Energy shall provide consultation and assistance to State and local agencies for the establishment of revolving loan funds, loan guarantees, or other forms of financial assistance under this section.

(e) STATE AND LOCAL ADMINISTRATION.—

(1) DESIGNATION AND DELEGATION.—A State may designate one or more agencies or entities, including those regulated by the State, to carry out the purposes of this section, but shall designate one entity or individual as the principal point of contact for the Administrator regarding the REEP Program. The designated State agency, agencies, or entities may delegate performance of appropriate elements of the REEP program, upon their request and subject to State law, to counties, municipalities, appropriate public agencies, and other divisions of local government, as well as to entities regulated by the State. In making any such designation or delegation, a State shall give priority to entities that administer existing comprehensive retrofit programs, including those under the supervision of State utility regulators. States shall maintain responsibility for meeting the standards and requirements of the REEP program. In any State that elects not to administer the REEP program, a unit

of local government may propose to do so within its jurisdiction, and if the Administrator finds that such local government is capable of administering the program, the Administrator may provide allowances to that local government, prorated according to the population of the local jurisdiction relative to the population of the State, for purposes of the REEP program.

(2) EMPLOYMENT.—States and local government entities may administer a REEP program in a manner that authorizes public or regulated investor-owned utilities, building auditors and inspectors, contractors, nonprofit organizations, for-profit companies, and other entities to perform audits and retrofit services under this section. A State may provide incentives for retrofits without direct participation by the State or its agents, so long as the resulting savings are measured and verified. A State or local administrator of a REEP program shall seek to ensure that sufficient qualified entities are available to support retrofit activities so that building owners have a competitive choice among qualified auditors, raters, contractors, and providers of services related to retrofits. Nothing in this section is intended to deny the right of a building owner to choose the specific providers of retrofit services to engage for a retrofit project in that owner's building.

(3) EQUAL INCENTIVES FOR EQUAL IMPROVEMENT.—In general, the States should strive to offer the same levels of incentives for retrofits that meet the same efficiency improvement goals, regardless of whether the State, its agency or entity, or the building owner has conducted the retrofit achieving the improvement, provided the improvement is measured and verified.

(f) ELEMENTS OF REEP PROGRAM.—The Administrator, in consultation with the Secretary of Energy, shall establish goals, guidelines, practices, and standards for accomplishing the purpose stated in subsection (c), and shall annually review and, as appropriate, revise such goals, guidelines, practices, and standards. The program under this section shall include the following:

(1) Residential Energy Services Network (RESNET) or Building Performance Institute (BPI) analyst certification of residential building energy and environment auditors, inspectors, and raters, or an equivalent certification system as determined by the Administrator.

(2) BPI certification or licensing by States of residential building energy and environmental retrofit contractors, or an equivalent certification or licensing system as determined by the Administrator.

(3) Provision of BPI, RESNET, or other appropriate information on equipment and procedures, as determined by the Administrator, that contractors can use to test the energy and environmental efficiency of buildings effectively (such as infrared photography and pressurized testing, and tests for water use and indoor air quality).

(4) Provision of clear and effective materials to describe the testing and retrofit processes for typical buildings.

(5) Guidelines for offering and managing prescriptive building retrofit programs and performance-based building retrofit programs for residential and nonresidential buildings.

(6) Guidelines for applying recommissioning and retrocommissioning principles to improve a building's operations and maintenance procedures.

(7) A requirement that building retrofits conducted pursuant to a REEP program utilize, especially in all air-conditioned buildings, roofing materials with high solar energy reflectance, unless inappropriate due to green roof management, solar energy production, or for other reasons identified by the Administrator, in order to reduce energy consumption within the building, increase the albedo of the building's roof, and decrease the heat island effect in the area of the building, without reduction of otherwise applicable ceiling insulation standards.

(8) Determination of energy savings in a performance-based building retrofit program through—

(A) for residential buildings, comparison of before and after retrofit scores on the Home Energy Rating System (HERS) Index, where the final score is produced by an objective third party;

(B) for nonresidential buildings, Environmental Protection Agency Portfolio Manager benchmarks; or

(C) for either residential or nonresidential buildings, use of an Administrator-approved simulation program by a contractor with the appropriate certification, subject to appropriate software standards and verification of at least 15 percent of all work done, or such other percentage as the Administrator may determine.

(9) Guidelines for utilizing the Energy Star Portfolio Manager, the Home Energy Rating System (HERS) rating system, Home Performance with Energy Star program approvals, and any other tools associated with the retrofit program.

(10) Requirements and guidelines for post-retrofit inspection and confirmation of work and energy savings.

(11) Detailed descriptions of funding options for the benefit of State and local governments, along with model forms, accounting aids, agreements, and guides to best practices.

(12) Guidance on opportunities for—

(A) rating or certifying retrofitted buildings as Energy Star buildings, or as green buildings under a recognized green building rating system;

(B) assigning Home Energy Rating System (HERS) or similar ratings; and

(C) completing any applicable building performance labels.

(13) Sample materials for publicizing the program to building owners, including public service announcements and advertisements.

(14) Processes for tracking the numbers and locations of buildings retrofitted under the REEP program, with information on projected and actual savings of energy and its value over time.

(g) REQUIREMENTS.—As a condition of receiving allowances for the REEP program pursuant to this Act, a State or qualifying local government shall—

(1) adopt the standards for training, certification of contractors, certification of buildings, and post-retrofit inspection as developed by the Administrator for residential and nonresidential buildings, respectively, except as necessary to match local conditions, needs, efficiency opportunities, or other local factors, or to accord with State laws or regulations, and then only after the Administrator approves such a variance;

(2) establish fiscal controls and accounting procedures (which conform to generally accepted government accounting principles) sufficient to ensure proper accounting during appropriate accounting periods for payments received and disbursements, and for fund balances; and

(3) agree to make not less than 10 percent of allowance value received pursuant to section 132(c)(2) for dedicated funding of its REEP program available on a preferential basis for retrofit projects proposed for public housing and assisted housing, provided that—

(A) none of such funds shall be used for demolition of such housing;

(B) such retrofits shall not be used to justify any increase in rents charged to residents of such housing; and

(C) owners of such housing shall agree to continue to provide affordable housing consistent with the provisions of the authorizing legislation governing each program for an additional period commensurate with the funding received.

The Administrator shall conduct or require each State to have such independent financial audits of REEP-related funding as the Administrator considers necessary or appropriate to carry out the purposes of this section.

(h) OPTIONS TO SUPPORT REEP PROGRAM.—The emission allowances provided pursuant to this Act to the States SEED Accounts shall support the implementation through State REEP programs of alternate means of creating incentives for, or reducing financial barriers to, improved energy and environmental performance in buildings, consistent with this section, including—

(1) implementing prescriptive building retrofit programs and performance-based building retrofit programs;

(2) providing credit enhancement, interest rate subsidies, loan guarantees, or other credit support;

(3) providing initial capital for public revolving fund financing of retrofits, with repayments by beneficiary building owners over time through their tax payments, calibrated to create net positive cash flow to the building owner;

(4) providing funds to support utility-operated retrofit programs with repayments over time through utility rates, calibrated to create net positive cash flow to the building owner, and transferable from one building owner to the next with the building's utility services;

(5) providing funds to local government programs to provide REEP services and financial assistance; and

(6) other means proposed by State and local agencies, subject to the approval of the Administrator.

(i) SUPPORT FOR PROGRAM.—

(1) USE OF ALLOWANCES.—Direct Federal support for the REEP program is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement elements of the REEP Program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(2) INITIAL AWARD LIMITS.—Except as provided in paragraph (3), State and local REEP programs may make per-building direct expenditures for retrofit improvements, or their equivalent in indirect or other forms of financial support, from funds derived from the sale of allowances received directly from the Administrator in amounts not to exceed the following amounts per unit:

(A) RESIDENTIAL BUILDING PROGRAM.—

(i) AWARDS.—For residential buildings—

(I) support for a free or low-cost detailed building energy audit that prescribes measures sufficient to achieve at least a 20 percent reduction in energy use, by providing an incentive equal to the documented cost of such audit, but not more than $200, in addition to any earned by achieving a 20 percent or greater efficiency improvement;

(II) a total of $1,000 for a combination of measures, prescribed in an audit conducted under subclause (I), designed to reduce energy consumption by more than 10 percent, and $2,000 for a combination of measures prescribed in such an audit, designed to reduce energy consumption by more than 20 percent;

(III) $3,000 for demonstrated savings of 20 percent, pursuant to a performance-based building retrofit program; and

(IV) $1,000 for each additional 5 percentage points of energy savings achieved beyond savings for which funding is provided under subclause (II) or (III).

Funding shall not be provided under clauses (II) and (III) for the same energy savings.

(ii) MAXIMUM PERCENTAGE.—Awards under clause (i) shall not exceed 50 percent of retrofit costs for each building. For buildings with multiple residential units, awards under clause (i) shall not be greater than 50 percent of the total cost of retrofitting the building, prorated among individual residential units on the basis of relative costs of the retrofit. In the case of public housing and assisted housing, the 50 percent contribution matching the contribution from REEP program funds may come from any other source, including other Federal funds.

(iii) ADDITIONAL AWARDS.—Additional awards may be provided for purposes of increasing energy efficiency, for buildings achieving at least 20 percent energy savings using funding provided under clause (i), in the form of grants of not more than $600 for measures projected or measured (using an appropriate method approved by the Administrator) to achieve at least 35 percent potable water savings through equipment or systems with an estimated service life of not less than seven years, and not more than an additional $20 may be provided for each additional one percent of such savings, up to a maximum total grant of $1,200.

(B) NONRESIDENTIAL BUILDING PROGRAM.—

(i) AWARDS.—For nonresidential buildings—

(I) support for a free or low-cost detailed building energy audit that prescribes, as part of a energy-reducing measures sufficient to achieve at least a 20 percent reduction in energy use, by providing an incentive equal to the documented cost of such audit, but not more than $500, in addition to any award earned by achieving a 20 percent or greater efficiency improvement;

(II) $0.15 per square foot of retrofit area for demonstrated energy use reductions from 20 percent to 30 percent;

(III) $0.75 per square foot for demonstrated energy use reductions from 30 percent to 40 percent;

(IV) $1.60 per square foot for demonstrated energy use reductions from 40 percent to 50 percent; and

(V) $2.50 per square foot for demonstrated energy use reductions exceeding 50 percent.

(ii) MAXIMUM PERCENTAGE.—Amounts provided under subclauses (II) through (V) of clause (i) combined shall not exceed 50 percent of the total retrofit cost of a building. In nonresidential buildings with multiple units, such awards shall be prorated among individual units on the basis of relative costs of the retrofit.

(iii) ADDITIONAL AWARDS.—Additional awards may be provided, for buildings achieving at least 20 percent energy savings using funding provided under clause (i), as follows:

(I) WATER.—For purposes of increasing energy efficiency, grants may be made for whole building potable water use reduction (using an appropriate method approved by the Administrator) for up to 50 percent of the total retrofit cost, including amounts up to—

(aa) $24.00 per thousand gallons per year of potable water savings of 40 percent or more;

(bb) $27.00 per thousand gallons per year of potable water savings of 50 percent or more; and

(cc) $30.00 per thousand gallons per year of potable water savings of 60 percent or more.

(II) ENVIRONMENTAL IMPROVEMENTS.—Additional awards of up to $1,000 may be granted for the inclusion of other environmental attributes that the Administrator, in consultation with the Secretary, identifies as contributing to energy efficiency. Such attributes may include, but are not limited to waste diversion and the use of environmentally preferable materials (including salvaged, renewable, or recycled materials, and materials with no or low-VOC content). The Administrator may recommend that States develop such standards as are necessary to account for local or regional conditions that may affect the feasibility or availability of identified resources and attributes.

(iv) INDOOR AIR QUALITY MINIMUM.—Nonresidential buildings receiving incentives under this section must satisfy at a minimum the most recent version of ASHRAE Standard 62.1 for ventilation, or the equivalent as determined by the Administrator. A State may issue a waiver from this requirement to a building project on a showing that such compliance is infeasible due to the physical constraints of the building's existing ventilation system, or such other limitations as may be specified by the Administrator.

(C) DISASTER DAMAGED BUILDINGS.—Any source of funds, including Federal funds provided through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, shall qualify as the building owner's 50 percent contribution, in order to match the contribution of REEP funds, so long as the REEP funds are only used to improve the energy efficiency of the buildings being reconstructed. In addition, the appropriate Federal agencies providing assistance to building owners through the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall make information available, following a disaster, to building owners rebuilding disaster damaged buildings with assistance from the Act, that REEP funds may be used for energy efficiency improvements.

(D) HISTORIC BUILDINGS.—Notwithstanding subparagraphs (A) and (B), a building in or eligible for the National Register of Historic Places shall be eligible for awards under this paragraph in amounts up to 120 percent of the amounts set forth in subparagraphs (A) and (B).

(E) SUPPLEMENTAL SUPPORT.—State and local governments may supplement the per-building expenditures under this paragraph with funding from other sources.

(3) ADJUSTMENT.—The Administrator may adjust the specific dollar limits funded by the sale of allowances pursuant to paragraph (2) in years subsequent to the second year after the date of enactment of this Act, and every 2 years thereafter, as the Administrator determines necessary to achieve optimum cost-effectiveness and to maximize incentives to achieve energy efficiency within the total building award amounts provided in that paragraph, and shall publish and hold constant such revised limits for at least 2 years.

(j) REPORT TO CONGRESS.—The Administrator shall conduct an annual assessment of the achievements of the REEP program in each State, shall prepare an annual report of such achievements and any recommendations for program modifications, and shall provide such report to Congress at the end of each fiscal year during which funding or other resources were made available to the States for the REEP Program.

(k) OTHER SOURCES OF FEDERAL SUPPORT.—

(1) ADDITIONAL STATE ENERGY PROGRAM FUNDS.—Any Federal funding provided to a State Energy Program that is not required to be expended for a different federally designated purpose may be used to support a REEP program.

(2) PROGRAM ADMINISTRATION.—State Energy Offices or designated State agencies may expend up to 10 percent of available allowance value provided under this section for program administration.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section, for each of fiscal years 2010, 2011, 2012, and 2013—

(A) $50,000,000 to the Administrator for program administration costs; and

(B) $20,000,000 to the Secretary of Energy for program administration costs.

SEC. 203. ENERGY EFFICIENT MANUFACTURED HOMES.

(a) DEFINITIONS.—In this section:

(1) MANUFACTURED HOME.—The term ''manufactured home'' has the meaning given such term in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(2) ENERGY STAR QUALIFIED MANUFACTURED HOME.—The term ''Energy Star qualified manufactured home'' means a manufactured home that has been designed, produced, and installed in accordance with Energy Star's guidelines by an Energy Star certified plant.

(b) PURPOSE.—The purpose of this section is to assist low-income households residing in manufactured homes constructed prior to 1976 to save energy and energy expenditures by providing support toward the purchase of new Energy Star qualified manufactured homes.

(c) STATE IMPLEMENTATION OF PROGRAM.—

(1) MANUFACTURED HOME REPLACEMENT PROGRAM.—Any State may provide to the owner of a manufactured home constructed prior to 1976 a rebate to use toward the purchase of a new Energy Star qualified manufactured home pursuant to this section.

(2) USE OF ALLOWANCES.—Direct Federal support for the program established in this section is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(3) REBATES.—

(A) PRIMARY RESIDENCE REQUIREMENT.—A rebate described under paragraph (1) may only be made to an owner of a manufactured home constructed prior to 1976 that is used on a year-round basis as a primary residence.

(B) DISMANTLING AND REPLACEMENT.—A rebate described under paragraph (1) may be made only if the manufactured home constructed prior to 1976 will be—

(i) rendered unusable for human habitation (including appropriate recycling); and

(ii) replaced, in the same general location, as determined by the applicable State agency, with an Energy Star qualified manufactured home.

(C) SINGLE REBATE.—A rebate described under paragraph (1) may not be provided to any owner of a manufactured home constructed prior to 1976 that was or is a member of a household for which any other member of the household was provided a rebate pursuant to this section.

(D) ELIGIBLE HOUSEHOLDS.—To be eligible to receive a rebate described under paragraph (1), an owner of a manufactured home constructed prior to 1976 shall demonstrate to the applicable State agency that the total income of all members the owner's household does not exceed 200 percent of the Federal poverty level for income in the applicable area.

(E) ADVANCE AVAILABILITY.—A rebate may be provided under this section in a manner to facilitate the purchase of a new Energy Star qualified manufactured home.

(4) REBATE LIMITATION.—Rebates provided by States under this section shall not exceed $7,500 per manufactured home from any value derived from the use of emission allowances provided to the State pursuant to section 132.

(5) USE OF STATE FUNDS.—A State providing rebates under this section may supplement

the amount of such rebates under paragraph (4) by any additional amount is from State funds and other sources, including private donations or grants from charitable organizations.

(6) COORDINATION WITH SIMILAR PROGRAMS.—

(A) STATE PROGRAMS.—A State conducting an existing program that has the purpose of replacing manufactured homes constructed prior to 1976 with Energy Star qualified manufactured homes, may use allowance value provided under section 782 of the Clean Air Act to support such a program, provided such funding does not exceed the rebate limitation amount under paragraph (4).

(B) FEDERAL PROGRAMS.—The Secretary of Energy shall coordinate with and seek to achieve the purpose of this section through similar Federal programs including—

(i) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); and

(ii) the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(C) COORDINATION WITH OTHER STATE AGENCIES.—A State agency using allowance value to administer the program under this section may coordinate its efforts, and share funds for administration, with other State agencies involved in low-income housing programs.

(7) ADMINISTRATIVE EXPENSES.—A State using allowance value under this section may expend not more than 10 percent of such value for administrative expenses related to this program.

SEC. 204. BUILDING ENERGY PERFORMANCE LABELING PROGRAM.

(a) ESTABLISHMENT.—

(1) PURPOSE.—The Administrator shall establish a building energy performance labeling program with broad applicability to the residential and commercial markets to enable and encourage knowledge about building energy performance by owners and occupants and to inform efforts to reduce energy consumption nationwide.

(2) COMPONENTS.—In developing such program, the Administrator shall—

(A) consider existing programs, such as Environmental Protection Agency's Energy Star program, the Home Energy Rating System (HERS) Index, and programs at the Department of Energy;

(B) support the development of model performance labels for residential and commercial buildings; and

(C) utilize incentives and other means to spur use of energy performance labeling of public and private sector buildings nationwide.

(b) DATA ASSESSMENT FOR BUILDING ENERGY PERFORMANCE.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to Congress, as well as to the Secretary of Energy and the Office of Management and Budget, a report identifying—

(A) all principal building types for which statistically significant energy performance data exists to serve as the basis of measurement protocols and labeling requirements for achieved building energy performance; and

(B) those building types for which additional data are required to enable the development of such protocols and requirements.

(2) ADDITIONAL REPORTS.—Additional updated reports shall be provided under this subsection as often as The Administrator considers practicable, but not less than every 2 years.

(c) BUILDING DATA ACQUISITION.—

(1) RESOURCE REQUIREMENTS.—For all principal building types identified under subsection (b), the Secretary of Energy, not later than 90 days after a report by the Administrator under subsection (b), shall provide to Congress, the Administrator, and the Office of Management and Budget a statement of additional resources needed, if any, to fully develop the relevant data, as well as the anticipated timeline for data development.

(2) CONSULTATION.—The Secretary of Energy shall consult with the Administrator concerning the Administrator's ability to use data series for these additional building types to support the achieved performance component in the labeling program.

(3) IMPROVEMENTS TO BUILDING ENERGY CONSUMPTION DATABASES.—

(A) COMMERCIAL DATABASE.—The Secretary of Energy shall support improvements to the Commercial Buildings Energy Consumption Survey (CBECS) as authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k))—

(i) to enable complete and robust data for the actual energy performance of principal building types currently covered by survey;

(ii) to cover additional building types as identified by the Administrator under subsection (b)(1)(B), to enable the development of achieved performance measurement protocols are developed for at least 90 percent of all major commercial building types within 5 years after the date of enactment of this Act; and

(iii) to include third-party audits of random data samplings to ensure the quality and accuracy of survey information.

(B) RESIDENTIAL DATABASES.—The Administrator, in consultation with the Energy Information Administration and the Secretary of Energy, shall support improvements to the Residential Energy Consumption Survey (RECS) as authorized by section 205(k) of the Department of Energy Organization Act (42 U.S.C. 7135(k)), or such other residential energy performance databases as the Administrator considers appropriate, to aid the development of achieved performance measurement protocols for residential building energy use for at least 90 percent of the residential market within 5 years after the date of enactment of this Act.

(C) CONSULTATION.—The Secretary of Energy and the Administrator shall consult with public, private, and nonprofit sector representatives from the building industry and real estate industry to assist in the evaluation and improvement of building energy performance databases and labeling programs.

(d) IDENTIFICATION OF MEASUREMENT PROTOCOLS FOR ACHIEVED PERFORMANCE.—

(1) PROPOSED PROTOCOLS AND REQUIREMENTS.—At the earliest practicable date, but not later than 1 year after identifying a building type under subsection (b)(1)(A), the Administrator shall propose a measurement protocol for that building type and a requirement detailing how to use that protocol in completing applicable commercial or residential performance labels created pursuant to this section.

(2) FINAL RULE.—After providing for notice and comment, the Administrator shall publish a final rule containing a measurement protocol and the corresponding requirements for applying that protocol. Such a rule—

(A) shall define the minimum period for measurement of energy use by buildings of that type and other details for determining achieved performance, to include leased buildings or parts thereof;

(B) shall identify necessary data collection and record retention requirements; and

(C) may specify transition rules and exemptions for classes of buildings within the building type.

(e) PROCEDURES FOR EVALUATING DESIGNED PERFORMANCE.—The Administrator shall develop protocols for evaluating the designed performance of individual building types. The Administrator may conduct such feasibility studies and demonstration projects as are necessary to evaluate the sufficiency of proposed protocols for designed performance.

(f) CREATION OF BUILDING ENERGY PERFORMANCE LABELING PROGRAM.—

(1) MODEL LABEL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall propose a model building energy label that provides a format—

(A) to display achieved performance and designed performance data;

(B) that may be tailored for residential and commercial buildings, and for single-occupancy and multitenanted buildings; and

(C) to display other appropriate elements identified during the development of measurement protocols under subsections (d) and (e).

(2) INCLUSIONS.—Nothing in this section shall require the inclusion on such a label of designed performance data where impracticable or not cost effective, or to preclude the display of both achieved performance and designed performance data for a particular building where both such measures are available, practicable, and cost effective.

(3) EXISTING PROGRAMS.—In developing the model label, the Administrator shall consider existing programs, including—

(A) the Environmental Protection Agency's Energy Star Portfolio Manager program and the California HERS II Program Custom Approach for the achieved performance component of the label;

(B) the Home Energy Rating System (HERS) Index system for the designed performance component of the label; and

(C) other Federal and State programs, including the Department of Energy's related programs on building technologies and those of the Federal Energy Management Program.

(4) FINAL RULE.—After providing for notice and comment, the Administrator shall publish a final rule containing the label applicable to covered building types.

(g) DEMONSTRATION PROJECTS FOR LABELING PROGRAM.—

(1) IN GENERAL.—The Administrator shall conduct building energy performance labeling demonstration projects for different building types—

(A) to ensure the sufficiency of the current Commercial Buildings Energy Consumption Survey and other data to serve as the basis for new measurement protocols for the achieved performance component of the building energy performance labeling program;

(B) to inform the development of measurement protocols for building types not currently covered by the Commercial Buildings Energy Consumption Survey; and

(C) to identify any additional information that needs to be developed to ensure effective use of the model label.

(2) PARTICIPATION.—Such demonstration projects shall include participation of—

(A) buildings from diverse geographical and climate regions;

(B) buildings in both urban and rural areas;

(C) single-family residential buildings;

(D) multihousing residential buildings with more than 50 units, including at least one project that provides affordable housing to individuals of diverse incomes;

(E) single-occupant commercial buildings larger than 30,000 square feet;

(F) multitenanted commercial buildings larger than 50,000 square feet; and

(G) buildings from both the public and private sectors.

(3) PRIORITY.—Priority in the selection of demonstration projects shall be given to

projects that facilitate large-scale implementation of the labeling program for samples of buildings across neighborhoods, geographic regions, cities, or States.

(4) FINDINGS.—The Administrator shall report any findings from demonstration projects under this subsection, including an identification of any areas of needed data improvement, to the Department of Energy's Energy Information Administration and Building Technologies Program.

(5) COORDINATION.—The Administrator and the Secretary of Energy shall coordinate demonstration projects undertaken pursuant to this subsection with those undertaken as part of the Zero-Net-Energy Commercial Buildings Initiative adopted under section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082).

(h) IMPLEMENTATION OF LABELING PROGRAM.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall work with all State Energy Offices established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) or other State authorities as necessary for the purpose of implementing the labeling program established under this section for commercial and residential buildings.

(2) OUTREACH TO LOCAL AUTHORITIES.—The Administrator shall, acting in consultation and coordination with the respective States, encourage use of the labeling program by counties and other localities to broaden access to information about building energy use, for example, through disclosure of building label contents in tax, title, and other records those localities maintain. For this purpose, the Administrator shall develop an electronic version of the label and information that can be readily transmitted and read in widely-available computer programs but is protected from unauthorized manipulation.

(3) MEANS OF IMPLEMENTATION.—In adopting the model labeling program established under this section, a State shall seek to ensure that labeled information be made accessible to the public in a manner so that owners, lenders, tenants, occupants, or other relevant parties can utilize it. Such accessibility may be accomplished through—

(A) preparation, and public disclosure of the label through filing with tax and title records at the time of—

(i) a building audit conducted with support from Federal or State funds;

(ii) a building energy-efficiency retrofit conducted in response to such an audit;

(iii) a final inspection of major renovations or additions made to a building in accordance with a building permit issued by a local government entity;

(iv) a sale that is recorded for title and tax purposes consistent with paragraph (8);

(v) a new lien recorded on the property for more than a set percentage of the assessed value of the property, if that lien reflects public financial assistance for energy-related improvements to that building; or

(vi) a change in ownership or operation of the building for purposes of utility billing; or

(B) other appropriate means.

(4) STATE IMPLEMENTATION OF PROGRAM.—

(A) ELIGIBILITY.—A State may become eligible to utilize allowance value to implement this program by—

(i) adopting by statute or regulation a requirement that buildings be assessed and labeled, consistent with the labeling requirements of the program established under this section; or

(ii) adopting a plan to implement a model labeling program consistent with this section within one year of enactment of this Act, including the establishment of that program within 3 years after the date of enactment of this Act, and demonstrating continuous progress under that plan.

(B) USE OF ALLOWANCES.—Direct Federal support for the program established in this section is provided through the emission allowances allocated to the States' SEED Accounts pursuant to section 132 of this Act. To the extent that a State provides allowances to local governments within the State to implement this program, that shall be deemed a distribution of such allowances to units of local government pursuant to subsection (c)(1) of that section.

(5) GUIDANCE.—The Administrator may create or identify model programs and resources to provide guidance to offer to States and localities for creating labeling programs consistent with the model program established under this section.

(6) PROGRESS REPORT.—The Administrator, in consultation with the Secretary of Energy, shall provide a progress report to Congress not later than 3 years after the date of enactment of this Act that—

(A) evaluates the effectiveness of efforts to advance use of the model labeling program by States and localities;

(B) recommends any legislative changes necessary to broaden the use of the model labeling program; and

(C) identifies any changes to broaden the use of the model labeling program that the Administrator has made or intends to make that do not require additional legislative authority.

(7) STATE INFORMATION.—The Administrator may require States to report to the Administrator information that the Administrator requires to provide the report required under paragraph (6).

(8) PREVENTION OF DISRUPTION OF SALES TRANSACTIONS.—No State shall implement a new labeling program pursuant to this section in a manner that requires the labeling of a building to occur after a contract has been executed for the sale of that building and before the sales transaction is completed.

(i) IMPLEMENTATION OF LABELING PROGRAM IN FEDERAL BUILDINGS.—

(1) USE OF LABELING PROGRAM.—The Secretary of Energy and the Administrator shall use the labeling program established under this section to evaluate energy performance in the facilities of the Department of Energy and the Environmental Protection Agency, respectively, to the extent practicable, and shall encourage and support implementation efforts in other Federal agencies.

(2) ANNUAL PROGRESS REPORT.—The Secretary of Energy and Administrator shall provide an annual progress report to Congress and the Office of Management and Budget detailing efforts to implement this subsection, as well as any best practices or needed resources identified as a result of such efforts.

(j) PUBLIC OUTREACH.—The Secretary of Energy and the Administrator, in consultation with nonprofit and industry stakeholders with specialized expertise, and in conjunction with other energy efficiency public awareness efforts, shall establish a business and consumer education program to increase awareness about the importance of building energy efficiency and to facilitate widespread use of the labeling program established under this section.

(k) DEFINITIONS.—In this section:

(1) BUILDING TYPE.—The term ''building type'' means a grouping of buildings as identified by their principal building activities, or as grouped by their use, including office buildings, laboratories, libraries, data centers, retail establishments, hotels, warehouses, and educational buildings.

(2) MEASUREMENT PROTOCOL.—The term ''measurement protocol'' means the methodology, prescribed by the Administrator, for defining a benchmark for building energy performance for a specific building type and for measuring that performance against the benchmark.

(3) ACHIEVED PERFORMANCE.—The term ''achieved performance'' means the actual energy consumption of a building as compared to a baseline building of the same type and size, determined by actual consumption data normalized for appropriate variables.

(4) DESIGNED PERFORMANCE.—The term ''designed performance'' means the energy consumption performance a building would achieve if operated consistent with its design intent for building energy use, utilizing a standardized set of operational conditions informed by data collected or confirmed during an energy audit.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Administrator $50,000,000 for implementation of this section for each fiscal year from 2010 through 2020; and

(2) to the Secretary of Energy $20,000,000 for implementation of this section for fiscal year 2010 and $10,000,000 for fiscal years 2011 through 2020.

(m) NEW CONSTRUCTION.—This section shall apply only to construction beginning after the date of enactment of this Act.

SEC. 205. TREE PLANTING PROGRAMS.

(a) FINDINGS.—The Congress finds that—

(1) the utility sector is the largest single source of greenhouse gas emissions in the United States today, producing approximately one-third of the country's emissions;

(2) heating and cooling homes accounts for nearly 60 percent of residential electricity usage in the United States;

(3) shade trees planted in strategic locations can reduce residential cooling costs by as much as 30 percent;

(4) shade trees have significant clean-air benefits associated with them;

(5) every 100 healthy large trees removes about 300 pounds of air pollution (including particulate matter and ozone) and about 15 tons of carbon dioxide from the air each year;

(6) tree cover on private property and on newly-developed land has declined since the 1970s, even while emissions from transportation and industry have been rising; and

(7) in over a dozen test cities across the United States, increasing urban tree cover has generated between two and five dollars in savings for every dollar invested in such tree planting.

(b) DEFINITIONS.—As used in this section:

(1) The term ''Secretary'' refers to the Secretary of Energy.

(2) The term ''retail power provider'' means any entity authorized under applicable State or Federal law to generate, distribute, or provide retail electricity, natural gas, or fuel oil service.

(3) The term ''tree-planting organization'' means any nonprofit or not-for-profit group which exists, in whole or in part, to—

(A) expand urban and residential tree cover;

(B) distribute trees for planting;

(C) increase awareness of the environmental and energy-related benefits of trees;

(D) educate the public about proper tree planting, care, and maintenance strategies; or

(E) carry out any combination of the foregoing activities.

(4) The term ''tree-siting guidelines'' means a comprehensive list of science-based measurements outlining the species and minimum distance required between trees planted pursuant to this section, in addition to the minimum required distance to be maintained between such trees and—

(A) building foundations;

(B) air conditioning units;

(C) driveways and walkways;
(D) property fences;
(E) preexisting utility infrastructure;
(F) septic systems;
(G) swimming pools; and
(H) other infrastructure as deemed appropriate.

(5) The terms ''small office'', ''small office buildings'', and ''small office settings'' means nonresidential buildings or structures zoned for business purposes that are 20,000 square feet or less in total area.

(c) PURPOSES.—The purpose of this section is to establish a grant program to assist retail power providers with the establishment and operation of targeted tree-planting programs in residential and small office settings, for the following purposes:

(1) Reducing the peak-load demand for electricity from residences and small office buildings during the summer months through direct shading of buildings provided by strategically planted trees.

(2) Reducing wintertime demand for energy from residences and small office buildings by blocking cold winds from reaching such structures, which lowers interior temperatures and drives heating demand.

(3) Protecting public health by removing harmful pollution from the air.

(4) Utilizing the natural photosynthetic and transpiration process of trees to lower ambient temperatures and absorb carbon dioxide, thus mitigating the effects of climate change.

(5) Lowering electric bills for residential and small office ratepayers by limiting electricity consumption without reducing benefits.

(6) Relieving financial and demand pressure on retail power providers that stems from large peak-load energy demand.

(7) Protecting water quality and public health by reducing stormwater runoff and keeping harmful pollutants from entering waterways.

(8) Ensuring that trees are planted in locations that limit the amount of public money needed to maintain public and electric infrastructure.

(d) GENERAL AUTHORITY.—

(1) ASSISTANCE.—The Secretary is authorized to provide financial, technical, and related assistance to retail power providers to assist with the establishment of new, or continued operation of existing, targeted tree-planting programs for residences and small office buildings.

(2) PUBLIC RECOGNITION INITIATIVE.—In carrying out the authority provided under this section, the Secretary shall also create a national public recognition initiative to encourage participation in tree-planting programs by retail power providers.

(3) ELIGIBILITY.—Only those programs which utilize targeted, strategic tree-siting guidelines to plant trees in relation to building location, sunlight, and prevailing wind direction shall be eligible for assistance under this section.

(4) REQUIREMENTS.—In order to qualify for assistance under this section, a tree-planting program shall meet each of the following requirements:

(A) The program shall provide free or discounted shade-providing or wind-reducing trees to residential and small office consumers interested in lowering their home energy costs.

(B) The program shall optimize the electricity-consumption reduction benefit of each tree by planting in strategic locations around a given residence or small office.

(C) The program shall either—

(i) provide maximum amounts of shade during summer intervals when residences and small offices are exposed to the most sun intensity; or

(ii) provide maximum amounts of wind protection during fall and winter intervals when residences and small offices are exposed to the most wind intensity.

(D) The program shall use the best available science to create tree siting guidelines which dictate where the optimum tree species are best planted in locations that achieve maximum reductions in consumer energy demand while causing the least disruption to public infrastructure, considering overhead and underground facilities.

(E) The program shall receive certification from the Secretary that it is designed to achieve the goals set forth in subparagraphs (A) through (D). In designating criteria for such certification, the Secretary shall collaborate with the United States Forest Service's Urban and Community Forestry Program to ensure that certification requirements are consistent with such above goals.

(5) NEW PROGRAM FUNDING SHARE.—The Secretary shall ensure that no less than 30 percent of the funds made available under this section are distributed to retail power providers which—

(A) have not previously established or operated qualified tree-planting programs; or

(B) are operating qualified tree-planting programs which were established no more than three years prior to the date of enactment of this section.

(e) AGREEMENTS BETWEEN ELECTRICITY PROVIDERS AND TREE-PLANTING ORGANIZATIONS.—

(1) GRANT AUTHORIZATION.—In providing assistance under this section, the Secretary is authorized to award grants only to retail power providers that have entered into binding legal agreements with nonprofit tree-planting organizations.

(2) CONDITIONS OF AGREEMENT.—Those agreements between retail power providers and tree-planting organizations shall set forth conditions under which nonprofit tree-planting organizations shall provide targeted tree-planting programs which may require these organizations to—

(A) participate in local technical advisory committees responsible for drafting general tree-siting guidelines and choosing the most effective species of trees to plant in given locations;

(B) coordinate volunteer recruitment to assist with the physical act of planting trees in residential locations;

(C) undertake public awareness campaigns to educate local residents about the benefits, cost savings, and availability of free shade trees;

(D) establish education and information campaigns to encourage recipients to maintain their shade trees over the long term;

(E) serve as the point of contact for existing and potential residential participants who have questions or concerns regarding the tree-planting program;

(F) require tree recipients to sign agreements committing to voluntary stewardship and care of provided trees;

(G) monitor and report on the survival, growth, overall health, and estimated energy savings of provided trees up until the end of their establishment period which shall be no less than five years; and

(H) ensure that trees planted near existing power lines will not interfere with energized electricity distribution lines when mature, and that no new trees will be planted under or adjacent to high-voltage electric transmission lines without prior consultation with the applicable retail power provider receiving assistance under this section.

(3) LACK OF NONPROFIT ORGANIZATION.—If qualified nonprofit or not-for-profit tree planting organizations do not exist or operate within areas served by retail power providers applying for assistance under this section, the requirements of this section shall apply to binding legal agreements entered into by such retail power providers and one of the following entities:

(A) Local municipal governments with jurisdiction over the urban or suburban forest.

(B) The State Forester for the State in which the tree planting program will operate.

(C) The United States Forest Service's Urban and Community Forestry representative for the State in which the tree-planting program will operate.

(D) A landscaping services company that is—

(i) identified in consultation with a national or State nonprofit or not-for-profit tree-planting organization;

(ii) licensed to operate in the State in which the tree-planting program will operate; and

(iii) a business as defined by the United States Census Bureau's 2007 North American Industry Classification System Code 561730.

(f) TECHNICAL ADVISORY COMMITTEES.—

(1) DESCRIPTION.—In order to qualify for assistance under this section, the retail power provider shall establish and consult with a local technical advisory committee which shall provide advice and consultation to the program, and may—

(A) design and adopt an approved plant list that emphasizes the use of hardy, noninvasive tree species and, where geographically appropriate, the use of native, or site-adapted, or low water-use shade trees;

(B) design and adopt planting, installation, and maintenance specifications and create a process for inspection and quality control;

(C) ensure that tree recipients are educated to care for and maintain their trees over the long term;

(D) help the public become more engaged and educated in the planting and care of shade trees;

(E) prioritize which sites receive trees, giving preference to locations with the most potential for energy conservation and secondary preference to areas where the average annual income is below the regional median; and

(F) assist with monitoring and collection of data on tree health, tree survival, and energy conservation benefits generated under this section.

(2) COMPENSATION.—Individuals serving on local technical advisory committees shall not receive compensation for their service.

(3) COMPOSITION.—Local technical advisory committees shall be composed of representatives from public, private, and nongovernmental agencies with expertise in demand-side energy efficiency management, urban forestry, or arboriculture, and shall be composed of the following:

(A) Up to 4 persons, but no less than one person, representing the retail power provider receiving assistance under this section.

(B) Up to 4 persons, but no less than one person, representing the local tree-planting organization which will partner with the retail power provider to carry out this section.

(C) Up to 3 persons representing local nonprofit conservation or environmental organizations. Preference shall be given to those entities which are organized under section 501(c)(3) of the Internal Revenue Code of 1986, and which have demonstrated expertise engaging the public in energy conservation, energy efficiency, or green building practices or a combination thereof, such that no single organization is represented by more than one individual under this paragraph.

(D) Up to 2 persons representing a local affordable housing agency, affordable housing builder, or community development corporation.

(E) Up to 3, but no less than one, persons representing local city or county government for each municipality where a shade

tree-planting program will take place; at least one of these representatives shall be the city or county forester, city or county arborist, or functional equivalent.

(F) Up to one person representing the local government agency responsible for management of roads, sewers, and infrastructure, including but not limited to public works departments, transportation agencies, or equivalents.

(G) Up to 3 persons representing the nursery and landscaping industry.

(H) Up to 3 persons representing the research community or academia with expertise in natural resources or energy management issues.

(4) CHAIRPERSON.—Each local technical advisory committee shall elect a chairperson to preside over Committee meetings, act as a liaison to governmental and other outside entities, and direct the general operation of the committee; only committee representatives from paragraph (3)(A) or paragraph (3)(B) of this subsection shall be eligible to act as local technical advisory committee chairpersons.

(5) CREDENTIALS.—At least one of the members of each local technical advisory committee shall be certified with one or more of the following credentials: International Society of Arboriculture; Certified Arborist, ISA; Certified Arborist Municipal Specialist, ISA; Certified Arborist Utility Specialist, ISA; Board Certified Master Arborist; or Registered Landscape Architect recommended by the American Society of Landscape Architects.

(g) COST-SHARE PROGRAM.—

(1) FEDERAL SHARE.—The Federal share of support for projects funded under this section shall not exceed 50 percent of the cost of such project and shall be provided on a matching basis.

(2) NON-FEDERAL SHARE.—The non-Federal share of such costs may be paid or contributed by any governmental or nongovernmental entity other than from funds derived directly or indirectly from an agency or instrumentality of the United States.

(h) RULEMAKING.—

(1) RULEMAKING PERIOD.—The Secretary shall be authorized to solicit comments and initiate a rulemaking period that shall last no more than 6 months after the date of enactment of this section.

(2) COMPETITIVE GRANT RULE.—At the conclusion of the rulemaking period under paragraph (1), the Secretary shall promulgate a rule governing a public, competitive grants process through which retail power providers may apply for Federal support under this section.

(i) NONDUPLICITY.—Nothing in this section shall be construed to supersede, duplicate, cancel, or negate the programs or authorities provided under section 9 of the Cooperative Forestry Assistance Act of 1978 (92 Stat. 369; Public Law 95–313; 16 U.S.C. 2105).

(j) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary for the implementation of this section.

SEC. 206. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

Section 453(c)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112(c)(1)) is amended by inserting ''but not later than 2 years after the date of enactment of this Act'' after ''described in subsection (b)''.

SEC. 207. COMMUNITY BUILDING CODE ADMINISTRATION GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—

(1) GRANT AUTHORIZATION.—The Secretary of Housing and Urban Development shall to the extent amounts are made available for grants under this section provide grants to local building code enforcement departments.

(2) COMPETITIVE AWARDS.—The Secretary shall award grants under paragraph (1) on a competitive basis taking into consideration the following:

(A) The financial need of each building code enforcement department.

(B) The benefit to the jurisdiction of having an adequately funded building code enforcement department.

(C) The demonstrated ability of each building code enforcement department to work cooperatively with other local code enforcement offices, health departments, and local prosecutorial agencies.

(3) MAXIMUM AMOUNT.—The maximum amount of any grant awarded under this subsection shall not exceed $1,000,000.

(4) COORDINATION.—The Secretary of Housing and Urban Development shall coordinate with the Secretary of Energy to ensure that any unnecessarily duplicative funding through grants under this section of activities otherwise funded through the Department of Energy is minimized or eliminated.

(b) REQUIRED ELEMENTS IN GRANT PROPOSALS.—In order to be eligible for a grant under subsection (a), a building code enforcement department of a jurisdiction shall submit to the Secretary the following:

(1) A demonstration of the jurisdiction's needs in executing building code enforcement administration.

(2) A plan for the use of any funds received from a grant under this section that addresses the needs discussed in paragraph (1) and that is consistent with the authorized uses established in subsection (c).

(3) A plan for local governmental actions to be taken to establish and sustain local building code enforcement administration functions, without continuing Federal support, at a level at least equivalent to that proposed in the grant application.

(4) A plan to create and maintain a program of public outreach that includes a regularly updated and readily accessible means of public communication, interaction, and reporting regarding the services and work of the building code enforcement department to be supported by the grant.

(5) A plan for ensuring the timely and effective administrative enforcement of building safety and fire prevention violations.

(c) USE OF FUNDS; MATCHING FUNDS.—

(1) AUTHORIZED USES.—Amounts from grants awarded under subsection (a) may be used by the grant recipient to supplement existing State or local funding for administration of building code enforcement, or to supplement allowance value received pursuant to this Act for implementation and enforcement of energy efficiency building codes. Such amounts may be used to increase staffing, provide staff training, increase staff competence and professional qualifications, or support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the building code enforcement department.

(2) ADDITIONAL REQUIREMENT.—Each building code enforcement department receiving a grant under subsection (a) shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer.

(3) MATCHING FUNDS REQUIRED.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a building code enforcement department shall provide matching, non-Federal funds in the following amount:

(i) In the case of a building code enforcement department serving an area with a population of more than 50,000, an amount equal to not less than 50 percent of the total amount of any grant to be awarded under this section.

(ii) In the case of a building code enforcement department serving an area with a population of between 20,001 and 50,000, an amount equal to not less than 25 percent of the total amount of any grant to be awarded under this section.

(iii) In the case of a building code enforcement department serving an area with a population of less than 20,000, an amount equal to not less than 12.5 percent of the total amount of any grant to be awarded under this section.

(B) ECONOMIC DISTRESS.—

(i) IN GENERAL.—The Secretary may waive the matching fund requirements under subparagraph (A), and institute, by regulation, new matching fund requirements based upon the level of economic distress of the jurisdiction in which the local building code enforcement department seeking such grant is located.

(ii) CONTENT OF REGULATIONS.—Any regulations instituted under clause (i) shall include—

(I) a method that allows for a comparison of the degree of economic distress among the local jurisdictions of grant applicants, as measured by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in such jurisdiction; and

(II) any other factor determined to be relevant by the Secretary in assessing the comparative degree of economic distress among such jurisdictions.

(4) IN-KIND CONTRIBUTIONS.—In determining the non-Federal share required to be provided under paragraph (3), the Secretary shall consider in-kind contributions, not to exceed 50 percent of the amount that the department contributes in non-Federal funds.

(5) WAIVER OF MATCHING REQUIREMENT.—The Secretary shall waive the matching fund requirements under paragraph (3) for any recipient jurisdiction that has dedicated all building code permitting fees to the conduct of local building code enforcement.

(d) EVALUATION AND REPORT.—

(1) IN GENERAL.—Grant recipients under this section shall—

(A) be obligated to fully account and report for the use of all grants funds; and

(B) provide a report to the Secretary on the effectiveness of the program undertaken by the grantee and any other criteria requested by the Secretary for the purpose of indicating the effectiveness of, and ideas for, refinement of the grant program.

(2) REPORT.—The report required under paragraph (1)(B) shall include a discussion of—

(A) the specific capabilities and functions in local building code enforcement administration that were addressed using funds received under this section;

(B) the lessons learned in carrying out the plans supported by the grant; and

(C) the manner in which the programs supported by the grant are to be maintained by the grantee.

(3) CONTENT OF REPORTS.—The Secretary shall—

(A) require each recipient of a grant under this section to file interim and final reports under paragraph (2) to ensure that grant funds are being used as intended and to measure the effectiveness and benefits of the grant program; and

(B) develop and maintain a means whereby the public can access such reports, at no cost, via the Internet.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BUILDING CODE ENFORCEMENT.—The term ''building code enforcement'' means the enforcement of any code, adopted by a State or local government, that regulates the construction of buildings and facilities to mitigate hazards to life or property. Such term

includes building codes, electrical codes, energy codes, fire codes, fuel gas codes, mechanical codes, and plumbing codes.

(2) BUILDING CODE ENFORCEMENT DEPARTMENT.—The term ''building code enforcement department'' means an inspection or enforcement agency of a jurisdiction that is responsible for conducting building code enforcement.

(3) JURISDICTION.—The term ''jurisdiction'' means a city, county, parish, city and county authority, or city and parish authority having local authority to enforce building codes and regulations and to collect fees for building permits.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2010 through 2014 to the Secretary of Housing and Urban Development to carry out the provisions of this section.

(2) RESERVATION.—From the amount made available under paragraph (1), the Secretary may reserve not more than 5 percent for administrative costs.

(3) AVAILABILITY.—Any funds appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 208. SOLAR ENERGY SYSTEMS BUILDING PERMIT REQUIREMENTS FOR RECEIPT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following new subsection:

''(n) REQUIREMENTS FOR BUILDING PERMITS REGARDING SOLAR ENERGY SYSTEMS.—

''(1) IN GENERAL.—A grant under section 106 for a fiscal year may be made only if the grantee certifies to the Secretary that—

''(A) in the case of a grant under section 106(a) for any Indian tribe or insular area, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the tribe or insular area or by any other unit of general local government or other political subdivision of such tribe or insular area, complies with paragraph (2);

''(B) in the case of a grant under section 106(b) for any metropolitan city or urban county, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the metropolitan city or urban county, or by any other political subdivision of such city or county, complies with paragraph (2); and

''(C) in the case of a grant under section 106(d) for any State, during such fiscal year the cost of any permit or license, for construction or installation of any solar energy system for any structure, that is required by the State, or by any other unit of general local government within any nonentitlement area of such State, or other political subdivision within any nonentitlement area of such State or such a unit of general local government, complies with paragraph (2).

''(2) LIMITATION ON COST.—The cost of permit or license for construction or installation of any solar energy system complies with this paragraph only if such cost does not exceed the following amount:

''(A) RESIDENTIAL STRUCTURES.—In the case of a structure primarily for residential use, $500.

''(B) NONRESIDENTIAL STRUCTURES.—In the case of a structure primarily for nonresidential use, 1.0 percent of the total cost of the installation or construction of the solar energy system, but not in excess of $10,000.

''(3) NONCOMPLIANCE.—If the Secretary determines that a grantee of a grant made under section 106 is not in compliance with a certification under paragraph (1)—

''(A) the Secretary shall notify the grantee of such determination; and

''(B) if the grantee has not corrected such noncompliance before the expiration of the 6-month period beginning upon notification under subparagraph (A), such grantee shall not be eligible for 5 percent of any amounts awarded under a grant under section 106 for the first fiscal year that commences after the expiration of such 6-month period.

''(4) SOLAR ENERGY SYSTEM.—For purposes of this subsection, the term 'solar energy system' means, with respect to a structure, equipment that uses solar energy to generate electricity for, or to heat or cool (or provide hot water for use in), such structure.''.

SEC. 209. PROHIBITION OF RESTRICTIONS ON RESIDENTIAL INSTALLATION OF SOLAR ENERGY SYSTEM.

(a) REGULATIONS.—Within 180 days after the enactment of this Act, the Secretary of Housing and Urban Development, in consultation with the Secretary of Energy, shall issue regulations—

(1) to prohibit any private covenant, contract provision, lease provision, homeowners' association rule or bylaw, or similar restriction, that impairs the ability of the owner or lessee of any residential structure designed for occupancy by 1 family to install, construct, maintain, or use a solar energy system on such residential property; and

(2) to require that whenever any such covenant, provision, rule or bylaw, or restriction requires approval for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(b) CONTENTS.—The regulations required under subsection (a) shall provide that—

(1) such a covenant, provision, rule or bylaw, or restriction impairs the installation, construction, maintenance, or use of a solar energy system if it—

(A) unreasonably delays or prevents installation, maintenance, or use;

(B) unreasonably increases the cost of installation, maintenance, or use; or

(C) precludes use of such a system; and

(2) any fee or cost imposed on the owner or lessee of such a residential structure by such a covenant, provision, rule or bylaw, or restriction shall be considered unreasonable if—

(A) such fee or cost is not reasonable in comparison to the cost of the solar energy system or the value of its use; or

(B) treatment of solar energy systems by the covenant, provision, rule or bylaw, or restriction is not reasonable in comparison with treatment of comparable systems by the same covenant, provision, rule or bylaw, or restriction.

(c) SOLAR ENERGY SYSTEM.—For purposes of this section, the term ''solar energy system'' means, with respect to a structure, equipment that uses solar energy to generate electricity for, or to heat or cool (or provide hot water for use in), such structure.

Subtitle B—Lighting and Appliance Energy Efficiency Programs

SEC. 211. LIGHTING EFFICIENCY STANDARDS.

(a) OUTDOOR LIGHTING.—

(1) DEFINITIONS.—

(A) Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended by striking subparagraph (L) and inserting the following:

''(L) Outdoor luminaires.

''(M) Outdoor high light output lamps.

''(N) Any other type of industrial equipment which the Secretary classifies as covered equipment under section 341(b).''.

(B) Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended as adding at the end the following:

''(25) The term 'luminaire' means a complete lighting unit consisting of one or more light sources and ballast(s), together with parts designed to distribute the light, to position and protect such lamps, and to connect such light sources to the power supply.

''(26) The term 'outdoor luminaire' means a luminaire that is listed as suitable for wet locations pursuant to Underwriters Laboratories Inc. standard UL 1598 and is labeled as 'Suitable for Wet Locations' consistent with section 410.4(A) of the National Electrical Code 2005, or is designed for roadway illumination and meets the requirements of Addendum A for IESNA TM-15-07: Backlight, Uplight, and Glare (BUG) Ratings, except for—

''(A) luminaires designed for outdoor video display images that cannot be used in general lighting applications;

''(B) portable luminaires designed for use at construction sites;

''(C) luminaires designed for continuous immersion in swimming pools and other water features;

''(D) seasonal luminaires incorporating solely individual lamps rated at 10 watts or less;

''(E) luminaires designed to be used in emergency conditions that incorporate a means of charging a battery and a device to switch the power supply to emergency lighting loads automatically upon failure of the normal power supply;

''(F) components used for repair of installed luminaries and that meet the requirements of section 342(h);

''(G) a luminaire utilizing an electrode-less fluorescent lamp as the light source;

''(H) decorative gas lighting systems;

''(I) luminaires designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

''(J) luminaires designed as theme elements in theme/amusement parks and that cannot be used in most general lighting applications;

''(K) luminaires designed explicitly for vehicular roadway tunnels designed to comply with ANSI/IESNA RP–22–05;

''(L) luminaires designed explicitly for hazardous locations meeting UL Standard 844;

''(M) searchlights;

''(N) luminaires that are designed to be recessed into a building, and that cannot be used in most general lighting applications;

''(O) a luminaire rated only for residential applications utilizing a light source or sources regulated under the amendments made by section 321 of the Energy Independence and Security Act of 2007 and with a light output no greater than 2,600 lumens;

''(P) a residential pole-mounted luminaire that is not rated for commercial use utilizing a light source or sources meeting the efficiency requirements of section 231 of the Energy Independence and Security Act of 2007 and mounted on a post or pole not taller than 10.5 feet above ground and with a light output not greater than 2,600 lumens;

''(Q) a residential fixture with E12 (Candelabra) bases that is rated for not more than 300 watts total; or

''(R) a residential fixture with medium screw bases that is rated for not more than 145 watts.

''(27) The term 'outdoor high light outputlamp' means a lamp that—

''(A) has a rated lumen output not less than 2601 lumens;

''(B) is capable of being operated at a voltage not less than 110 volts and not greater than 300 volts, or driven at a constant current of 6.6 amperes;

''(C) is not a Parabolic Aluminized Reflector lamp; and

''(D) is not a J-type double-ended (T-3) halogen quartz lamp, utilizing R-7S bases, that is manufactured before January 1, 2015.

''(28) The term 'outdoor lighting control' means a device incorporated in a luminaire that receives a signal, from either a sensor (such as an occupancy sensor, motion sensor, or daylight sensor) or an input signal (including analog or digital signals communicated through wired or wireless technology), and can adjust the light level according to the signal.''.

(2) STANDARDS.— Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) OUTDOOR LUMINAIRES.—

''(1) Each outdoor luminaire manufactured on or after January 1, 2011, shall—

''(A) have an initial luminaire efficacy of at least 50 lumens per watt; and

''(B) be designed to use a light source with a lumen maintenance, calculated as mean rated lumens divided by initial lumens, of at least 0.6.

''(2) Each outdoor luminaire manufactured on or after January 1, 2018, shall—

''(A) have an initial luminaire efficacy of at least 70 lumens per watt; and

''(B) be designed to use a light source with a lumen maintenance, calculated as mean rated lumens divided by initial lumens, of at least 0.6.

''(3) In addition to the requirements of paragraphs (1) through (3), each outdoor luminaire manufactured on or after January 1, 2016, shall have the capability of producing at least two different light levels, including 100 percent and 60 percent of full lamp output as tested with the maximum rated lamp per UL1598 or the manufacturer's maximum specified for the luminaire under test, outdoor luminaires used for roadway lighting applications shall be exempt from the 2 light level requirements.

''(4)(A) Not later than January 1, 2022, the Secretary shall issue a final rule amending the applicable standards established in paragraph (3) if technologically feasible and economically justified.

''(B) A final rule issued under subparagraph (A) shall establish efficiency standards at the maximum level that is technically feasible and economically justified, as provided in subsections (o) and (p) of section 325. The Secretary may also, in such rulemaking, amend or discontinue the product exclusions listed in section 340(26)(A) through (P), or amend the lumen maintenance requirements in paragraph (2) if the Secretary determines that such amendments are consistent with the purposes of this Act.

''(C) If the Secretary issues a final rule under subparagraph (A) establishing amended standards, the final rule shall provide that the amended standards apply to products manufactured on or after January 1, 2025, or one year after the date on which the final amended standard is published, whichever is later.

''(h) OUTDOOR HIGH LIGHT OUTPUT LAMPS.— Each outdoor high light output lamp manufactured on or after January 1, 2017, shall have a lighting efficiency of at least 45 lumens per watt.''.

(3) TEST PROCEDURES.— Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(10) OUTDOOR LIGHTING.—

''(A) With respect to outdoor luminaires and outdoor high light output lamps, the test procedures shall be based upon the test procedures specified in illuminating engineering society procedures LM–79 as of March 1, 2009, and LM-31, and/or other appropriate consensus test procedures developed by the Illuminating Engineering Society or other appropriate consensus standards bodies.

''(B) If illuminating engineering society procedure LM—79 is amended, the Secretary shall amend the test procedures established in subparagraph (A) as necessary to be consistent with the amended LM–79 test procedure, unless the Secretary determines, by rule, published in the Federal Register and supported by clear and convincing evidence, that to do so would not meet the requirements for test procedures under paragraph (2).

''(C) The Secretary may revise the test procedures for outdoor luminaires or outdoor high light output lamps by rule consistent with paragraph (2), and may incorporate as appropriate consensus test procedures developed by the Illuminating Engineering Society or other appropriate consensus standards bodies.''.

(4) PREEMPTION.— Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended by adding at the end the following:

''(i)(1) Except as provided in paragraph (2), section 327 shall apply to outdoor luminaires to the same extent and in the same manner as the section applies under part B.

''(2) Any State standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standards for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

(5) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LUMINAIRES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall, in consultation with the National Electrical Manufacturers Association, collect data for United States sales of luminaires described in section 340(26)(H) and (M) of the Energy Policy and Conservation Act, to determine the historical growth rate. If the Secretary finds that the growth in market share of such luminaires exceeds twice the year to year rate of the average of the previous three years, then the Secretary shall within 12 months initiate a rulemaking to determine if such exclusion should be eliminated, if substitute products exist that perform more efficiently and fulfill the performance functions of these luminaires.

(b) PORTABLE LIGHTING.—

(1) PORTABLE LIGHT FIXTURES.—

(A) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

''(67) ART WORK LIGHT FIXTURE.—The term 'art work light fixture' means a light fixture designed only to be mounted directly to an art work and for the purpose of illuminating that art work.

''(68) LED LIGHT ENGINE.—The term 'LED light engine' or 'LED light engine with integral heat sink' means a subsystem of an LED light fixture that—

''(A) includes 1 or more LED components, including—

''(i) an LED driver power source with electrical and mechanical interfaces; and

''(ii) an integral heat sink to provide thermal dissipation; and

''(B) may be designed to accept additional components that provide aesthetic, optical, and environmental control.

''(69) LED LIGHT FIXTURE.—The term 'LED light fixture' means a complete lighting unit consisting of—

''(A) an LED light source with 1 or more LED lamps or LED light engines; and

''(B) parts—

''(i) to distribute the light;

''(ii) to position and protect the light source; and

''(iii) to connect the light source to electrical power.

''(70) LIGHT FIXTURE.—The term 'light fixture' means a product designed to provide light that includes—

''(A) at least 1 lamp socket; and

''(B) parts—

''(i) to distribute the light;

''(ii) position and protect 1 or more lamps; and

''(iii) to connect 1 or more lamps to a power supply.

''(71) PORTABLE LIGHT FIXTURE.—

''(A) IN GENERAL.—The term 'portable light fixture' means a light fixture that has a flexible cord and an attachment plug for connection to a nominal 120-volt circuit that—

''(i) allows the user to relocate the product without any rewiring; and

''(ii) typically can be controlled with a switch located on the product or the power cord of the product.

''(B) EXCLUSIONS.—The term 'portable light fixture' does not include—

''(i) direct plug-in night lights, sun or heat lamps, medical or dental lights, portable electric hand lamps, signs or commercial advertising displays, photographic lamps, germicidal lamps, or light fixtures for marine use or for use in hazardous locations (as those terms are defined in ANSI/NFPA 70 of the National Electrical Code); or

''(ii) decorative lighting strings, decorative lighting outfits, or electric candles or candelabra without lamp shades that are covered by Underwriter Laboratories (UL) standard 588, 'Seasonal and Holiday Decorative Products'.''.

(B) COVERAGE.—

(i) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(I) by redesignating paragraph (20) as paragraph (24); and

(II) by inserting after paragraph (19) the following:

''(20) Portable light fixtures.''.

(ii) CONFORMING AMENDMENTS.—Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears in paragraphs (1) and (2) and inserting ''paragraph (24)''.

(C) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(19) LED FIXTURES AND LED LIGHT ENGINES.—Test procedures for LED fixtures and LED light engines shall be based on Illuminating Engineering Society of North America (IESNA) test procedure LM–79, Approved Method for Electrical and Photometric Testing of Solid-State Lighting Devices, and IESNA-approved test procedure for testing LED light engines.''.

(D) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(i) by redesignating subsection (ii) as subsection (oo);

(ii) in subsection (oo)(2), as redesignated in clause (i) of this subparagraph, by striking ''(hh)'' each place it appears and inserting ''(mm)''; and

(iii) by inserting after subsection (hh) the following:

''(ii) PORTABLE LIGHT FIXTURES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), portable light fixtures manufactured on or after January 1, 2012, shall meet 1 or more of the following requirements:

''(A) Be a fluorescent light fixture that meets the requirements of the Energy Star Program for Residential Light Fixtures, Version 4.2.

''(B) Be equipped with only 1 or more GU–24 line-voltage sockets, not be rated for use

with incandescent lamps of any type (as defined in ANSI standards), and meet the requirements of version 4.2 of the Energy Star program for residential light fixtures.

''(C) Be an LED light fixture or a light fixture with an LED light engine and comply with the following minimum requirements:

''(i) Minimum light output: 200 lumens (initial).

''(ii) Minimum LED light engine efficacy: 40 lumens/watt installed in fixtures that meet the minimum light fixture efficacy of 29 lumens/watt or, alternatively, a minimum LED light engine efficacy of 60 lumens/watt for fixtures that do not meet the minimum light fixture efficacy of 29 lumens/watt.

''(iii) All portable fixtures shall have a minimum LED light fixture efficacy of 29 lumens/watt and a minimum LED light engine efficacy of 60 lumens/watt by January 1, 2016.

''(iv) Color Correlated Temperature (CCT): 2700K through 4000K.

''(v) Minimum Color Rendering Index (CRI): 75.

''(vi) Power factor equal to or greater than 0.70.

''(vii) Portable luminaries that have internal power supplies shall have zero standby power when the luminaire is turned off.

''(viii) LED light sources shall deliver at least 70 percent of initial lumens for at least 25,000 hours.

''(D)(i) Be equipped with an ANSI-designated E12, E17, or E26 screw-based socket and be prepackaged and sold together with 1 screw-based compact fluorescent lamp or screw-based LED lamp for each screw-based socket on the portable light fixture.

''(ii) The compact fluorescent or LED lamps prepackaged with the light fixture shall be fully compatible with any light fixture controls incorporated into the light fixture (for example, light fixtures with dimmers shall be packed with dimmable lamps).

''(iii) Compact fluorescent lamps prepackaged with light fixtures shall meet the requirements of the Energy Star Program for CFLs Version 4.0.

''(iv) Screw-based LED lamps shall comply with the minimum requirements described in subparagraph (C).

''(E) Be equipped with 1 or more single-ended, non-screw based halogen lamp sockets (line or low voltage), a dimmer control or high-low control, and be rated for a maximum of 100 watts.

''(2) REVIEW.—

''(A) REVIEW.—The Secretary shall review the criteria and standards established under paragraph (1) to determine if revised standards are technologically feasible and economically justified.

''(B) COMPONENTS.—The review shall include consideration of—

''(i) whether a separate compliance procedure is still needed for halogen fixtures described in subparagraph (E) and, if necessary, what an appropriate standard for halogen fixtures shall be;

''(ii) whether the specific technical criteria described in subparagraphs (A), (C), and (D)(iii) should be modified; and

''(iii) which fixtures should be exempted from the light fixture efficacy standard as of January 1, 2016, because the fixtures are primarily decorative in nature (as defined by the Secretary) and, even if exempted, are likely to be sold in limited quantities.

''(C) TIMING.—

''(i) DETERMINATION.—Not later than January 1, 2014, the Secretary shall publish amended standards, or a determination that no amended standards are justified, under this subsection.

''(ii) STANDARDS.—Any standards under this paragraph shall take effect on January 1, 2016.

''(3) ART WORK LIGHT FIXTURES.—Art work light fixtures manufactured on or after January 1, 2012, shall—

''(A) comply with paragraph (1); or

''(B)(i) contain only ANSI-designated E12 screw-based line-voltage sockets;

''(ii) have not more than 3 sockets;

''(iii) be controlled with an integral high/low switch;

''(iv) be rated for not more than 25 watts if fitted with 1 socket; and

''(v) be rated for not more than 15 watts per socket if fitted with 2 or 3 sockets.

''(4) EXCEPTION FROM PREEMPTION.—Notwithstanding section 327, Federal preemption shall not apply to a regulation concerning portable light fixtures adopted by the California Energy Commission on or before January 1, 2014.''.

(2) GU–24 BASE LAMPS.—

(A) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

''(72) GU–24.—The term 'GU–24' means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

''(A) 'G' indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

''(B) 'U' distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

''(C) 24 indicates the distance in millimeters between the electrical contact posts.

''(73) GU-24 ADAPTOR.—

''(A) IN GENERAL.—The term 'GU-24 Adaptor' means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

''(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and

''(ii) does not alter the voltage.

''(B) EXCLUSION.—The term 'GU-24 Adaptor' does not include a fluorescent ballast with a GU–24 base.

''(74) GU–24 BASE LAMP.—'GU–24 base lamp' means a light bulb designed to fit in a GU–24 socket.''.

(B) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by paragraph (1)(D)) is amended by inserting after subsection (ii) the following:

''(jj) GU–24 BASE LAMPS.—

''(1) IN GENERAL.—A GU–24 base lamp shall not be an incandescent lamp as defined by ANSI.

''(2) GU-24 ADAPTORS.—GU–24 adaptors shall not adapt a GU–24 socket to any other line voltage socket.''.

(3) STANDARDS FOR CERTAIN INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)), as amended by section 161(a)(12) of this Act, is amended by adding at the end the following:

''(9) CERTAIN INCANDESCENT REFLECTOR LAMPS.—(A) No later than 12 months after enactment of this paragraph, the Secretary shall publish a final rule establishing standards for incandescent reflector lamp types described in paragraph (1)(D). Such standards shall be effective on July 1, 2013.

''(B) Any rulemaking for incandescent reflector lamps completed after enactment of this section shall consider standards for all incandescent reflector lamps, inclusive of those specified in paragraph (1)(C).

''(10) REFLECTOR LAMPS.—No later than January 1, 2015, the Secretary shall publish a final rule establishing and amending standards for reflector lamps, including incandescent reflector lamps. Such standards shall be effective no sooner than three years after publication of the final rule. Such rulemaking shall consider incandescent and non-incandescent technologies. Such rulemaking shall consider a new metric other than lumens-per-watt based on the photometric distribution of light from such lamps.''.

SEC. 212. OTHER APPLIANCE EFFICIENCY STANDARDS.

(a) STANDARDS FOR WATER DISPENSERS, HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291), as amended by section 211 of this Act, is further amended by adding at the end the following:

''(75) The term 'water dispenser' means a factory-made assembly that mechanically cools and heats potable water and that dispenses the cooled or heated water by integral or remote means.

''(76) The term 'bottle-type water dispenser' means a drinking water dispenser designed for dispensing both hot and cold water that uses a removable bottle or container as the source of potable water.

''(77) The term 'commercial hot food holding cabinet' means a heated, fully-enclosed compartment with one or more solid or glass doors that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. Such term does not include heated glass merchandizing cabinets, drawer warmers, commercial hot food holding cabinets with interior volumes of less than 8 cubic feet, or cook-and-hold appliances.

''(78) The term 'portable electric spa' means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.''.

(2) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)), as amended by section 211(b)(1)(B) of this Act, is further amended by inserting after paragraph (20) the following new paragraphs:

''(21) Bottle type water dispensers.

''(22) Commercial hot food holding cabinets.

''(23) Portable electric spas.''.

(3) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by section 211(b)(1)(C) of this Act, is further amended by adding at the end the following:

''(20) BOTTLE TYPE WATER DISPENSERS.—Test procedures for bottle type water dispensers shall be based on 'Energy Star Program Requirements for Bottled Water Coolers version 1.1' published by the Environmental Protection Agency. Units with an integral, automatic timer shall not be tested using section 4D, 'Timer Usage,' of the test criteria.

''(21) COMMERCIAL HOT FOOD HOLDING CABINETS.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140–01 (Test for idle energy rate-dry test). Interior volume shall be based on the method shown in the Environmental Protection Agency's 'Energy Star Program Requirements for Commercial Hot Food Holding Cabinets' as in effect on August 15, 2003.

''(22) PORTABLE ELECTRIC SPAS.—Test procedures for portable electric spas shall be based on the test method for portable electric spas contained in section 1604, title 20, California Code of Regulations as amended on December 3, 2008. When the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the Department of Energy's procedure.''.

(4) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), as amended by section 211 of this Act, is further amended by adding after subsection (jj) the following:

''(kk) BOTTLE TYPE WATER DISPENSERS.—Effective January 1, 2012, bottle-type water dispensers designed for dispensing both hot and cold water shall not have standby energy consumption greater than 1.2 kilowatt-hours per day.

''(ll) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective January 1, 2012, commercial hot food holding cabinets with interior volumes of 8 cubic feet or greater shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

''(mm) PORTABLE ELECTRIC SPAS.—Effective January 1, 2012, portable electric spas shall not have a normalized standby power greater than 5(V⅔) Watts where V=the fill volume in gallons.

''(nn) REVISIONS.—The Secretary of Energy shall consider revisions to the standards in subsections (kk), (ll), and (mm) in accordance with subsection (o) and publish a final rule no later than January 1, 2013 establishing such revised standards, or make a finding that no revisions are technically feasible and economically justified. Any such revised standards shall take effect January 1, 2016.''.

(b) COMMERCIAL FURNACE EFFICIENCY STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6312(a)) is amended by inserting after paragraph (10) the following new paragraph:

''(11) WARM AIR FURNACES.—Each warm air furnace with an input rating of 225,000 Btu per hour or more and manufactured after January 1, 2011, shall meet the following standard levels:

''(A) GAS-FIRED UNITS.—

''(i) Minimum thermal efficiency of 80 percent.

''(ii) Include an interrupted or intermittent ignition device.

''(iii) Have jacket losses not exceeding 0.75 percent of the input rating.

''(iv) Have either power venting or a flue damper.

''(B) OIL-FIRED UNITS.—

''(i) Minimum thermal efficiency of 81 percent.

''(ii) Have jacket losses not exceeding 0.75 percent of the input rating.

''(iii) Have either power venting or a flue damper.''.

SEC. 213. APPLIANCE EFFICIENCY DETERMINATIONS AND PROCEDURES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)) is amended to read as follows:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause;

''(II) as part of a direct final rule under section 325(p)(4); or

''(III) as part of a final rule published on or after January 1, 2012, and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''.

(b) ADOPTING CONSENSUS TEST PROCEDURES AND TEST PROCEDURES IN USE ELSEWHERE.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by sections 211 and 212 of this Act, is further amended by adding the following new paragraph after paragraph (22):

''(23) CONSENSUS AND ALTERNATE TEST PROCEDURES.—

''(A) RECEIPT OF JOINT RECOMMENDATION OR ALTERNATE TESTING PROCEDURE.—On receipt of—

''(i) a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to the testing procedure for a covered product; or

''(ii) a submission of a testing procedure currently in use for a covered product by a State, nation, or group of nations—

''(I) if the Secretary determines that the recommended testing procedure contained in the statement or submission is in accordance with subsection (b)(3), the Secretary may issue a final rule that establishes an energy or water conservation testing procedure that is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation testing procedure that is identical to the testing procedure established in the final rule to establish the recommended testing procedure (referred to in this paragraph as a 'direct final rule'); or

''(II) if the Secretary determines that a direct final rule cannot be issued based on the statement or submission, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(ii)(I).

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(ii)(I) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)or any alternative joint recommendation; and

''(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under paragraph (3) or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(ii)(I); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (b).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended test procedures relating to the direct final rule.''.

(c) UPDATING TELEVISION TEST METHODS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)), as amended by sections 211 and 212 of this Act, and subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(24) TELEVISIONS.—(A) On the date of enactment of this paragraph, Appendix H to Subpart B of Part 430 of the United States Code of Federal Regulations, 'Uniform Test Method for Measuring the Energy Consumption of Television Sets', is repealed.

''(B) No later than 12 months after the date of enactment of this paragraph the Secretary shall publish in the Federal Register a final rule prescribing a new test method for televisions.''.

(d) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) Section 325(o)(2)(B)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)(i)) is amended as follows:

(A) By striking ''and'' at the end of subclause (VI).

(B) By redesignating subclause (VII) as subclause (XI).

(C) By inserting the following new subclauses after subclause (VI):

''(VII) the estimated value of the carbon dioxide and other emission reductions that will be achieved by virtue of the higher energy efficiency of the covered products resulting from the imposition of the standard;

''(VIII) the estimated impact of standards for a particular product on average consumer energy prices;

''(IX) the increased energy efficiency that may be attributable to the installation of Smart Grid technologies or capabilities in the covered products, if applicable in the determination of the Secretary;

''(X) the availability in the United States or in other nations of examples or prototypes of covered products that achieve significantly higher efficiency standards for energy or for water; and''.

(2) Section 325(o)(2)(B)(iii) of such Act is amended as follows:

(A) By striking ''three'' and inserting ''5''.

(B) By inserting after the first sentence the following ''For products with an average expected useful life of less than 5 years, such rebuttable presumption shall be determined utilizing 75 percent of the product's average expected useful life as a multiplier instead of 5.''.

(C) By striking the last sentence and inserting the following: ''Such a presumption may be rebutted only if the Secretary finds, based on clear, convincing, and reliable evidence, that—

''(I) such standard level would cause serious and unavoidable hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, that substantially outweighs the standard level's benefits;

''(II) the standard and implementing regulations cannot be designed to avoid or mitigate the hardship identified under subclause (I), through the adoption of regional standards consistent with paragraph (6) of this subsection, or other reasonable means consistent with this part;

''(III) the same or substantially similar hardship would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section; and

''(IV) the hardship cannot be avoided or mitigated pursuant the procedures specified in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194).

A determination by the Secretary that the criteria triggering such presumption are not met, or that the criterion for rebutting the presumption are met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.''.

(e) OBTAINING APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

''(d) INFORMATION REQUIREMENTS.—(1) For purposes of carrying out this part, the Secretary shall publish proposed regulations not later than one year after the date of enactment of the American Clean Energy and Security Act of 2009, and after receiving public comment, final regulations not later than 18 months from such date of enactment under this part or other provision of law administered by the Secretary, which shall require each manufacturer of a covered product to submit information or reports to the Secretary on an annual basis in a form adopted by the Secretary. Such reports shall include information or data with respect to—

''(A) the manufacturers' compliance with all requirements applicable pursuant to this part;

''(B) the economic impact of any proposed energy conservation standard;

''(C) the manufacturers' annual shipments of each class or category of covered products, organized, to the maximum extent practicable, by—

''(i) energy efficiency, energy use, and, if applicable, water use;

''(ii) the presence or absence of such efficiency related or energy consuming operational characteristics or components as the Secretary determines are relevant for the purposes of carrying out this part; and

''(iii) the State or regional location of sale, for covered products for which the Secretary may adopt regional standards; and

''(D) such other categories of information as the Secretary deems relevant to carry out this part, including such other information as may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards and to insure compliance with the requirements of this part.

''(2) In adopting regulations under this subsection, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

''(3) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

''(4) To the extent that they do not conflict with the duties of the Secretary in carrying out this part, the provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to other energy information obtained under such section.''.

(f) STATE WAIVER.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)), as amended by section 161(a)(19) of this Act, is further amended by adding at the end the following:

''(12) is a regulation concerning standards for hot food holding cabinets, drinking water dispensers and portable electric spas adopted by the California Energy Commission on or before January 1, 2013.''.

(g) WAIVER OF FEDERAL PREEMPTION.—Paragraph (1) of section 327(d) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)) is amended as follows:

(1) In subparagraph (A) by striking ''State regulation'' each place it appears and inserting ''State statute or regulation''.

(2) In subparagraph (B) by adding at the end the following new sentence: ''In making such a finding, the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, and which the petitioning party does not have the legal right to obtain.''.

(3) In clause (ii) of subparagraph (C) by striking ''costs'' each place it appears and inserting ''estimated costs''.

(4) In subparagraph (C) by striking ''within the context of the State's energy plan and forecast, and,''.

(h) INCLUSION OF CARBON OUTPUT ON APPLIANCE ''ENERGYGUIDE'' LABELS.—(1) Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(I)(i) Not later than 90 days after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to implement the additional labeling requirements specified in subsection (c)(1)(C) of this section with an effective date for the revised labeling requirement not later than 12 months from issuance of the final rule.

''(ii) Not later than 24 months after the date of enactment of this subparagraph, the Commission shall complete the rulemaking initiated under clause (i).

''(iii) Not later than 90 days after issuance of the final rule as provided in this subparagraph, the Secretary shall issue calculation methods required to effectuate the labeling requirements specified in subsection (c)(1)(C) of this section.''.

(2) Section 324(c)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6294(c)(1)) is amended—

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

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

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

''(C) for products or groups of products providing a comparable function (including the group of products comprising the heating function of heat pumps and furnaces) among covered products listed in paragraphs (3), (4), (5), (8), (9), (10), and (11) of section 322(a) of this part, and others designated by the Secretary, the estimated total annual atmospheric carbon dioxide emissions (or their equivalent in other greenhouse gases) associated with, or caused by, the product, calculated utilizing—

''(i) national average energy use for the product including energy consumed at the point of end use based on test procedures developed under section 323 of this part;

''(ii) national average energy consumed or lost in the production, generation, transportation, storage, and distribution of energy to the point of end use; and

''(iii) any direct emissions of greenhouse gases from the product during normal use;

''(D) in determining the national average energy consumption and total annual atmospheric carbon dioxide emissions, the Secretary shall utilize Federal Government sources, including the Energy Information Administration Annual Energy Review, the Environmental Protection Agency eGRID data base, Environmental Protection Agency AP–42 Emission Factors as amended, and other sources determined to be appropriate by the Secretary; and

''(E) information presenting, for each product (or group of products providing the comparable function) identified in section (c)(1)(C) of this section, the estimated annual carbon dioxide emissions calculated within the range of emissions calculated for all models of the product or group according to its function, including those models consuming fuels and those models not consuming fuels.''.

(i) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—(1) Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

''SEC. 334. JURISDICTION AND VENUE.

''(a) JURISDICTION.—The United States district courts shall have jurisdiction to restrain—

''(1) any violation of section 332; and

''(2) any person from distributing in commerce any covered product which does not comply with an applicable rule under section 324 or 325.

''(b) AUTHORITY.—Any action referred to in subsection (a) shall be brought by the Commission or by the attorney general of a State in the name of the State, except that—

''(1) any such action to restrain any violation of section 332(a)(3) which relates to requirements prescribed by the Secretary or any violation of section 332(a)(4) which relates to request of the Secretary under section 326(b)(2) shall be brought by the Secretary; and

''(2) any violation of section 332(a)(5) or 332(a)(7) shall be brought by the Secretary or by the attorney general of a State in the name of the State.

''(c) VENUE AND SERVICE OF PROCESS.—Any such action may be brought in the United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court of the district wherein the defendant is found or transacts business. In any action under this section, process may be served on a defendant in any other district in which the defendant resides or may be found.''.

(2) The item relating to section 334 in the table of contents for such Act is amended to read as follows:

''Sec. 334. Jurisdiction and venue.''.

(j) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—(1) Section 327(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(3)) is amended by striking subparagraphs (B) through (G) and inserting the following:

''(B) The code meets at least one of the following requirements:

''(i) The code does not require that the covered product have an energy efficiency exceeding—

''(I) the applicable energy conservation standard established in or prescribed under section 325;

''(II) the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d) of this section; or

''(III) the required level established in the International Energy Conservation Code or in a standard of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or by the Secretary pursuant to section 304 of the Energy Conservation and Production Act.

''(ii) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on an efficiency level for such covered product which meets but does not exceed one of the levels specified in clause (i).

''(iii) If the code sets forth one or more optional combinations of items which meet the

energy consumption or conservation objective, in at least one combination that the State has found to be reasonably achievable using commercially available technologies the efficiency of the covered product meets but does not exceed one of the levels specified in clause (i).

''(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding one of the levels specified in subparagraph (B)(i) is on a one-for-one equivalent energy use or equivalent energy cost basis, taking into account the typical lifetime of the product.

''(D) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost) and equivalent lifetimes.

''(E) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.''.

(2) Section 327(f)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)(4)(B)) is amended to read as follows:

''(B) If a building code requires the installation of covered products with efficiencies exceeding the levels and requirements specified in paragraph (3)(B), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d) of this section.''.

SEC. 214. BEST-IN-CLASS APPLIANCES DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Administrator, shall establish a program to be known as the ''Best-in-Class Appliances Deployment Program'' to—

(1) provide bonus payments to retailers or distributors under subsection (c) for sales of best-in-class high-efficiency household appliance models, high-efficiency installed building equipment, and high-efficiency consumer electronics, with the goal of reducing lifecycle costs for consumers, encouraging innovation, and maximizing energy savings and public benefit;

(2) provide bounties under subsection (d) to retailers and manufacturers for the replacement, retirement, and recycling of old, inefficient, and environmentally harmful products; and

(3) provide premium awards under subsection (e) to manufacturers for developing and producing new Superefficient Best-in-Class Products.

(b) DESIGNATION OF BEST-IN-CLASS PRODUCT MODELS.—

(1) IN GENERAL.—The Secretary of Energy shall designate product models of appliances, equipment, or electronics as Best-in-Class Product models. The Secretary shall publicly announce the Best-in-Class Product models designated under this subsection. The Secretary shall define product classes broadly and, except as provided in paragraph (2), shall designate as Best-in-Class Product models no more than the most efficient 10 percent of the commercially available product models in a class that demonstrate, as a group, a distinctly greater energy efficiency than the average energy efficiency of that class of appliances, equipment, or electronics. In designating models, the Secretary shall—

(A) identify commercially available models in the relevant class of products;

(B) identify the subgroup of those models that share the distinctly higher energy-efficiency characteristics that warrant designation as best-in-class; and

(C) add other models in that class to the list of Best-in-Class Product models as they demonstrate their ability to meet the higher-efficiency characteristics on which the designation was made.

(2) PERCENTAGE EXCEPTION.—If there are fewer than 10 product models in a class of products, the Secretary may designate one or more of such models as Best-in-Class Products.

(3) REVIEW OF BEST-IN-CLASS STANDARDS.—The Secretary shall review annually the product-specific criteria for designating, and the product models that qualify as, Best-in-Class Products and, after notice and a 30-day comment period, make upwards adjustments in the efficiency criteria as necessary to maintain an appropriate ratio of such product models to the total number of product models in the product class.

(4) SMART GRID ENERGY EFFICIENCY SAVINGS.—The Secretary shall include energy efficiency savings achieved by a commercially available product having smart grid capability in determining the efficiency level of a product for purposes of a Best-In-Class Product designation pursuant to this subsection. In measuring energy efficiency savings achieved by smart grid capability, the Secretary shall use a metric that—

(A) is based on the time-differentiated value and amount of energy consumption;

(B) accounts for the capability of the product to respond to a smart grid in which the physical capability of the product to save or delay energy because of a smart grid feature is weighted by the likelihood that the feature will be used;

(C) is based on the value of a unit of electric or gas consumption as a function of time of day and season; and

(D) includes a test method by which the manufacturer shall determine the energy efficiency of smart grid capable products.

(c) BONUSES FOR SALES OF BEST-IN-CLASS PRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy shall make bonus payments to retailers or, as provided in paragraph (5)(B), distributors for the sale of Best-in-Class Products.

(2) BONUS PROGRAM.—The Secretary shall—

(A) publicly announce the availability and amount of the bonus to be paid for each sale of a Best-in-Class Product of a model designated under subsection (b); and

(B) make bonus payments in at least that amount for each Best-in-Class Product of that model sold during the 3-year period beginning on the date the model is designated under subsection (b).

(3) UPGRADE OF BEST-IN-CLASS PRODUCT ELIGIBILITY.—In conducting a review under subsection (b)(3), the Secretary shall—

(A) consider designating as a Best-in-Class Product model a Superefficient Best-in-Class Product model that has been designated pursuant to subsection (e);

(B) announce any change in the bonus payment as necessary to increase the market share of Best-in-Class Product models;

(C) list models that will be eligible for bonuses in the new amount; and

(D) continue paying bonus payments at the original level, for the sale of any models that previously qualified as Best-in-Class Products but do not qualify at the new level, for the remainder of the 3-year period announced with the original designation.

(4) SIZE OF INDIVIDUAL BONUS PAYMENTS.—(A) The size of each bonus payment under this subsection shall be the product of—

(i) an amount determined by the Secretary; and

(ii) the difference in energy consumption between the Best-in-Class Product and the average product in the product class.

(B) The Secretary shall determine the amount under subparagraph (A)(i) for each product type, in consultation with State and utility efficiency program administrators as well as the Administrator, based on estimates of the amount of bonus payment that would provide significant incentive to increase the market share of Best-in-Class Products.

(5) ELIGIBLE BONUS RECIPIENT.—(A) The Secretary shall ensure that not more than 1 bonus payment is provided under this subsection for each Best-in-Class Product.

(B) The Secretary may make distributors eligible to receive bonus payments under this subsection for sales that are not to the final end-user, to the extent that the Secretary determines that for a particular product category distributors are well situated to increase sales of Best-in-Class Products.

(d) BOUNTIES FOR REPLACEMENT, RETIREMENT, AND RECYCLING OF EXISTING LOW-EFFICIENCY PRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy shall make bounty payments to—

(A) retailers for the replacement, retirement, and recycling of older operating low-efficiency products that might otherwise continue in operation; and

(B) manufacturers of Superefficient Best-in-Class Products for the retirement and recycling of older operating low-efficiency products that perform the same function and which might otherwise continue in operation.

(2) BOUNTIES.—Bounties shall be payable—

(A) to a retailer upon documentation that the sale of a Best-in-Class Product was accompanied by the replacement, retirement, and recycling of—

(i) an inefficient but still-functioning product; or

(ii) a nonfunctioning product containing a refrigerant, by the consumer to whom the Best-in-Class Product was sold; and

(B) to a manufacturer upon documentation of the retirement and recycling of—

(i) an inefficient but still-functioning product from a consumer to whom a Superefficient Best-in-Class Product was delivered; or

(ii) a nonfunctioning product containing a refrigerant from a consumer to whom a Superefficient Best-in-Class Product was delivered.

(3) AMOUNT.—

(A) FUNCTIONING PRODUCTS.—The bounty payment payable under this subsection for a product described in paragraphs (2)(A)(i) and (2)(B)(i) shall be based on the difference between the estimated energy use of the product replaced and the energy use of an average new product in the product class, over the estimated remaining lifetime of the product that was replaced.

(B) NONFUNCTIONING PRODUCTS CONTAINING REFRIGERANTS.—The bounty payment payable under this subsection for a product described in paragraphs (2)(A)(ii) and (2)(B)(ii) shall be in the amount that the Secretary of Energy, in consultation with the Administrator, determines is sufficient to promote the recycling of such products, up to the amount of bounty for a comparable product described in paragraphs (2)(A) and (2)(B).

(4) RETIREMENT.—The Secretary shall ensure that no product for which a bounty is paid under this subsection is returned to active service, but that it is instead destroyed, and recycled to the extent feasible.

(5) RECYCLING APPLIANCES CONTAINING REFRIGERANTS.—Exclusively for the purpose of

implementing the bounty payment program for products containing a refrigerant under this section, the Administrator shall establish standards for environmentally responsible methods of recycling and disposal of refrigerant-containing appliances that, at a minimum, meet the requirements set by the Responsible Appliance Disposal (RAD) Program for refrigerant disposal. The Secretary shall ensure that such standards are met before a bounty payment is made under this subsection for a product containing a refrigerant. Nothing in this section shall be interpreted to alter the requirements of section 608 of the Clean Air Act or to relieve any person from complying with those requirements.

(e) PREMIUM AWARDS FOR DEVELOPMENT AND PRODUCTION OF SUPEREFFICIENT BEST-IN-CLASS PRODUCTS.—

(1) IN GENERAL.—(A) The Secretary of Energy shall provide premium awards to manufacturers for the development and production of Superefficient Best-in-Class Products. The Secretary shall set and periodically revise standards for eligibility of products for designation as a Superefficient Best-in-Class Product.

(B) The Secretary may establish a standard for a Superefficient Best-in-Class Product even if no product meeting that standard exists, if the Secretary has reasonable grounds to conclude that a mass-producible product could be made to meet that standard.

(C) The Secretary may also establish a Superefficient Best-in-Class Product standard that is met by one or more existing Best-in-Class Product models, if those product models have distinct energy efficiency attributes and performance characteristics that make them significantly better than other product models qualifying as best-in-class. The Secretary may not designate as Superefficient Best-in-Class Products under this subparagraph models that represent more than 10 percent of the currently qualifying Best-in-Class Product models. This subparagraph shall not apply to products designated pursuant to paragraph (4)(A).

(D) In making its finding on the efficiency level a product can achieve for purposes of a Superefficient Best-In-Class Product designation pursuant to this paragraph, the Secretary shall include energy efficiency savings that would be achieved by a product as a result of smart grid capability when a product having such capability can be produced and sold commercially to mass market consumers. In measuring energy efficiency savings achieved by smart grid capability, the Secretary shall use a metric that—

(i) is based on the time-differentiated value and amount of energy consumption;

(ii) accounts for the capability of the product to respond to a smart grid in which the physical capability of the product to save or delay energy because of a smart grid feature is weighted by the likelihood that the feature will be used;

(iii) is based on the value of a unit of electric or gas consumption as a function of time of day and season; and

(iv) includes a test method by which the manufacturer shall determine the energy efficiency of smart grid capable products.

(2) PREMIUM AWARDS.—(A) The premium award payment provided to a manufacturer under this subsection shall be in addition to any bonus payments made under subsection (c).

(B) The amount of the premium award paid per unit of Superefficient Best-in-Class Products sold to retailers or distributors shall, except as provided by subparagraph (F), be the product of—

(i) an amount determined by the Secretary; and

(ii) the difference in energy consumption between the Superefficient Best-in-Class Product and the average product in the product class.

(C) The Secretary shall determine the amount under subparagraph (B)(i) for each product type, in consultation with State and utility efficiency program administrators as well as the Administrator, based on consideration of the present value to the Nation of the energy (and water or other resources or inputs) saved over the useful life of the product. The Secretary may also take into consideration the methods used to increase sales of qualifying products in determining such amount.

(D) The Secretary may adjust the value described in subparagraph (C) upward or downward as appropriate, including based on the effect of the premium awards on the sales of products in different classes that may be affected by the program under this subsection.

(E) Premium award payments shall be applied to sales of any Superefficient Best-in-Class Product for the first 3 years after designation as a Superefficient Best-in-Class Product.

(F) For years 2011 through 2013, the Secretary shall make bonus payments to manufacturers of the products designated in paragraph (4)(A) for each product produced in the following amounts:

(i) $75 for each dishwasher.

(ii) $250 for each clothes washer.

(iii) $200 for each refrigerator or refrigerator-freezer.

(iv) $250 for each clothes dryer.

(v) $200 for each cooking product.

(vi) $300 for each water heater.

(3) COORDINATION OF INCENTIVES.—No product for which Federal tax credit is received under section 45M of the Internal Revenue Code of 1986 shall be eligible to receive premium award payments pursuant to this subsection.

(4) DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—Notwithstanding any other provisions of this section, the products the Secretary shall designate as a Superefficient Best-In-Class Product include, but are not limited to, the following products manufactured in 2011 through 2013:

(i) A dishwasher, clothes washer, refrigerator, or refrigerator-freezer that meets the highest efficiency performance standards in its product category as provided in Section 305(b) of the Emergency Economic Stabilization Act of 2008 and has the smart grid capability specified in paragraph (5).

(ii) A water heater that meets an efficiency standard that is the same or equivalent to the standard provided in Section 1333 of the Energy Policy Act of 2005 and has the smart grid capability specified in paragraph (5).

(iii) A clothes dryer or cooking product that the Secretary determines meets the standards specified in subsection (j)(3), which the Secretary shall promulgate no later than one year after the date of enactment, and has the smart grid capability specified in paragraph (5).

(B) EXTENSION OF INITIAL DESIGNATIONS.—

(i) GENERAL.—The Secretary shall in 2013 extend the Superefficient Best-In-Class Product designation of each product specified in subparagraph (A)(i) through (iii) through 2017, provided that for each product designation extended—

(I) the extension will result in significant energy efficiency savings;

(II) the product meets the Superefficient Best-In-Class Product criteria specified in paragraph (1);

(III) the eligibility standards of the product include the smart grid capability specified in paragraph (5); and

(IV) the Secretary makes appropriate revisions to the eligibility standards of the product as provided by paragraph (1).

(ii) AWARDS.—If a Superefficient Best-In-Class Product designation for a product is extended pursuant to this subparagraph, the premium award for the product shall be determined in accordance with paragraph (2).

(5) SMART GRID CAPABILITY.—

(A) Until the Secretary promulgates criteria under subparagraph (B), the term ''smart grid capability'' means capability of receiving and interpreting time-of-use pricing and peak-load-shed signals from a utility and—

(i) in the case of a cooking product, reducing a minimum of 20 percent during peak demand as measured by the tested average wattage over the course of a typical operating cycle of the product; or

(ii) in the case of a clothes washer, a refrigerator, a dishwasher, a dryer and a water heater, reducing a minimum of 50 percent during peak demand as measured by the tested average wattage over the course of a typical operating cycle of the product, provided that the typical operating cycle of a refrigerator and a water heater shall be a 24-hour period.

(B) After completion of the analysis required under section 142(b) of this Act, the Secretary shall expeditiously promulgate, after notice and a 30-day public comment period, criteria for what constitutes ''smart grid capability.''

(f) REPORTING.—The Secretary of Energy shall require, as a condition of receiving a bonus, bounty, or premium award under this section, that a report containing the following documentation be provided:

(1) For retailers and distributors, the number of units sold within each product type, and model-specific wholesale purchase prices and retail sale prices, on a monthly basis.

(2) For manufacturers, model-specific energy efficiency and consumption data.

(3) For manufacturers, on an immediate basis, information concerning any product design or function changes that affect the energy consumption of the unit.

(4) The methods used to increase the sales of qualifying products.

(g) MONITORING AND VERIFICATION PROTOCOLS.—The Secretary of Energy shall establish monitoring and verification protocols for energy consumption tests for each product model and for sales of energy-efficient models. The Secretary shall estimate actual savings of energy from the use of Smart Grid capability in appliances for which premium award payments are made pursuant to subsection (e) as a function of utility and consumer readiness to utilize such capability.

(h) DISCLOSURE.—The Secretary of Energy may require that manufacturers, retailers and distributors disclose publicly and to consumers their participation in the program under this section.

(i) COST-EFFECTIVENESS REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Energy shall make cost-effectiveness a top priority in designing the program under, and administering, this section, except that the cost-effectiveness of providing premium awards to manufacturers under subsection (e), in aggregate, may be lower by this measure than that of the bonuses and bounties to retailers and distributors under subsections (c) and (d).

(2) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term ''cost-effectiveness'' means a measure of aggregate savings in the cost of energy over the lifetime of a product in relation to the cost to the Secretary of the bonuses, bounties, and premium awards provided under this section for a product.

(B) SAVINGS.—The term ''savings'' means the cumulative megawatt-hours of electricity or million British thermal units of other fuels saved by a product during the

projected useful life of the product, in comparison to projected energy consumption of the average product in the same class, taking into consideration the impact of any documented measures to replace, retire, and recycle low-efficiency products at the time of purchase of highly-efficient substitutes.

(j) DEFINITIONS.—In this section—

(1) the term ''distributor'' mean an individual, organization, or company that sells products in multiple lots and not directly to end-users;

(2) the term ''retailer'' means an individual, organization, or company that sells products directly to end-users;

(3) the term ''manufacturer'' means an individual, organization, or company that transforms raw materials into mass-producible finished goods; and

(4) the term ''Superefficient Best-in-Class Product'' means a product that—

(A) can be mass produced; and

(B) achieves the highest level of efficiency that the Secretary of Energy finds can, given the current state of technology, be produced and sold commercially to mass-market consumers.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $600,000,000 for each of the fiscal years 2011 through 2013 to the Secretary of Energy for purposes of this section, and such sums as may be necessary for subsequent fiscal years. Of funds appropriated, not more than 10 percent for any fiscal year may be expended on program administration, and not less than 40 percent of any funds appropriated during fiscal years 2011 through 2013 shall be for purposes of subsection (e).

SEC. 215. WATERSENSE.

(a) IN GENERAL.—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings and landscapes, and services in order—

(1) to reduce water use;

(2) to reduce the strain on water, wastewater, and stormwater infrastructure;

(3) to conserve energy used to pump, heat, transport, and treat water; and

(4) to preserve water resources for future generations,

through voluntary labeling of, or other forms of communications about, products, buildings and landscapes, and services that meet the highest water efficiency and performance standards.

(b) DUTIES.—The Administrator shall—

(1) promote WaterSense labeled products, buildings and landscapes, and services in the market place as the preferred technologies and services for—

(A) reducing water use; and

(B) ensuring product and service performance;

(2) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(3) establish and maintain performance standards so that products, buildings and landscapes, and services labeled with the WaterSense label perform as well or better than their less efficient counterparts;

(4) publicize the need for proper installation and maintenance of WaterSense products by a licensed, and where certification guidelines exist, WaterSense-certified professional to ensure optimal performance;

(5) preserve the integrity of the WaterSense label;

(6) regularly review and, when appropriate, update WaterSense criteria for categories of products, buildings and landscapes, and services, at least once every four years;

(7) to the extent practical, regularly estimate and make available to the public the production and relative market shares of WaterSense labeled products, buildings and landscapes, and services, at least annually;

(8) to the extent practical, regularly estimate and make available to the public the water and energy savings attributable to the use of WaterSense labeled products, buildings and landscapes, and services, at least annually;

(9) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(10) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(A) an explanation of changes; and

(B) as appropriate, responses to comments submitted by interested parties;

(11) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed; and

(12) identify and, where appropriate, implement other voluntary approaches in commercial, institutional, residential, municipal, and industrial sectors to encourage reuse and recycling technologies, improve water efficiency, or lower water use while meeting, where applicable, the performance standards established under paragraph (3).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, $20,000,000 for fiscal year 2012, and $50,000,000 for fiscal year 2013 and each year thereafter, adjusted for inflation, to carry out this section.

SEC. 216. FEDERAL PROCUREMENT OF WATER EFFICIENT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 7902(a) of title 5, United States Code.

(2) WATERSENSE PRODUCT OR SERVICE.—The term ''WaterSense product or service'' means a product or service that is rated for water efficiency under the WaterSense program.

(3) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by section 215 of this Act.

(4) FEMP DESIGNATED PRODUCT.—The term ''FEMP designated product'' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for efficiency.

(5) PRODUCT AND SERVICE.—The terms ''product'' and ''service'' do not include any water consuming product or service designed or procured for combat or combat-related missions. The terms also exclude products or services already covered by the Federal procurement regulations established under section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b).

(b) PROCUREMENT OF WATER EFFICIENT PRODUCTS.—

(1) REQUIREMENT.—To meet the requirements of an agency for a water consuming product or service, the head of the agency shall, except as provided in paragraph (2), procure—

(A) a WaterSense product or service; or

(B) a FEMP designated product.

A WaterSense plumbing product should preferably, when possible, be installed by a licensed and, when WaterSense certification guidelines exist, WaterSense-certified plumber or mechanical contractor, and a WaterSense irrigation system should preferably, when possible, be installed, maintained, and audited by a WaterSense-certified irrigation professional to ensure optimal performance.

(2) EXCEPTIONS.—The head of an agency is not required to procure a WaterSense product or service or FEMP designated product under paragraph (1) if the head of the agency finds in writing that—

(A) a WaterSense product or service or FEMP designated product is not cost-effective over the life of the product, taking energy and water cost savings into account; or

(B) no WaterSense product or service or FEMP designated product is reasonably available that meets the functional requirements of the agency.

(3) PROCUREMENT PLANNING.—The head of an agency shall incorporate into the specifications for all procurements involving water consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of water consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria used for rating WaterSense products and services and FEMP designated products. The head of an agency shall consider, to the maximum extent practicable, additional measures for reducing agency water consumption, including water reuse technologies, leak detection and repair, and use of waterless products that perform similar functions to existing water-consuming products.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, working in coordination with the Administrator, shall issue guidelines to carry out this section.

SEC. 217. EARLY ADOPTER WATER EFFICIENT PRODUCT INCENTIVE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible entity'' means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of subsection (b).

(2) INCENTIVE PROGRAM.—The term ''incentive program'' means a program for administering financial incentives for consumer purchase and installation of residential water efficient products and services as described in subsection (b)(1).

(3) RESIDENTIAL WATER EFFICIENT PRODUCT OR SERVICE.—The term ''residential water efficient product or service'' means a product or service for a single-family or multifamily residence or its landscape that is rated for water efficiency and performance—

(A) by the WaterSense program; or

(B) where a WaterSense specification does not exist; by an incentive program.

Categories of water efficient products and services may include faucets, irrigation technologies and services, point-of-use water treatment devices, reuse and recycling technologies, toilets, and showerheads.

(4) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by section 215 of this Act.

(b) ELIGIBLE ENTITIES..—An entity shall be eligible to receive an allocation under subsection (c) if the entity—

(1) establishes (or has established) an incentive program to provide rebates, vouchers, other financial incentives, or direct installs to consumers for the purchase of residential water efficient products or services;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(3) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(c) AMOUNT OF ALLOCATIONS.—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out subsection (d) taking into consideration—

(1) the population served by the eligible entity in the most recent calendar year for which data are available;

(2) the targeted population of the eligible entity's incentive program, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(3) for existing programs, the effectiveness of the incentive program in encouraging the adoption of water efficient products and services; and

(4) any prior year's allocation to the eligible entity that remains unused.

(d) USE OF ALLOCATED FUNDS.—Funds allocated to an entity under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(e) FIXTURE RECYCLING.—Entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this section.

(f) ISSUANCE OF INCENTIVES.—Financial incentives may be provided to consumers that meet the requirements of the incentive program. The entity may issue all financial incentives directly to consumers or, with approval of the Administrator, delegate some or all financial incentive administration to other organizations including, but not limited to local governments, municipal water authorities, and water utilities. The amount of a financial incentive shall be determined by the entity, taking into consideration—

(1) the amount of the allocation to the entity under subsection (c);

(2) the amount of any Federal, State, or other organization's tax or financial incentive available for the purchase of the residential water efficient product or service;

(3) the amount necessary to change consumer behavior to purchase water efficient products and services; and

(4) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section $50,000,000 for fiscal years 2010, $100,000,000 for fiscal year 2011, $150,000,000 for fiscal year 2012, $100,000,000 for fiscal year 2013, and $50,000,000 for fiscal year 2014.

SEC. 218. CERTIFIED STOVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Environmental Protection Agency.

(2) WOOD STOVE OR PELLET STOVE.—The term ''wood stove or pellet stove'' means a wood stove, pellet stove, or fireplace insert that uses wood or pellets for fuel.

(3) CERTIFIED STOVE.—The term ''certified stove'' means a wood stove or pellet stove that meets the standards of performance for new residential wood heaters under subpart AAA of part 60 of subchapter C of chapter I of title 40, Code of Federal Regulations (or successor regulations), as certified by the Administrator. Pellet stoves and fireplace inserts using pellets for fuel that are exempt from testing by the Administrator but meet the same standards of performance as wood stoves are considered certified for the purposes of this section.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State, a local government, or a federally recognized Indian tribe;

(B) Alaskan Native villages or regional or village corporations (as defined in, or established under, the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(C) a nonprofit organization or institution that—

(i) represents or provides pollution reduction or educational services relating to wood smoke minimization to persons, organizations, or communities; or

(ii) has, as its principal purpose, the promotion of air quality or energy efficiency.

(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program to assist in the replacement of wood stoves or pellet stoves that do not meet the standards of performance referred to in subsection (a)(4) by—

(1) requiring that each wood stove or pellet stove sold in the United States on and after the date of enactment of this Act meet the standards of performance referred to in subsection (a)(4);

(2) requiring that no wood stove or pellet stove replaced under this program is sold or returned to active service, but that it is instead destroyed and recycled to the maximum extent feasible;

(3) providing funds to an eligible entity to replace a wood stove or pellet stove that does not meet the standards of performance in subsection (a)(4) with a certified stove, including funds to pay for—

(A) installation of a replacement certified stove; and

(B) necessary replacement of or repairs to ventilation, flues, chimneys, or other relevant items necessary for safe installation of a replacement certified stove;

(4) in addition to any funds that may be appropriated for the program under this subsection, using existing Federal, State, and local programs and incentives, to the greatest extent practicable;

(5) prioritizing the replacement of wood stoves or pellet stoves manufactured before July 1, 1990; and

(6) carrying out such other activities as the Administrator determines appropriate to facilitate the replacement of wood stoves or pellet stoves that do not meet the standards of performance referred to in subsection (a)(3).

(c) REGULATIONS.—The Administrator may promulgate such regulations as are necessary to carry out the program established under subsection (b).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under this section $20,000,000 for the period of fiscal years 2010 through 2014.

(2) DESIGNATED USE.—Of amounts appropriated pursuant to this subsection—

(A) 25 percent shall be designated for use to carry out the program under this section on lands held in trust for the benefit of a federally recognized Indian tribe;

(B) 3 percent shall be designated for use to carry out the program under this section in Alaskan Native villages or regional or village corporations (as defined in, or established under, the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(C) 72 percent shall be designated for use to carry out the program under this section nationwide.

(3) REGULATORY PROGRAMS.—

(A) IN GENERAL.—No grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State, or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered ''mandated'', regardless of whether the reductions are included in the implementation plan of a State.

(e) EPA AUTHORITY TO ACCEPT WOOD STOVE OR PELLET STOVE REPLACEMENT SUPPLEMENTAL ENVIRONMENTAL PROJECTS.—

(1) IN GENERAL.—The Administrator may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) wood stove or pellet stove replacement Supplemental Environmental Projects if such projects, as part of a settlement of any alleged violation of environmental law—

(A) protect human health or the environment;

(B) are related to the underlying alleged violation;

(C) do not constitute activities that the defendant would otherwise be legally required to perform; and

(D) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

(2) CERTIFICATION.—In any settlement agreement regarding an alleged violation of environmental law in which a defendant agrees to perform a wood stove or pellet stove replacement Supplemental Environmental Project, the Administrator shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a wood stove or pellet stove replacement Supplemental Environmental Project if the Administrator were precluded by law from accepting a wood stove or pellet stove replacement Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

SEC. 219. ENERGY STAR STANDARDS.

(a) ENERGY STAR.—Section 324A(c) of the Energy Policy and Conservation Act is amended—

(1) in paragraph (6)(B), by striking ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(8) not later than 18 months after the date of enactment of this paragraph, establish and implement a rating system for products identified as Energy Star products pursuant to this section to provide consumers with the most helpful information on the relative energy efficiency, including cost effectiveness from the consumer's perspective, and relative length of time for consumers to recover costs attributable to the energy efficient features, of those products, unless the Administrator and the Secretary communicate to Congress that establishing such a system would diminish the value of the Energy Star brand to consumers;

''(9)(A) review the Energy Star product criteria for the 10 product models in each product category with the greatest energy consumption at least once every 3 years; and

''(B) based on the review, update and publish the Energy Star product criteria for each such category, as necessary; and

''(10) require periodic verification of compliance with the Energy Star product criteria by products identified as Energy Star products pursuant to this section, including—

''(A) purchase and testing of products from the market; or

''(B) other appropriate testing and compliance approaches.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out the amendments made by this section $5,000,000 for fiscal year 2010 and for each fiscal year thereafter.

Subtitle C—Transportation Efficiency

SEC. 221. EMISSIONS STANDARDS.

Title VIII of the Clean Air Act, as added by section 331 of this Act, is amended by inserting after part A the following new part:

"PART B—MOBILE SOURCES

"SEC. 821. GREENHOUSE GAS EMISSION STANDARDS FOR MOBILE SOURCES.

''(a) NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES.—(1) Pursuant to section 202(a)(1), by December 31, 2010, the Administrator shall promulgate standards applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section). The Administrator may revise these standards from time to time.

''(2) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall contain standards that reflect the greatest degree of emissions reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, and, at a minimum, shall apply for a period no less than 3 model years beginning no earlier than the model year commencing 4 years after such regulations are promulgated.

''(3) Regulations issued under section 202(a)(1) applicable to emissions of greenhouse gases from new heavy-duty motor vehicles or new heavy-duty motor vehicle engines, excluding such motor vehicles covered by the Tier II standards (as established by the Administrator as of the date of the enactment of this section), shall supersede and satisfy any and all of the rulemaking and compliance requirements of section 32902(k) of title 49, United States Code.

''(4) Other than as specifically set forth in paragraph (3) of this subsection, nothing in this section shall affect or otherwise increase or diminish the authority of the Secretary of Transportation to adopt regulations to improve the overall fuel efficiency of the commercial goods movement system.

''(b) NONROAD VEHICLES AND ENGINES.—(1) Pursuant to section 213(a)(4) and (5), the Administrator shall identify those classes or categories of new nonroad vehicles or engines, or combinations of such classes or categories, that, in the judgment of the Administrator, both contribute significantly to the total emissions of greenhouse gases from nonroad engines and vehicles, and provide the greatest potential for significant and cost-effective reductions in emissions of greenhouse gases. The Administrator shall promulgate standards applicable to emissions of greenhouse gases from these new nonroad engines or vehicles by December 31, 2012. The Administrator shall also promulgate standards applicable to emissions of greenhouse gases for such other classes and categories of new nonroad vehicles and engines as the Administrator determines appropriate and in the timeframe the Administrator determines appropriate. The Administrator shall base such determination, among other factors, on the relative contribution of greenhouse gas emissions, and the costs for achieving reductions, from such classes or categories of new nonroad engines and vehicles. The Administrator may revise these standards from time to time.

''(2) Standards under section 213(a)(4) and (5) applicable to emissions of greenhouse gases from those classes or categories of new nonroad engines or vehicles identified in the first sentence of paragraph (1) of this subsection, shall achieve the greatest degree of emissions reduction achievable based on the application of technology which the Administrator determines will be available at the time such standards take effect, taking into consideration cost, energy, and safety factors associated with the application of such technology. Any such regulations shall take effect at the earliest possible date after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period, the applicable compliance dates for other standards, and other appropriate factors, including the period of time appropriate for the transfer of applicable technology from other applications, including motor vehicles, and the period of time in which previously promulgated regulations have been in effect.

''(3) For purposes of this section and standards under section 213(a)(4) or (5) applicable to emissions of greenhouse gases, the term 'nonroad engines and vehicles' shall include non-internal combustion engines and the vehicles these engines power (such as electric engines and electric vehicles), for those non-internal combustion engines and vehicles which would be in the same category and have the same uses as nonroad engines and vehicles that are powered by internal combustion engines.

''(c) AVERAGING, BANKING, AND TRADING OF EMISSIONS CREDITS.—In establishing standards applicable to emissions of greenhouse gases pursuant to this section and sections 202(a), 213(a)(4) and (5), and 231(a), the Administrator may establish provisions for averaging, banking, and trading of greenhouse gas emissions credits within or across classes or categories of motor vehicles and motor vehicle engines, nonroad vehicles and engines (including marine vessels), and aircraft and aircraft engines, to the extent the Administrator determines appropriate and considering the factors appropriate in setting standards under those sections. Such provisions may include reasonable and appropriate provisions concerning generation, banking, trading, duration, and use of credits.

''(d) REPORTS.—The Administrator shall, from time to time, submit a report to Congress that projects the amount of greenhouse gas emissions from the transportation sector, including transportation fuels, for the years 2030 and 2050, based on the standards adopted under this section.

''(e) GREENHOUSE GASES.—Notwithstanding the provisions of section 711, hydrofluorocarbons shall be considered a greenhouse gas for purposes of this section.''.

SEC. 222. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

(a) ENVIRONMENTAL PROTECTION AGENCY.—Title VIII of the Clean Air Act, as added by section 331 of this Act, is further amended by inserting after part C the following new part:

"PART D—TRANSPORTATION EMISSIONS

"SEC. 841. GREENHOUSE GAS EMISSIONS REDUCTIONS THROUGH TRANSPORTATION EFFICIENCY.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Transportation, shall promulgate, and update from time to time, regulations to establish national transportation-related greenhouse gas emissions reduction goals, standardized models and methodologies for use in developing surface transportation-related greenhouse gas emissions reduction targets pursuant to sections 134 and 135 of title 23 of the United States Code and methods for collection of data on transportation-related greenhouse gas emissions. Such goals shall be commensurate with the emissions reductions goals established under the American Clean Energy and Security Act of 2009. In establishing such goals, models, and methodologies, the Administrator shall consult with States and metropolitan planning organizations and may utilize existing models and methodologies.

''(b) TIMING.—The Administrator shall—

''(1) publish proposed regulations under subsection (a) not later than 12 months after the date of enactment of this section; and

''(2) promulgate final regulations under subsection (a) not later than 18 months after the date of enactment of this section.

''(c) ASSESSMENT.—At least every 6 years after promulgating final regulations under subsection (a), the Administrator, jointly with the Secretary of Transportation, shall assess current and projected progress in reducing national transportation-related greenhouse gas emissions. The assessment shall examine the contributions to emissions reductions attributable to improvements in vehicle efficiency, greenhouse gas performance of transportation fuels, increased efficiency in utilizing transportation systems and the effects of local and State planning.''.

(b) METROPOLITAN PLANNING ORGANIZATIONS.—Section 134 of title 23 of the United States Code is amended as follows:

(1) In subsection (a)(1)—

(A) by striking ''minimizing'' and inserting ''reducing''; and

(B) by inserting '', reliance on oil, impacts on the environment, transportation-related greenhouse gas emissions'' after ''consumption''.

(2) In subsection (h)(1)(E)—

(A) by inserting ''sustainability and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,'' after ''energy conservation'';

(B) by inserting ''and public health'' after ''quality of life''; and

(C) by inserting '', including housing and land use patterns'' after ''development patterns''.

(3) In subsection (i)(4)(A) by inserting ''air quality, public health, housing, transportation,'' after ''conservation,''.

(4) In subsection (k) by inserting at the end the following new paragraph:

''(6) EMISSIONS REDUCTION PROCESS.—

''(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies.

''(B) ESTABLISHMENT OF EMISSIONS REDUCTION TARGETS AND STRATEGIES.—

''(i) IN GENERAL.—Not later than one year after the promulgation of the final regulations required under section 841 of the Clean Air Act, each metropolitan planning organization shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet such targets, as part of the transportation planning process under this section. If more than one metropolitan planning organization has been designated within a metropolitan planning area serving a transportation management area, each such metropolitan planning organization shall work cooperatively with

other such organization to develop the surface transportation-related greenhouse gas emission reduction targets required under this subparagraph.

''(ii) MINIMUM REQUIREMENTS.—Each metropolitan planning organization that develops targets and strategies required under clause (i) shall demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in each metropolitan planning area serving a surface transportation management area. The targets and strategies shall, at a minimum—

''(I) be based on the models and methodologies established in the final regulations required under section 841 of the Clean Air Act;

''(II) address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation-related greenhouse gas emissions reduction goals;

''(III) include efforts to increase public transportation ridership; and

''(IV) include efforts to increase walking, bicycling, and other forms of nonmotorized transportation.

''(C) PUBLIC NOTICE.—Each metropolitan planning organization shall make its emission reduction targets and strategies, and an analysis of the anticipated effects thereof, available to the public through its Web site.

''(D) ENFORCEMENT.—If the Secretary finds that a metropolitan planning organization has failed to develop, submit or publish its emission reduction targets and strategies, the Secretary shall not certify that the requirements of this section are met with respect to the metropolitan planning process of such organization.''.

(c) STATES.—Section 135 of title 23 of the United States Code is amended as follows:

(1) In subsection (d)(1)(E)—

(A) by inserting ''sustainability and livability, reduce surface transportation-related greenhouse gas emissions and reliance on oil, adapt to the effects of climate change,'' after ''energy conservation'';

(B) by inserting ''and public health'' after ''quality of life''; and

(C) by inserting '', including housing and land use patterns'' after ''development patterns''.

(2) In subsection (f)(2)(D)(i) by inserting ''air quality, public health, housing, transportation,'' after ''conservation,''.

(3) In subsection (f) by inserting at the end the following new paragraph:

''(9) EMISSIONS REDUCTION PROCESS.—

''(A) IN GENERAL.—Within a State, the transportation planning process under this section shall address transportation-related greenhouse gas emissions by including emission reduction targets and strategies.

''(B) ESTABLISHMENT OF EMISSIONS REDUCTION TARGETS AND STRATEGIES.—

''(i) IN GENERAL.—Not later than one year after the promulgation of the final regulations required under section 841 of the Clean Air Act, each State shall develop surface transportation-related greenhouse gas emission reduction targets, as well as strategies to meet such targets, as part of the transportation planning process under this section.

''(ii) MINIMUM REQUIREMENTS.—Each State that develops targets and strategies required under clause (i) shall demonstrate progress in stabilizing and reducing transportation-related greenhouse gas emissions in such State. The targets and strategies shall, at a minimum,

''(I) be based on the models and methodologies established in the final regulations required under section 841 of the Clean Air Act;

''(II) address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation-related greenhouse gas emissions reduction goals;

''(III) include efforts to increase public transportation ridership; and

''(IV) include efforts to increase walking, bicycling, and other forms of nonmotorized transportation.

''(D) PUBLIC NOTICE.—Each State shall make its emission reduction targets and strategies, and an analysis of the anticipated effects thereof, available to the public through its Web site.

''(E) ENFORCEMENT.—If the Secretary finds that a State has failed to develop, submit or publish its emission reduction targets and strategies, the Secretary shall not certify that the requirements of this section are met with respect to the statewide planning process of such State.''.

(d) DEPARTMENT OF TRANSPORTATION.—The Secretary of Transportation shall establish appropriate requirements, including performance measures, to ensure that transportation plans developed under sections 134 and 135 of title 23 of the United States Code sufficiently meet the requirements of this section, including achieving progress towards national transportation-related greenhouse gas emissions reduction goals.

SEC. 223. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

Part B of title VIII of the Clean Air Act, as added by section 221 of this Act is amended by adding after section 821 the following section:

''SEC. 822. SMARTWAY TRANSPORTATION EFFICIENCY PROGRAM.

''(a) IN GENERAL.—There is established within the Environmental Protection Agency a SmartWay Transport Program to quantify, demonstrate, and promote the benefits of technologies, products, fuels, and operational strategies that reduce petroleum consumption, air pollution, and greenhouse gas emissions from the mobile source sector.

''(b) GENERAL DUTIES.—Under the program established under this section, the Administrator shall carry out each of the following:

''(1) Development of measurement protocols to evaluate the energy consumption and greenhouse gas impacts from technologies and strategies in the mobile source sector, including those for passenger transport and goods movement.

''(2) Development of qualifying thresholds for certifying, verifying, or designating energy-efficient, low-greenhouse gas SmartWay technologies and strategies for each mode of passenger transportation and goods movement.

''(3) Development of partnership and recognition programs to promote best practices and drive demand for energy-efficient, low-greenhouse gas transportation performance.

''(4) Promotion of the availability of, and encouragement of the adoption of, SmartWay certified or verified technologies and strategies, and publication of the availability of financial incentives, such as assistance from loan programs and other Federal and State incentives.

''(c) SMARTWAY TRANSPORT FREIGHT PARTNERSHIP.—The Administrator shall establish a SmartWay Transport Freight Partnership program with shippers and carriers of goods to promote energy-efficient, low-greenhouse gas transportation. In carrying out such partnership, the Administrator shall undertake each of the following:

''(1) Certification of the energy and greenhouse gas performance of participating freight carriers, including those operating rail, trucking, marine, and other goods movement operations.

''(2) Publication of a comprehensive energy and greenhouse gas performance index of freight modes (including rail, trucking, marine, and other modes of transporting goods) and individual freight companies so that shippers can choose to deliver their goods more efficiently.

''(3) Development of tools for—

''(A) carriers to calculate their energy and greenhouse gas performance; and

''(B) shippers to calculate the energy and greenhouse gas impacts of moving their products and to evaluate the relative impacts from transporting their goods by different modes and corporate carriers.

''(4) Provision of recognition opportunities for participating shipper and carrier companies demonstrating advanced practices and achieving superior levels of greenhouse gas performance.

''(d) IMPROVING FREIGHT GREENHOUSE GAS PERFORMANCE DATABASES.—The Administrator shall, in coordination with other appropriate agencies, define and collect data on the physical and operational characteristics of the Nation's truck population, with special emphasis on data related to energy efficiency and greenhouse gas performance to inform the performance index published under subsection (c)(2) of this section, and other means of goods transport as necessary, at least every 5 years.

''(e) ESTABLISHMENT OF FINANCING PROGRAM.—The Administrator shall establish a SmartWay Financing Program to competitively award funding to eligible entities identified by the Administrator in accordance with the program requirements in subsection (g).

''(f) PURPOSE.—Under the SmartWay Financing Program, eligible entities shall—

''(1) use funds awarded by the Administrator to provide flexible loan and lease terms that increase approval rates or lower the costs of loans and leases in accordance with guidance developed by the Administrator; and

''(2) make such loans and leases available to public and private entities for the purpose of adopting low-greenhouse gas technologies or strategies for the mobile source sector that are designated by the Administrator.

''(g) PROGRAM REQUIREMENTS.—The Administrator shall determine program design elements and requirements, including—

''(1) the type of financial mechanism with which to award funding, in the form of grants or contracts;

''(2) the designation of eligible entities to receive funding, including State, tribal, and local governments, regional organizations comprised of governmental units, nonprofit organizations, or for-profit companies;

''(3) criteria for evaluating applications from eligible entities, including anticipated—

''(A) cost-effectiveness of loan or lease program on a metric-ton-of-greenhouse gas-saved-per-dollar basis;

''(B) ability to promote the loan or lease program and associated technologies and strategies to the target audience; and

''(4) reporting requirements for entities that receive awards, including—

''(A) actual cost-effectiveness and greenhouse gas savings from the loan or lease program based on a methodology designated by the Administrator;

''(B) the total number of applications and number of approved applications; and

''(C) terms granted to loan and lease recipients compared to prevailing market practices.

''(h) AUTHORIZATION OF APPROPRIATIONS.—Such sums as necessary are authorized to be appropriated to the Administrator to carry out this section.''.

SEC. 224. STATE VEHICLE FLEETS.

Section 507(o) of the Energy Policy Act of 1992 (42 U.S.C. 13257) is amended by adding the following new paragraph at the end thereof:

''(3) The Secretary shall revise the rules under this subsection with respect to the types of alternative fueled vehicles required

for compliance with this subsection to ensure those rules are consistent with any guidance issued pursuant to section 303 of this Act.''.

Subtitle D—Industrial Energy Efficiency Programs

SEC. 241. INDUSTRIAL PLANT ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall continue to support the development of the American National Standards Institute (ANSI) voluntary industrial plant energy efficiency certification program, pending International Standards Organization (ISO) consensus standard 50001, and other related ANSI/ISO standards. In addition, the Department shall undertake complementary activities through the Department of Energy's Industry Technologies Program that support the voluntary implementation of such standards by manufacturing firms. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out these activities. The Secretary shall report to Congress on the status of standards development and plans for further standards development pursuant to this section by not later than 18 months after the date of enactment of this Act, and shall prepare a second such report 18 months thereafter.

SEC. 242. ELECTRIC AND THERMAL WASTE ENERGY RECOVERY AWARD PROGRAM.

(a) ELECTRIC AND THERMAL WASTE ENERGY RECOVERY AWARDS.—The Secretary of Energy shall establish a program to make monetary awards to the owners and operators of new and existing electric energy generation facilities or thermal energy production facilities using fossil or nuclear fuel, to encourage them to use innovative means of recovering any thermal energy that is a potentially useful byproduct of electric power generation or other processes to—

(1) generate additional electric energy; or

(2) make sales of thermal energy not used for electric generation, in the form of steam, hot water, chilled water, or desiccant regeneration, or for other commercially valid purposes.

(b) AMOUNT OF AWARDS.—

(1) ELIGIBILITY.—Awards shall be made under subsection (a) only for the use of innovative means that achieve net energy efficiency at the facility concerned significantly greater than the current standard technology in use at similar facilities.

(2) AMOUNT.—The amount of an award made under subsection (a) shall equal an amount up to the value of 25 percent of the energy projected to be recovered or generated during the first 5 years of operation of the facility using the innovative energy recovery method, or such lesser amount that the Secretary determines to be the minimum amount that can cost-effectively stimulate such innovation.

(3) LIMITATION.—No person may receive an award under this section if a grant under the waste energy incentive grant program under section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343) is made for the same energy savings resulting from the same innovative method.

(c) REGULATORY STATUS.—The Secretary of Energy shall—

(1) assist State regulatory commissions to identify and make changes in State regulatory programs for electric utilities to provide appropriate regulatory status for thermal energy byproduct businesses of regulated electric utilities to encourage those utilities to enter businesses making the sales referred to in subsection (a)(2); and

(2) encourage self-regulated utilities to enter businesses making the sales referred to in subsection (a)(2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as are necessary for the purposes of this section.

SEC. 243. CLARIFYING ELECTION OF WASTE HEAT RECOVERY FINANCIAL INCENTIVES.

Section 373(e) of the Energy Policy and Conservation Act (42 U.S.C. 6343(e)) is amended—

(1) by striking ''that qualifies for'' and inserting ''who elects to claim''; and

(2) by inserting ''from that project'' after ''for waste heat recovery''.

SEC. 244. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INTERESTED PARTIES.—The term ''interested parties'' includes—

(A) trade associations;

(B) motor manufacturers;

(C) motor end users;

(D) electric utilities; and

(E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

SEC. 245. MOTOR EFFICIENCY REBATE PROGRAM.

(a) IN GENERAL.—Part C of title III of the Energy Policy and Conservation Act (42 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 347. MOTOR EFFICIENCY REBATE PROGRAM.

''(a) ESTABLISHMENT.—Not later than January 1, 2010, in accordance with subsection (b), the Secretary shall establish a program to provide rebates for expenditures made by entities—

''(1) for the purchase and installation of a new electric motor that has a nominal full load efficiency that is not less than the nominal full load efficiency as defined in—

''(A) table 12–12 of NEMA Standards Publication MG 1–2006 for random wound motors rated 600 volts or lower; or

''(B) table 12–13 of NEMA Standards Publication MG 1–2006 for form wound motors rated 5000 volts or lower; and

''(2) to replace an installed motor of the entity the specifications of which are established by the Secretary by a date that is not later than 90 days after the date of enactment of this section.

''(b) REQUIREMENTS.—

''(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

''(A) demonstrated evidence that the entity purchased an electric motor described in subsection (a)(1) to replace an installed motor described in subsection (a)(2);

''(B) demonstrated evidence that the entity—

''(i) removed the installed motor of the entity from service; and

''(ii) properly disposed the installed motor of the entity; and

''(C) the physical nameplate of the installed motor of the entity.

''(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets each requirement under paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

''(A) the nameplate horsepower of the electric motor purchased by the entity in accordance with subsection (a)(1); and

''(B) $25.00.

''(3) PAYMENTS TO DISTRIBUTORS OF QUALIFYING ELECTRIC MOTORS.—To assist in the payment for expenses relating to processing and motor core disposal costs, the Secretary shall provide to the distributor of an electric motor described in subsection (a)(1), the purchaser of which received a rebate under this section, an amount equal to the product obtained by multiplying—

''(A) the nameplate horsepower of the electric motor; and

''(B) $5.00.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $80,000,000 for fiscal year 2011;

''(2) $75,000,000 for fiscal year 2012;

''(3) $70,000,000 for fiscal year 2013;

''(4) $65,000,000 for fiscal year 2014; and

''(5) $60,000,000 for fiscal year 2015.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part C of title III the following:

''Sec. 347. Motor efficiency rebate program.''.

SEC. 246. CLEAN ENERGY MANUFACTURING REVOLVING LOAN FUND PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 26 the following:

"SEC. 27. CLEAN ENERGY MANUFACTURING REVOLVING LOAN FUND PROGRAM.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To develop the long-term manufacturing capacity of the United States.

''(2) To create jobs through the retooling and expansion of manufacturing facilities to produce clean energy technology products and energy efficient products.

''(3) To improve the long-term competitiveness of domestic manufacturing by increasing the energy efficiency of manufacturing facilities.

''(4) To assist small and medium-sized manufacturers diversify operations to respond to emerging clean energy technology product markets.

''(b) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY PRODUCT.—The term 'clean energy technology product' means technology products relating to the following:

''(A) Wind turbines.

''(B) Solar energy.

''(C) Fuel cells.

''(D) Advanced batteries, battery systems, or storage devices.

''(E) Biomass equipment.

''(F) Geothermal equipment.

''(G) Advanced biofuels.

''(H) Ocean energy equipment.

''(I) Carbon capture and storage.

''(J) Such other products as the Secretary determines—

''(i) relate to the production, use, transmission, storage, control, or conservation of energy;

''(ii) reduce greenhouse gas concentrations;

''(iii) achieve the earliest and maximum emission reductions within a reasonable period per dollar invested;

''(iv) result in the fewest non-greenhouse gas environmental impacts; and

''(v) either—

''(I) reduce the need for additional energy supplies by—

''(aa) using existing energy supplies with greater efficiency; or

''(bb) by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States; or

''(II) diversity the sources of energy supply of the United States—

''(aa) to strengthen energy security; and

''(bb) to increase supplies with a favorable balance of environmental effects if the entire technology system is considered.

''(2) ENERGY EFFICIENT PRODUCT.—The term 'energy efficient product' means a product that, as determined by the Secretary in consultation with the Secretary of Energy—

''(A) consumes significantly less energy than the average amount that all similar products consumed on the day before the date of the enactment of this Act; or

''(B) is a component, system, or group of subsystems that is designed, developed, and validated to optimize the energy efficiency of a product.

''(3) HOLLINGS MANUFACTURING EXTENSION CENTER.—The term 'Hollings Manufacturing Extension Center' means a center established under section 25.

''(4) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—The term 'Hollings Manufacturing Partnership Program' means the program established under sections 25 and 26.

''(5) PROGRAM.—The term 'Program' means the grant program established pursuant to subsection (c)(1).

''(6) REVOLVING LOAN FUND.—The term 'revolving loan fund' means a revolving loan fund described in subsection (d).

''(7) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Commerce.

''(8) SMALL OR MEDIUM-SIZED MANUFACTURER.—The term 'small or medium-sized manufacturer' means a manufacturer that employs fewer than 500 full-time equivalent employees at a manufacturing facility that is not owned or controlled by an automobile manufacturer.

''(c) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish a program under which the Secretary shall award grants to States to establish revolving loan funds to provide loans to small and medium-sized manufacturers to finance the cost of—

''(A) reequipping, expanding, or establishing (including applicable engineering costs) a manufacturing facility in the United States to produce—

''(i) clean energy technology products;

''(ii) energy efficient products; or

''(iii) integral component parts of clean energy technology products or energy efficient products; or

''(B) reducing the energy intensity or greenhouse gas production of a manufacturing facility in the United States, including using energy intensive feedstocks.

''(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under the Program in an amount that exceeds $500,000,000 in any fiscal year.

''(d) CRITERIA FOR AWARDING GRANTS.—

''(1) MATCHING FUNDS.—The Secretary may make a grant to a State under the Program only if the State agrees to ensure that for each loan provided by the State under the Program, not less than 20 percent of the amount of each loan will come from a non-Federal source.

''(2) ADMINISTRATIVE COSTS.—A State receiving a grant under the Program may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

''(3) APPLICATION.—Each State seeking a grant under the Program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

''(4) EVALUATION.—The Secretary shall evaluate and prioritize an application submitted by a State for a grant under the Program on the basis of—

''(A) the description of the revolving loan fund to be established with the grant and how such revolving loan fund will achieve the purposes described in subsection (a);

''(B) whether the State will be able to provide loans from the revolving loan fund to small or medium-sized manufacturers before the date that is 120 days after the date on which the State receives the grant;

''(C) a description of how the State will administer the revolving loan fund in coordination with other State and Federal programs, including programs administered by the Assistant Secretary for Economic Development;

''(D) a description of the actual or potential clean energy manufacturing supply chains, including significant component parts, in the region served by the revolving loan fund;

''(E) how the State will target the provision of loans under the Program to manufacturers located in regions characterized by high unemployment and sudden and severe economic dislocation, in particular where mass layoffs have resulted in a precipitous increase in unemployment;

''(F) the availability of a skilled manufacturing workforce in the region served by the revolving loan fund and the capacity of the region's workforce and education systems to provide pathways for unemployed or low-income workers into skilled manufacturing employment;

''(G) a description of how the State will target loans to small or medium-sized manufacturers who are—

''(i) manufacturers of automobile components; and

''(ii) either—

''(I) increasing the energy efficiency of their manufacturing facilities; or

''(II) retooling to manufacture clean energy products or energy efficient products, including manufacturing components to improve the compliance of an automobile with fuel economy standards prescribed under section 32902 of title 49, United States Code;

''(H) a description of how the State will use the loan fund to achieve the earliest and maximum greenhouse gas emission reductions within a reasonable period of time per dollar invested and with the fewest non-greenhouse gas environmental impacts; and

''(I) such other factors as the Secretary considers appropriate to ensure that grants awarded under the Program effectively and efficiently achieve the purposes described in subsection (a).

''(e) REVOLVING LOAN FUNDS.—

''(1) IN GENERAL.—A State receiving a grant under the Program shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

''(2) DEPOSITS.—A revolving loan fund shall consist of the following:

''(A) Amounts from grants awarded under this section.

''(B) All amounts held or received by the State incident to the provision of loans described in subsection (f), including all collections of principal and interest.

''(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (f).

''(4) LIMITATION.—No funds provided pursuant to this section may be leveraged through use of tax-exempt bonding authority by a State or a political subdivision of a State.

''(f) LOANS.—

''(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to provide loans to small and medium-sized manufacturers as described in subsection (c)(1).

''(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

''(A) TERMS.—Loans shall have a term determined by the State receiving the grant as follows:

''(i) For fixed assets, the term of the loan shall not exceed the useful life of the asset and shall be less than 15 years.

''(ii) For working capital, the term of the loan shall not exceed 36 months.

''(B) INTEREST RATES.—Loans shall bear an interest rate determined by the State receiving the grant as follows:

''(i) The interest rate shall enable the loan recipient to accomplish the activities described in subparagraphs (A) and (B) of subsection (c)(1).

''(ii) The interest rate may be set below-market interest rates.

''(iii) The interest rate may not be less than zero percent.

''(iv) The interest rate may not exceed the current prime rate plus 500 basis points.

''(C) DESCRIPTION AND BUDGET FOR USE OF LOAN FUNDS.—Each recipient of a loan from a State under the Program shall develop and submit to the State and the Secretary a description and budget for the use of loan amounts, including a description of the following:

''(i) Any new business expected to be developed with the loan.

''(ii) Any improvements to manufacturing operations to be developed with the loan.

''(iii) Any technology expected to be commercialized with the loan.

''(D) PRIORITY IN REVIEW AND PREFERENCE IN SELECTION FOR CERTAIN LOAN APPLICANTS.—

''(i) REVIEW.—In reviewing applications submitted by small or medium-sized manufacturers for a loan, a recipient of a grant under the Program shall give priority to small or medium-sized manufacturers described in clause (iii).

''(ii) SELECTION.—In selecting small or medium-sized manufacturers to receive a loan, a recipient of a grant under the Program shall give preference to small or medium-sized manufacturers described in clause (iii).

''(iii) PRIORITY AND PREFERRED SMALL OR MEDIUM-SIZED MANUFACTURERS.—A small or medium-sized manufacturer described in this clause is a manufacturer that—

''(I) is certified by a Hollings Manufacturing Extension Center or a manufacturing-related local intermediary designated by the Secretary for purposes of providing such certification; or

''(II) provides individuals employed at the manufacturing facilities of the manufacturer—

''(aa) pay in amounts that are, on average, equal to or more than the average wage of an individual working in a manufacturing facility in the State; and

''(bb) health benefits.

''(iv) CERTIFICATION BY HOLLINGS MANUFACTURING EXTENSION CENTER.—A Hollings Manufacturing Extension Center or other entity designated by the Secretary for purposes of providing certification under clause (iii)(I) shall only certify applications for a loan after carrying out a qualitative and quantitative review of the applicant's business strategy, manufacturing operations, and technological ability to contribute to the purposes described in subsection (a).

''(E) REPAYMENT UPON RELOCATION OUTSIDE UNITED STATES.—

''(i) IN GENERAL.—If a person receives a loan under paragraph (1) to finance the cost of reequipping, expanding, or establishing a manufacturing facility as described in subsection (c)(1)(A) or to reduce the energy intensity of a manufacturing facility and such person relocates the production activities of such manufacturing facility outside the United States during the term of the loan, the recipient shall repay such loan in full with interest as described in clause (ii) and for a duration described in clause (iii).

''(ii) PAYMENT OF INTEREST.—Any amount owed by the recipient of a loan under paragraph (1) who is required to repay the loan under clause (i) shall bear interest at a penalty rate determined by the Secretary to deter recipients of loans under paragraph (1) from relocating production activities as described in clause (i).

''(iii) PERIOD OF REPAYMENT.—Repayment of a loan under clause (i) shall be for a duration determined by the Secretary.

''(F) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Each recipient of a loan shall undertake and agree to incorporate or cause to be incorporated into all contracts for construction, alteration or repair, which are paid for in whole or in part with funds obtained pursuant to such loan, a requirement that all laborers and mechanics employed by contractors and subcontractors performing construction, alteration or repair shall be paid wages at rates not less than those determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code (known as the 'Davis-Bacon Act'), to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the same locality in which the work is to be performed. The Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

''(G) ANNUAL REPORTS BY LOAN RECIPIENTS.—Each recipient of a loan issued by a State under paragraph (1) shall, not less frequently than once each year during the term of the loan, submit to such State a report containing such information as the Secretary may specify for purposes of the Program, including information that the Secretary can use to determine whether a recipient of a loan is required to repay the loan under subparagraph (E).

''(3) ANNUAL REPORTS BY GRANT RECIPIENTS.—Each recipient of a grant under the Program shall, not less frequently than once each year, submit to the Secretary a report on the impact of each loan issued by the State under the Program and the aggregate impact of all loans so issued, including the following:

''(A) The sales increased or retained.

''(B) Cost savings or costs avoided.

''(C) Additional investment encouraged.

''(D) Jobs created or retained.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000,000 for each of fiscal years 2010 and 2011.''.

SEC. 247. CLEAN ENERGY AND EFFICIENCY MANUFACTURING PARTNERSHIPS.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(b)) is amended—

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

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

(3) by adding at the end the following:

''(4) the establishment of a clean energy manufacturing supply chain initiative—

''(A) to support manufacturers in their identification of and diversification to new markets, including support for manufacturers transitioning to the use of clean energy supply chains;

''(B) to assist manufacturers improve their competitiveness by reducing energy intensity and greenhouse gas production, including the use of energy intensive feedstocks;

''(C) to increase adoption and implementation of innovative manufacturing technologies;

''(D) to coordinate and leverage the expertise of the National Laboratories and Technology Centers and the Industrial Assessment Centers of the Department of Energy to meet the needs of manufacturers; and

''(E) to identify, assist, and certify manufacturers seeking loans under section 27(e)(1).''.

(b) REDUCTION IN COST SHARE REQUIREMENTS.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended—

(1) in paragraph (1), by inserting ''or as provided in paragraph (5)'' after ''not to exceed six years'';

(2) in paragraph (3)(B), by striking ''not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years'' and inserting ''50 percent of the costs incurred or such lesser percentage of the costs incurred as determined appropriate by the Secretary by rule''; and

(3) in paragraph (5)—

(A) by striking ''at declining levels'';

(B) by striking ''one third'' and inserting ''50 percent''; and

(C) by inserting '', or such lesser percentage as determined appropriate by the Secretary by rule,'' after ''maintenance costs''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Hollings Manufacturing Partnership Program authorized under sections 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and for the provision of assistance under section 26 of such Act (15 U.S.C. 278*l*)—

(1) $200,000,000 for fiscal year 2010;

(2) $250,000,000 for fiscal year 2011;

(3) $300,000,000 for fiscal year 2012;

(4) $350,000,000 for fiscal year 2013; and

(5) $400,000,000 for fiscal year 2014.

SEC. 248. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k(b)) is amended—

(1) in subsection (a), by striking ''(hereafter in this Act referred to as the 'Centers')''; and

(2) by adding at the end the following:

''(g) DESIGNATION.—

''(1) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—The program under this section shall be known as the 'Hollings Manufacturing Partnership Program'.

''(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the 'Hollings Manufacturing Extension Centers' (in this Act referred to as the 'Centers').''.

(b) AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108–09447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' by striking ''2007: *Provided further*, That'' and all that follows through ''Extension Centers.'' and inserting ''2007.''.

Subtitle E—Improvements in Energy Savings Performance Contracting

SEC. 251. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—

(1) COMPETITION REQUIREMENTS.—Subsection (a) of section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following paragraph:

''(3)(A) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

''(i) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response

to the notice, soliciting an expression of interest in performing site surveys or investigations and feasibility designs and studies and the submission of qualifications from such contractors, and including in such notice summary information concerning energy use for any facilities that the agency has specific interest in including in such contract;

''(ii) reviewing all expressions of interest and qualifications submitted pursuant to the notice under clause (i);

''(iii) selecting two or more contractors (from among those reviewed under clause (ii)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including requesting references demonstrating experience on similar efforts and the resulting energy savings of such similar efforts, and providing an opportunity for a post-award debriefing to all contractors that submitted expressions of interest and qualifications under clause (ii) pursuant to the notice;

''(iv) selecting and authorizing—

''(I) more than one contractor (from among those selected under clause (iii)) to conduct site surveys, investigations, feasibility designs and studies or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

''(II) one contractor (from among those selected under clause (iii)) to conduct a site survey, investigation, a feasibility design and study or similar for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

''(v) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under clause (iv) based on the energy conservation measures identified; and

''(vi) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

''(B) The issuance of a task or delivery order for energy savings performance contracting services pursuant to subparagraph (A) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

''(C) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is inapplicable to task or delivery orders issued before the date of enactment of this section.

(b) INCLUSION OF THERMAL RENEWABLE ENERGY.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking ''electric''; and

(2) in subsection (b)(2), by inserting ''or thermal'' after ''means electric''.

(c) CREDIT FOR RENEWABLE ENERGY PRODUCED AND USED ON SITE.—Subsection (c) of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended to read as follows:

''(c) CALCULATION.—Renewable energy produced at a Federal facility, on Federal lands, or on Indian lands (as defined in title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.)) shall be calculated separately from renewable energy consumed at a Federal facility, and each may be used to comply with the consumption requirement under subsection (a).''.

(d) FINANCING FLEXIBILITY.—Section 801(a)(2)(E) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(E)) is amended by striking ''In'' and inserting ''Notwithstanding any other provision of law, in''.

Subtitle F—Public Institutions

SEC. 261. PUBLIC INSTITUTIONS.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in subsection (a)(5), by striking ''or a designee'' and inserting ''an Indian tribe, a not-for-profit hospital or not-for-profit inpatient health care facility, or a designated agent'';

(2) in subsection (c)(1), by striking subparagraph (C);

(3) in subsection (f)(3)(A), by striking ''$1,000,000'' and inserting ''$2,500,000''; and

(4) in subsection (i)(1), by striking ''$250,000,000 for each of fiscal years 2009 through 2013'' and inserting ''$250,000,000 for each of fiscal years 2010 through 2015''.

SEC. 262. COMMUNITY ENERGY EFFICIENCY FLEXIBILITY.

Section 545(b)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17155(b)(3)) is amended—

(1) by striking ''Indian tribe may use'' and all that follows through ''for administrative expenses'' and inserting ''Indian tribe may use for administrative expenses'';

(2) by striking subparagraphs (B) and (C);

(3) by redesignating the remaining clauses (i) and (ii) as subparagraphs (A) and (B), respectively and adjusting the margin of those subparagraphs accordingly; and

(4) by striking the semicolon at the end and inserting a period.

SEC. 263. SMALL COMMUNITY JOINT PARTICIPATION.

(a) Section 541(3)(A) of the Energy Independence and Security Act of 2007 is amended in clause (i) by striking ''and'' at the end of subclause (II), in clause (ii) by striking the period at the end of subclause (II) and inserting ''; or'', and by inserting the following new clause (iii):

''(iii) a group of adjacent, contiguous, or geographically proximate units of local government that reach agreement to act jointly for purposes of this section and that represent a combined population of not less than 35,000.''.

(b) Section 541(3)(B) of the Energy Independence and Security Act of 2007 is amended in clause (i) by striking ''or'', in clause (ii) by striking the period at the end and inserting ''; or'', and by inserting the following new clause (iii):

''(iii) a group of adjacent, contiguous, or geographically proximate units of local government that reach agreement to act jointly for purposes of this section and that represent a combined population of not less than 50,000.''.

SEC. 264. LOW INCOME COMMUNITY ENERGY EFFICIENCY PROGRAM.

(a) IN GENERAL.—The Secretary of Energy is authorized to make grants to private, nonprofit, mission-driven community development organizations including community development corporations and community development financial institutions to provide financing to businesses and projects that improve energy efficiency; identify and develop alternative, renewable, and distributed energy supplies; provide technical assistance and promote job and business opportunities for low-income residents; and increase energy conservation in low income rural and urban communities.

(b) GRANTS.—The purpose of such grants is to increase the flow of capital and benefits to low income communities, minority-owned and woman-owned businesses and entrepreneurs and other projects and activities located in low income communities in order to reduce environmental degradation, foster energy conservation and efficiency and create job and business opportunities for local residents. The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative, renewable, and distributed energy supplies;

(2) capitalizing loan funds that lend to energy efficiency projects and energy conservation programs;

(3) technical assistance to plan, develop, and manage an energy efficiency financing program; and

(4) technical and financial assistance to assist small-scale businesses and private entities develop new renewable and distributed sources of power or combined heat and power generation.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there is authorized to be appropriated $50,000,000 for each of the fiscal years 2010 through 2015.

SEC. 265. CONSUMER BEHAVIOR RESEARCH.

(a) IN GENERAL.—The Secretary of Energy is authorized to establish a research program to identify the factors affecting consumer actions to conserve energy and make improvements in energy efficiency. Through the program the Secretary will make grants to public and private institutions of higher education to study the effects of consumer behavior on total energy use; potential energy savings from changes in consumption habits; the ability to reduce greenhouse gas emissions through changes in energy consumption habits; increase public awareness of Federal climate adaptation and mitigation programs; and the potential for alterations in consumer behavior to further American energy independence. Grants may also fund projects that evaluate or inform public knowledge of the effects of energy consumption habits on these topics.

(b) GRANTS.—The purpose of the program is to provide grants to public and private institutions of higher education to carry out projects which will improve understanding of the effects of consumer behavior on energy consumption and conservation. The Secretary shall make grants on a competitive basis for—

(1) studies of the effects of consumer habits on energy consumption and conservation;

(2) development of strategies that communicate the importance of energy efficiency and conservation to consumers;

(3) identification of best practices to improve consumer energy use habits;

(4) education programs that inform consumers about the implications of consumption habits on energy use and climate change;

(5) evaluation of the effectiveness of programs designed to promote public awareness of Federal Government climate adaptation and mitigation activities; and

(6) other projects that advance the mission of the program.

(c) REPORT.—The Secretary of Energy shall provide Congress with a report on progress towards establishing the program within 120 days after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle G—Miscellaneous

SEC. 271. ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended to read as follows:

''SEC. 543. ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the American Clean Energy and Security Act of 2009, each Federal agency shall collaborate with the Director of the Office of Management and

Budget (referred to in this section as the 'Director') to create an implementation strategy, including best practices and measurement and verification techniques, for the purchase and use of energy efficient information and communications technologies and practices. Wherever possible, existing standards, specifications, performance metrics, and best management practices that have been or are being developed in open collaboration and with broad stakeholder input and review should be incorporated. In addition, agency strategies shall be flexible, cost-effective, and based on the specific operating requirements and statutory mission of each agency.

''(b) ENERGY EFFICIENT INFORMATION AND COMMUNICATIONS TECHNOLOGIES.—In developing an implementation strategy, each agency shall—

''(1) consider information and communications technologies and infrastructure, including, but not limited to, advanced metering infrastructure, information and communications technology services and products, efficient data center strategies, applications modernization and rationalization, building systems energy efficiency, and telework; and

''(2) ensure that agencies are eligible to realize the savings and rewards brought about through increased efficiencies.

''(c) PERFORMANCE GOALS.—Not later than 6 months after the date of enactment of the American Clean Energy and Security Act of 2009, the Director shall establish performance goals for evaluating the efforts of the agencies in improving the maintenance, purchase and use of energy efficiency of information and communications technology systems. These performance goals should measure information technology costs over a specific time horizon (3 to 5 years), providing a complete picture of all costs, including energy.

''(d) REPORT.—Not later than 18 months after the date of enactment of the American Clean Energy and Security Act of 2009, and annually thereafter, the Director shall submit a report to Congress on—

''(1) the progress of each agency in reducing energy use through its implementation strategy; and

''(2) new and emerging technologies that would help achieve increased energy efficiency.''.

SEC. 272. NATIONAL ENERGY EFFICIENCY GOALS.

(a) GOALS.—The energy efficiency goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy (referred to in this section as the ''Secretary''), in cooperation with the Administrator and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) identify future regulatory, funding, and policy priorities that would assist the United States in meeting the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND THE PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 273. AFFILIATED ISLAND ENERGY INDEPENDENCE TEAM.

(a) DEFINITIONS.—In this section:

(1) AFFILIATED ISLAND.—The term ''affiliated island'' means—

(A) the Commonwealth of Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands;

(G) the Republic of Palau; and

(H) the United States Virgin Islands.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy (acting through the Assistant Secretary of Energy Efficiency and Renewable Energy), in consultation with the Secretary of the Interior and the Secretary of State.

(3) TEAM.—The term ''team'' means the team established by the Secretary under subsection (b).

(b) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall assemble a team of technical, policy, and financial experts to address the energy needs of each affiliated island—

(1) to reduce the reliance and expenditure of each affiliated island on imported fossil fuels;

(2) to increase the use by each affiliated island of indigenous, nonfossil fuel energy sources;

(3) to improve the performance of the energy infrastructure of the affiliated island through projects—

(A) to improve the energy efficiency of power generation, transmission, and distribution; and

(B) to increase consumer energy efficiency;

(4) to improve the performance of the energy infrastructure of each affiliated island through enhanced planning, education, and training;

(5) to adopt research-based and public-private partnership-based approaches as appropriate;

(6) to stimulate economic development and job creation; and

(7) to enhance the engagement by the Federal Government in international efforts to address island energy needs.

(c) DUTIES OF TEAM.—

(1) ENERGY ACTION PLANS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the team shall provide technical, programmatic, and financial assistance to each utility of each affiliated island, and the government of each affiliated island, as appropriate, to develop and implement an energy Action Plan for each affiliated island to reduce the reliance of each affiliated island on imported fossil fuels through increased efficiency and use of indigenous clean-energy resources.

(B) REQUIREMENTS.—Each Action Plan described in subparagraph (A) for each affiliated island shall require and provide for—

(i) the conduct of 1 or more studies to assess opportunities to reduce fossil fuel use through—

(I) the improvement of the energy efficiency of the affiliated island; and

(II) the increased use by the affiliated island of indigenous clean-energy resources;

(ii) the identification and implementation of the most cost-effective strategies and projects to reduce the dependence of the affiliated island on fossil fuels;

(iii) the promotion of education and training activities to improve the capacity of the local utilities of the affiliated island, and the government of the affiliated island, as appropriate, to plan for, maintain, and operate the energy infrastructure of the affiliated island through the use of local or regional institutions, as appropriate;

(iv) the coordination of the activities described in clause (iii) to leverage the expertise and resources of international entities, the Department of Energy, the Department of the Interior, and the regional utilities of the affiliated island;

(v) the identification, and development, as appropriate, of research-based and private-public, partnership approaches to implement the Action Plan; and

(vi) any other component that the Secretary determines to be necessary to reduce successfully the use by each affiliated island of fossil fuels.

(2) REPORTS TO SECRETARY.—Not later than 1 year after the date on which the Secretary establishes the team and biennially thereafter, the team shall submit to the Secretary a report that contains a description of the progress of each affiliated island in—

(A) implementing the Action Plan of the affiliated island developed under paragraph (1)(A); and

(B) reducing the reliance of the affiliated island on fossil fuels.

(d) USE OF REGIONAL UTILITY ORGANIZATIONS.—To provide expertise to affiliated islands to assist the affiliated islands in meeting the purposes of this section, the Secretary shall consider—

(1) including regional utility organizations in the establishment of the team; and

(2) providing assistance through regional utility organizations.

(e) ANNUAL REPORTS TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives a report submitted by the team under subsection (c)(2), the Secretary shall submit to the appropriate committees of Congress a report that contains a summary of the report of the team.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 274. PRODUCT CARBON DISCLOSURE PROGRAM.

(a) EPA STUDY.—The Administrator shall conduct a study to determine the feasibility of establishing a national program for measuring, reporting, publicly disclosing, and labeling products or materials sold in the United States for their carbon content, and shall, not later than 18 months after the date of enactment of this Act, transmit a report to Congress which shall include the following:

(1) A determination of whether a national product carbon disclosure program and labeling program would be effective in achieving the intended goals of achieving greenhouse gas reductions and an examination of existing programs globally and their strengths and weaknesses.

(2) Criteria for identifying and prioritizing sectors and products and processes that

should be covered in such program or programs.

(3) An identification of products, processes, or sectors whose inclusion could have a substantial carbon impact (prioritizing industrial products such as iron and steel, aluminum, cement, chemicals, and paper products, and also including food, beverage, hygiene, cleaning, household cleaners, construction, metals, clothing, semiconductor, and consumer electronics).

(4) Suggested methodology and protocols for measuring the carbon content of the products across the entire carbon lifecycle of such products for use in a carbon disclosure program and labeling program.

(5) A review of existing greenhouse gas product accounting standards, methodologies, and practices including the Greenhouse Gas Protocol, ISO 14040/44, ISO 14067, and Publically Available Specification 2050, and including a review of the strengths and weaknesses of each.

(6) A survey of secondary databases including the Manufacturing Energy Consumption Survey and evaluate the quality of data for use in a product carbon disclosure program and product carbon labeling program and an identification of gaps in the data relative to the potential purposes of a national product carbon disclosure program and product carbon labeling program and development of recommendations for addressing these data gaps.

(7) An assessment of the utility of comparing products and the appropriateness of product carbon standards.

(8) An evaluation of the information needed on a label for clear and accurate communication, including what pieces of quantitative and qualitative information needs to be disclosed.

(9) An evaluation of the appropriate boundaries of the carbon lifecycle analysis for different sectors and products.

(10) An analysis of whether default values should be developed for products whose producer does not participate in the program or does not have data to support a disclosure or label and determine best ways to develop such default values.

(11) A recommendation of certification and verification options necessary to assure the quality of the information and avoid greenwashing or the use of insubstantial or meaningless environmental claims to promote a product.

(12) An assessment of options for educating consumers about product carbon content and the product carbon disclosure program and product carbon labeling program.

(13) An analysis of the costs and timelines associated with establishing a national product carbon disclosure program and product carbon labeling program, including options for a phased approach. Costs should include those for businesses associated with the measurement of carbon footprints and those associated with creating a product carbon label and managing and operating a product carbon labeling program, and options for minimizing these costs.

(14) An evaluation of incentives (such as financial incentives, brand reputation, and brand loyalty) to determine whether reductions in emissions can be accelerated through encouraging more efficient manufacturing or by encouraging preferences for lower-emissions products to substitute for higher-emissions products whose level of performance is no better.

(b) DEVELOPMENT OF NATIONAL CARBON DISCLOSURE PROGRAM.—Upon conclusion of the study, and not more than 36 months after the date of enactment of this Act, the Administrator shall establish a national product carbon disclosure program, participation in which shall be voluntary, and which may involve a product carbon label with broad applicability to the wholesale and consumer markets to enable and encourage knowledge about carbon content by producers and consumers and to inform efforts to reduce energy consumption (carbon dioxide equivalent emissions) nationwide. In developing such a program, the Administrator shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider existing and planned programs and proposals and measurement standards (including the Publicly Available Specification 2050, standards to be developed by the World Resource Institute/World Business Council for Sustainable Development, the International Standards Organization, and the bill AB19 pending in the California legislature);

(3) consider the compatibility of a national product carbon disclosure program with existing programs;

(4) utilize incentives and other means to spur the adoption of product carbon disclosure and product carbon labeling;

(5) develop protocols and parameters for a product carbon disclosure program, including a methodology and formula for assessing, verifying, and potentially labeling a product's greenhouse gas content, and for data quality requirements to allow for product comparison;

(6) create a means to—

(A) document best practices;

(B) ensure clarity and consistency;

(C) work with suppliers, manufacturers, and retailers to encourage participation;

(D) ensure that protocols are consistent and comparable across like products; and

(E) evaluate the effectiveness of the program;

(7) make publicly available information on product carbon content to ensure transparency;

(8) provide for public outreach, including a consumer education program to increase awareness;

(9) develop training and education programs to help businesses learn how to measure and communicate their carbon footprint and easy tools and templates for businesses to use to reduce cost and time to measure their products' carbon lifecycle;

(10) consult with the Secretary of Energy, the Secretary of Commerce, the Federal Trade Commission, and other Federal agencies, as necessary;

(11) gather input from stakeholders through consultations, public workshops or hearings with representatives of consumer product manufacturers, consumer groups, and environmental groups;

(12) utilize systems for verification and product certification that will ensure that claims manufacturers make about their products are valid;

(13) create a process for reviewing the accuracy of product carbon label information and protecting the product carbon label in the case of a change in the product's energy source, supply chain, ingredients, or other factors, and specify the frequency to which data should be updated; and

(14) develop a standardized, easily understandable carbon label, if appropriate, and create a process for responding to inaccuracies and misuses of such a label.

(c) REPORT TO CONGRESS.—Not later than 5 years after the program is established pursuant to subsection (b), the Administrator shall report to Congress on the effectiveness and impact of the program, the level of voluntary participation, and any recommendations for additional measures.

(d) DEFINITIONS.—As used in this section—

(1) the term ''carbon content'' means the amount of greenhouse gas emissions and their warming impact on the atmosphere expressed in carbon dioxide equivalent associated with a product's value chain;

(2) the term ''carbon footprint'' means the level of greenhouse gas emissions produced by a particular activity, service, or entity; and

(3) the term ''carbon lifecycle'' means the greenhouse gas emissions that are released as part of the processes of creating, producing, processing or manufacturing, modifying, transporting, distributing, storing, using, recycling, or disposing of goods and services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $5,000,000 for the study required by subsection (a) and $25,000,000 for each of fiscal years 2010 through 2025 for the program required under subsection (b).

SEC. 275. INDUSTRIAL ENERGY EFFICIENCY EDUCATION AND TRAINING INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall carry out a national education and awareness program for the purpose of informing building, facility, and industrial plant owners and managers and decision-makers, government leaders, and industry leaders about the large energy-saving potential of greater use of mechanical insulation, and other benefits.

(b) PURPOSE AND GOALS.—

(1) PURPOSE.—The purpose of the initiative shall be to increase the energy efficiency of the commercial and industrial sectors through an ongoing program that will include—

(A) education and training sessions;

(B) Web-based information; and

(C) advertising.

(2) GOALS.—The goals of the initiative shall be to—

(A) educate and motivate commercial building owners and industrial facility managers to utilize mechanical insulation in new and existing facilities;

(B) preserve and create jobs while reducing energy and greenhouse gas emissions;

(C) create a safer working environment and make businesses more competitive in a global economy; and

(D) motivate and empower the industry to make better use of mechanical insulation through awareness, education, and training.

(c) REPORT.—Not later than July 1, 2013, the Secretary shall submit to Congress a report describing the extent by which the initiative has been enacted and the actual and projected effectiveness of the program under this section, including the energy efficiency, greenhouse gas emissions reductions, cost savings, and safety benefits at manufacturing facilities, power plants, refineries, hospitals, universities, government buildings, and other commercial and industrial locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,500,000 for each of fiscal years 2010 through 2014 to carry out this section. The Secretary may enter into a cooperative agreement, including grant funding, with an industry association and union working collaboratively and having expertise on the installation, maintenance, measure of efficiencies and standards, and certification of mechanical insulation in buildings and facilities.

(e) TERMINATION OF AUTHORITY.—The program carried out under this section shall terminate on December 31, 2014.

SEC. 276. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) continue to actively promote, within the International Civil Aviation Organization, the development of a global framework for the regulation of greenhouse gas emissions from civil aircraft that recognizes the uniquely international nature of the industry and treats commercial aviation industries in all countries fairly; and

(2) work with foreign governments towards a global agreement that reconciles foreign carbon emissions reduction programs to minimize duplicative requirements and avoids unnecessary complication for the aviation industry, while still achieving the environmental goals.

Subtitle H—Green Resources for Energy Efficient Neighborhoods

SEC. 281. SHORT TITLE.

This subtitle may be cited as the ''Green Resources for Energy Efficient Neighborhoods Act of 2009'' or the ''GREEN Act of 2009''.

SEC. 282. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) GREEN BUILDING STANDARDS.—The term ''green building standards'' means standards to require use of sustainable design principles to reduce the use of nonrenewable resources, encourage energy-efficient construction and rehabilitation and the use of renewable energy resources, minimize the impact of development on the environment, and improve indoor air quality.

(2) HUD.—The term ''HUD'' means the Department of Housing and Urban Development.

(3) HUD ASSISTANCE.—The term ''HUD assistance'' means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(4) NONRESIDENTIAL STRUCTURE.—The term ''nonresidential structures'' means only nonresidential structures that are appurtenant to single-family or multifamily housing residential structures, or those that are funded by the Secretary of Housing and Urban Development through the HUD Community Development Block Grant program.

(5) SECRETARY.—The term ''Secretary'', unless otherwise specified, means the Secretary of Housing and Urban Development.

SEC. 283. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

(b) REQUIREMENT FOR APPROPRIATION OF FUNDS.—The requirement under subsection (a) for the Secretary to provide annual energy efficiency participation incentives pursuant to the provisions of this subtitle shall be subject to the annual appropriation of necessary funds.

SEC. 284. BASIC HUD ENERGY EFFICIENCY STANDARDS AND STANDARDS FOR ADDITIONAL CREDIT.

(a) BASIC HUD STANDARD.—

(1) RESIDENTIAL STRUCTURES.—A residential single-family or multifamily structure shall be considered to comply with the energy efficiency standards under this subsection if—

(A) the structure complies with an energy efficiency building code that has been certified as in compliance with section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) as amended by section 201 of this Act, or a national energy efficiency building code adopted pursuant to that section;

(B) the structure complies with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2007, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(C) the structure complies with the applicable provisions of the 2009 International Energy Conservation Code, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(D) in the case only of an existing structure, where determined cost effective, the structure has undergone rehabilitation or improvements, completed after the date of the enactment of this Act, and the energy consumption for the structure has been reduced by at least 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption; or

(E) the structure complies with the applicable provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary may adopt and apply by regulation, as may be necessary, for purposes of this section for specific types of residential single-family or multifamily structures or otherwise, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklists, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

In addition to compliance with any of subparagraphs (A) through (E), the Secretary shall by regulation require, for any newly constructed residential single-family or multifamily structure to be considered to comply with the energy efficiency standards under this subsection, that the structure have appropriate electrical outlets with the facility and capacity to recharge a standard electric passenger vehicle, including an electric hybrid vehicle, where such vehicle would normally be parked.

(2) NONRESIDENTIAL STRUCTURES.—For purposes of this section, the Secretary shall identify and adopt by regulation, as may be necessary, energy efficiency requirements, standards, checklists, or rating systems applicable to nonresidential structures that are constructed or rehabilitated with HUD assistance. A nonresidential structure shall be considered to comply with the energy efficiency standards under this subsection if the structure complies with the applicable provisions of any such energy efficiency requirements, standards, checklist, or rating systems identified and adopted by the Secretary pursuant to this paragraph, as such standards are in effect for purposes of this section pursuant to subsection (c).

(3) EFFECT.—Nothing in this subsection may be construed to require any structure to comply with any standard established or adopted pursuant to this subsection, or identified in this subsection, or to provide any benefit or credit under any Federal program for any structure that complies with any such standard, except to the extent that—

(A) any provision of law other than this subsection provides a benefit or credit under a Federal program for compliance with a standard established or adopted pursuant to this subsection, or identified in this subsection; or

(B) the Secretary specifically provides pursuant to subsection (c) for the applicability of such standard.

(b) ENHANCED ENERGY EFFICIENCY STANDARDS FOR PURPOSES OF PROVIDING ADDITIONAL CREDIT UNDER CERTAIN FEDERALLY ASSISTED HOUSING PROGRAMS.—

(1) PURPOSE AND EFFECT.—

(A) PURPOSE.—The purpose of this subsection is to establish energy efficiency and conservation standards and green building standards that—

(i) provide for greater energy efficiency and conservation in structures than is required for compliance with the energy efficiency standards under subsection (a) and then in effect;

(ii) provide for green and sustainable building standards not required by such standards; and

(iii) can be used in connection with Federal housing, housing finance, and development programs to provide incentives for greater energy efficiency and conservation and for green and sustainable building methods, elements, practices, and materials.

(B) EFFECT.—Nothing in this subsection may be construed to require any structure to comply with any standard established pursuant to this subsection or to provide any benefit or credit under any Federal program for any structure, except to the extent that any provision of law other than this subsection provides a benefit or credit under a Federal program for compliance with a standard established pursuant to this subsection.

(2) COMPLIANCE.—A residential or nonresidential structure shall be considered to comply with the enhanced energy efficiency and conservation standards or the green building standards under this subsection, to the extent that such structure complies with the applicable provisions of the standards under paragraph (3) or (4), respectively (as such standards are in effect for purposes of this section, pursuant to paragraph (7)), in a manner that is not required for compliance with the energy efficiency standards under subsection (a) then in effect and subject to the Secretary's determination of which standards are applicable to which structures.

(3) ENERGY EFFICIENCY AND CONSERVATION STANDARDS.—The energy efficiency and conservation standards under this paragraph are as follows:

(A) RESIDENTIAL STRUCTURES.—With respect to residential structures:

(i) NEW CONSTRUCTION.—For new construction, the Energy Star standards established by the Environmental Protection Agency, as such standards are in effect for purposes of this subsection pursuant to paragraph (7);

(ii) EXISTING STRUCTURES.—For existing structures, a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with the energy efficiency standards under subsection (a) then in effect and applicable to existing structures.

(B) NONRESIDENTIAL STRUCTURES.—With respect to nonresidential structures, such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary shall identify and adopt by regulation, as may be necessary, for purposes of this paragraph.

(4) GREEN BUILDING STANDARDS.—The green building standards under this paragraph are as follows:

(A) The national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist or successor checklist is in effect for purposes of this section pursuant to paragraph (7).

(B) The gold certification level for the LEED for New Construction rating system, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, as such systems or successor systems are in effect for purposes of this section pursuant to paragraph (7).

(C) The Green Globes assessment and rating system of the Green Buildings Initiative.

(D) For manufactured housing, energy star rating with respect to fixtures, appliances, and equipment in such housing, as such standard or successor standard is in effect for purposes of this section pursuant to paragraph (7).

(E) The National Green Building Standard.

(F) Any other requirements, standards, checklists, or rating systems for green building or sustainability as the Secretary may identify and adopt by regulation, as may be necessary for purposes of this paragraph, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklist, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

(5) GREEN BUILDING.—For purposes of this subsection, the term ''green building'' means, with respect to standards for structures, standards to require use of sustainable design principles to reduce the use of nonrenewable resources, minimize the impact of development on the environment, and to improve indoor air quality.

(6) ENERGY AUDITS.—The Secretary shall establish standards and requirements for energy audits for purposes of paragraph (3)(A)(ii) and, in establishing such standards, may consult with any advisory committees established pursuant to section 285(c)(2) of this subtitle.

(7) APPLICABILITY AND UPDATING OF STANDARDS.—

(A) APPLICABILITY.—Except as provided in subparagraph (B), the requirements, standards, checklists, and rating systems referred to in this subsection that are in effect for purposes of this subsection are such requirements, standards, checklists, and systems are as in existence upon the date of the enactment of this Act.

(B) UPDATING.—For purposes of this section, the Secretary may adopt and apply by regulation, as may be necessary, future amendments and supplements to, and editions of, the requirements, standards, checklists, and rating systems referred to in this subsection, including applicable energy efficiency building codes that are certified as in compliance with section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) as amended by section 201 of this Act, or national energy efficiency building codes adopted pursuant to that section.

(c) AUTHORITY OF SECRETARY TO APPLY STANDARDS TO FEDERALLY ASSISTED HOUSING AND PROGRAMS.—

(1) HUD HOUSING AND PROGRAMS.—The Secretary of Housing and Urban Development may, by regulation, provide for the applicability of the energy efficiency standards under subsection (a) or the enhanced energy efficiency and conservation standards and green building standards under subsection (b), or both, with respect to any covered federally assisted housing described in paragraph (3)(A) or any HUD assistance, subject to minimum Federal codes or standards then in effect.

(2) RURAL HOUSING.—The Secretary of Agriculture may, by regulation, provide for the applicability of the energy efficiency standards under subsection (a) or the enhanced energy efficiency and conservation standards and green building standards under subsection (b), or both, with respect to any covered federally assisted housing described in paragraph (3)(B) or any assistance provided with respect to rural housing by the Rural Housing Service of the Department of Agriculture, subject to minimum Federal codes or standards then in effect.

(3) COVERED FEDERALLY ASSISTED HOUSING.—For purposes of this subsection, the term ''covered federally assisted housing'' means—

(A) any residential or nonresidential structure for which any HUD assistance is provided; and

(B) any new construction of single-family housing (other than manufactured homes) subject to mortgages insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

SEC. 285. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting the enhanced energy efficiency standards under section 284(b). At the discretion of the Secretary, the demonstration program may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996, but only to the extent that such inclusion does not violate such Act, its regulations, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for the projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) promotes the installation, in existing residential buildings, of energy-efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(6) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(7) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(8) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy-savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may—

(1) enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings;

(2) establish advisory committees to advise the Secretary and any such third-party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities, which committees shall include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, and advocacy organizations for the elderly and persons with disabilities; any advisory committees established pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.);

(3) approve, for a period not to exceed 10 years, additional adjustments in the maximum monthly rents or additional project rental assistance, or additional Indian housing block grant funds under the Native American Housing Assistance and Self-Determination Act of 1996, as applicable, for dwelling units in multifamily housing projects that are provided project-based rental assistance under a covered multifamily assistance program, in such amounts as may be necessary to amortize a portion of the cost of energy efficiency and conservation measures for such projects;

(4) develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures; and

(5) waive or modify any existing statutory or regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances; notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment, except pursuant to existing authority to waive nonstatutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of the enactment of this Act, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units and technical and scientific methodologies, and financing options. The Secretary shall ensure that the geographic areas included in the demonstration program include dwelling units on Indian lands (as such term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will comply with the energy efficiency standards under subsection (a), (b), or (c) of section 284 of this subtitle.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which they might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) LIMITATION.—No amounts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may be used to carry out the demonstration program under this section.

(h) REPORTS.—

(1) ANNUAL.—Not later than the expiration of the 2-year beginning upon the date of the enactment of this Act, and for each year thereafter during the term of the demonstration program, the Secretary shall submit a report to the Congress annually that describes and assesses the demonstration program under this section.

(2) FINAL.—Not later than 6 months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit a final report to the Congress assessing the demonstration program, which—

(A) shall assess the potential for expanding the demonstration program on a nationwide basis; and

(B) shall include descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the such assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of the such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(i) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term ''covered multifamily assistance program'' means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities;

(4) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1 for assistance for rental housing projects;

(5) the program under section 515 of the Housing Act of 1949 (42 U.S.C. 1485) for rural rental housing; and

(6) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, including providing rent adjustments, additional project rental assistance, and incentives, $50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(k) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall issue any regulations necessary to carry out this section.

SEC. 286. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in paragraph (2), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

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

''(6) ADDITIONAL CREDIT.—

''(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

''(i) more than 125 percent credit, for any such purchase that both—

''(I) complies with the requirements of such goals; and

''(II)(aa) supports housing that meets the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009; or

''(bb) is a location-efficient mortgage, as such term is defined in section 1335(e); and

''(ii) credit in addition to credit under clause (i), for any such purchase that both—

''(I) complies with the requirements of such goals, and

''(II) supports housing that complies with the enhanced energy efficiency and conservation standards, or the green building standards, under section 284(b) of such Act, or both,

and such additional credit shall be given based on the extent to which the housing supported with such purchases complies with such standards.

''(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 287. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1335 of Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

''(D) MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.—

''(i) DUTY.—Subject to clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy-efficient and location-efficient mortgages on housing for very low-, low-, and moderate-income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements, or both.

''(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.'';

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

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ENERGY-EFFICIENT MORTGAGE.—The term 'energy-efficient mortgage' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy-saving design, construction or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, super-insulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made.

''(2) LOCATION-EFFICIENT MORTGAGE.—The term 'location-efficient mortgage' means a mortgage loan under which—

''(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

''(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower.''.

SEC. 288. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f–20) the following new section:

''SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.

''(a) UNDERWRITING STANDARDS.—The Secretary shall establish a method to consider, in its underwriting standards for mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are insured under this Act, the impact that savings on

utility costs has on the income of the mortgagor.

''(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 such that at least 50,000 such mortgages are insured during the period beginning upon the date of the enactment of such Act and ending on December 31, 2012.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)) is amended by adding at the end the following new paragraph:

''(3) With respect to each collection period that commences after December 31, 2011, the total number of mortgages on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are insured by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such mortgages during such period, the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single-family housing insured under this Act by the Secretary.''.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

''(l) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by subsection (a)(2) of this section, is further amended by adding at the end the following new paragraph:

''(4) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184 by the Secretary.''.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended by inserting after subsection (l) the following new subsection:

''(m) ENERGY-EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

''(5) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) on single-family housing meeting the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184A by the Secretary.''.

SEC. 289. ENERGY-EFFICIENT MORTGAGES AND LOCATION-EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.

Section 106 of the Energy Policy Act of 1992 (12 U.S.C. 1701z–16) is amended by adding at the end the following new subsection:

''(g) EDUCATION AND OUTREACH CAMPAIGN.—

''(1) DEVELOPMENT OF ENERGY- AND LOCATION-EFFICIENT MORTGAGES OUTREACH PROGRAM.—

''(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades and location efficiencies in new mortgage loan transactions.

''(B) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall provide a written report to the Congress on the results of work of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy and location efficiency.

''(2) IMPLEMENTATION.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of energy-efficient mortgages and location-efficient mortgages made available pursuant to this section, energy-efficient and location-efficient mortgages that meet the requirements of section 1335 of the Housing and Community Development Act of 1992 (42 U.S.C. 4565), and other mortgages, including mortgages for multifamily housing, that have energy improvement features or location efficiency features and to publicize such availability, benefits, advantages, and terms. Such actions may include entering into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

''(3) RENEWABLE ENERGY HOME PRODUCT EXPOS.—The Congress hereby encourages the Secretary of Housing and Urban Development to work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.''.

SEC. 290. COLLECTION OF INFORMATION ON ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 304(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)) is amended—

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

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

''(5) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are energy-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992); and

''(6) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are location-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of the enactment of this Act.

SEC. 291. ENSURING AVAILABILITY OF HOMEOWNERS INSURANCE FOR HOMES NOT CONNECTED TO ELECTRICITY GRID.

(a) CONGRESSIONAL INTENT.—The Congress intends that—

(1) consumers shall not be denied homeowners insurance for a dwelling (as such term is defined in subsection (c)) based solely on the fact that the dwelling is not connected to or able to receive electricity service from any wholesale or retail electric power provider;

(2) States should ensure that consumers are able to obtain homeowners insurance for such dwellings;

(3) States should support insurers that develop voluntary incentives to provide such insurance; and

(4) States may not prohibit insurers from offering a homeowners insurance product specifically designed for such dwellings.

(b) INSURING HOMES AND RELATED PROPERTY IN INDIAN AREAS.—Notwithstanding any other provision of law, dwellings located in Indian areas (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) and constructed or maintained using assistance, loan guarantees, or other authority under the Native American Housing Assistance and Self-Determination Act of 1996 may be insured by any tribally owned self-insurance risk pool approved by the Secretary of Housing and Urban Development.

(c) DWELLING.—For purposes of this section, the term ''dwelling'' means a residential structure that—

(1) consists of one to four dwelling units;

(2) is provided electricity from renewable energy sources; and

(3) is not connected to any wholesale or retail electrical power grid.

SEC. 292. MORTGAGE INCENTIVES FOR ENERGY-EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall establish incentives for increasing the energy efficiency of multifamily housing that is subject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that the housing meets the energy efficiency standards under section 284(a) of this subtitle and incentives to encourage compliance of such housing with the energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle, to the extent that such incentives are based on the impact that savings on utility costs has on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—Such incentives may include, for any such multifamily housing that complies with the energy efficiency standards under section 284(a)—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing meeting the standards referred to in subsection (a) is required to contribute.

SEC. 293. ENERGY-EFFICIENT CERTIFICATIONS FOR MANUFACTURED HOUSING WITH MORTGAGES.

Section 526 of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) in subsection (a)—

(A) by striking ‘‘, other than manufactured homes,’’ each place such term appears;

(B) by inserting after the period at the end the following: ‘‘The energy performance requirements developed and established by the Secretary under this section for manufactured homes shall require energy star rating for wall fixtures, appliances, and equipment in such housing.’’;

(C) by inserting ‘‘(1)’’ after ‘‘(a)’’; and

(D) by adding at the end the following new paragraphs:

‘‘(2) The Secretary shall require, with respect to any single- or multi-family residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy-conserving improvements or any renewable energy sources, such as wind, solar energy geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by licensed professional architect or engineer. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than the expiration of the 6-month period beginning upon receipt of such request.

‘‘(3) The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.’’; and

(2) in subsection (b), by striking ‘‘, other than a manufactured home,’’.

SEC. 294. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.

(a) AUTHORITY.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall develop and implement a pilot program under this section to facilitate the financing of cost-effective capital improvements for covered assisted housing projects to improve the energy efficiency and conservation of such projects.

(b) LOANS.—The pilot program under this section shall involve not less than three and not more than five lenders, and shall provide for a privately financed loan to be made for a covered assisted housing project, which shall—

(1) finance capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) have a term to maturity of not more than 20 years, which shall be based upon the duration necessary to realize cost savings sufficient to repay the loan;

(3) be secured by a mortgage subordinate to the mortgage for the project that is insured under the National Housing Act; and

(4) provide for a reduction in the remaining principal obligation under the loan based on the actual resulting cost savings realized from the capital improvements financed with the loan.

(c) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(d) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the project owner shall receive the full financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program.

(e) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term ‘‘covered assisted housing project’’ means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under—

(i) subsection (d)(3) of section 221 of the National Housing Act (12 U.S.C. 1715l), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(ii) subsection (d)(4) of such section 221.

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

SEC. 295. MAKING IT GREEN.

(a) PARTNERSHIPS WITH TREE-PLANTING ORGANIZATIONS.—The Secretary shall establish and provide incentives for developers of housing for which any HUD financial assistance, as determined by the Secretary, is provided for development, maintenance, operation, or other costs, to enter into agreements and partnerships with tree-planting organizations, nurseries, and landscapers to certify that trees, shrubs, grasses, and other plants are planted in the proper manner, are provided adequate maintenance, and survive for at least 3 years after planting or are replaced. The financial assistance determined by the Secretary as eligible under this section shall take into consideration such factors as cost effectiveness and affordability.

(b) MAKING IT GREEN PLAN.—In the case of any new or substantially rehabilitated housing for which HUD financial assistance, as determined in accordance with subsection (a), is provided by the Secretary for the development, construction, maintenance, rehabilitation, improvement, operation, or costs of the housing, including financial assistance provided through the Community Development Block Grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), the Secretary shall require the development of a plan that provides for—

(1) in the case of new construction and improvements, siting of such housing and improvements in a manner that provides for energy efficiency and conservation to the extent feasible, taking into consideration location and project type;

(2) minimization of the effects of construction, rehabilitation, or other development on the condition of existing trees;

(3) selection and installation of indigenous trees, shrubs, grasses, and other plants based upon applicable design guidelines and standards of the International Society for Arboriculture;

(4) post-planting care and maintenance of the landscaping relating to or affected by the housing in accordance with best management practices; and

(5) establishment of a goal for minimum greenspace or tree canopy cover for the housing site for which such financial assistance is provided, including guidelines and timetables within which to achieve compliance with such minimum requirements.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary is encouraged to consult, as appropriate, with national organizations dedicated to providing housing assistance and related services to low-income families, such as the Alliance for Community Trees and its affiliates, the American Nursery and Landscape Association, the American Society of Landscape Architects, and the National Arbor Day Foundation.

SEC. 296. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

‘‘SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

‘‘(a) IN GENERAL.—To the extent amounts are made available for grants under this section, the Secretary shall make grants under this section to States, metropolitan cities and urban counties, Indian tribes, and insular areas to carry out energy efficiency improvements in new and existing single-family and multifamily housing.

‘‘(b) ALLOCATIONS.—

‘‘(1) IN GENERAL.—Of the total amount made available for each fiscal year for grants

under this section that remains after reserving amounts pursuant to paragraph (2), the Secretary shall allocate for insular areas, for metropolitan cities and urban counties, and for States, an amount that bears the same ratio to such total amount as the amount allocated for such fiscal year under section 106 for Indian tribes, for insular areas, for metropolitan cities and urban counties, and for States, respectively, bears to the total amount made available for such fiscal year for grants under section 106.

''(2) SET ASIDE FOR INDIAN TRIBES.—Of the total amount made available for each fiscal year for grants under this section, the Secretary shall allocate not less than 1 percent to Indian tribes.

''(c) GRANT AMOUNTS.—

''(1) ENTITLEMENT COMMUNITIES.—From the amounts allocated pursuant to subsection (b) for metropolitan cities and urban counties for each fiscal year, the Secretary shall make a grant for such fiscal year to each metropolitan city and urban county that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such metropolitan city or urban county bears to the aggregate amount of all grants for such fiscal year under section 106 for all metropolitan cities and urban counties.

''(2) STATES.—From the amounts allocated pursuant to subsection (b) for States for each fiscal year, the Secretary shall make a grant for such fiscal year to each State that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such State bears to the aggregate amount of all grants for such fiscal year under section 106 for all States. Grant amounts received by a State shall be used only for eligible activities under subsection (e) carried out in nonentitlement areas of the State.

''(3) INDIAN TRIBES.—From the amounts allocated pursuant to subsection (b) for Indian tribes, the Secretary shall make grants to Indian tribes that comply with the requirement under subsection (d) on the basis of a competition conducted pursuant to specific criteria, as the Secretary shall establish by regulation, for the selection of Indian tribes to receive such amount.

''(4) INSULAR AREAS.—From the amounts allocated pursuant to subsection (b) for insular areas, the Secretary shall make a grant to each insular area that complies with the requirement under subsection (d) on the basis of the ratio of the population of the insular area to the aggregate population of all insular areas. In determining the distribution of amounts to insular areas, the Secretary may also include other statistical criteria as data become available from the Bureau of Census of the Department of Labor, but only if such criteria are set forth by regulation issued after notice and an opportunity for comment.

''(d) STATEMENT OF ACTIVITIES.—

''(1) REQUIREMENT.—Before receipt the receipt in any fiscal year of a grant under subsection (c) by any grantee, the grantee shall have prepared a final statement of housing energy efficiency objectives and projected use of funds as the Secretary shall require and shall have provided the Secretary with such certifications regarding such objectives and use as the Secretary may require. In the case of metropolitan cities, urban counties, units of general local government, and insular areas receiving grants, the statement of projected use of funds shall consist of proposed housing energy efficiency activities. In the case of States receiving grants, the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

''(2) PUBLIC PARTICIPATION.—The Secretary may establish requirements to ensure the public availability of information regarding projected use of grant amounts and public participation in determining such projected use.

''(e) ELIGIBLE ACTIVITIES.—

''(1) REQUIREMENT.—Amounts from a grant under this section may be used only to carry out activities for single-family or multifamily housing that are designed to improve the energy efficiency of the housing so that the housing complies with the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009, including such activities to provide energy for such housing from renewable sources, such as wind, waves, solar, biomass, and geothermal sources.

''(2) PREFERENCE FOR COMPLIANCE BEYOND BASIC REQUIREMENTS.—In selecting activities to be funded with amounts from a grant under this section, a grantee shall give more preference to activities based on the extent to which the activities will result in compliance by the housing with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

''(f) REPORTS.—Each grantee of a grant under this section for a fiscal year shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of grant amounts, which shall contain an assessment by the grantee of the relationship of such use to the objectives identified in the grantees statement under subsection (d).

''(g) APPLICABILITY OF CDBG PROVISIONS.—Sections 109, 110, and 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309, 5310, 5311) shall apply to assistance received under this section to the same extent and in the same manner that such sections apply to assistance received under title I of such Act.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $2,500,000,000 for fiscal year 2010 and such sums as may be necessary for each fiscal year thereafter.''.

SEC. 297. INCLUDING SUSTAINABLE DEVELOPMENT AND TRANSPORTATION STRATEGIES IN COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and'';

(3) and by inserting after paragraph (20) the following new paragraphs:

''(21) describe the jurisdiction's strategies to encourage sustainable development for affordable housing, including single-family and multifamily housing, as measured by—

''(A) greater energy efficiency and use of renewable energy sources, including any strategies regarding compliance with the energy efficiency standards under section 284(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2009 and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act;

''(B) increased conservation, recycling, and reuse of resources;

''(C) more effective use of existing infrastructure;

''(D) use of building materials and methods that are healthier for residents of the housing, including use of building materials that are free of added known carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(E) such other criteria as the Secretary determines, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, are in accordance with the purposes of this paragraph; and

''(22) describe the jurisdiction's efforts to coordinate its housing strategy with its transportation planning strategies to ensure to the extent practicable that residents of affordable housing have access to public transportation.''.

SEC. 298. GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.

(a) IN GENERAL.—The Secretary may make grants to nonprofit organizations to use for any of the following purposes:

(1) Training, educating, supporting, or advising an eligible community development organization or qualified youth service and conservation corps in improving energy efficiency, resource conservation and reuse, design strategies to maximize energy efficiency, installing or constructing renewable energy improvements (such as wind, wave, solar, biomass, and geothermal energy sources), and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities, taking into consideration energy efficiency standards under section 284(a) of this subtitle and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle.

(2) Providing loans, grants, or predevelopment assistance to eligible community development organizations or qualified youth service and conservation corps to carry out energy efficiency improvements that comply with the energy efficiency standards under section 284(a) of this subtitle, resource conservation and reuse, and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities. In providing assistance under this paragraph, the Secretary shall give more preference to activities based on the extent to which the activities will result in compliance with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of this subtitle.

(3) Such other purposes as the Secretary determines are in accordance with the purposes of this subsection.

(b) APPLICATION REQUIREMENT.—To be eligible for a grant under this section, a nonprofit organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AWARD OF CONTRACTS.—Contracts for architectural or engineering services funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(d) MATCHING REQUIREMENT.—A grant made under this section may not exceed the amount that the nonprofit organization receiving the grant certifies, to the Secretary, will be provided (in cash or in-kind) from nongovernmental sources to carry out the purposes for which the grant is made.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(2) The term ''eligible community development organization'' means—

(A) a unit of general local government (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(B) a community housing development organization (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(C) an Indian tribe or tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)); or

(D) a public housing agency, as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(3) The term ''low-income community'' means a census tract in which 50 percent or more of the households have an income which is less than 80 percent of the greater of—

(A) the median gross income for such year for the area in which such census tract is located; or

(B) the median gross income for such year for the State in which such census tract is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2010 through 2014.

SEC. 299. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following new paragraph:

''(4) GREEN DEVELOPMENTS REQUIREMENT.—

''(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

''(i) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this paragraph pursuant to subparagraph (D) at the date of the application for the grant, or any substantially equivalent standard or standards as determined by the Secretary, as follows:

''(I) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

''(II) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

''(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

''(ii) GREEN BUILDINGS CERTIFICATION SYSTEM.—All nonresidential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect for purposes of this paragraph pursuant to subparagraph (D) at the time of the application for the grant.

''(B) VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A) and that the revitalization plan is carried out in accordance with such requirements and plan.

''(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

''(I) Not later than 6 months after execution of the grant agreement under this section for the grantee.

''(II) Upon completion of the revitalization plan of the grantee.

''(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in clause (ii), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

''(ii) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

''(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(III) the ability of the standards to be developed and revised through a consensus-based process;

''(IV) An evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) 5-YEAR EVALUATION.—At least once every 5 years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in clause (ii).

''(D) APPLICABILITY AND UPDATING OF STANDARDS.—

''(i) APPLICABILITY.—Except as provided in clause (ii) of this subparagraph, the national Green Communities criteria checklist and green building rating systems and levels referred to in clauses (i) and (ii) of subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems, and levels as in existence upon the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2009.

''(ii) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).''.

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following new subparagraph:

''(L) the extent to which the proposed revitalization plan—

''(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

''(ii) in the case of nonresidential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and''.

SEC. 299A. CONSIDERATION OF ENERGY EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

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

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property; and''.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institutions regulatory agency shall, not later than 6 months after the date of the enactment of this Act, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1) of this subsection.

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property'';

(2) in subsection (c), by inserting before the period at the end the following: '', which

shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property'';

(3) in subsection (e), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

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

''(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy efficiency or energy-conserving improvements or features of, the property.''.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

''(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

''(1) appraising off- and on-grid photovoltaic measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

''(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic measures in determining the value of a property; and

''(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.''.

SEC. 299B. HOUSING ASSISTANCE COUNCIL.

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structures and buildings developed or assisted under projects, programs, and activities funded with such amounts complies with the energy efficiency standards under section 284(a) of this subtitle; and

(2) to establish incentives to encourage each such organization to provide that any such structures and buildings comply with the energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

SEC. 299C. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

The Secretary shall—

(1) require each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structures and buildings developed or assisted under activities funded with such amounts complies with the energy efficiency standards under section 284(a) of this subtitle; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structures and buildings comply with the enhanced energy efficiency and conservation standards, and the green building standards, under section 284(b) of such Act.

SEC. 299D. LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Alternative Energy Sources State Loan Fund''.

(b) EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (c)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(c) LOANS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single-family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and business to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) ELIGIBILITY.—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CRITERIA FOR APPROVAL.—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with energy efficiency requirements determined by the Secretary; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) PREFERENCE.—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) MAXIMUM AMOUNT.—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed $500,000,000.

(6) LOAN TERMS.—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at annual rate, determined by the Secretary, that shall not exceed interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) LOAN REPAYMENT.—The Secretary shall require full repayment of each loan made under this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) OBLIGATIONS OF UNITED STATES.—Investments may be made only in interest-bearing obligations of the United States.

(e) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during the term of a loan made under subsection (c), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) REPORT TO CONGRESS.—Not later than September 30 of each year that loans made under subsection (c) are outstanding, the Secretary shall submit a report to the Congress describing the total amount of such loans provided under subsection (c) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000,000.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) STATE.—The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

SEC. 299E. GREEN BANKING CENTERS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, home equity loan, or renewable energy lease with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to consumers under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to

increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

''(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy-efficient mortgages and loans, home energy rating systems, and the availability of energy-efficient mortgage information from a variety of Federal agencies; and

''(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.''.

(b) INSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Board shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, home equity loan, or renewable energy lease with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to members under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy-efficient mortgages and loans, home energy rating systems, and the availability of energy-efficient mortgage information from a variety of Federal agencies; and

''(G) such other information as the Board or the insured credit union may determine to be appropriate or useful.''.

SEC. 299F. GAO REPORTS ON AVAILABILITY OF AFFORDABLE MORTGAGES.

(a) STUDY.—The Comptroller General of the United States shall periodically, as necessary to comply with subsection (b), examine the impact of this subtitle and the amendments made by this subtitle on the availability of affordable mortgages in various areas throughout the United States, including cities having older infrastructure and limited space for the development of new housing.

(b) TRIENNIAL REPORTS.—The Comptroller General shall submit a report once every 3 years to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that shall include—

(1) a detailed statement of the most recent findings pursuant to subsection (a); and

(2) if the Comptroller General finds that this subtitle or the amendments made by this subtitle have directly or indirectly resulted in consequences that limit the availability or affordability of mortgages in any area or areas within the United States, including any city having older infrastructure and limited space for the development of new housing, any recommendations for any additional actions at the Federal, State, or local levels that the Comptroller General considers necessary or appropriate to mitigate such effects.

The first report under this subsection shall be submitted not later than the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 299G. PUBLIC HOUSING ENERGY COST REPORT.

(a) COLLECTION OF INFORMATION BY HUD.—The Secretary of Housing and Urban Development shall obtain from each public housing agency, by such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency. For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress setting forth the information collected pursuant to subsection (a).

SEC. 299H. SECONDARY MARKET FOR RESIDENTIAL RENEWABLE ENERGY LEASE INSTRUMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage residential use of renewable energy systems by minimizing up-front costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners;

(2) to reduce carbon emissions and the use of nonrenewable resources;

(3) to encourage energy-efficient residential construction and rehabilitation;

(4) to encourage the use of renewable resources by homeowners;

(5) to minimize the impact of development on the environment;

(6) to reduce consumer utility costs; and

(7) to encourage private investment in the green economy.

(b) RESIDUAL VALUE OF RENEWABLE ENERGY ASSET.—The Secretary of Housing and Urban Development shall establish a means of determining the residual value of a renewable energy asset such that a secondary market for residential renewable energy lease instruments may be facilitated. Such means may include, without limitation, the calculation of residual value based on the net present value of projected future energy production of the renewable energy asset.

SEC. 299I. GREEN GUARANTEES.

(a) AUTHORITY TO GUARANTEE ''GREEN PORTION'' OF ELIGIBLE MORTGAGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development may make commitments to guarantee under this section and may guarantee, the repayment of the portions of the principal obligations of eligible mortgages that are used to finance eligible sustainable building elements for the housing that is subject to the mortgage.

(2) AMOUNT OF GUARANTEE.—A guarantee under this section by the Secretary in connection with an eligible mortgage shall not exceed a percentage of the green portion (as such term is defined in subsection (g)) of the mortgage, as shall be established by the Secretary and may be established on a regional basis as the Secretary determines appropriate.

(b) ELIGIBLE MORTGAGES.—To be considered an eligible mortgage for purposes of this section, a mortgage shall comply with all of the following requirements:

(1) ACQUISITION OR CONSTRUCTION OF HOUSING.—The mortgage shall be made for the acquisition or construction of single- or multifamily housing and repayment of the mortgage shall be secured by an interest in such housing.

(2) FINANCING OF ELIGIBLE SUSTAINABLE BUILDING ELEMENTS THROUGH GREEN PORTION OF MORTGAGE.—A portion of the principal obligation of the mortgage, which meets the requirements under subsection (c), shall be used only for financing the provision of eligible sustainable building elements for the housing for which the mortgage was made.

(3) MAXIMUM MORTGAGE AMOUNT.—The principal obligation of the mortgage (including the eligible portion of such mortgage, and such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) may not exceed the following amounts:

(A) SINGLE-FAMILY HOUSING.—Such dollar amounts for single-family housing as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing, as the Secretary considers appropriate.

(B) MULTIFAMILY HOUSING.—Such dollar amounts for multifamily housing as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing and the number of bedrooms in such dwelling units, as the Secretary considers appropriate.

(4) REPAYMENT.—The mortgage meets such requirements as the Secretary shall establish to ensure that there is a reasonable prospect of repayment of the principal and interest on the obligation by the mortgagor.

(5) MORTGAGE TERMS.—The mortgage shall meet such requirements with respect to loan-to-value ratio, mortgagor credit scores,

debt-to-income ratio, and other underwriting standards, term to maturity, interest rates and amortization, including amortization of the green portion of the mortgage, and other mortgage terms as the Secretary shall establish.

(c) LIMITATIONS ON GREEN PORTION OF MORTGAGE.—The requirements under this subsection with respect to the green portion of an eligible mortgage are as follows:

(1) PERCENTAGE LIMITATION.—Such portion shall not exceed, in the case of single-family or multifamily housing, 10 percent of the total principal obligation of the mortgage.

(2) DOLLAR AMOUNT LIMITATION.—Such portion shall not exceed—

(A) in the case of single-family housing, such maximum dollar amount limitation as the Secretary shall establish, which may be established on the basis of the number of dwelling units in the housing, as the Secretary considers appropriate; and

(B) in the case of multifamily housing, such maximum dollar amount limitation as the Secretary shall establish, which limitation may be established on the basis of the number of dwelling units in the housing and the number of bedrooms in such dwelling units, as the Secretary considers appropriate.

(3) COST-EFFECTIVENESS LIMITATION.—Such portion shall not exceed the total present value of the savings (as determined in accordance with subsection (d)) attributable to the incorporation of the eligible sustainable building elements to be financed with the green portion of the mortgage that are to be realized over the useful life of such elements.

(d) ELIGIBLE SUSTAINABLE BUILDING ELEMENTS.—The Secretary may not guarantee any eligible mortgage under this section unless the mortgagor has demonstrated, in accordance with such requirements as the Secretary shall establish, the amount of savings attributable to incorporation of the sustainable building elements to be financed with the green portion of the mortgage, as measured by the National Green Building Standard for all residential construction developed by the National Association of Home Builders and the U.S. Green Building Council, and approved by the American National Standards Institute, as updated and in effect at the time of such demonstration.

(e) GUARANTEE FEE.—

(1) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect fees for guarantees under this section in amounts that the Secretary determines are sufficient to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such guarantees.

(2) AVAILABILITY.—Fees collected under this subsection shall be deposited by the Secretary in the Treasury of the United States and shall remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

(f) PAYMENT OF GUARANTEE.—

(1) DEFAULT.—

(A) RIGHT TO PAYMENT.—If a mortgagor under a mortgage guaranteed under this section defaults (as defined in regulations issued by the Secretary and specified in the guarantee contract) on the obligation under the mortgage—

(i) the holder of the guarantee shall have the right to demand payment of the unpaid amount of the guaranteed portion of the mortgage, to the extent provided under subsection (a)(2), from the Secretary; and

(ii) within such period as may be specified in the guarantee or related agreements, the Secretary shall pay to the holder of the guarantee, to the extent provided under subsection (a)(2), the unpaid interest on, and unpaid principal of the portion of guaranteed portion of the mortgage with respect to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

(B) FORBEARANCE.—Nothing in this paragraph precludes any forbearance by the holder of an eligible mortgage for the benefit of the mortgagor which may be agreed upon by the parties to the mortgage and approved by the Secretary.

(2) SUBROGATION.—

(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the guarantee or related agreements including, if appropriate, the authority (notwithstanding any other provision of law)—

(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements; or

(ii) to permit the mortgagor, pursuant to an agreement with the Secretary, to continue to occupy the property subject to the mortgage, if the Secretary determines such occupancy to be appropriate.

(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

(C) TERMS AND CONDITIONS.—A guarantee agreement shall include such detailed terms and conditions as the Secretary determines appropriate to protect the interests of the United States in the case of default.

(3) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MORTGAGE.—The term ''eligible mortgage'' means a mortgage that meets the requirements under subsection (b).

(2) GREEN PORTION.—The term ''green portion'' means, with respect to an eligible mortgage, the portion of the mortgage principal referred to in subsection (b)(2) that is attributable, as determined in accordance with regulations issued by the Secretary, to the increased costs incurred in financing provision of sustainable building elements for the housing for which the mortgage was made, as compared to the costs that would have been incurred in financing the provision of other building elements for the housing for the same purposes that are commonly or conventionally used but are not sustainable building elements.

(3) GUARANTEED PORTION.—The term ''guaranteed portion'' means, with respect to an eligible mortgage guaranteed under this section, the green portion of the mortgage that is so guaranteed.

(4) MORTGAGE.—The term ''mortgage'' has the meaning given such term in section 201 of the National Housing Act (12 U.S.C. 1707).

(5) MULTIFAMILY HOUSING.—The term ''multifamily housing'' means a residential property consisting of five or more dwelling units.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(7) SINGLE-FAMILY HOUSING.—The term ''single-family housing'' means a residential property consisting of one to four dwelling units.

(8) SUSTAINABLE BUILDING ELEMENT.—The term ''sustainable building element'' means such building elements, as the Secretary shall define, that have energy efficiency or environmental sustainability qualities that are superior to such qualities for other building elements for the same purposes that are commonly or conventionally used.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of guarantees under this section $500,000,000 for each of fiscal years 2010 through 2014.

(i) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section.

TITLE III—REDUCING GLOBAL WARMING POLLUTION

SEC. 301. SHORT TITLE.

This title, and sections 112, 116, 221, 222, 223, and 401 of this Act, and the amendments made by this title and those sections, may be cited as the ''Safe Climate Act''.

Subtitle A—Reducing Global Warming Pollution

SEC. 311. REDUCING GLOBAL WARMING POLLUTION.

The Clean Air Act (42 U.S.C. and following) is amended by adding after title VI the following new title:

''TITLE VII—GLOBAL WARMING POLLUTION REDUCTION PROGRAM

''PART A—GLOBAL WARMING POLLUTION REDUCTION GOALS AND TARGETS

''SEC. 701. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds as follows:

''(1) Global warming poses a significant threat to the national security, economy, public health and welfare, and environment of the United States, as well as of other nations.

''(2) Reviews of scientific studies, including by the Intergovernmental Panel on Climate Change and the National Academy of Sciences, demonstrate that global warming is the result of the combined anthropogenic greenhouse gas emissions from numerous sources of all types and sizes. Each increment of emission, when combined with other emissions, causes or contributes materially to the acceleration and extent of global warming and its adverse effects for the lifetime of such gas in the atmosphere. Accordingly, controlling emissions in small as well as large amounts is essential to prevent, slow the pace of, reduce the threats from, and mitigate global warming and its adverse effects.

''(3) Because they induce global warming, greenhouse gas emissions cause or contribute to injuries to persons in the United States, including—

''(A) adverse health effects such as disease and loss of life;

''(B) displacement of human populations;

''(C) damage to property and other interests related to ocean levels, acidification, and ice changes;

''(D) severe weather and seasonal changes;

''(E) disruption, costs, and losses to business, trade, employment, farms, subsistence, aesthetic enjoyment of the environment, recreation, culture, and tourism;

''(F) damage to plants, forests, lands, and waters;

''(G) harm to wildlife and habitat;

''(H) scarcity of water and the decreased abundance of other natural resources;

''(I) worsening of tropospheric air pollution;

''(J) substantial threats of similar damage; and

''(K) other harm.

''(4) That many of these effects and risks of future effects of global warming are widely shared does not minimize the adverse effects individual persons have suffered, will suffer, and are at risk of suffering because of global warming.

''(5) That some of the adverse and potentially catastrophic effects of global warming

are at risk of occurring and not a certainty does not negate the harm persons suffer from actions that increase the likelihood, extent, and severity of such future impacts.

''(6) Nations of the world look to the United States for leadership in addressing the threat of and harm from global warming. Full implementation of the Safe Climate Act is critical to engage other nations in an international effort to mitigate the threat of and harm from global warming.

''(7) Global warming and its adverse effects are occurring and are likely to continue and increase in magnitude, and to do so at a greater and more harmful rate, unless the Safe Climate Act is fully implemented and enforced in an expeditious manner.

''(b) PURPOSE.—It is the general purpose of the Safe Climate Act to help prevent, reduce the pace of, mitigate, and remedy global warming and its adverse effects. To fulfill such purpose, it is necessary to—

''(1) require the timely fulfillment of all governmental acts and duties, both substantive and procedural, and the prompt compliance of covered entities with the requirements of the Safe Climate Act;

''(2) establish and maintain an effective, transparent, and fair market for emission allowances and preserve the integrity of the cap on emissions and of offset credits;

''(3) advance the production and deployment of clean energy and energy efficiency technologies; and

''(4) ensure effective enforcement of the Safe Climate Act by citizens, States, Indian tribes, and all levels of government because each violation of the Safe Climate Act is likely to result in an additional increment of greenhouse gas emission and will slow the pace of implementation of the Safe Climate Act and delay the achievement of the goals set forth in section 702, and cause or contribute to global warming and its adverse effects.

"SEC. 702. ECONOMY-WIDE REDUCTION GOALS.

''The goals of the Safe Climate Act are to reduce steadily the quantity of United States greenhouse gas emissions such that—

''(1) in 2012, the quantity of United States greenhouse gas emissions does not exceed 97 percent of the quantity of United States greenhouse gas emissions in 2005;

''(2) in 2020, the quantity of United States greenhouse gas emissions does not exceed 80 percent of the quantity of United States greenhouse gas emissions in 2005;

''(3) in 2030, the quantity of United States greenhouse gas emissions does not exceed 58 percent of the quantity of United States greenhouse gas emissions in 2005; and

''(4) in 2050, the quantity of United States greenhouse gas emissions does not exceed 17 percent of the quantity of United States greenhouse gas emissions in 2005.

"SEC. 703. REDUCTION TARGETS FOR SPECIFIED SOURCES.

''(a) IN GENERAL.—The regulations issued under section 721 shall cap and reduce annually the greenhouse gas emissions of capped sources each calendar year beginning in 2012 such that—

''(1) in 2012, the quantity of greenhouse gas emissions from capped sources does not exceed 97 percent of the quantity of greenhouse gas emissions from such sources in 2005;

''(2) in 2020, the quantity of greenhouse gas emissions from capped sources does not exceed 83 percent of the quantity of greenhouse gas emissions from such sources in 2005;

''(3) in 2030, the quantity of greenhouse gas emissions from capped sources does not exceed 58 percent of the quantity of greenhouse gas emissions from such sources in 2005; and

''(4) in 2050, the quantity of greenhouse gas emissions from capped sources does not exceed 17 percent of the quantity of greenhouse gas emissions from such sources in 2005.

''(b) DEFINITION.—For purposes of this section, the term 'greenhouse gas emissions from such sources in 2005' means emissions to which section 722 would have applied if the requirements of this title for the specified year had been in effect for 2005.

"SEC. 704. SUPPLEMENTAL POLLUTION REDUCTIONS.

''For the purposes of decreasing the likelihood of catastrophic climate change, preserving tropical forests, building capacity to generate offset credits, and facilitating international action on global warming, the Administrator shall set aside the percentage specified in section 781 of the quantity of emission allowances established under section 721(a) for each year, to be used to achieve a reduction of greenhouse gas emissions from deforestation in developing countries in accordance with part E. In 2020, activities supported under part E shall provide greenhouse gas reductions in an amount equal to an additional 10 percentage points of reductions from United States greenhouse gas emissions in 2005. The Administrator shall distribute these allowances with respect to activities in countries that enter into and implement agreements or arrangements relating to reduced deforestation as described in section 754(a)(2).

"SEC. 705. REVIEW AND PROGRAM RECOMMENDATIONS.

''(a) IN GENERAL.—The Administrator shall, in consultation with appropriate Federal agencies, submit to Congress a report not later than July 1, 2013, and every 4 years thereafter, that includes—

''(1) an analysis of key findings based on the latest scientific information and data relevant to global climate change;

''(2) an analysis of capabilities to monitor and verify greenhouse gas reductions on a worldwide basis, including for the United States, as required under the Safe Climate Act; and

''(3) an analysis of the status of worldwide greenhouse gas reduction efforts, including implementation of the Safe Climate Act and other policies, both domestic and international, for reducing greenhouse gas emissions, preventing dangerous atmospheric concentrations of greenhouse gases, preventing significant irreversible consequences of climate change, and reducing vulnerability to the impacts of climate change.

''(b) EXCEPTION.—Paragraph (3) of subsection (a) shall not apply to the first report submitted under such subsection.

''(c) LATEST SCIENTIFIC INFORMATION.—The analysis required under subsection (a)(1) shall—

''(1) address existing scientific information and reports, considering, to the greatest extent possible, the most recent assessment report of the Intergovernmental Panel on Climate Change, reports by the United States Global Change Research Program, the Natural Resources Climate Change Adaptation Panel established under section 475 of the American Clean Energy and Security Act of 2009, and Federal agencies, and the European Union's global temperature data assessment; and

''(2) review trends and projections for—

''(A) global and country-specific annual emissions of greenhouse gases, and cumulative greenhouse gas emissions produced between 1850 and the present, including—

''(i) global cumulative emissions of anthropogenic greenhouse gases;

''(ii) global annual emissions of anthropogenic greenhouse gases; and

''(iii) by country, annual total, annual per capita, and cumulative anthropogenic emissions of greenhouse gases for the top 50 emitting nations;

''(B) significant changes, both globally and by region, in annual net non-anthropogenic greenhouse gas emissions from natural sources, including permafrost, forests, or oceans;

''(C) global atmospheric concentrations of greenhouse gases, expressed in annual concentration units as well as carbon dioxide equivalents based on 100-year global warming potentials;

''(D) major climate forcing factors, such as aerosols;

''(E) global average temperature, expressed as seasonal and annual averages in land, ocean, and land-plus-ocean averages; and

''(F) sea level rise;

''(3) assess the current and potential impacts of global climate change on—

''(A) human populations, including impacts on public health, economic livelihoods, subsistence, human infrastructure, and displacement or permanent relocation due to flooding, severe weather, extended drought, erosion, or other ecosystem changes;

''(B) freshwater systems, including water resources for human consumption and agriculture and natural and managed ecosystems, flood and drought risks, and relative humidity;

''(C) the carbon cycle, including impacts related to the thawing of permafrost, the frequency and intensity of wildfire, and terrestrial and ocean carbon sinks;

''(D) ecosystems and animal and plant populations, including impacts on species abundance, phenology, and distribution;

''(E) oceans and ocean ecosystems, including effects on sea level, ocean acidity, ocean temperatures, coral reefs, ocean circulation, fisheries, and other indicators of ocean ecosystem health;

''(F) the cryosphere, including effects on ice sheet mass balance, mountain glacier mass balance, and sea-ice extent and volume;

''(G) changes in the intensity, frequency, or distribution of severe weather events, including precipitation, tropical cyclones, tornadoes, and severe heat waves;

''(H) agriculture and forest systems; and

''(I) any other indicators the Administrator deems appropriate;

''(4) summarize any significant socio-economic impacts of climate change in the United States, including the territories of the United States, drawing on work by Federal agencies and the academic literature, including impacts on—

''(A) public health;

''(B) economic livelihoods and subsistence;

''(C) displacement or permanent relocation due to flooding, severe weather, extended drought, erosion, or other ecosystem changes;

''(D) human infrastructure, including coastal infrastructure vulnerability to extreme events and sea level rise, river floodplain infrastructure, and sewer and water management systems;

''(E) agriculture and forests, including effects on potential growing season, distribution, and yield;

''(F) water resources for human consumption, agriculture and natural and managed ecosystems, flood and drought risks, and relative humidity;

''(G) energy supply and use; and

''(H) transportation;

''(5) in assessing risks and impacts, use a risk management framework, including both qualitative and quantitative measures, to assess the observed and projected impacts of current and future climate change, accounting for—

''(A) both monetized and non-monetized losses;

''(B) potential nonlinear, abrupt, or essentially irreversible changes in the climate system;

''(C) potential nonlinear increases in the cost of impacts;

''(D) potential low-probability, high impact events; and

''(E) whether impacts are transitory or essentially permanent; and

''(6) based on the findings of the Administrator under this section, as well as assessments produced by the Intergovernmental Panel on Climate Change, the United States Global Change Research program, and other relevant scientific entities—

''(A) describe increased risks to natural systems and society that would result from an increase in global average temperature 3.6 degrees Fahrenheit (2 degrees Celsius) above the pre-industrial average or an increase in atmospheric greenhouse gas concentrations above 450 parts per million carbon dioxide equivalent; and

''(B) identify and assess—

''(i) significant residual risks not avoided by the thresholds described in subparagraph (A);

''(ii) alternative thresholds or targets that may more effectively limit the risks identified pursuant to clause (i); and

''(iii) thresholds above those described in subparagraph (A) which significantly increase the risk of certain impacts or render them essentially permanent.

''(d) STATUS OF MONITORING AND VERIFICATION CAPABILITIES TO EVALUATE GREENHOUSE GAS REDUCTION EFFORTS.—The analysis required under subsection (a)(2) shall evaluate the capabilities of the monitoring, reporting, and verification systems used to quantify progress in achieving reductions in greenhouse gas emissions both globally and in the United States (as described in section 702), including—

''(1) quantification of emissions and emission reductions by entities participating in the cap and trade program under this title;

''(2) quantification of emissions and emission reductions by entities participating in the offset program under this title;

''(3) quantification of emission and emissions reductions by entities regulated by performance standards;

''(4) quantification of aggregate net emissions and emissions reductions by the United States; and

''(5) quantification of global changes in net emissions and in sources and sinks of greenhouse gases.

''(e) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—The analysis required under subsection (a)(3) shall address—

''(1) whether the programs under Safe Climate Act and other Federal statutes are resulting in sufficient United States greenhouse gas emissions reductions to meet the emissions reduction goals described in section 702, taking into account the use of offsets; and

''(2) whether United States actions, taking into account international actions, commitments, and trends, and considering the range of plausible emissions scenarios, are sufficient to avoid—

''(A) atmospheric greenhouse gas concentrations above 450 parts per million carbon dioxide equivalent;

''(B) global average surface temperature 3.6 degrees Fahrenheit (2 degrees Celsius) above the pre-industrial average, or such other temperature thresholds as the Administrator deems appropriate; and

''(C) other temperature or greenhouse gas thresholds identified pursuant to subsection (c)(6)(B).

''(f) RECOMMENDATIONS.—

''(1) LATEST SCIENTIFIC INFORMATION.—Based on the analysis described in subsection (a)(1), each report under subsection (a) shall identify actions that could be taken to—

''(A) improve the characterization of changes in the earth-climate system and impacts of global climate change;

''(B) better inform decision making and actions related to global climate change;

''(C) mitigate risks to natural and social systems; and

''(D) design policies to better account for climate risks.

''(2) MONITORING, REPORTING AND VERIFICATION.—Based on the analysis described in subsection (a)(2), each report under subsection (a) shall identify key gaps in measurement, reporting, and verification capabilities and make recommendations to improve the accuracy and reliability of those capabilities.

''(3) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—Based on the analysis described in subsection (a)(3), taking into account international actions, commitments, and trends, and considering the range of plausible emissions scenarios, each report under subsection (a) shall identify—

''(A) the quantity of additional reductions required to meet the emissions reduction goals in section 702;

''(B) the quantity of additional reductions in global greenhouse gas emissions needed to avoid the concentration and temperature thresholds identified in subsection (e); and

''(C) possible strategies and approaches for achieving additional reductions.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 706. NATIONAL ACADEMY REVIEW.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall offer to enter into a contract with the National Academy of Sciences (in this section referred to as the 'Academy') under which the Academy shall, not later than July 1, 2014, and every 4 years thereafter, submit to Congress and the Administrator a report that includes—

''(1) a review of the most recent report and recommendations issued under section 705; and

''(2) an analysis of technologies to achieve reductions in greenhouse gas emissions.

''(b) FAILURE TO ISSUE A REPORT.—In the event that the Administrator has not issued all or part of the most recent report required under section 705, the Academy shall conduct its own review and analysis of the required information.

''(c) TECHNOLOGICAL INFORMATION.—The analysis required under subsection (a)(2) shall—

''(1) review existing technological information and reports, including the most recent reports by the Department of Energy, the United States Global Change Research Program, the Intergovernmental Panel on Climate Change, and the International Energy Agency and any other relevant information on technologies or practices that reduce or limit greenhouse gas emissions;

''(2) include the participation of technical experts from relevant private industry sectors;

''(3) review the current and future projected deployment of technologies and practices in the United States that reduce or limit greenhouse gas emissions, including—

''(A) technologies for capture and sequestration of greenhouse gases;

''(B) technologies to improve energy efficiency;

''(C) low- or zero-greenhouse gas emitting energy technologies;

''(D) low- or zero-greenhouse gas emitting fuels;

''(E) biological sequestration practices and technologies; and

''(F) any other technologies the Academy deems relevant; and

''(4) review and compare the emissions reduction potential, commercial viability, market penetration, investment trends, and deployment of the technologies described in paragraph (3), including—

''(A) the need for additional research and development, including publicly funded research and development;

''(B) the extent of commercial deployment, including, where appropriate, a comparison to the cost and level of deployment of conventional fossil fuel-fired energy technologies and devices; and

''(C) an evaluation of any substantial technological, legal, or market-based barriers to commercial deployment.

''(d) RECOMMENDATIONS.—

''(1) LATEST SCIENTIFIC INFORMATION.—Based on the review described in subsection (a)(1), the Academy shall identify actions that could be taken to—

''(A) improve the characterization of changes in the earth-climate system and impacts of global climate change;

''(B) better inform decision making and actions related to global climate change;

''(C) mitigate risks to natural and social systems;

''(D) design policies to better account for climate risks; and

''(E) improve the accuracy and reliability of capabilities to monitor, report, and verify greenhouse gas emissions reduction efforts.

''(2) TECHNOLOGICAL INFORMATION.—Based on the analysis described in subsection (a)(2), the Academy shall identify—

''(A) additional emissions reductions that may be possible as a result of technologies described in the analysis;

''(B) barriers to the deployment of such technologies; and

''(C) actions that could be taken to speed deployment of such technologies.

''(3) STATUS OF GREENHOUSE GAS REDUCTION EFFORTS.—Based on the review described in subsection (a)(1), the Academy shall identify—

''(A) the quantity of additional reductions required to meet the emissions reduction goals described in section 702; and

''(B) the quantity of additional reductions in global greenhouse gas emissions needed to avoid the concentration and temperature thresholds described in section 705(c)(6)(A) or identified pursuant to section 705(c)(6)(B).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 707. PRESIDENTIAL RESPONSE AND RECOMMENDATIONS.

''(a) AGENCY ACTIONS.—The President shall direct relevant Federal agencies to use existing statutory authority to take appropriate actions identified in the reports submitted under sections 705 and 706, and to address any shortfalls identified in such reports, not later than July 1, 2015, and every 4 years thereafter.

''(b) PLAN.—In the event that the Administrator or the National Academy of Sciences has concluded, in the most recent report submitted under section 705 or 706 respectively, that the United States will not achieve the necessary domestic greenhouse gas emissions reductions, or that global actions will not maintain safe global average surface temperature and atmospheric greenhouse gas concentration thresholds, the President shall, not later than July 1, 2015, and every 4 years thereafter, submit to Congress a plan identifying domestic and international actions that will achieve necessary additional greenhouse gas reductions, including any recommendations for legislative action.

"PART B—DESIGNATION AND REGISTRATION OF GREENHOUSE GASES

"SEC. 711. DESIGNATION OF GREENHOUSE GASES.

''(a) GREENHOUSE GASES.—For purposes of this title, the following are greenhouse gases:

''(1) Carbon dioxide.

''(2) Methane.

''(3) Nitrous oxide.

''(4) Sulfur hexafluoride.

''(5) Hydrofluorocarbons emitted from a chemical manufacturing process at an industrial stationary source.

''(6) Any perfluorocarbon.

''(7) Nitrogen trifluoride.

''(8) Any other anthropogenic gas designated as a greenhouse gas by the Administrator under this section.

''(b) DETERMINATION ON ADMINISTRATOR'S INITIATIVE.—The Administrator shall, by rule—

''(1) determine whether 1 metric ton of another anthropogenic gas makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide;

''(2) determine the carbon dioxide equivalent value for each gas with respect to which the Administrator makes an affirmative determination under paragraph (1);

''(3) for each gas with respect to which the Administrator makes an affirmative determination under paragraph (1) and that is used as a substitute for a class I or class II substance under title VI, determine the extent to which to regulate that gas under section 619 and specify appropriate compliance obligations under section 619;

''(4) designate as a greenhouse gas for purposes of this title each gas for which the Administrator makes an affirmative determination under paragraph (1), to the extent that it is not regulated under section 619; and

''(5) specify the appropriate compliance obligations under this title for each gas designated as a greenhouse gas under paragraph (4).

''(c) PETITIONS TO DESIGNATE A GREENHOUSE GAS.—

''(1) IN GENERAL.—Any person may petition the Administrator to designate as a greenhouse gas any anthropogenic gas 1 metric ton of which makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide.

''(2) CONTENTS OF PETITION.—The petitioner shall provide sufficient data, as specified by rule by the Administrator, to demonstrate that the gas is likely to be designated as a greenhouse gas and is likely to be produced, imported, used, or emitted in the United States. To the extent practicable, the petitioner shall also identify producers, importers, distributors, users, and emitters of the gas in the United States.

''(3) REVIEW AND ACTION BY THE ADMINISTRATOR.—Not later than 90 days after receipt of a petition under paragraph (2), the Administrator shall determine whether the petition is complete and notify the petitioner and the public of the decision.

''(4) ADDITIONAL INFORMATION.—The Administrator may require producers, importers, distributors, users, or emitters of the gas to provide information on the contribution of the gas to global warming over 100 years compared to carbon dioxide.

''(5) TREATMENT OF PETITION.—For any substance used as a substitute for a class I or class II substance under title VI, the Administrator may elect to treat a petition under this subsection as a petition to list the substance as a class II, group II substance under section 619, and may require the petition to be amended to address listing criteria promulgated under that section.

''(6) DETERMINATION.—Not later than 2 years after receipt of a complete petition, the Administrator shall, after notice and an opportunity for comment—

''(A) issue and publish in the Federal Register—

''(i) a determination that 1 metric ton of the gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; and

''(ii) an explanation of the decision; or

''(B) determine that 1 metric ton of the gas makes a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide, and take the actions described in subsection (b) with respect to such gas.

''(7) GROUNDS FOR DENIAL.—The Administrator may not deny a petition under this subsection solely on the basis of inadequate Environmental Protection Agency resources or time for review.

''(d) SCIENCE ADVISORY BOARD CONSULTATION.—

''(1) CONSULTATION.—The Administrator shall—

''(A) give notice to the Science Advisory Board prior to making a determination under subsection (b)(1), (c)(6), or (e)(2)(B);

''(B) consider the written recommendations of the Science Advisory Board under paragraph (2) regarding the determination; and

''(C) consult with the Science Advisory Board regarding such determination, including consultation subsequent to receipt of such written recommendations.

''(2) FORMULATION OF RECOMMENDATIONS.—Upon receipt of notice under paragraph (1)(A) regarding a pending determination under subsection (b)(1), (c)(6), or (e)(2)(B), the Science Advisory Board shall—

''(A) formulate recommendations regarding such determination, subject to a peer review process; and

''(B) submit such recommendations in writing to the Administrator.

''(e) MANUFACTURING AND EMISSION NOTICES.—

''(1) NOTICE REQUIREMENT.—

''(A) IN GENERAL.—Effective 24 months after the date of enactment of this title, no person may manufacture or introduce into interstate commerce a fluorinated gas, or emit a significant quantity, as determined by the Administrator, of any fluorinated gas that is generated as a byproduct during the production or use of another fluorinated gas, unless—

''(i) the gas is designated as a greenhouse gas under this section or is an ozone-depleting substance listed as a class I or class II substance under title VI;

''(ii) the Administrator has determined that 1 metric ton of such gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; or

''(iii) the person manufacturing or importing the gas for distribution into interstate commerce, or emitting the gas, has submitted to the Administrator, at least 90 days before the start of such manufacture, introduction into commerce, or emission, a notice of such person's manufacture, introduction into commerce, or emission of such gas, and the Administrator has not determined that that notice or a substantially similar notice submitted by that person is incomplete.

''(B) ALTERNATIVE COMPLIANCE.—For a gas that is a substitute for a class I or class II substance under title VI and either has been listed as acceptable for use under section 612 or is currently subject to evaluation under section 612, the Administrator may accept the notice and information provided pursuant to that section as fulfilling the obligation under clause (iii) of subparagraph (A).

''(2) REVIEW AND ACTION BY THE ADMINISTRATOR.—

''(A) COMPLETENESS.—Not later than 90 days after receipt of notice under paragraph (1)(A)(iii) or (B), the Administrator shall determine whether the notice is complete.

''(B) DETERMINATION.—If the Administrator determines that the notice is complete, the Administrator shall, after notice and an opportunity for comment, not later than 12 months after receipt of the notice—

''(i) issue and publish in the Federal Register—

''(I) a determination that 1 metric ton of the gas does not make a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide; and

''(II) an explanation of the decision; or

''(ii) determine that 1 metric ton of the gas makes a contribution to global warming over 100 years that is equal to or greater than that made by 1 metric ton of carbon dioxide, and take the actions described in subsection (b) with respect to such gas.

''(f) REGULATIONS.—Not later than one year after the date of enactment of this title, the Administrator shall promulgate regulations to carry out this section. Such regulations shall include—

''(1) requirements for the contents of a petition submitted under subsection (c);

''(2) requirements for the contents of a notice required under subsection (e); and

''(3) methods and standards for evaluating the carbon dioxide equivalent value of a gas.

''(g) GASES REGULATED UNDER TITLE VI.—The Administrator shall not designate a gas as a greenhouse gas under this section to the extent that the gas is regulated under title VI.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to relieve any person from complying with the requirements of section 612.

"SEC. 712. CARBON DIOXIDE EQUIVALENT VALUE OF GREENHOUSE GASES.

''(a) MEASURE OF QUANTITY OF GREENHOUSE GASES.—Any provision of this title or title VIII that refers to a quantity or percentage of a quantity of greenhouse gases shall mean the quantity or percentage of the greenhouse gases expressed in carbon dioxide equivalents.

''(b) INITIAL VALUE.—Except as provided by the Administrator under this section or section 711—

''(1) the carbon dioxide equivalent value of greenhouse gases for purposes of this Act shall be as follows:

"CARBON DIOXIDE EQUIVALENT OF 1 TON OF LISTED GREENHOUSE GASES

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
Carbon dioxide	1
Methane	25
Nitrous oxide	298
HFC-23	14,800
HFC-125	3,500
HFC-134a	1,430
HFC-143a	4,470
HFC-152a	124
HFC-227ea	3,220
HFC-236fa	9,810
HFC-4310mee	1,640

"CARBON DIOXIDE EQUIVALENT OF 1 TON OF LISTED GREENHOUSE GASES—Continued

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
CF_4	7,390
C_2F_6	12,200
C_4F_{10}	8,860
C_6F_{14}	9,300
SF_6	22,800
NF_3	17,200

; and

''(2) the carbon dioxide equivalent value for purposes of this Act for any greenhouse gas not listed in the table under paragraph (1) shall be the 100-year Global Warming Potentials provided in the Intergovernmental Panel on Climate Change Fourth Assessment Report.

''(c) PERIODIC REVIEW.—

''(1) Not later than February 1, 2017, and (except as provided in paragraph (3)) not less than every 5 years thereafter, the Administrator shall—

''(A) review and, if appropriate, revise the carbon dioxide equivalent values established under this section or section 711(b)(2), based on a determination of the number of metric tons of carbon dioxide that makes the same contribution to global warming over 100 years as 1 metric ton of each greenhouse gas; and

''(B) publish in the Federal Register the results of that review and any revisions.

''(2) A revised determination published in the Federal Register under paragraph (1)(B) shall take effect for greenhouse gas emissions starting on January 1 of the first calendar year starting at least 9 months after the date on which the revised determination was published.

''(3) The Administrator may decrease the frequency of review and revision under paragraph (1) if the Administrator determines that such decrease is appropriate in order to synchronize such review and revision with any similar review process carried out pursuant to the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, or to an agreement negotiated under that convention, except that in no event shall the Administrator carry out such review and revision any less frequently than every 10 years.

''(d) METHODOLOGY.—In setting carbon dioxide equivalent values, for purposes of this section or section 711, the Administrator shall take into account publications by the Intergovernmental Panel on Climate Change or a successor organization under the auspices of the United Nations Environmental Programme and the World Meteorological Organization.

"SEC. 713. GREENHOUSE GAS REGISTRY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CLIMATE REGISTRY.—The term 'Climate Registry' means the greenhouse gas emissions registry jointly established and managed by more than 40 States and Indian tribes in 2007 to collect high-quality greenhouse gas emission data from facilities, corporations, and other organizations to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes.

''(2) REPORTING ENTITY.—The term 'reporting entity' means—

''(A) a covered entity;

''(B) an entity that—

''(i) would be a covered entity if it had emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level in the definition of covered entity in paragraph (13) of section 700; and

''(ii) has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level in the definition of covered entity in paragraph (13) of section 700, provided that the figure of 25,000 tons of carbon dioxide equivalent is read instead as 10,000 tons of carbon dioxide equivalent and the figure of 460,000,000 cubic feet is read instead as 184,000,000 cubic feet;

''(C) any other entity that emits a greenhouse gas, or produces, imports, manufactures, or delivers material whose use results or may result in greenhouse gas emissions if the Administrator determines that reporting under this section by such entity will help achieve the purposes of this title or title VIII;

''(D) any vehicle fleet with emissions of more than 25,000 tons of carbon dioxide equivalent on an annual basis, if the Administrator determines that the inclusion of such fleet will help achieve the purposes of this title or title VIII; or

''(E) any entity that delivers electricity to a facility in an energy-intensive industrial sector that meets the energy or greenhouse gas intensity criteria in section 764(b)(2)(A)(i).

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Administrator shall issue regulations establishing a Federal greenhouse gas registry. Such regulations shall—

''(A) require reporting entities to submit to the Administrator data on—

''(i) greenhouse gas emissions in the United States;

''(ii) the production and manufacture in the United States, importation into the United States, and, at the discretion of the Administrator, exportation from the United States, of fuels and industrial gases the uses of which result or may result in greenhouse gas emissions;

''(iii) deliveries in the United States of natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, the combustion of which result or may result in greenhouse gas emissions; and

''(iv) the capture and sequestration of greenhouse gases;

''(B) require covered entities and, where appropriate, other reporting entities to submit to the Administrator data sufficient to ensure compliance with or implementation of the requirements of this title;

''(C) require reporting of electricity delivered to facilities in an energy-intensive industrial sector that meets the energy or greenhouse gas intensity criteria in section 764(b)(2)(A)(i);

''(D) ensure the completeness, consistency, transparency, accuracy, precision, and reliability of such data;

''(E) take into account the best practices from the most recent Federal, State, tribal, and international protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions, including protocols from the Climate Registry and other mandatory State or multistate authorized programs;

''(F) take into account the latest scientific research;

''(G) require that, for covered entities with respect to greenhouse gases to which section 722 applies, and, to the extent determined to be appropriate by the Administrator, for covered entities with respect to other greenhouse gases and for other reporting entities, submitted data are based on—

''(i) continuous monitoring systems for fuel flow or emissions, such as continuous emission monitoring systems;

''(ii) alternative systems that are demonstrated as providing data with the same precision, reliability, accessibility, and timeliness, or, to the extent the Administrator determines is appropriate for reporting small amounts of emissions, the same precision, reliability, and accessibility and similar timeliness, as data provided by continuous monitoring systems for fuel flow or emissions; or

''(iii) alternative methodologies that are demonstrated to provide data with precision, reliability, accessibility, and timeliness, or, to the extent the Administrator determines is appropriate for reporting small amounts of emissions, precision, reliability, and accessibility, as similar as is technically feasible to that of data generally provided by continuous monitoring systems for fuel flow or emissions, if the Administrator determines that, with respect to a reporting entity, there is no continuous monitoring system or alternative system described in clause (i) or (ii) that is technically feasible;

''(H) require that the Administrator, in determining the extent to which the requirement to use systems or methodologies in accordance with subparagraph (G) is appropriate for reporting entities other than covered entities or for greenhouse gases to which section 722 does not apply, consider the cost of using such systems and methodologies, and of using other systems and methodologies that are available and suitable, for quantifying the emissions involved in light of the purposes of this title, including the goal of collecting consistent entity-wide data;

''(I) include methods for minimizing double reporting and avoiding irreconcilable double reporting of greenhouse gas emissions;

''(J) establish measurement protocols for carbon capture and sequestration systems, taking into consideration the regulations promulgated under section 813;

''(K) require that reporting entities provide the data required under this paragraph in reports submitted electronically to the Administrator, in such form and containing such information as may be required by the Administrator;

''(L) include requirements for keeping records supporting or related to, and protocols for auditing, submitted data;

''(M) establish consistent policies for calculating carbon content and greenhouse gas emissions for each type of fossil fuel with respect to which reporting is required;

''(N) subsequent to implementation of policies developed under subparagraph (M), provide for immediate dissemination, to States, Indian tribes, and on the Internet, of all data reported under this section as soon as practicable after electronic audit by the Administrator and any resulting correction of data, except that data shall not be disseminated under this subparagraph if—

''(i) its nondissemination is vital to the national security of the United States, as determined by the President; or

''(ii) it is confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published, except that—

''(I) data relating to greenhouse gas emissions, including any upstream or verification data from reporting entities, shall not be considered to be confidential business information; and

''(II) data that is confidential business information shall be provided to a State or Indian tribe within whose jurisdiction the reporting entity is located, if the Administrator determines that such State or Indian tribe has in effect protections for confidential business information that are at least as protective as protections applicable to the Federal Government;

''(O) prescribe methods by which the Administrator shall, in cases in which satisfactory data are not submitted to the Administrator for any period of time, estimate emission, production, importation, manufacture, or delivery levels—

''(i) for covered entities with respect to greenhouse gas emissions, production, importation, manufacture, or delivery regulated under this title to ensure that emissions, production, importation, manufacture, or deliveries are not underreported, and to create a strong incentive for meeting data monitoring and reporting requirements—

''(I) with a conservative estimate of the highest emission, production, importation, manufacture, or delivery levels that may have occurred during the period for which data are missing; or

''(II) to the extent the Administrator considers appropriate, with an estimate of such levels assuming the unit is emitting, producing, importing, manufacturing, or delivering at a maximum potential level during the period, in order to ensure that such levels are not underreported and to create a strong incentive for meeting data monitoring and reporting requirements; and

''(ii) for covered entities with respect to greenhouse gas emissions to which section 722 does not apply and for other reporting entities, with a reasonable estimate of the emission, production, importation, manufacture, or delivery levels that may have occurred during the period for which data are missing;

''(P) require the designation of a designated representative for each reporting entity;

''(Q) require an appropriate certification, by the designated representative for the reporting entity, of accurate and complete accounting of greenhouse gas emissions, as determined by the Administrator; and

''(R) include requirements for other data necessary for accurate and complete accounting of greenhouse gas emissions, as determined by the Administrator, including data for quality assurance of monitoring systems, monitors and other measurement devices, and other data needed to verify reported emissions, production, importation, manufacture, or delivery.

''(2) TIMING.—

''(A) CALENDAR YEARS 2007 THROUGH 2010.—For a base period of calendar years 2007 through 2010, each reporting entity shall submit annual data required under this section to the Administrator not later than March 31, 2011. The Administrator may waive or modify reporting requirements for calendar years 2007 through 2010 for categories of reporting entities to the extent that the Administrator determines that the reporting entities did not keep data or records necessary to meet reporting requirements. The Administrator may, in addition to or in lieu of such requirements, collect information on energy consumption and production.

''(B) SUBSEQUENT CALENDAR YEARS.—For calendar year 2011 and each subsequent calendar year, each reporting entity shall submit quarterly data required under this section to the Administrator not later than 60 days after the end of the applicable quarter, except when the data is already being reported to the Administrator on an earlier timeframe for another program.

''(3) WAIVER OF REPORTING REQUIREMENTS.—The Administrator may waive reporting requirements under this section for specific entities to the extent that the Administrator determines that sufficient and equally or more reliable verified and timely data are available to the Administrator and the public on the Internet under other mandatory statutory requirements.

''(4) ALTERNATIVE THRESHOLD.—The Administrator may, by rule, establish applicability thresholds for reporting under this section using alternative metrics and levels, provided that such metrics and levels are easier to administer and cover the same size and type of sources as the threshold defined in this section.

''(c) INTERRELATIONSHIP WITH OTHER SYSTEMS.—In developing the regulations issued under subsection (b), the Administrator shall take into account the work done by the Climate Registry and other mandatory State or multistate programs. Such regulations shall include an explanation of any major differences in approach between the system established under the regulations and such registries and programs.

"PART C—PROGRAM RULES

"SEC. 721. EMISSION ALLOWANCES.

''(a) IN GENERAL.—The Administrator shall establish a separate quantity of emission allowances for each calendar year starting in 2012, in the amounts prescribed under subsection (e).

''(b) IDENTIFICATION NUMBERS.—The Administrator shall assign to each emission allowance established under subsection (a) a unique identification number that includes the vintage year for that emission allowance.

''(c) LEGAL STATUS OF EMISSION ALLOWANCES.—

''(1) IN GENERAL.—An allowance established by the Administrator under this title does not constitute a property right, nor does any offset credit or other instrument established or issued under the American Clean Energy and Security Act of 2009, and the amendments made thereby, for the purpose of demonstrating compliance with this title.

''(2) TERMINATION OR LIMITATION.—Nothing in this Act or any other provision of law shall be construed to limit or alter the authority of the United States, including the Administrator acting pursuant to statutory authority, to terminate or limit allowances, offset credits, or term offset credits.''

''(3) OTHER PROVISIONS UNAFFECTED.—Except as otherwise specified in this Act, nothing in this Act relating to allowances, offset credits, or term offset credits, established or issued under this title shall affect the application of any other provision of law to a covered entity, or the responsibility for a covered entity to comply with any such provision of law.

''(d) SAVINGS PROVISION.—Nothing in this part shall be construed as requiring a change of any kind in any State law regulating electric utility rates and charges, or as affecting any State law regarding such State regulation, or as limiting State regulation (including any prudency review) under such a State law. Nothing in this part shall be construed as modifying the Federal Power Act or as affecting the authority of the Federal Energy Regulatory Commission under that Act. Nothing in this part shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established.

''(e) ALLOWANCES FOR EACH CALENDAR YEAR.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the number of emission allowances established by the Administrator under subsection (a) for each calendar year shall be as provided in the following table:

"Calendar year	Emission allowances (in millions)
2012	4,627
2013	4,544
2014	5,099
2015	5,003
2016	5,482
2017	5,375
2018	5,269
2019	5,162
2020	5,056
2021	4,903
2022	4,751
2023	4,599

"Calendar year	Emission allowances (in millions)
2024	4,446
2025	4,294
2026	4,142
2027	3,990
2028	3,837
2029	3,685
2030	3,533
2031	3,408
2032	3,283
2033	3,158
2034	3,033
2035	2,908
2036	2,784
2037	2,659
2038	2,534
2039	2,409
2040	2,284
2041	2,159
2042	2,034
2043	1,910
2044	1,785
2045	1,660
2046	1,535
2047	1,410
2048	1,285
2049	1,160
2050 and each year thereafter	1,035

''(2) REVISION.—

''(A) IN GENERAL.—The Administrator may adjust, in accordance with subparagraph (B),

the number of emission allowances established pursuant to paragraph (1) if, after notice and an opportunity for public comment, the Administrator determines that—

''(i) United States greenhouse gas emissions in 2005 were other than 7,206 million metric tons carbon dioxide equivalent;

''(ii) if the requirements of this title for 2012 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 66.2 percent of United States greenhouse gas emissions in 2005;

''(iii) if the requirements of this title for 2014 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 75.7 percent of United States greenhouse gas emissions in 2005; or

''(iv) if the requirements of this title for 2016 had been in effect in 2005, section 722 would have required emission allowances to be held for other than 84.5 percent United States greenhouse gas emissions in 2005.

''(B) ADJUSTMENT FORMULA.—

''(i) IN GENERAL.—If the Administrator adjusts under this paragraph the number of emission allowances established pursuant to paragraph (1), the number of emission allowances the Administrator establishes for any given calendar year shall equal the product of—

''(I) United States greenhouse gas emissions in 2005, expressed in tons of carbon dioxide equivalent;

''(II) the percent of United States greenhouse gas emissions in 2005, expressed in tons of carbon dioxide equivalent, that would have been subject to section 722 if the requirements of this title for the given calendar year had been in effect in 2005; and

''(III) the percentage set forth for that calendar year in section 703(a), or determined under clause (ii) of this subparagraph.

''(ii) TARGETS.—In applying the portion of the formula in clause (i)(III) of this subparagraph, for calendar years for which a percentage is not listed in section 703(a), the Administrator shall use a uniform annual decline in the amount of emissions between the years that are specified.

''(iii) CARBON DIOXIDE EQUIVALENT VALUE.—If the Administrator adjusts under this paragraph the number of emission allowances established pursuant to paragraph (1), the Administrator shall use the carbon dioxide equivalent values established pursuant to section 712.

''(iv) LIMITATION ON ADJUSTMENT TIMING.—Once a calendar year has started, the Administrator may not adjust the number of emission allowances to be established for that calendar year.

''(C) LIMITATION ON ADJUSTMENT AUTHORITY.—The Administrator may adjust under this paragraph the number of emission allowances to be established pursuant to paragraph (1) only once.

''(f) COMPENSATORY ALLOWANCE.—

''(1) IN GENERAL.—The regulations promulgated under subsection (h) shall provide for the establishment and distribution of compensatory allowances for—

''(A) the destruction, in 2012 or later, of fluorinated gases that are greenhouse gases if—

''(i) allowances or offset credits were retired for their production or importation; and

''(ii) such gases are not required to be destroyed under any other provision of law;

''(B) the nonemissive use, in 2012 or later, of petroleum-based or coal-based liquid or gaseous fuel, petroleum coke, natural gas liquid, or natural gas as a feedstock, if allowances or offset credits were retired for the greenhouse gases that would have been emitted from their combustion; and

''(C) the conversionary use, in 2012 or later, of fluorinated gases in a manufacturing process, including semiconductor research or manufacturing, if allowances or offset credits were retired for the production or importation of such gas.

''(2) ESTABLISHMENT AND DISTRIBUTION.—

''(A) IN GENERAL.—Not later than 90 days after the end of each calendar year, the Administrator shall establish and distribute to the entity taking the actions described in subparagraph (A), (B), or (C) of paragraph (1) a quantity of compensatory allowances equivalent to the number of tons of carbon dioxide equivalent of avoided emissions achieved through such actions. In establishing the quantity of compensatory allowances, the Administrator shall take into account the carbon dioxide equivalent value of any greenhouse gas resulting from such action.

''(B) SOURCE OF ALLOWANCES.—Compensatory allowances established under this subsection shall not be emission allowances established under subsection (a).

''(C) IDENTIFICATION NUMBERS.—The Administrator shall assign to each compensatory allowance established under subparagraph (A) a unique identification number.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'destruction' means the conversion of a greenhouse gas by thermal, chemical, or other means to another gas or set of gases with little or no carbon dioxide equivalent value;

''(B) the term 'nonemissive use' means the use of fossil fuel as a feedstock in an industrial or manufacturing process to the extent that greenhouse gases are not emitted from such process, and to the extent that the products of such process are not intended for use as, or to be contained in, a fuel; and

''(C) the term 'conversionary use' means the conversion during research or manufacturing of a fluorinated gas into another greenhouse gas or set of gases with a lower carbon dioxide equivalent value.

''(4) FEEDSTOCK EMISSIONS STUDY.—

''(A) The Administrator may conduct a study to determine the extent to which petroleum-based or coal-based liquid or gaseous fuel, petroleum coke, natural gas liquid, or natural gas are used as feedstocks in manufacturing processes to produce products and the greenhouse gas emissions resulting from such uses.

''(B) If as a result of such a study, the Administrator determines that the use of such products by noncovered sources results in substantial emissions of greenhouse gases and that such emissions have not been adequately addressed under other requirements of this Act, the Administrator may, after notice and comment rulemaking, promulgate a regulation reducing compensatory allowances commensurately if doing so will not result in shifting such emissions to noncovered sources.

''(g) FLUORINATED GASES ASSESSMENT.—No later than March 31, 2014, the Administrator shall complete an assessment of the regulation of non-HFC fluorinated gases under this title to determine whether the most appropriate point of regulation is at the gas manufacturer or importer level, or at the source of emissions downstream. If the Administrator determines, based on consideration of environmental effectiveness, cost effectiveness, administrative feasibility, extent of coverage of emissions, competitiveness and other relevant considerations consistent with the purposes of this title, that emissions of non-HFC fluorinated gases can best be regulated by designating downstream emission sources as covered entities with compliance obligations under section 722, the Administrator shall, after notice and comment rulemaking, change the definition of covered entity and the compliance obligations under section 722 with respect to non-HFC fluorinated gases accordingly, consistent with the purposes of this title, and establish such other requirements as are necessary to ensure compliance for such entities with the requirements of this title.

''(h) REGULATIONS.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations to carry out the provisions of this title.

"SEC. 722. PROHIBITION OF EXCESS EMISSIONS.

''(a) PROHIBITION.—Except as provided in subsection (c), effective January 1, 2012, each covered entity is prohibited from emitting greenhouse gases and having attributable greenhouse gas emissions, in combination, in excess of its allowable emissions level. A covered entity's allowable emissions level for each calendar year is the number of emission allowances (or offset credits or other allowances as provided in subsection (d)) it holds as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of the following calendar year.

''(b) METHODS OF DEMONSTRATING COMPLIANCE.—Except as otherwise provided in this section, the owner or operator of a covered entity shall not be considered to be in compliance with the prohibition in subsection (a) unless, as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of each calendar year starting in 2013, the owner or operator holds a quantity of emission allowances (or offset credits or other allowances as provided in subsection (d)) at least as great as the quantity calculated as follows:

''(1) ELECTRICITY SOURCES.—For a covered entity described in section 700(13)(A), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year, excluding emissions resulting from the combustion of—

''(A) petroleum-based or coal-based liquid fuel;

''(B) natural gas liquid;

''(C) renewable biomass or gas derived from renewable biomass; or

''(D) petroleum coke or gas derived from petroleum coke.

''(2) FUEL PRODUCERS AND IMPORTERS.—For a covered entity described in section 700(13)(B), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that would be emitted from the combustion of any petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, produced or imported by such covered entity during the previous calendar year for sale or distribution in interstate commerce, assuming no capture and sequestration of any greenhouse gas emissions.

''(3) INDUSTRIAL GAS PRODUCERS AND IMPORTERS.—For a covered entity described in section 700(13)(C), 1 emission allowance for each ton of carbon dioxide equivalent of fossil fuel-based carbon dioxide, nitrous oxide, or any other fluorinated gas that is a greenhouse gas (except for nitrogen trifluoride), or any combination thereof, produced or imported by such covered entity during the previous calendar year for sale or distribution in interstate commerce.

''(4) NITROGEN TRIFLUORIDE SOURCES.—For a covered entity described in section 700(13)(D), 1 emission allowance for each ton of carbon dioxide equivalent of nitrogen trifluoride that such covered entity emitted in the previous calendar year.

''(5) GEOLOGICAL SEQUESTRATION SITES.—For a covered entity described in section 700(13)(E), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year.

''(6) INDUSTRIAL STATIONARY SOURCES.—For a covered entity described in section

700(13)(F), (G), or (H), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that such covered entity emitted in the previous calendar year, excluding emissions resulting from—

''(A) the combustion of petroleum-based or coal-based liquid fuel;

''(B) the combustion of natural gas liquid;

''(C) the combustion of renewable biomass or gas derived from renewable biomass;

''(D) the combustion of petroleum coke or gas derived from petroleum coke; or

''(E) the use of any fluorinated gas that is a greenhouse gas purchased for use at that covered entity, except for nitrogen trifluoride.

''(7) INDUSTRIAL FOSSIL FUEL-FIRED COMBUSTION DEVICES.—For a covered entity described in section 700(13)(I), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that the devices emitted in the previous calendar year, excluding emissions resulting from the combustion of—

''(A) petroleum-based or coal-based liquid fuel;

''(B) natural gas liquid;

''(C) renewable biomass or gas derived from renewable biomass; or

''(D) petroleum coke or gas derived from petroleum coke.

''(8) NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—For a covered entity described in section 700(13)(J), 1 emission allowance for each ton of carbon dioxide equivalent of greenhouse gas that would be emitted from the combustion of the natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, that such entity delivered during the previous calendar year to customers that are not covered entities, assuming no capture and sequestration of that greenhouse gas.

''(9) ALGAE-BASED FUELS.—Where carbon dioxide (or another greenhouse gas) generated by a covered entity is used as an input in the production of algae-based fuels, the Administrator shall ensure that emission allowances are required to be held either for the carbon dioxide generated by a covered entity that is used to grow the algae or for the portion of the carbon dioxide emitted from combustion of the fuel produced from such algae that is attributable to carbon dioxide generated by a covered entity, but not for both.

''(10) FUGITIVE EMISSIONS.—The greenhouse gas emissions to which paragraphs (1), (4), (6), and (7) apply shall not include fugitive emissions of greenhouse gas, except to the extent the Administrator determines that data on the carbon dioxide equivalent value of greenhouse gas in the fugitive emissions can be provided with sufficient precision, reliability, accessibility, and timeliness to ensure the integrity of emission allowances, the allowance tracking system, and the cap on emissions.

''(11) EXPORT EXEMPTION.—This section shall not apply to any petroleum-based or coal-based liquid fuel, petroleum coke, natural gas liquid, fossil fuel-based carbon dioxide, nitrous oxide, or fluorinated gas that is exported for sale or use.

''(12) NATURAL GAS LIQUIDS.—For natural gas liquids, the covered entity subject to the requirement stated in paragraph (2) shall be the owner of the natural gas liquids at the point the natural gas liquids are separated into merchantable products.

''(13) APPLICATION OF MULTIPLE PARAGRAPHS.—For a covered entity to which more than 1 of paragraphs (1) through (8) apply, all applicable paragraphs shall apply, except that not more than 1 emission allowance shall be required for the same emission.

''(14) APPLICATION TO FRACTIONS OF TONS.—In applying paragraphs (1) through (8), any amount less than 1 ton of carbon dioxide equivalent of emissions or attributable greenhouse gas emissions shall be treated as 1 ton of such carbon dioxide equivalent.

''(c) PHASE-IN OF PROHIBITION.—

''(1) INDUSTRIAL STATIONARY SOURCES.—The prohibition under subsection (a) shall first apply to a covered entity described in section 700(13)(D), (F), (G), (H), or (I), with respect to emissions occurring during calendar year 2014.

''(2) NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—The prohibition under subsection (a) shall first apply to a covered entity described in section 700(13)(J) with respect to deliveries occurring during calendar year 2016.

''(d) ADDITIONAL METHODS.—In addition to using the method of compliance described in subsection (b), a covered entity may do the following:

''(1) OFFSET CREDITS.—

''(A) IN GENERAL.—Covered entities collectively may, in accordance with this paragraph, use offset credits to demonstrate compliance for up to a maximum of 2 billion tons of greenhouse gas emissions annually. The ability to demonstrate compliance with offset credits shall be divided pro rata among covered entities by allowing each covered entity to satisfy a percentage of the number of allowances required to be held under subsection (b) to demonstrate compliance by holding 1 domestic offset credit or 1.25 international offset credits in lieu of an emission allowance, except as provided in subparagraph (D).

''(B) APPLICABLE PERCENTAGE.—The percentage referred to in subparagraph (A) for a given calendar year shall be determined by dividing 2 billion by the sum of 2 billion plus the number of emission allowances established under section 721(a) for the previous year, and multiplying that number by 100. Not more than one half of the applicable percentage under this paragraph may be used by holding domestic offset credits, and not more than one half of the applicable percentage under this paragraph may be used by holding international offset credits, except as provided in subparagraph (C).

''(C) MODIFIED PERCENTAGES.—If the Administrator determines that domestic offset credits available for use in demonstrating compliance in any calendar year at domestic offset prices generally equal to or less than emission allowance prices, are likely to offset less than 0.9 billion tons of greenhouse gas emissions (measured in tons of carbon dioxide equivalents), for purposes of compliance demonstration in that year the Administrator shall—

''(i) increase the percentage of emissions that can be offset through the use of international offset credits to reflect the amount that 1.0 billion exceeds the number of domestic offset credits the Administrator determines is available, at prices generally equal to or less than emission allowance prices, for that year, up to a maximum of 0.5 billion tons of greenhouse gas emissions; and

''(ii) decrease the percentage of emissions that can be offset through the use of domestic offset credits by the same amount.

''(D) INTERNATIONAL OFFSET CREDITS.—Notwithstanding subparagraph (A), to demonstrate compliance prior to calendar year 2018, a covered entity may use 1 international offset credit in lieu of an emission allowance up to the amount permitted under this paragraph.

''(E) PRESIDENT'S RECOMMENDATION.—The President may make a recommendation to Congress as to whether the number 2 billion specified in subparagraphs (A) and (B) should be increased or decreased.

''(2) TERM OFFSETT CREDITS.—

''(A) IN GENERAL.—Covered entities may, in accordance with this paragraph, use non-expired term offset credits instead of domestic offset credits for purposes of temporarily demonstrating compliance with this section.

''(B) AMOUNT.—The combined quantity of term offset credits and domestic offset credits used by a covered entity to demonstrate compliance for its emissions or attributable greenhouse gas emissions in any given year shall not exceed the quantity of domestic offset credits that a covered entity is entitled to use for that year to demonstrate compliance in accordance with paragraph (1).

''(C) EXPIRATION.—A term offset credit shall expire in the year after its term ends. The term of a term offset credit shall be calculated by adding to the year of issuance the number of years equal to the length of the crediting period for the practice or project for which the term offset credit was issued, but in no case shall be later than the date 5 years from the date of issuance.

''(D) DEMONSTRATING COMPLIANCE UPON EXPIRATION OF TERM OFFSET CREDIT.—With respect to the emissions for which a covered entity is using term offset credits to demonstrate compliance temporarily with this section, the owner or operator of a covered entity shall not be considered to be in compliance with the prohibition in subsection (a) unless, as of 12:01 a.m. on April 1 (or a later date established by the Administrator under subsection (j)) of the calendar year in which a term offset credit expires, the owner or operator holds—

''(i) for purposes of finally demonstrating compliance, an allowance or a domestic offset credit; or

''(ii) for purposes of temporarily demonstrating compliance, a non-expired term offset credit.

Domestic offset credits used for purposes of finally demonstrating compliance under this subparagraph shall not be subject to the percentage limitations in subparagraph (B).

''(E) FINANCIAL ASSURANCE.—A covered entity may not use a term offset credit to demonstrate compliance temporarily unless it simultaneously provides to the Administrator financial assurance that, at the end of the term offset credit's crediting term, the covered entity will have sufficient resources to obtain the quantity of allowances or credits necessary to demonstrate final compliance. The Administrator shall issue regulations establishing requirements for such financial assurance, which shall take into account the increased risk associated with longer crediting terms. These regulations shall take into account the total number of tons of carbon dioxide equivalent of greenhouse gas emissions for which a covered entity is demonstrating compliance temporarily, and may set a limit on this amount. In the event that a covered entity that used term offset credits to demonstrate compliance temporarily fails to meet the requirements of subparagraph (D) at the end of the term offset credits' crediting term, if the financial assurance mechanism fails to provide to the Administrator the number of allowances or offset credits for which the crediting term has expired, then the Administrator shall retire that number of allowances with the vintage year 2 years after the year in which the term offset credit expires in the same amount. Allowances so retired shall not be counted as emission allowances established for that calendar year under section 721(a).

''(3) INTERNATIONAL EMISSION ALLOWANCES.—To demonstrate compliance, a covered entity may hold an international emission allowance in lieu of an emission allowance, except as modified under section 728(d).

''(4) COMPENSATORY ALLOWANCES.—To demonstrate compliance, a covered entity may hold a compensatory allowance obtained under section 721(f) in lieu of an emission allowance.

''(e) RETIREMENT OF ALLOWANCES AND CREDITS.—As soon as practicable after a

deadline established for covered entities to demonstrate compliance with this title, the Administrator shall retire the quantity of allowances or credits required to be held under this title.

''(f) ALTERNATIVE METRICS.—For categories of covered entities described in subparagraph (B), (C), (D), (G), (H), or (I) of section 700(13), the Administrator may, by rule, establish an applicability threshold for inclusion under those subparagraphs using an alternative metric and level, provided that such metric and level are easier to administer and cover the same size and type of sources as the threshold defined in such subparagraphs.

''(g) THRESHOLD REVIEW.—For each category of covered entities described in subparagraph (B), (C), (D), (G), (H), or (I) of section 700(13), the Administrator shall, in 2020 and once every 8 years thereafter, review the carbon dioxide equivalent emission threshold that is used to define covered entities in such category. After consideration of—

''(1) emissions from covered entities in such category, and from other entities of the same type that emit less than the threshold amount for the category (including emission sources that commence operation after the date of enactment of this title that are not covered entities); and

''(2) whether greater greenhouse gas emission reductions can be cost-effectively achieved by lowering the applicable threshold,

the Administrator may by rule lower such threshold to not less than 10,000 tons of carbon dioxide equivalent emissions. In determining the cost effectiveness of potential reductions from lowering the threshold for covered entities, the Administrator shall consider alternative regulatory greenhouse gas programs, including setting standards under other titles of this Act.

''(h) DESIGNATED REPRESENTATIVES.—The regulations promulgated under section 721(h) shall require that each covered entity, and each entity holding allowances or offset credits or receiving allowances or offset credits from the Administrator under this title, submit to the Administrator a certificate of representation designating a designated representative.

''(i) EDUCATION AND OUTREACH.—

''(1) IN GENERAL.—The Administrator shall establish and carry out a program of education and outreach to assist covered entities, especially entities having little experience with environmental regulatory requirements similar or comparable to those under this title, in preparing to meet the compliance obligations of this title. Such program shall include education with respect to using markets to effectively achieve such compliance.

''(2) FAILURE TO RECEIVE INFORMATION.—A failure to receive information or assistance under this subsection may not be used as a defense against an allegation of any violation of this title.

''(j) ADJUSTMENT OF DEADLINE.—The Administrator may, by rule, establish a deadline for demonstrating compliance, for a calendar year, later than the date provided in subsection (a), as necessary to ensure the availability of emissions data, but in no event shall the deadline be later than June 1.

''(k) NOTICE REQUIREMENT FOR COVERED ENTITIES RECEIVING NATURAL GAS FROM NATURAL GAS LOCAL DISTRIBUTION COMPANIES.—The owner or operator of a covered entity that takes delivery of natural gas from a natural gas local distribution company shall, not later than September 1 of each calendar year, notify such natural gas local distribution company in writing that such entity will qualify as a covered entity under this title for that calendar year.

''(l) COMPLIANCE OBLIGATION.—For purposes of this title, the year of a compliance obligation is the year in which compliance is determined, not the year in which the greenhouse gas emissions occur or the covered entity has attributable greenhouse gas emissions.

"SEC. 723. PENALTY FOR NONCOMPLIANCE.

''(a) ENFORCEMENT.—A violation of any prohibition of, requirement of, or regulation promulgated pursuant to this title shall be a violation of this Act. It shall be a violation of this Act for a covered entity to emit greenhouse gases and have attributable greenhouse gas emissions, in combination, in excess of its allowable emissions level as provided in section 722(a). Each ton of carbon dioxide equivalent for which a covered entity fails to demonstrate compliance under section 722 shall be a separate violation. In the event that a covered entity fails to demonstrates compliance at the expiration of a term offset credit's crediting term as required by section 722(d)(2)(D), the year of the violation shall be the year in which the term offset credit expires.

''(b) EXCESS EMISSIONS PENALTY.—

''(1) IN GENERAL.—The owner or operator of any covered entity that fails for any year to comply, on the deadline described in section 722(a), (d)(2) or (j), shall be liable for payment to the Administrator of an excess emissions penalty in the amount described in paragraph (2).

''(2) AMOUNT.—The amount of an excess emissions penalty required to be paid under paragraph (1) shall be equal to the product obtained by multiplying—

''(A) the tons of carbon dioxide equivalent of greenhouse gas emissions or attributable greenhouse gas emissions for which the owner or operator of a covered entity failed to demonstrate compliance under section 722 on the deadline; by

''(B) twice the auction clearing price for the earliest vintage year emission allowances in the last auction carried out pursuant to section 791 before such deadline.

''(3) TIMING.—An excess emissions penalty required under this subsection shall be immediately due and payable to the Administrator, without demand, in accordance with regulations promulgated by the Administrator, which shall be issued not later than 2 years after the date of enactment of this title.

''(4) NO EFFECT ON LIABILITY.—An excess emissions penalty due and payable by the owners or operators of a covered entity under this subsection shall not diminish the liability of the owners or operators for any fine, penalty, or assessment against the owners or operators for the same violation under any other provision of this Act or any other law.

''(c) EXCESS EMISSIONS ALLOWANCES.—The owner or operator of a covered entity that fails for any year to comply on the deadline described in section 722(a), (d)(2) or (j) shall be liable to offset the covered entity's excess combination of greenhouse gases emitted and attributable greenhouse gas emissions by an equal quantity of emission allowances during the following calendar year, or such longer period as the Administrator may prescribe. During the year in which the covered entity failed to comply, or any year thereafter, the Administrator may deduct the emission allowances required under this subsection to offset the covered entity's excess greenhouse gas emissions or attributable greenhouse gas emissions.

"SEC. 724. TRADING.

''(a) PERMITTED TRANSACTIONS.—Except as otherwise provided in this title, the lawful holder of an emission allowance, compensatory allowance, or offset credit may, without restriction, sell, exchange, transfer, hold for compliance in accordance with section 722, or request that the Administrator retire the emission allowance, compensatory allowance, or offset credit.

''(b) NO RESTRICTION ON TRANSACTIONS.—The privilege of purchasing, holding, selling, exchanging, transferring, and requesting retirement of emission allowances, compensatory allowances, or offset credits shall not be restricted to the owners and operators of covered entities, except as otherwise provided in this title.

''(c) EFFECTIVENESS OF ALLOWANCE TRANSFERS.—No transfer of an allowance, offset credit or term offset credit shall be effective for purposes of this title until a certification of the transfer, signed by the designated representative of the transferor, is received and recorded by the Administrator in accordance with regulations promulgated under section 721(h).

''(d) ALLOWANCE TRACKING SYSTEM.—The regulations promulgated under section 721(h) shall include a system for issuing, recording, holding, and tracking allowances, offset credits, and term offset credits that shall specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance and offset credit markets. Such regulations shall provide for appropriate publication of the information in the system on the Internet.

"SEC. 725. BANKING AND BORROWING.

''(a) BANKING.—An emission allowance may be used to comply with section 722 or section 723 for emissions in—

''(1) the vintage year for the allowance; or

''(2) any calendar year subsequent to the vintage year for the allowance.

''(b) EXPIRATION.—

''(1) REGULATIONS.—The Administrator may establish by regulation criteria and procedures for determining whether, and for implementing a determination that, the expiration of an allowance offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby or expiration of the ability to use an international emission allowance to comply with section 722, is necessary to ensure the authenticity and integrity of allowances, offset credits, or term offset credits or the allowance tracking system.

''(2) GENERAL RULE.—Allowance, offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby, shall not expire unless—

''(A) it is retired by the Administrator pursuant to this title; or

''(B) it is determined to expire or to have expired by a specific date by the Administrator in accordance with regulations promulgated under paragraph (1).

''(3) INTERNATIONAL EMISSION ALLOWANCES.—The ability to use an international emission allowance to comply with section 722 shall not expire unless—

''(A) the allowance is retired by the Administrator pursuant to this title; or

''(B) the ability to use such allowance to meet such compliance obligation requirements is determined to expire or to have expired by a specific date by the Administrator in accordance with regulations promulgated under paragraph (1).

''(c) BORROWING FUTURE VINTAGE YEAR ALLOWANCES.—

''(1) BORROWING WITHOUT INTEREST.—In addition to the uses described in subsection (a), an emission allowance may be used to demonstrate compliance under section 722 or comply with section 723 for emissions, production, importation, manufacture, or deliveries in the calendar year immediately preceding the vintage year for the allowance.

''(2) BORROWING WITH INTEREST.—

''(A) IN GENERAL.—A covered entity may demonstrate compliance under section 722 in a specific calendar year for up to 15 percent

of its emissions by holding emission allowances with a vintage year 1 to 5 years later than that calendar year.

''(B) LIMITATIONS.—An emission allowance borrowed pursuant to this paragraph shall be an emission allowance that is established by the Administrator for a specific future calendar year under section 721(a) and that is held by the borrower.

''(C) PREPAYMENT OF INTEREST.—For each emission allowance that an owner or operator of a covered entity borrows pursuant to this paragraph, such owner or operator shall, at the time it borrows the allowance, hold for retirement by the Administrator, and the Administrator shall retire, a quantity of emission allowances that is equal to the product obtained by multiplying—

''(i) 0.08; by

''(ii) the number of years between the calendar year in which the allowance is being used to satisfy a compliance obligation and the vintage year of the allowance.

"SEC. 726. STRATEGIC RESERVE.

''(a) STRATEGIC RESERVE AUCTIONS.—

''(1) IN GENERAL.—Once each quarter of each calendar year for which allowances are established under section 721(a), the Administrator shall auction strategic reserve allowances.

''(2) RESTRICTION TO COVERED ENTITIES.—In each auction conducted under paragraph (1), only covered entities that the Administrator expects will be required to comply with section 722 in the following calendar year shall be eligible to make purchases.

''(b) POOL OF EMISSION ALLOWANCES FOR STRATEGIC RESERVE AUCTIONS.—

''(1) FILLING THE STRATEGIC RESERVE INITIALLY.—

''(A) IN GENERAL.—The Administrator shall, not later than 2 years after the date of enactment of this title, establish a strategic reserve account, and shall place in that account an amount of emission allowances established under section 721(a) for each calendar year from 2012 through 2050 in the amounts specified in subparagraph (B) of this paragraph.

''(B) AMOUNT.—The amount referred to in subparagraph (A) shall be—

''(i) for each of calendar years 2012 through 2019, 1 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1);

''(ii) for each of calendar years 2020 through 2029, 2 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1); and

''(iii) for each of calendar years 2030 through 2050, 3 percent of the quantity of emission allowances established for that year pursuant to section 721(e)(1).

''(C) EFFECT ON OTHER PROVISIONS.—Any provision in this title (except for subparagraph (B) of this paragraph) that refers to a quantity or percentage of the emission allowances established for a calendar year under section 721(a) shall be considered to refer to the amount of emission allowances as determined pursuant to section 721(e), less any emission allowances established for that year that are placed in the strategic reserve account under this paragraph.

''(2) SUPPLEMENTING THE STRATEGIC RESERVE.—The Administrator shall also—

''(A) at the end of each calendar year, transfer to the strategic reserve account each emission allowance that was offered for sale but not sold at any auction conducted under section 791; and

''(B) deposit emission allowances established under subsection (g) from auction proceeds into the strategic reserve, to the extent necessary to maintain the reserve at its original size.

''(c) MINIMUM STRATEGIC RESERVE AUCTION PRICE.—

''(1) IN GENERAL.—At each strategic reserve auction, the Administrator shall offer emission allowances for sale beginning at a minimum price per emission allowance, which shall be known as the 'minimum strategic reserve auction price'.

''(2) INITIAL MINIMUM STRATEGIC RESERVE AUCTION PRICES.—The minimum strategic reserve auction price shall be $28 (in constant 2009 dollars) for the strategic reserve auctions held in 2012. For the strategic reserve auctions held in 2013 and 2014, the minimum strategic reserve auction price shall be the strategic reserve auction price for the previous year increased by 5 percent plus the rate of inflation (as measured by the Consumer Price Index for All Urban Consumers).

''(3) MINIMUM STRATEGIC RESERVE AUCTION PRICE IN SUBSEQUENT YEARS.—For each strategic reserve auction held in 2015 and each year thereafter, the minimum strategic reserve auction price shall be 60 percent above a rolling 36-month average of the daily closing price for that year's emission allowance vintage as reported on registered carbon trading facilities, calculated using constant dollars.

''(d) QUANTITY OF EMISSION ALLOWANCES RELEASED FROM THE STRATEGIC RESERVE.—

''(1) INITIAL LIMITS.—For each of calendar years 2012 through 2016, the annual limit on the number of emission allowances from the strategic reserve account that may be auctioned is an amount equal to 5 percent of the emission allowances established for that calendar year under section 721(a). This limit does not apply to international offset credits sold on consignment pursuant to subsection (h).

''(2) LIMITS IN SUBSEQUENT YEARS.—For calendar year 2017 and each year thereafter, the annual limit on the number of emission allowances from the strategic reserve account that may be auctioned is an amount equal to 10 percent of the emission allowances established for that calendar year under section 721(a). This limit does not apply to international offset credits sold on consignment pursuant to subsection (h).

''(3) ALLOCATION OF LIMITATION.—One-fourth of each year's annual strategic reserve auction limit under this subsection shall be made available for auction in each quarter. Any allowances from the strategic reserve account that are made available for sale in a quarterly auction and not sold shall be rolled over and added to the quantity available for sale in the following quarter, except that allowances not sold at auction in the fourth quarter of a year shall not be rolled over to the following calendar year's auctions, but shall be returned to the strategic reserve account.

''(e) PURCHASE LIMIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the annual number of emission allowances that a covered entity may purchase at the strategic reserve auctions in each calendar year shall not exceed 20 percent of the covered entity's combined greenhouse gas emissions and attributable greenhouse gas emissions during the most recent year for which allowances or offset credits were retired under section 722.

''(2) 2012 LIMIT.—For calendar year 2012, the maximum aggregate number of emission allowances that a covered entity may purchase from that year's strategic reserve auctions shall be 20 percent of the covered entity's combined greenhouse gas emissions and attributable greenhouse gas emissions that the covered entity reported to the registry established under section 713 for 2011 and that would be subject to section 722(a) if occurring in later calendar years.

''(3) NEW ENTRANTS.—The Administrator shall, by regulation, establish a separate purchase limit applicable to entities that expect to become a covered entity in the year of the auction, permitting them to purchase emission allowances at the strategic reserve auctions in their first calendar year of operation in an amount of at least 20 percent of their expected combined greenhouse gas emissions and attributable greenhouse gas emissions for that year.

''(f) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may, by delegation or contract, provide for the conduct of strategic reserve auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

''(g) USE OF AUCTION PROCEEDS.—

''(1) DEPOSIT IN STRATEGIC RESERVE FUND.—The proceeds from strategic reserve auctions shall be placed in the Strategic Reserve Fund established under section 793(1), and shall be available without further appropriation or fiscal year limitation for the purposes described in this subsection.

''(2) INTERNATIONAL OFFSET CREDITS FOR REDUCED DEFORESTATION.—The Administrator shall use the proceeds from each strategic reserve auction to purchase international offset credits issued for reduced deforestation activities pursuant to section 743(e). The Administrator shall retire those international offset credits and establish a number of emission allowances equal to 80 percent of the number of international offset credits so retired. Emission allowances established under this paragraph shall be in addition to those established under section 721(a).

''(3) EMISSION ALLOWANCES.—The Administrator shall deposit emission allowances established under paragraph (2) in the strategic reserve, except that, with respect to any such emission allowances in excess of the amount necessary to fill the strategic reserve to its original size, the Administrator shall—

''(A) except as provided in subparagraph (B), assign a vintage year to the emission allowance, which shall be no earlier than the year in which the allowance is established under paragraph (2), and shall treat such allowances as ones that are not designated for distribution or auction for purposes of section 782(q) and (r); and

''(B) to the extent any such allowances cannot be assigned a vintage year because of the limitation in paragraph (4), retire the allowances.

''(4) LIMITATION.—In no case may the Administrator assign under paragraph (3)(A) more emission allowances to a vintage year than the number of emission allowances from that vintage year that were placed in the strategic reserve account under subsection (b)(1).

''(h) AVAILABILITY OF INTERNATIONAL OFFSET CREDITS FOR AUCTION.—

''(1) IN GENERAL.—The regulations promulgated under section 721(h) shall allow any entity holding international offset credits from reduced deforestation issued under section 743(e) to request that the Administrator include such offset credits in an upcoming strategic reserve auction. The regulations shall provide that—

''(A) such international offset credits will be used to fill bid orders only after the supply of strategic reserve allowances available for sale at that auction has been depleted;

''(B) international offset credits may be sold at a strategic reserve auction under this subsection only if the Administrator determines that it is highly likely that covered entities will, to cover emissions occurring in the year the auction is held, use offset credits to demonstrate compliance under section 722 for emissions equal to or greater than 80 percent of 2 billion tons of carbon dioxide equivalent;

''(C) upon sale of such international offset credits, the Administrator shall retire those

international offset credits, and establish and provide to the purchasers a number of emission allowances equal to 80 percent of the number of international offset credits so retired, which allowances shall be in addition to those established under section 721(a); and

''(D) for international offset credits sold pursuant to this subsection, the proceeds for the entity that offered the international offset credits for sale shall be the lesser of—

''(i) the average daily closing price for international offset credits sold on registered exchanges (or if such price is unavailable, the average price as determined by the Administrator) during the six months prior to the strategic reserve auction at which they were auctioned, with the remaining funds collected upon the sale of the international offset credits deposited in the Treasury; and

''(ii) the amount received for the international offset credits at the auction.

''(2) PROCEEDS.—For international offset credits sold pursuant to this subsection, notwithstanding section 3302 of title 31, United States Code, or any other provision of law, within 90 days of receipt, the United States shall transfer the proceeds from the auction, as defined in paragraph (1)(D), to the entity that offered the international offset credits for sale. No funds transferred from a purchaser to a seller of international offset credits under this paragraph shall be held by any officer or employee of the United States or treated for any purpose as public monies.

''(3) PRICING.—When the Administrator acts under this subsection as the agent of an entity in possession of international offset credits, the Administrator is not obligated to obtain the highest price possible for the international offset credits, and instead shall auction such international offset credits in the same manner and pursuant to the same rules (except as modified in paragraph (1)) as set forth for auctioning strategic reserve allowances. Entities requesting that such international offset credits be offered for sale at a strategic reserve auction may not set a minimum reserve price for their international offset credits that is different than the minimum strategic reserve auction price set pursuant to subsection (c).

''(i) INITIAL REGULATIONS.—Not later than 24 months after the date of enactment of this title, the Administrator shall promulgate regulations, in consultation with other appropriate agencies, governing the auction of allowances under this section. Such regulations shall include the following requirements:

''(1) FREQUENCY; FIRST AUCTION.—Auctions shall be held four times per year at regular intervals, with the first auction to be held no later than March 31, 2012.

''(2) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

''(3) PARTICIPATION; FINANCIAL ASSURANCE.—Auctions shall be open to any covered entity eligible to purchase emission allowances at the auction under subsection (a)(2), except that the Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

''(4) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in an auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

''(5) PURCHASE LIMITS.—No person may, directly or in concert with another participant, purchase more than 20 percent of the allowances offered for sale at any quarterly auction.

''(6) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the identities of winning bidders, the quantity of allowances obtained by each winning bidder, and the auction clearing price.

''(7) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator, in consultation with other agencies as appropriate, considers appropriate to promote effective, efficient, transparent, and fair administration of auctions under this section.

''(j) REVISION OF REGULATIONS.—The Administrator may, at any time, in consultation with other agencies as appropriate, revise the initial regulations promulgated under subsection (i). Such revised regulations need not meet the requirements identified in subsection (i) by promulgating new regulations if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this subsection, the Administrator shall not consider maximization of revenues to the Federal Government.

"SEC. 727. PERMITS.

''(a) PERMIT PROGRAM.—For stationary sources subject to title V of this Act that are covered entities, the provisions of this title shall be implemented by permits issued to such covered entities (and enforced) in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State or Indian tribe with an approved permit program, shall require the owner or operator of a covered entity to hold allowances or offset credits at least equal to the total annual amount of carbon dioxide equivalents for its combined emissions and attributable greenhouse gas emissions to which section 722 applies. No such permit shall be issued that is inconsistent with the requirements of this title, and title V as applicable. Nothing in this section regarding compliance plans or in title V shall be construed as affecting allowances or offset credits. Submission of a statement by the owner or operator, or the designated representative of the owners and operators, of a covered entity that the owners and operators will hold allowances or offset credits for the entity's combined emissions and attributable greenhouse gas emissions to which section 722 applies shall be deemed to meet the proposed and approved planning requirements of title V. Recordation by the Administrator of transfers of allowances and offset credits shall amend automatically all applicable proposed or approved permit applications, compliance plans, and permits.

''(b) MULTIPLE OWNERS.—No permit shall be issued under this section and no allowances or offset credits shall be disbursed under this title to a covered entity or any other person until the designated representative of the owners or operators has filed a certificate of representation with regard to matters under this title, including the holding and distribution of emission allowances and the proceeds of transactions involving emission allowances. Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, such a covered entity or other entity or where a utility or industrial customer purchases power under a long-term power purchase contract from an independent power production facility that is a covered entity, the certificate shall state—

''(1) that emission allowances and the proceeds of transactions involving emission allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement; or

''(2) if such multiple holders have expressly provided for a different distribution of emission allowances by contract, that emission allowances and the proceeds of transactions involving emission allowances will be deemed to be held or distributed in accordance with the contract.

A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the covered entity or other entity shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing emission allowances as provided in this subsection, during either the term of such leasehold or thereafter, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in a covered entity, or other entity, is held by a single person, the certificate shall state that all emission allowances received by the entity are deemed to be held for that person.

''(c) PROHIBITION.—It shall be unlawful for any person to operate any stationary source subject to the requirements of this section except in compliance with the terms and requirements of a permit issued by the Administrator or a State or Indian tribe with an approved permit program in accordance with this section. For purposes of this subsection, compliance, as provided in section 504(f), with a permit issued under title V which complies with this title for covered entities shall be deemed compliance with this subsection as well as section 502(a).

''(d) RELIABILITY.—Nothing in this section or title V shall be construed as requiring termination of operations of a stationary source that is a covered entity for failure to have an approved permit, or compliance plan, that is consistent with the requirements in the second and fifth sentences of subsection (a) concerning the holding of allowances or offset credits, except that any such covered entity may be subject to the applicable enforcement provision of section 113.

''(e) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to implement this section. To provide for permits required under this section, each State in which one or more stationary sources that are covered entities are located shall submit, in accordance with this section and title V, revised permit programs for approval.

"SEC. 728. INTERNATIONAL EMISSION ALLOWANCES.

''(a) QUALIFYING PROGRAMS.—The Administrator, in consultation with the Secretary of State, may by rule designate an international climate change program as a qualifying international program if—

''(1) the program is run by a national or supranational foreign government, and imposes a mandatory absolute tonnage limit on greenhouse gas emissions from 1 or more foreign countries, or from 1 or more economic sectors in such a country or countries; and

''(2) the program is at least as stringent as the program established by this title, including provisions to ensure at least comparable monitoring, compliance, enforcement, quality of offsets, and restrictions on the use of offsets.

''(b) DISQUALIFIED ALLOWANCES.—An international emission allowance may not be held under section 722(d)(2) if it is in the nature of an offset instrument or allowance awarded based on the achievement of greenhouse gas

emission reductions or avoidance, or greenhouse gas sequestration, that are not subject to the mandatory absolute tonnage limits referred to in subsection (a)(1).

''(c) RETIREMENT.—

''(1) ENTITY CERTIFICATION.—The owner or operator of an entity that holds an international emission allowance under section 722(d)(2) shall certify to the Administrator that such international emission allowance has not previously been used to comply with any foreign, international, or domestic greenhouse gas regulatory program.

''(2) RETIREMENT.—

''(A) FOREIGN AND INTERNATIONAL REGULATORY ENTITIES.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements and technical cooperation on allowance tracking, to ensure that any relevant foreign, international, and domestic regulatory entities—

''(i) are notified of the use, for purposes of compliance with this title, of any international emission allowance; and

''(ii) provide for the disqualification of such international emission allowance for any subsequent use under the relevant foreign, international, or domestic greenhouse gas regulatory program, regardless of whether such use is a sale, exchange, or submission to satisfy a compliance obligation.

''(B) DISQUALIFICATION FROM FURTHER USE.—The Administrator shall ensure that, once an international emission allowance has been disqualified or otherwise used for purposes of compliance with this title, such allowance shall be disqualified from any further use under this title.

''(d) USE LIMITATIONS.—The Administrator may, by rule, apply a limit to the percentage of the combined greenhouse gas emissions and attributable greenhouse gas emissions of a covered entity with respect to which compliance may be demonstrated by holding international emission allowances under section 722(d)(2), consistent with the purposes of the Safe Climate Act.

"PART D—OFFSETS

"SEC. 731. OFFSETS INTEGRITY ADVISORY BOARD.

''(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title, the Administrator shall establish an independent Offsets Integrity Advisory Board. The Advisory Board shall make recommendations to the Administrator for use in promulgating and revising regulations under this part and part E, and for ensuring the overall environmental integrity of the programs established pursuant to those regulations.

''(b) MEMBERSHIP.—The Advisory Board shall be comprised of at least nine members. Each member shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall appoint Advisory Board members, including a chair and vice-chair of the Advisory Board. Terms shall be 3 years in length, except for initial terms, which may be up to 5 years in length to allow staggering. Members may be reappointed only once for an additional 3-year term, and such second term may follow directly after a first term.

''(c) ACTIVITIES.—The Advisory Board established pursuant to subsection (a) shall—

''(1) provide recommendations, not later than 90 days after the Advisory Board's establishment and periodically thereafter, to the Administrator regarding offset project types that should be considered for eligibility under section 733, taking into consideration relevant scientific and other issues, including—

''(A) the availability of a representative data set for use in developing the activity baseline;

''(B) the potential for accurate quantification of greenhouse gas reduction, avoidance, or sequestration for an offset project type;

''(C) the potential level of scientific and measurement uncertainty associated with an offset project type; and

''(D) any beneficial or adverse environmental, public health, welfare, social, economic, or energy effects associated with an offset project type;

''(2) make available to the Administrator its advice and comments on offset methodologies that should be considered under regulations promulgated with respect to section 734, including methodologies to address the issues of additionality, activity baselines, quantification methods, leakage, uncertainty, permanence, and environmental integrity;

''(3) make available to the Administrator, and other relevant Federal agencies, its advice and comments regarding scientific, technical, and methodological issues specific to the issuance of international offset credits under section 743;

''(4) make available to the Administrator, and other relevant Federal agencies, its advice and comments regarding scientific, technical, and methodological issues associated with the implementation of part E;

''(5) make available to the Administrator its advice and comments on areas in which further knowledge is required to appraise the adequacy of existing, revised, or proposed methodologies for use under this part and part E, and describe the research efforts necessary to provide the required information; and

''(6) make available to the Administrator its advice and comments on other ways to improve or safeguard the environmental integrity of programs established under this part and part E.

''(d) SCIENTIFIC REVIEW OF OFFSET AND DEFORESTATION REDUCTION PROGRAMS.—Not later than January 1, 2017, and at five-year intervals thereafter, the Advisory Board shall submit to the Administrator and make available to the public an analysis of relevant scientific and technical information related to this part and part E. The Advisory Board shall review approved and potential methodologies, scientific studies, offset project monitoring, offset project verification reports, and audits related to this part and part E, and evaluate the net emissions effects of implemented offset projects. The Advisory Board shall recommend changes to offset methodologies, protocols, or project types, or to the overall offset program under this part, to ensure that offset credits issued by the Administrator do not compromise the integrity of the annual emission reductions established under section 703, and to avoid or minimize adverse effects to human health or the environment.

"SEC. 732. ESTABLISHMENT OF OFFSETS PROGRAM.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with appropriate Federal agencies and taking into consideration the recommendations of the Advisory Board, shall promulgate regulations establishing a program for the issuance of offset credits in accordance with the requirements of this part. The Administrator shall periodically revise these regulations as necessary to meet the requirements of this part.

''(b) REQUIREMENTS.—The regulations described in subsection (a) shall—

''(1) authorize the issuance of offset credits with respect to qualifying offset projects that result in reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases;

''(2) ensure that such offset credits represent verifiable and additional greenhouse gas emission reductions or avoidance, or increases in sequestration;

''(3) ensure that offset credits issued for sequestration offset projects are only issued for greenhouse gas reductions that are permanent;

''(4) provide for the implementation of the requirements of this part; and

''(5) include as reductions in greenhouse gases reductions achieved through the destruction of methane and its conversion to carbon dioxide, and reductions achieved through destruction of chlorofluorocarbons or other ozone depleting substances, if permitted by the Administrator under section 619(b)(9) and subject to the conditions specified in section 619(b)(9), based on the carbon dioxide equivalent value of the substance destroyed.

''(c) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating and implementing regulations under this part, the Administrator shall act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this part.

''(d) OFFSET REGISTRY.—The Administrator shall establish within the allowance tracking system established under section 724(d) an Offset Registry for qualifying offset projects and offset credits issued with respect thereto under this part.

''(e) LEGAL STATUS OF OFFSET CREDIT.—An offset credit does not constitute a property right.

''(f) FEES.—The Administrator shall assess fees payable by offset project developers in an amount necessary to cover the administrative costs to the Environmental Protection Agency of carrying out the activities under this part. Amounts collected for such fees shall be available to the Administrator for carrying out the activities under this part to the extent provided in advance in appropriations Acts.

"SEC. 733. ELIGIBLE PROJECT TYPES.

''(a) LIST OF ELIGIBLE PROJECT TYPES.—

''(1) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish, and may periodically revise, a list of types of projects eligible to generate offset credits, including international offset credits, under this part.

''(2) ADVISORY BOARD RECOMMENDATIONS.—In determining the eligibility of project types, the Administrator shall take into consideration the recommendations of the Advisory Board. If a list established under this section differs from the recommendations of the Advisory Board, the regulations promulgated under section 732(a) shall include a justification for the discrepancy.

''(3) INITIAL DETERMINATION.—The Administrator shall establish the initial eligibility list under paragraph (1) not later than one year after the date of enactment of this title. The Administrator shall add additional project types to the list not later than 2 years after the date of enactment of this title. In determining the initial list, the Administrator shall give priority to consideration of offset project types that are recommended by the Advisory Board and for which there are well developed methodologies that the Administrator determines would meet the criteria of section 734, with such modifications as the Administrator deems appropriate. In establishing methodologies pursuant to section 734, the Administrator shall give priority to methodologies for offset project types included on the initial eligibility list.

''(b) MODIFICATION OF LIST.—The Administrator—

''(1) may at any time, by rule, add a project type to the list established under subsection (a) if the Administrator, in consultation with appropriate Federal agencies and taking into consideration the recommendations of the Advisory Board, determines that the project type can generate additional reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, subject to the requirements of this part;

''(2) may at any time, by rule, determine that a project type on the list does not meet the requirements of this part, and remove the project type from the list established under subsection (a), in consultation with appropriate Federal agencies and taking into consideration any recommendations of the Advisory Board; and

''(3) shall consider adding to or removing from the list established under subsection (a), at a minimum, project types proposed to the Administrator—

''(A) by petition pursuant to subsection (c); or

''(B) by the Advisory Board.

''(c) PETITION PROCESS.—Any person may petition the Administrator to modify the list established under subsection (a) by adding or removing a project type pursuant to subsection (b). Any such petition shall include a showing by the petitioner that there is adequate data to establish that the project type does or does not meet the requirements of this part. Not later than 12 months after receipt of such a petition, the Administrator shall either grant or deny the petition and publish a written explanation of the reasons for the Administrator's decision. The Administrator may not deny a petition under this subsection on the basis of inadequate Environmental Protection Agency resources or time for review.

''SEC. 734. REQUIREMENTS FOR OFFSET PROJECTS.

''(a) METHODOLOGIES.—As part of the regulations promulgated under section 732(a), the Administrator shall establish, for each type of offset project listed as eligible under section 733, the following:

''(1) ADDITIONALITY.—A standardized methodology for determining the additionality of greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset project of that type. Such methodology shall ensure, at a minimum, that any greenhouse gas emission reduction or avoidance, or any greenhouse gas sequestration, is considered additional only to the extent that it results from activities that—

''(A) are not required by or undertaken to comply with any law, including any regulation or consent order;

''(B) were not commenced prior to January 1, 2009, except in the case of—

''(i) offset project activities that commenced after January 1, 2001, and were registered as of the date of enactment of this title under an offset program with respect to which the Administrator has made an affirmative determination under section 740(a)(2); or

''(ii) activities that are readily reversible, with respect to which the Administrator may set an alternative earlier date under this subparagraph that is not earlier than January 1, 2001, where the Administrator determines that setting such an alternative date may produce an environmental benefit by removing an incentive to cease and then reinitiate activities that began prior to January 1, 2009; and

''(C) exceed the activity baseline established under paragraph (2).

''(2) ACTIVITY BASELINES.—A standardized methodology for establishing activity baselines for offset projects of that type. The Administrator shall set activity baselines to reflect a conservative estimate of business-as-usual performance or practices for the relevant type of activity such that the baseline provides an adequate margin of safety to ensure the environmental integrity of offsets calculated in reference to such baseline.

''(3) QUANTIFICATION METHODS.—A standardized methodology for determining the extent to which greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset project of that type exceed a relevant activity baseline, including protocols for monitoring and accounting for uncertainty.

''(4) LEAKAGE.—A standardized methodology for accounting for and mitigating potential leakage, if any, from an offset project of that type, taking uncertainty into account.

''(b) ACCOUNTING FOR REVERSALS.—

''(1) IN GENERAL.—For each type of sequestration project listed under section 733, the Administrator shall establish requirements to account for and address reversals, including—

''(A) a requirement to report any reversal with respect to an offset project for which offset credits have been issued under this part;

''(B) provisions to require emission allowances to be held in amounts to fully compensate for greenhouse gas emissions attributable to reversals, and to assign responsibility for holding such emission allowances; and

''(C) any other provisions the Administrator determines necessary to account for and address reversals.

''(2) MECHANISMS.—The Administrator shall prescribe mechanisms to ensure that any sequestration with respect to which an offset credit is issued under this part results in a permanent net increase in sequestration, and that full account is taken of any actual or potential reversal of such sequestration, with an adequate margin of safety. The Administrator shall prescribe at least one of the following mechanisms to meet the requirements of this paragraph:

''(A) An offsets reserve, pursuant to paragraph (3).

''(B) Insurance that provides for purchase and provision to the Administrator for retirement of an amount of offset credits or emission allowances equal in number to the tons of carbon dioxide equivalents of greenhouse gas emissions released due to reversal.

''(C) Another mechanism that the Administrator determines satisfies the requirements of this part.

''(3) OFFSETS RESERVE.—

''(A) IN GENERAL.—An offsets reserve referred to in paragraph (2)(A) is a program under which, before issuance of offset credits under this part, the Administrator shall subtract and reserve from the quantity to be issued a quantity of offset credits based on the risk of reversal. The Administrator shall—

''(i) hold these reserved offset credits in the offsets reserve; and

''(ii) register the holding of the reserved offset credits in the Offset Registry established under section 732(d).

''(B) PROJECT REVERSAL.—

''(i) IN GENERAL.—If a reversal has occurred with respect to an offset project for which offset credits are reserved under this paragraph, the Administrator shall retire offset credits or emission allowances from the offsets reserve to fully account for the tons of carbon dioxide equivalent that are no longer sequestered.

''(ii) INTENTIONAL REVERSALS.—If the Administrator determines that a reversal was intentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i).

''(iii) UNINTENTIONAL REVERSALS.—If the Administrator determines that a reversal was unintentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to half the number of offset credits that were reserved for that offset project, or half the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i), whichever is less.

''(C) USE OF RESERVED OFFSET CREDITS.—Offset credits placed into the offsets reserve under this paragraph may not be used to comply with section 722.

''(c) CREDITING PERIODS.—

''(1) IN GENERAL.—For each offset project type, the Administrator shall specify a crediting period, and establish provisions for petitions for new crediting periods, in accordance with this subsection.

''(2) DURATION.—The crediting period shall be no less than 5 and no greater than 10 years for any project type other than those involving sequestration.

''(3) ELIGIBILITY.—An offset project shall be eligible to generate offset credits under this part only during the project's crediting period. During such crediting period, the project shall remain eligible to generate offset credits, subject to the methodologies and project type eligibility list that applied as of the date of project approval under section 735, except as provided in paragraph (4) of this subsection.

''(4) PETITION FOR NEW CREDITING PERIOD.—An offset project developer may petition for a new crediting period to commence after termination of a crediting period, subject to the methodologies and project type eligibility list in effect at the time when such petition is submitted. A petition may not be submitted under this paragraph more than 18 months before the end of the pending crediting period. The Administrator may limit the number of new crediting periods available for projects of particular project types.

''(d) ENVIRONMENTAL INTEGRITY.—In establishing the requirements under this section, the Administrator shall apply conservative assumptions or methods to maximize the certainty that the environmental integrity of the cap established under section 703 is not compromised.

''(e) PRE-EXISTING METHODOLOGIES.—In promulgating requirements under this section, the Administrator shall give due consideration to methodologies for offset projects existing as of the date of enactment of this title.

''(f) ADDED PROJECT TYPES.—The Administrator shall establish methodologies described in subsection (a), and, as applicable, requirements and mechanisms for reversals as described in subsection (b), for any project type that is added to the list pursuant to section 733.

''SEC. 735. APPROVAL OF OFFSET PROJECTS.

''(a) APPROVAL PETITION.—An offset project developer shall submit an offset project approval petition providing such information as the Administrator requires to determine whether the offset project is eligible for issuance of offset credits under rules promulgated pursuant to this part.

''(b) TIMING.—An approval petition shall be submitted to the Administrator under subsection (a) no later than the time at which an offset project's first verification report is submitted under section 736.

''(c) APPROVAL PETITION REQUIREMENTS.—As part of the regulations promulgated

under section 732, the Administrator shall include provisions for, and shall specify, the required components of an offset project approval petition required under subsection (a), which shall include—

''(1) designation of an offset project developer; and

''(2) any other information that the Administrator considers to be necessary to achieve the purposes of this part.

''(d) APPROVAL AND NOTIFICATION.—Not later than 90 days after receiving a complete approval petition under subsection (a), the Administrator shall make the approval petition publicly available, approve or deny the petition in writing and if the petition is denied, provide the reasons for denial, and make the Administrator's written decision publicly available. After an offset project is approved, the offset project developer shall not be required to resubmit an approval petition during the offset project's crediting period, except as provided in section 734(c)(4).

''(e) APPEAL.—The Administrator shall establish procedures for appeal and review of determinations made under subsection (d).

''(f) VOLUNTARY PREAPPROVAL REVIEW.—The Administrator may establish a voluntary preapproval review procedure, to allow an offset project developer to request the Administrator to conduct a preliminary eligibility review for an offset project. Findings of such reviews shall not be binding upon the Administrator. The voluntary preapproval review procedure—

''(1) shall require the offset project developer to submit such basic project information as the Administrator requires to provide a meaningful review; and

''(2) shall require a response from the Administrator not later than 6 weeks after receiving a request for review under this subsection.

"SEC. 736. VERIFICATION OF OFFSET PROJECTS.

''(a) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish requirements, including protocols, for verification of the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from an offset project. The regulations shall require that an offset project developer shall submit a report, prepared by a third-party verifier accredited under subsection (d), providing such information as the Administrator requires to determine the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from the offset project.

''(b) SCHEDULE.—The Administrator shall prescribe a schedule for the submission of verification reports under subsection (a).

''(c) VERIFICATION REPORT REQUIREMENTS.—The Administrator shall specify the required components of a verification report required under subsection (a), which shall include—

''(1) the name and contact information for a designated representative for the offset project developer;

''(2) the quantity of greenhouse gases reduced, avoided, or sequestered;

''(3) the methodologies applicable to the project pursuant to section 734;

''(4) a certification that the project meets the applicable requirements;

''(5) a certification establishing that the conflict of interest requirements in the regulations promulgated under subsection (d)(1) have been complied with; and

''(6) any other information that the Administrator considers to be necessary to achieve the purposes of this part.

''(d) VERIFIER ACCREDITATION.—

''(1) IN GENERAL.—As part of the regulations promulgated under section 732(a), the Administrator shall establish a process and requirements for periodic accreditation of third-party verifiers to ensure that such verifiers are professionally qualified and have no conflicts of interest.

''(2) STANDARDS.—

''(A) AMERICAN NATIONAL STANDARDS INSTITUTE ACCREDITATION.—The Administrator may accredit, or accept for purposes of accreditation under this subsection, verifiers accredited under the American National Standards Institute (ANSI) accreditation program in accordance with ISO 14065. The Administrator shall accredit, or accept for accreditation, verifiers under this subparagraph only if the Administrator finds that the American National Standards Institute accreditation program provides sufficient assurance that the requirements of this part will be met.

''(B) EPA ACCREDITATION.—As part of the regulations promulgated under section 732(a), the Administrator may establish accreditation standards for verifiers under this subsection, and may establish related training and testing programs and requirements.

''(3) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this subsection shall be listed in a publicly accessible database, which shall be maintained and updated by the Administrator.

"SEC. 737. ISSUANCE OF OFFSET CREDITS.

''(a) DETERMINATION AND NOTIFICATION.—Not later than 90 days after receiving a complete verification report under section 736, the Administrator shall—

''(1) make the report publicly available;

''(2) make a determination of the quantity of greenhouse gas emissions that have been reduced or avoided, or greenhouse gases that have been sequestered, by the offset project; and

''(3) notify the offset project developer in writing of such determination and make such determination publicly available.

''(b) ISSUANCE OF OFFSET CREDITS.—The Administrator shall issue one offset credit to an offset project developer for each ton of carbon dioxide equivalent that the Administrator has determined has been reduced, avoided, or sequestered during the period covered by a verification report submitted in accordance with section 736, only if—

''(1) the Administrator has approved the offset project pursuant to section 735; and

''(2) the relevant emissions reduction, avoidance, or sequestration has—

''(A) already occurred, during the offset project's crediting period; and

''(B) occurred after January 1, 2009.

''(c) APPEAL.—The Administrator shall establish procedures for appeal and review of determinations made under subsection (a).

''(d) TIMING.—Offset credits meeting the criteria established in subsection (b) shall be issued not later than 2 weeks following the verification determination made by the Administrator under subsection (a).

''(e) REGISTRATION.—The Administrator shall assign a unique serial number to and register each offset credit to be issued in the Offset Registry established under section 732(d).

"SEC. 738. AUDITS.

''(a) IN GENERAL.—The Administrator shall, on an ongoing basis, conduct random audits of offset projects, offset credits, and practices of third-party verifiers. In each year, the Administrator shall conduct audits, at minimum, for a representative sample of project types and geographic areas.

''(b) DELEGATION.—The Administrator may delegate to a State or tribal government the responsibility for conducting audits under this section if the Administrator finds that the program proposed by the State or tribal government provides assurances equivalent to those provided by the auditing program of the Administrator, and that the integrity of the offset program under this part will be maintained. Nothing in this subsection shall prevent the Administrator from conducting any audit the Administrator considers necessary and appropriate.

"SEC. 739. PROGRAM REVIEW AND REVISION.

''At least once every 5 years, the Administrator shall review and, based on new or updated information and taking into consideration the recommendations of the Advisory Board, update and revise—

''(1) the list of eligible project types established under section 733;

''(2) the methodologies established, including specific activity baselines, under section 734(a);

''(3) the reversal requirements and mechanisms established or prescribed under section 734(b);

''(4) measures to improve the accountability of the offsets program; and

''(5) any other requirements established under this part to ensure the environmental integrity and effective operation of this part.

"SEC. 740. EARLY OFFSET SUPPLY.

''(a) PROJECTS REGISTERED UNDER OTHER GOVERNMENT-RECOGNIZED PROGRAMS.—Except as provided in subsection (b) or (c), the Administrator shall issue one offset credit for each ton of carbon dioxide equivalent emissions reduced, avoided, or sequestered—

''(1) under an offset project that was started after January 1, 2001;

''(2) for which a credit was issued under any regulatory or voluntary greenhouse gas emission offset program that the Administrator determines—

''(A) was established under State or tribal law or regulation prior to January 1, 2009, or has been approved by the Administrator pursuant to subsection (e);

''(B) has developed offset project type standards, methodologies, and protocols through a public consultation process or a peer review process;

''(C) has made available to the public standards, methodologies, and protocols that require that credited emission reductions, avoidance, or sequestration are permanent, additional, verifiable, and enforceable;

''(D) requires that all emission reductions, avoidance, or sequestration be verified by a State or tribal regulatory agency or an accredited third-party independent verification body;

''(E) requires that all credits issued are registered in a publicly accessible registry, with individual serial numbers assigned for each ton of carbon dioxide equivalent emission reductions, avoidance, or sequestration; and

''(F) ensures that no credits are issued for an activity if the entity administering the program, or a program administrator or representative, has funded, solicited, or served as a fund administrator for the development of the activity; and

''(3) for which the credit described in paragraph (2) is transferred to the Administrator.

''(b) INELIGIBLE CREDITS.—Subsection (a) shall not apply to offset credits that have expired or have been retired, canceled, or used for compliance under a program established under State or tribal law or regulation.

''(c) LIMITATION.—Notwithstanding subsection (a)(1), offset credits shall be issued under this section—

''(1) only for reductions or avoidance of greenhouse gas emissions, sequestration of greenhouse gases, or destruction of chlorofluorocarbons (subject to the conditions specified in section 619(b)(9) and based on the carbon dioxide equivalent value of the substance destroyed), that occur after January 1, 2009; and

''(2) only until the date that is 3 years after the date of enactment of this title, or the

date that regulations promulgated under section 732(a) take effect, whichever occurs sooner.

''(d) RETIREMENT OF CREDITS.—The Administrator shall seek to ensure that offset credits described in subsection (a)(2) are retired for purposes of use under a program described in subsection (b).

''(e) OTHER PROGRAMS.—(1) Offset programs that either—

''(A) were not established under State or tribal law or regulation; or

''(B) were not established prior to January 1, 2009,

but that otherwise meet all of the criteria of subsection (a)(2) may apply to the Administrator to be approved under this subsection as an eligible program for early offset credits under this section.

''(2) The Administrator shall approve any such program that the Administrator determines has criteria and methodologies of at least equal stringency to the criteria and methodologies of the programs established under State or tribal law or regulation that the Administrator determines meet the criteria of subsection (a)(2). The Administrator may approve types of offsets under any such program that are subject to criteria and methodologies of at least equal stringency to the criteria and methodologies for such types of offsets applied under the programs established under State or tribal law or regulation that the Administrator determines meet the criteria of subsection (a)(2). The Administrator shall make a determination on any application received under this section by no later than 180 days from the date of receipt of the application.

''SEC. 741. ENVIRONMENTAL CONSIDERATIONS.

''If the Administrator lists forestry or other relevant land management-related offset projects as eligible offset project types under section 733, the Administrator, in consultation with appropriate Federal agencies, shall promulgate regulations for the selection and use of species in such offset projects—

''(1) to ensure that native species are given primary consideration in such projects;

''(2) to enhance biological diversity in such projects;

''(3) to prohibit the use of federally designated or State-designated noxious weeds;

''(4) to prohibit the use of a species listed by a regional or State invasive plant authority within the applicable region or State; and

''(5) in the case of forestry offset projects, in accordance with widely accepted, environmentally sustainable forestry practices.

''SEC. 742. TRADING.

''Section 724 shall apply to the trading of offset credits.

''SEC. 743. INTERNATIONAL OFFSET CREDITS.

''(a) IN GENERAL.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, may issue, in accordance with this section, international offset credits based on activities that reduce or avoid greenhouse gas emissions, or increase sequestration of greenhouse gases, in a developing country. Such credits may be issued for projects eligible under section 733 or as provided in subsection (c), (d), or (e) of this section.

''(b) ISSUANCE.—

''(1) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and any other appropriate Federal agency, and taking into consideration the recommendations of the Advisory Board, shall promulgate regulations for implementing this section. Except as otherwise provided in this section, the issuance of international offset credits under this section shall be subject to the requirements of this part.

''(2) REQUIREMENTS FOR INTERNATIONAL OFFSET CREDITS.—The Administrator may issue international offset credits only if—

''(A) the United States is a party to a bilateral or multilateral agreement or arrangement that includes the country in which the project or measure achieving the relevant greenhouse gas emission reduction or avoidance, or greenhouse gas sequestration, has occurred;

''(B) such country is a developing country; and

''(C) such agreement or arrangement—

''(i) ensures that the requirements of this part apply to the issuance of international offset credits under this section; and

''(ii) provides for the appropriate distribution of international offset credits issued.

''(c) SECTOR-BASED CREDITS.—

''(1) IN GENERAL.—In order to minimize the potential for leakage and to encourage countries to take nationally appropriate mitigation actions to reduce or avoid greenhouse gas emissions, or sequester greenhouse gases, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall—

''(A) identify sectors of specific countries with respect to which the issuance of international offset credits on a sectoral basis is appropriate; and

''(B) issue international offset credits for such sectors only on a sectoral basis.

''(2) IDENTIFICATION OF SECTORS.—

''(A) GENERAL RULE.—For purposes of paragraph (1)(A), a sectoral basis shall be appropriate for activities—

''(i) in countries that have comparatively high greenhouse gas emissions, or comparatively greater levels of economic development; and

''(ii) that, if located in the United States, would be within a sector subject to the compliance obligation under section 722.

''(B) FACTORS.—In determining the sectors and countries for which international offset credits should be awarded only on a sectoral basis, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall consider the following factors:

''(i) The country's gross domestic product.

''(ii) The country's total greenhouse gas emissions.

''(iii) Whether the comparable sector of the United States economy is covered by the compliance obligation under section 722.

''(iv) The heterogeneity or homogeneity of sources within the relevant sector.

''(v) Whether the relevant sector provides products or services that are sold in internationally competitive markets.

''(vi) The risk of leakage if international offset credits were issued on a project-level basis, instead of on a sectoral basis, for activities within the relevant sector.

''(vii) The capability of accurately measuring, monitoring, reporting, and verifying the performance of sources across the relevant sector.

''(viii) Such other factors as the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, determines are appropriate to—

''(I) ensure the integrity of the United States greenhouse gas emissions cap established under section 703; and

''(II) encourage countries to take nationally appropriate mitigation actions to reduce or avoid greenhouse gas emissions, or sequester greenhouse gases.

''(3) SECTORAL BASIS.—

''(A) DEFINITION.—In this subsection, the term 'sectoral basis' means the issuance of international offset credits only for the quantity of sector-wide reductions or avoidance of greenhouse gas emissions, or sector-wide increases in sequestration of greenhouse gases, achieved across the relevant sector of the economy relative to a domestically enforceable baseline level of absolute emissions established in an agreement or arrangement described in subsection (b)(2)(A) for the sector.

''(B) BASELINE.—The baseline for a sector shall be established on an absolute basis and at levels of greenhouse gas emissions consistent with the thresholds identified in section 705(e)(2) and lower than would occur under a business-as-usual scenario taking into account relevant domestic or international policies or incentives to reduce greenhouse gas emissions, among other factors, and additionality and performance shall be determined on the basis of such baseline.

''(d) CREDITS ISSUED BY AN INTERNATIONAL BODY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of State, may issue international offset credits in exchange for instruments in the nature of offset credits that are issued by an international body established pursuant to the United Nations Framework Convention on Climate Change, to a protocol to such Convention, or to a treaty that succeeds such Convention. The Administrator may issue international offset credits under this subsection only if, in addition to the requirements of subsection (b), the Administrator has determined that the international body that issued the instruments has implemented substantive and procedural requirements for the relevant project type that provide equal or greater assurance of the integrity of such instruments as is provided by the requirements of this part. Starting January 1, 2016, the Administrator shall issue no offset credit pursuant to this subsection if the activity generating the greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, occurs in a country and sector identified by the Administrator under subsection (c).

''(2) RETIREMENT.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements, arrangements, or technical cooperation with the international issuing body described in paragraph (1), to ensure that such body—

''(A) is notified of the Administrator's issuance, under this subsection, of an international offset credit in exchange for an instrument issued by such international body; and

''(B) provides, to the extent feasible, for the disqualification of the instrument issued by such international body for subsequent use under any relevant foreign or international greenhouse gas regulatory program, regardless of whether such use is a sale, exchange, or submission to satisfy a compliance obligation.

''(e) OFFSETS FROM REDUCED DEFORESTATION.—

''(1) REQUIREMENTS.—The Administrator, in accordance with the regulations promulgated under subsection (b)(1) and an agreement or arrangement described in subsection (b)(2)(A), shall issue international offset credits for greenhouse gas emission reductions achieved through activities to reduce deforestation only if, in addition to the requirements of subsection (b)—

''(A) the activity occurs in—

''(i) a country listed by the Administrator pursuant to paragraph (2);

''(ii) a state or province listed by the Administrator pursuant to paragraph (5); or

''(iii) a country listed by the Administrator pursuant to paragraph (6);

''(B) except as provided in paragraph (5) or (6), the quantity of the international offset credits is determined by comparing the national emissions from deforestation relative to a national deforestation baseline for that country established, in accordance with an agreement or arrangement described in subsection (b)(2)(A), pursuant to paragraph (4);

''(C) the reduction in emissions from deforestation has occurred before the issuance of the international offset credit and, taking into consideration relevant international standards, has been demonstrated using ground-based inventories, remote sensing technology, and other methodologies to ensure that all relevant carbon stocks are accounted;

''(D) the Administrator has made appropriate adjustments, such as discounting for any additional uncertainty, to account for circumstances specific to the country, including its technical capacity described in paragraph (2)(A);

''(E) the activity is designed, carried out, and managed—

''(i) in accordance with widely accepted, environmentally sustainable forest management practices;

''(ii) to promote or restore native forest species and ecosystems where practicable, and to avoid the introduction of invasive nonnative species;

''(iii) in a manner that gives due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(iv) with consultations with, and full participation of, local communities, indigenous peoples, and forest-dependent communities, in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(v) with equitable sharing of profits and benefits derived from offset credits with local communities, indigenous peoples, and forest-dependent communities; and

''(F) the reduction otherwise satisfies and is consistent with any relevant requirements established by an agreement reached under the auspices of the United Nations Framework Convention on Climate Change.

''(2) ELIGIBLE COUNTRIES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, and in accordance with an agreement or arrangement described in subsection (b)(2)(A), shall establish, and periodically review and update, a list of the developing countries that have the capacity to participate in deforestation reduction activities at a national level, including—

''(A) the technical capacity to monitor, measure, report, and verify forest carbon fluxes for all significant sources of greenhouse gas emissions from deforestation with an acceptable level of uncertainty, as determined taking into account relevant internationally accepted methodologies, such as those established by the Intergovernmental Panel on Climate Change;

''(B) the institutional capacity to reduce emissions from deforestation, including strong forest governance and mechanisms to equitably distribute deforestation resources for local actions; and

''(C) a land use or forest sector strategic plan that—

''(i) assesses national and local drivers of deforestation and forest degradation and identifies reforms to national policies needed to address them;

''(ii) estimates the country's emissions from deforestation and forest degradation;

''(iii) identifies improvements in data collection, monitoring, and institutional capacity necessary to implement a national deforestation reduction program; and

''(iv) establishes a timeline for implementing the program and transitioning to low-emissions development with respect to emissions from forest and land use activities.

''(3) PROTECTION OF INTERESTS.—With respect to an agreement or arrangement described in subsection (b)(2)(A) that addresses international offset credits under this subsection, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall seek to ensure the establishment and enforcement by such country of legal regimes, processes, standards, and safeguards that—

''(A) give due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(B) promote consultations with, and full participation of, forest-dependent communities and indigenous peoples in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(C) encourage equitable sharing of profits and benefits derived from international offset credits with local communities, indigenous peoples, and forest-dependent communities.

''(4) NATIONAL DEFORESTATION BASELINE.—A national deforestation baseline established under this subsection shall—

''(A) be national in scope;

''(B) be consistent with nationally appropriate mitigation commitments or actions with respect to deforestation, taking into consideration the average annual historical deforestation rates of the country during a period of at least 5 years, the applicable drivers of deforestation, and other factors to ensure additionality;

''(C) establish a trajectory that would result in zero net deforestation by not later than 20 years after the national deforestation baseline has been established;

''(D) be adjusted over time to take account of changing national circumstances;

''(E) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the country; and

''(F) be consistent with the national deforestation baseline, if any, established for such country under section 754(d)(1) and (2).

''(5) STATE-LEVEL OR PROVINCE-LEVEL ACTIVITIES.—

''(A) ELIGIBLE STATES OR PROVINCES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall establish within 2 years after the date of enactment of this title, and periodically review and update, a list of states or provinces in developing countries where—

''(i) the developing country is not included on the list of countries established pursuant to paragraph (6)(A);

''(ii) the state or province by itself is a major emitter of greenhouse gases from tropical deforestation on a scale commensurate to the emissions of other countries; and

''(iii) the state or province meets the eligibility criteria in paragraphs (2) and (3) for the geographic area under its jurisdiction.

''(B) ACTIVITIES.—The Administrator may issue international offset credits for greenhouse gas emission reductions achieved through activities to reduce deforestation at a state or provincial level that meet the requirements of this section. Such credits shall be determined by comparing the emissions from deforestation within that state or province relative to the state or province deforestation baseline for that state or province established, in accordance with an agreement or arrangement described in subsection (b)(2)(A), pursuant to subparagraph (C) of this paragraph.

''(C) STATE OR PROVINCE DEFORESTATION BASELINE.—A state or province deforestation baseline shall—

''(i) be consistent with any existing nationally appropriate mitigation commitments or actions for the country in which the activity is occurring, taking into consideration the average annual historical deforestation rates of the state or province during a period of at least 5 years, relevant drivers of deforestation, and other factors to ensure additionality;

''(ii) establish a trajectory that would result in zero net deforestation by not later than 20 years after the state or province deforestation baseline has been established; and

''(iii) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the state or province and adjusted to fully account for emissions leakage outside the state or province.

''(D) PHASE OUT.—Beginning 5 years after the first calendar year for which a covered entity must demonstrate compliance with section 722(a), the Administrator shall issue no further international offset credits for eligible state-level or province-level activities to reduce deforestation pursuant to this paragraph.

''(6) PROJECTS AND PROGRAMS TO REDUCE DEFORESTATION.—

''(A) ELIGIBLE COUNTRIES.—The Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall establish within 2 years after the date of enactment of this title, and periodically review and update, a list of developing countries each of which—

''(i) the Administrator determines, based on recent, credible, and reliable emissions data, accounts for less than 1 percent of global greenhouse gas emissions and less than 3 percent of global forest-sector and land use change greenhouse gas emissions; and

''(ii) has, or in the determination of the Administrator is making a good faith effort to develop, a land use or forest sector strategic plan that meets the criteria described in paragraph (2)(C).

''(B) ACTIVITIES.—The Administrator may issue international offset credits for greenhouse gas emission reductions achieved through project or program level activities to reduce deforestation in countries listed under subparagraph (A) that meet the requirements of this section. The quantity of international offset credits shall be determined by comparing the project-level or program-level emissions from deforestation to a deforestation baseline for such project or program established pursuant to subparagraph (C).

''(C) PROJECT-LEVEL OR PROGRAM-LEVEL BASELINE.—A project-level or program-level deforestation baseline shall—

''(i) be consistent with any existing nationally appropriate mitigation commitments or actions for the country in which the project or program is occurring, taking into consideration the average annual historical deforestation rates relevant to the specific project or program during a period of at least 5 years, applicable drivers of deforestation, and other factors to ensure additionality;

''(ii) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the project or program boundary; and

''(iii) be adjusted to fully account for emissions leakage outside the project or program boundary.

''(D) PHASE OUT.—(i) Beginning 5 years after the first calendar year for which a covered entity must demonstrate compliance with section 722(a), the Administrator shall issue no further international offset credits for project-level or program-level activities pursuant to this paragraph, except as provided in clause (ii).

''(ii) The Administrator may extend the phase out deadline for the issuance of international offset credits under this paragraph by up to 8 years with respect to eligible activities taking place in a least developed country, which for purposes of this paragraph is defined as a foreign country that the United Nations has identified as among the least developed of developing countries at the time that the Administrator determines to provide an extension, if the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, determines the country—

''(I) lacks sufficient capacity to adopt and implement effective programs to achieve reductions in deforestation measured against national baselines;

''(II) is receiving support under part E to develop such capacity; and

''(III) has developed and is working to implement a credible national strategy or plan to reduce deforestation.

''(7) DEFORESTATION.—In implementing this subsection, the Administrator, taking into consideration the recommendations of the Advisory Board, may include forest degradation, or soil carbon losses associated with forested wetlands or peatlands, within the meaning of deforestation.

''(8) CONSULTATION.—In implementing this subsection, the Administrator shall consult with the Secretary of Agriculture on relevant matters within such Secretary's area of expertise.

''(f) MODIFICATION OF REQUIREMENTS.—In promulgating regulations under subsection (b)(1) with respect to the issuance of international offset credits under subsection (c), (d), or (e), the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, may modify or omit a requirement of this part (excluding the requirements of this section) if the Administrator determines that the application of that requirement to such subsection is not feasible. In modifying or omitting such a requirement on the basis of infeasibility, the Administrator, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall ensure, with an adequate margin of safety, the integrity of international offset credits issued under this section and of the greenhouse gas emissions cap established pursuant to section 703.

''(g) AVOIDING DOUBLE COUNTING.—The Administrator, in consultation with the Secretary of State, shall seek, by whatever means appropriate, including agreements, arrangements, or technical cooperation, to ensure that activities on the basis of which international offset credits are issued under this section are not used for compliance with an obligation to reduce or avoid greenhouse gas emissions, or increase greenhouse gas sequestration, under a foreign or international regulatory system. In addition, no international offset credits shall be issued for emission reductions from activities with respect to which emission allowances were allocated under section 781 for distribution under part E.

''(h) LIMITATION.—The Administrator shall not issue international offset credits generated by projects based on the destruction of hydrofluorocarbons.

''PART E—SUPPLEMENTAL EMISSIONS REDUCTIONS FROM REDUCED DEFORESTATION

''SEC. 751. DEFINITIONS.

''In this part:

''(1) LEAKAGE PREVENTION ACTIVITIES.—The term 'leakage prevention activities' means activities in developing countries that are directed at preserving existing forest carbon stocks, including forested wetlands and peatlands, that might, absent such activities, be lost through leakage.

''(2) NATIONAL DEFORESTATION REDUCTION ACTIVITIES.—The term 'national deforestation reduction activities' means activities in developing countries that reduce a quantity of greenhouse gas emissions from deforestation that is calculated by measuring actual emissions against a national deforestation baseline established pursuant to section 754(d)(1) and (2).

''(3) SUBNATIONAL DEFORESTATION REDUCTION ACTIVITIES.—The term 'subnational deforestation reduction activities' means activities in developing countries that reduce a quantity of greenhouse gas emissions from deforestation that are calculated by measuring actual emissions using an appropriate baseline established by the Administrator that is less than national in scope.

''(4) SUPPLEMENTAL EMISSIONS REDUCTIONS.—The term 'supplemental emissions reductions' means greenhouse gas emissions reductions achieved from reduced or avoided deforestation under this part.

''(5) USAID.—The term 'USAID' means the United States Agency for International Development.

''SEC. 752. FINDINGS.

''Congress finds that—

''(1) as part of a global effort to mitigate climate change, it is in the national interest of the United States to assist developing countries to reduce and ultimately halt emissions from deforestation;

''(2) deforestation is one of the largest sources of greenhouse gas emissions in developing countries, amounting to roughly 20 percent of overall emissions globally;

''(3) recent scientific analysis shows that it will be substantially more difficult to limit the increase in global temperatures to less than 2 degrees centigrade above preindustrial levels without reducing and ultimately halting net emissions from deforestation;

''(4) reducing emissions from deforestation is highly cost-effective, compared to many other sources of emissions reductions;

''(5) in addition to contributing significantly to worldwide efforts to address global warming, assistance under this part will generate significant environmental and social cobenefits, including protection of biodiversity, ecosystem services, and forest-related livelihoods; and

''(6) under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to 'enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,' including, inter alia, consideration of 'improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties' .

''SEC. 753. SUPPLEMENTAL EMISSIONS REDUCTIONS THROUGH REDUCED DEFORESTATION.

''(a) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Administrator of USAID and any other appropriate agencies, shall promulgate regulations establishing a program to use emission allowances set aside for this purpose under section 781 to reduce greenhouse gas emissions from deforestation in developing countries in accordance with the requirements of this part.

''(b) OBJECTIVES.—The objectives of the program established under this section shall be to—

''(1) achieve supplemental emissions reductions of at least 720,000,000 tons of carbon dioxide equivalent in 2020, a cumulative amount of at least 6,000,000,000 tons of carbon dioxide equivalent by December 31, 2025, and additional supplemental emissions reductions in subsequent years;

''(2) build capacity to reduce deforestation in developing countries experiencing deforestation, including preparing developing countries to participate in international markets for international offset credits for reduced emissions from deforestation; and

''(3) preserve existing forest carbon stocks in countries where such forest carbon may be vulnerable to international leakage, particularly in developing countries with largely intact native forests.

''SEC. 754. REQUIREMENTS FOR INTERNATIONAL DEFORESTATION REDUCTION PROGRAM.

''(a) ELIGIBLE COUNTRIES.—The Administrator may support activities under this part only with respect to a developing country that—

''(1) the Administrator, in consultation with the Administrator of USAID, determines is experiencing deforestation or forest degradation or has standing forest carbon stocks that may be at risk of deforestation or degradation; and

''(2) has entered into a bilateral or multilateral agreement or arrangement with the United States establishing the conditions of its participation in the program established under this part, which shall include an agreement to meet the standards established under subsection (d) for the activities to which those standards apply.

''(b) ACTIVITIES.—

''(1) AUTHORIZED ACTIVITIES.—Subject to the requirements of this part, the Administrator, in consultation with the Administrator of USAID, may support activities to achieve the objectives identified in section 753(b), including—

''(A) national deforestation reduction activities;

''(B) subnational deforestation reduction activities, including pilot activities that reduce greenhouse gas emissions but are subject to significant uncertainty;

''(C) activities to measure, monitor, and verify deforestation, avoided deforestation, and deforestation rates;

''(D) leakage prevention activities;

''(E) development of measurement, monitoring, and verification capacities to enable a country to quantify supplemental emissions reductions and to generate for sale offset credits from reduced or avoided deforestation;

''(F) development of governance structures to reduce deforestation and illegal logging;

''(G) enforcement of requirements for reduced deforestation or forest conservation;

''(H) efforts to combat illegal logging and increase enforcement cooperation;

''(I) providing incentives for policy reforms to achieve the objectives identified in section 753(b); and

''(J) monitoring and evaluation of the results of the activities conducted under this section.

''(2) ACTIVITIES SELECTED BY USAID.—

''(A) The Administrator of USAID, in consultation with the Administrator, may select for support and implementation pursuant to subsection (c) any of the activities described in paragraph (1), consistent with this part

and the regulations promulgated under subsection (d), and subject to the requirement to achieve the objectives listed in section 753(b)(1).

''(B) With respect to the activities listed in subparagraphs (D) through (J) of paragraph (1), the Administrator of USAID, in consultation with the Administrator, shall have primary but not exclusive responsibility for selecting the activities to be supported and implemented.

''(3) INTERAGENCY COORDINATION.—The Administrator and the Administrator of USAID shall jointly develop and biennially update a strategic plan for meeting the objectives listed in section 753(b) and shall execute a memorandum of understanding delineating the agencies' respective roles in implementing this part.

''(c) MECHANISMS.—

''(1) IN GENERAL.—The Administrator may support activities to achieve the objectives identified in section 753(b) by—

''(A) developing and implementing programs and projects that achieve such objectives; and

''(B) distributing emission allowances to a country that is eligible under subsection (a), to a private or public group (including international organizations), or to an international fund established by an international agreement to which the United States is a party, to carry out activities to achieve such objectives.

''(2) USAID ACTIVITIES.—With respect to activities selected and implemented by the Administrator of USAID pursuant to subsection (b)(2), the Administrator shall distribute emission allowances as provided in paragraph (1) of this subsection based upon the direction of the Administrator of USAID, subject to the availability of allowances for such activities.

''(3) IMPLEMENTATION THROUGH INTERNATIONAL ORGANIZATIONS.—If support is distributed through an international organization, the agency responsible for selecting activities in accordance with subsection (b)(1) or (2), in consultation with the Secretary of State, shall ensure the establishment and implementation of adequate mechanisms to apply and enforce the eligibility requirements and other requirements of this section.

''(4) ROLE OF THE SECRETARY OF STATE.—The Administrator may not distribute emission allowances under this part to the government of another country or to an international organization or international fund unless the Secretary of State has concurred with such distribution.

''(d) STANDARDS.—The Administrator, in consultation with the Administrator of USAID, shall promulgate regulations establishing standards to ensure that supplemental emissions reductions achieved through supported activities are additional, measurable, verifiable, permanent, and monitored, and account for leakage and uncertainty. In addition, such standards shall—

''(1) require the establishment of a national deforestation baseline for each country with national deforestation reduction activities that is used to account for reductions achieved from such activities;

''(2) provide that a national deforestation baseline established under paragraph (1) shall—

''(A) be national in scope;

''(B) be consistent with nationally appropriate mitigation commitments or actions with respect to deforestation, taking into consideration the average annual historical deforestation rates of the country during a period of at least 5 years, the applicable drivers of deforestation, and other factors to ensure additionality;

''(C) establish a trajectory that would result in zero net deforestation by not later than 20 years from the date the baseline is established;

''(D) be adjusted over time to take account of changing national circumstances;

''(E) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the country; and

''(F) be consistent with the national deforestation baseline, if any, established for such country under section 743(e)(4);

''(3) with respect to support provided pursuant to subsection (b)(1)(A) or (B), require supplemental emissions reductions to be achieved and verified prior to compensation through the distribution of emission allowances under this part;

''(4) with respect to accounting for subnational deforestation reduction activities that lack the standardized or precise measurement and monitoring techniques needed for a full accounting of changes in emissions or baselines, or are subject to other sources of uncertainty, apply a conservative discount factor to reflect the uncertainty regarding the levels of reductions achieved;

''(5) ensure that activities under this part shall be designed, carried out, and managed—

''(A) in accordance with widely accepted, environmentally sustainable forest management practices;

''(B) to promote or restore native forest species and ecosystems where practicable, and to avoid the introduction of invasive nonnative species;

''(C) in a manner that gives due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(D) with consultations with, and full participation of, local communities, indigenous peoples, and forest-dependent communities in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, and monitoring and evaluation of activities; and

''(E) with equitable sharing of profits and benefits derived from the activities with local communities, indigenous peoples, and forest-dependent communities; and

''(6) with respect to support for all activities under this part, seek to ensure the establishment and enforcement, by the country in which the activities occur, of legal regimes, standards, processes, and safeguards that—

''(A) give due regard to the rights and interests of local communities, indigenous peoples, forest-dependent communities, and vulnerable social groups;

''(B) promote consultations with local communities and indigenous peoples and forest-dependent communities in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, monitoring, and evaluation of activities under this part; and

''(C) encourage equitable sharing of profits and benefits from incentives for emissions reductions or leakage prevention with local communities, indigenous peoples, and forest-dependent communities.

''(e) SCOPE.—(1) The Administrator shall include within the scope of activities under this part reduced emissions from forest degradation.

''(2) The Administrator, in consultation with the Administrator of USAID, may decide, taking into account any advice from the Advisory Board, to expand, where appropriate, the scope of activities under this part to include reduced soil carbon-derived emissions associated with deforestation and degradation of forested wetlands and peatlands.

''(f) ACCOUNTING.—The Administrator shall establish a publicly accessible registry of the supplemental emissions reductions achieved through support provided under this part each year, after appropriately discounting for uncertainty and other relevant factors as required by the standards established under subsection (d).

''(g) TRANSITION TO NATIONAL REDUCTIONS.—Beginning 5 years after the date that a country entered into the agreement or arrangement required under subsection (a)(2), the Administrator shall provide no further compensation through emission allowances to that country under this part for any subnational deforestation reduction activities, except that the Administrator may extend this period by an additional 5 years if the Administrator, in consultation with the Administrator of USAID, determines that—

''(1) the country is making substantial progress towards adopting and implementing a program to achieve reductions in deforestation measured against a national baseline;

''(2) the greenhouse gas emissions reductions achieved are not resulting in significant leakage; and

''(3) the greenhouse gas emissions reductions achieved are being appropriately discounted to account for any leakage that is occurring.

The limitation under this subsection shall not apply to support for activities to further the objectives listed in section 753(b)(2) or (3).

''(h) COORDINATION WITH U.S. FOREIGN ASSISTANCE.—Subject to the direction of the President, the Administrator and the Administrator of USAID shall, to the extent practicable and consistent with the objectives of this program, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

''(i) SUPPORT AS SUPPLEMENT.—The provision of support for activities under this part shall be used to supplement, and not to supplant, any other Federal, State, or local support available to carry out such qualifying activities under this part.

''(j) NOT ELIGIBLE FOR OFFSET CREDIT.—Activities that receive support under this part shall not be issued offset credits for the greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, produced by such activities.

"SEC. 755. REPORTS AND REVIEWS.

''(a) REPORTS.—Not later than January 1, 2014, and annually thereafter, the Administrator and the Administrator of USAID shall submit to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Foreign Relations of the Senate, and make available to the public, a report on the support provided under this part during the prior fiscal year. The report shall include—

''(1) a statement of the quantity of supplemental emissions reductions for which compensation in the form of emission allowances was provided under this part during the prior fiscal year, as registered by the Administrator under section 754(f); and

''(2) a description of the national and subnational deforestation reduction activities, capacity-building activities, and leakage prevention activities supported under this part, including a statement of the quantity of emission allowances distributed to each recipient for each activity during the prior fiscal year, and a description of what was accomplished through each of the activities.

''(b) REVIEWS.—Not later than 4 years after the date of enactment of this title and every 5 years thereafter, the Administrator and the Administrator of USAID, taking into consideration any evaluation by or recommendations from the Advisory Board established under section 731, shall conduct a review of the activities undertaken pursuant

to this part and make any appropriate changes in the program established under this part, consistent with the requirements of this part, based on the findings of the review. The review shall include the effects of the activities on—

''(1) total documented carbon stocks of each country that directly or indirectly received support under this part compared with such country's national deforestation baseline established under section 754(d)(1) and (2);

''(2) the number of countries with the capacity to generate for sale instruments in the nature of offset credits from forest-related activities, and the amount of such activities;

''(3) forest governance in each country that directly or indirectly received support under this part;

''(4) indigenous peoples and forest-dependent communities residing in areas affected by such activities;

''(5) biodiversity and ecosystem services within forested areas associated with the activities;

''(6) subnational and international leakage; and

''(7) any program or mechanism established under the United Nations Framework Convention on Climate Change related to greenhouse gas emissions from deforestation.

''SEC. 756. LEGAL EFFECT OF PART.

''(1) IN GENERAL.—Nothing in this part supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

''(2) ROLE OF THE SECRETARY OF STATE.—Nothing in this part shall be construed as affecting the role of the Secretary of State or the responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961.''.

SEC. 312. DEFINITIONS.

Title VII of the Clean Air Act, as added by section 311 of this Act, is amended by inserting before part A the following new section:

''SEC. 700. DEFINITIONS.

''In this title:

''(1) ADDITIONAL.—The term 'additional', when used with respect to reductions or avoidance of greenhouse gas emissions, or to sequestration of greenhouse gases, means reductions, avoidance, or sequestration that result in a lower level of net greenhouse gas emissions or atmospheric concentrations than would occur in the absence of an offset project.

''(2) ADDITIONALITY.—The term 'additionality' means the extent to which reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, are additional.

''(3) ADVISORY BOARD.—The term 'Advisory Board' means the Offsets Integrity Advisory Board established under section 731.

''(4) AFFILIATED.—The term 'affiliated'—

''(A) when used in relation to an entity means owned or controlled by, or under common ownership or control with, another entity, as determined by the Administrator; and

''(B) when used in relation to a natural gas local distribution company, means owned or controlled by, or under common ownership or control with, another natural gas local distribution company, as determined by the Administrator.

''(5) ALLOWANCE.—The term 'allowance' means a limited authorization to emit, or have attributable greenhouse gas emissions in an amount of, 1 ton of carbon dioxide equivalent of a greenhouse gas in accordance with this title. Such term includes an emission allowance, a compensatory allowance, and an international emission allowance, but does not include an international reserve allowance established under section 766.

''(6) ATTRIBUTABLE GREENHOUSE GAS EMISSIONS.—The term 'attributable greenhouse gas emissions', for a given calendar year, means—

''(A) for a covered entity that is a fuel producer or importer described in paragraph (13)(B), greenhouse gases that would be emitted from the combustion of any petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, produced or imported by that covered entity during that calendar year for sale or distribution in interstate commerce, assuming no capture and sequestration of any greenhouse gas emissions;

''(B) for a covered entity that is an industrial gas producer or importer described in paragraph (13)(C), the tons of carbon dioxide equivalent of any gas described in clauses (i) through (vi) of paragraph (13)(C)—

''(i) produced or imported by such covered entity during that calendar year for sale or distribution in interstate commerce; or

''(ii) released as fugitive emissions in the production of fluorinated gas; and

''(C) for a natural gas local distribution company described in paragraph (13)(J), greenhouse gases that would be emitted from the combustion of the natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, that such entity delivered during that calendar year to customers that are not covered entities, assuming no capture and sequestration of that greenhouse gas.

''(7) BIOLOGICAL SEQUESTRATION; BIOLOGICALLY SEQUESTERED.—The terms 'biological sequestration' and 'biologically sequestered' mean the removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants, and the storage of those greenhouse gases in plants or soils.

''(8) CAPPED EMISSIONS.—The term 'capped emissions' means greenhouse gas emissions to which section 722 applies, including emissions from the combustion of natural gas, petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid to which section 722(b)(2) or (8) applies.

''(9) CAPPED SOURCE.—The term 'capped source' means a source that directly emits capped emissions.

''(10) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means the unit of measure, expressed in metric tons, of greenhouse gases as provided under section 711 or 712.

''(11) CARBON STOCK.—The term 'carbon stock' means the quantity of carbon contained in a biological reservoir or system which has the capacity to accumulate or release carbon.

''(12) COMPENSATORY ALLOWANCE.—The term 'compensatory allowance' means an allowance issued under section 721(f).

''(13) COVERED ENTITY.—The term 'covered entity' means each of the following:

''(A) Any electricity source.

''(B) Any stationary source that produces, and any entity that (or any group of two or more affiliated entities that, in the aggregate) imports, for sale or distribution in interstate commerce in 2008 or any subsequent year, petroleum-based or coal-based liquid fuel, petroleum coke, or natural gas liquid, the combustion of which would emit 25,000 or more tons of carbon dioxide equivalent, as determined by the Administrator.

''(C) Any stationary source that produces, and any entity that (or any group of two or more affiliated entities that, in the aggregate) imports, for sale or distribution in interstate commerce, in bulk, or in products designated by the Administrator, in 2008 or any subsequent year 25,000 or more tons of carbon dioxide equivalent of—

''(i) fossil fuel-based carbon dioxide;

''(ii) nitrous oxide;

''(iii) perfluorocarbons;

''(iv) sulfur hexafluoride;

''(v) any other fluorinated gas, except for nitrogen trifluoride, that is a greenhouse gas, as designated by the Administrator under section 711; or

''(vi) any combination of greenhouse gases described in clauses (i) through (v).

''(D) Any stationary source that has emitted 25,000 or more tons of carbon dioxide equivalent of nitrogen trifluoride in 2008 or any subsequent year.

''(E) Any geologic sequestration site.

''(F) Any stationary source in the following industrial sectors:

''(i) Adipic acid production.

''(ii) Primary aluminum production.

''(iii) Ammonia manufacturing.

''(iv) Cement production, excluding grinding-only operations.

''(v) Hydrochlorofluorocarbon production.

''(vi) Lime manufacturing.

''(vii) Nitric acid production.

''(viii) Petroleum refining.

''(ix) Phosphoric acid production.

''(x) Silicon carbide production.

''(xi) Soda ash production.

''(xii) Titanium dioxide production.

''(xiii) Coal-based liquid or gaseous fuel production.

''(G) Any stationary source in the chemical or petrochemical sector that, in 2008 or any subsequent year—

''(i) produces acrylonitrile, carbon black, ethylene, ethylene dichloride, ethylene oxide, or methanol; or

''(ii) produces a chemical or petrochemical product if producing that product results in annual combustion plus process emissions of 25,000 or more tons of carbon dioxide equivalent.

''(H) Any stationary source that—

''(i) is in one of the following industrial sectors: ethanol production; ferroalloy production; fluorinated gas production; food processing; glass production; hydrogen production; iron and steel production; lead production; pulp and paper manufacturing; and zinc production; and

''(ii) has emitted 25,000 or more tons of carbon dioxide equivalent in 2008 or any subsequent year.

''(I) Any fossil fuel-fired combustion device (such as a boiler) or grouping of such devices that—

''(i) is all or part of an industrial source not specified in subparagraph (D), (F), (G), or (H); and

''(ii) has emitted 25,000 or more tons of carbon dioxide equivalent in 2008 or any subsequent year.

''(J) Any natural gas local distribution company that (or any group of 2 or more affiliated natural gas local distribution companies that, in the aggregate), in 2008 or any subsequent year, delivers 460,000,000 cubic feet or more of natural gas, and any other gas meeting the specifications for commingling with natural gas for purposes of delivery, to customers that are not covered entities.

''(14) CREDITING PERIOD.—The term 'crediting period' means the period with respect to which an offset project is eligible to earn offset credits under part D, as determined under section 734(c).

''(15) DESIGNATED REPRESENTATIVE.—The term 'designated representative' means, with respect to a covered entity, a reporting entity (as defined in section 713), an offset project developer, or any other entity receiving or holding allowances, offset credits, or term offset credits under this title, an individual authorized, through a certificate of representation submitted to the Administrator by the owners and operators or similar entity official, to represent the owners

and operators or similar entity official in all matters pertaining to this title (including the holding, transfer, or disposition of allowances or offset credits), and to make all submissions to the Administrator under this title.

''(16) DEVELOPING COUNTRY.—The term 'developing country' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

''(17) DOMESTIC OFFSET CREDIT.—For purposes of part D, the term 'domestic offset credit' means an offset credit issued under part D, other than an international offset credit. For purposes of part C, the term means any offset credit issued under the American Clean Energy and Security Act of 2009, or the amendments made thereby. The term does not include a term offset credit.

''(18) ELECTRICITY SOURCE.—The term 'electricity source' means a stationary source that includes one or more utility units.

''(19) EMISSION.—The term 'emission' means the release of a greenhouse gas into the ambient air. Such term does not include gases that are captured and geologically sequestered, except to the extent that they are later released into the atmosphere, in which case compliance must be demonstrated pursuant to section 722(b)(5).

''(20) EMISSION ALLOWANCE.—The term 'emission allowance' means an allowance established under section 721(a) or section 726(g)(2) or (h)(1)(C).

''(21) FAIR MARKET VALUE.—The term 'fair market value' means the average daily closing price on registered exchanges or, if such a price is unavailable, the average price as determined by the Administrator, during a specified time period, of an emission allowance.

''(22) FEDERAL LAND.—The term 'Federal land' means land that is owned by the United States, other than land held in trust for an Indian or Indian tribe.

''(23) FOSSIL FUEL.—The term 'fossil fuel' means natural gas, petroleum, or coal, or any form of solid, liquid, or gaseous fuel derived from such material, including consumer products that are derived from such materials and are combusted.

''(24) FOSSIL FUEL-FIRED.—The term 'fossil fuel-fired' means powered by combustion of fossil fuel, alone or in combination with any other fuel, regardless of the percentage of fossil fuel consumed.

''(25) FUGITIVE EMISSIONS.—The term 'fugitive emissions' means emissions from leaks, valves, joints, or other small openings in pipes, ducts, or other equipment, or from vents.

''(26) GEOLOGIC SEQUESTRATION; GEOLOGICALLY SEQUESTERED.—The terms 'geologic sequestration' and 'geologically sequestered' mean the sequestration of greenhouse gases in subsurface geologic formations for purposes of permanent storage.

''(27) GEOLOGIC SEQUESTRATION SITE.—The term 'geologic sequestration site' means a site where carbon dioxide is geologically sequestered.

''(28) GREENHOUSE GAS.—The term 'greenhouse gas' means any gas described in section 711(a) or designated under section 711, except to the extent that it is regulated under title VI.

''(30) HOLD.—The term 'hold' means, with respect to an allowance, offsets credit, or term offset credit, to have in the appropriate account in the allowance tracking system established under section 724(d), or submit to the Administrator for recording in such account.

''(31) INDUSTRIAL SOURCE.—The term 'industrial source' means any stationary source that—

''(A) is not an electricity source; and

''(B) is in—

''(i) the manufacturing sector (as defined in North American Industrial Classification System codes 31, 32, and 33); or

''(ii) the natural gas processing or natural gas pipeline transportation sector (as defined in North American Industrial Classification System codes 211112 and 486210).

''(32) INTERNATIONAL EMISSION ALLOWANCE.—The term 'international emission allowance' means a tradable authorization to emit 1 ton of carbon dioxide equivalent of greenhouse gas that is issued by a national or supranational foreign government pursuant to a qualifying international program designated by the Administrator pursuant to section 728(a).

''(33) INTERNATIONAL OFFSET CREDIT.—The term 'international offset credit' means an offset credit issued by the Administrator under section 743.

''(34) LEAKAGE.—Except as provided in part F, the term 'leakage' means a significant increase in greenhouse gas emissions, or significant decrease in sequestration, which is caused by an offset project or activities under part E and occurs outside the boundaries of the offset project or the relevant program or project under part E.

''(35) MINERAL SEQUESTRATION.—The term 'mineral sequestration' means sequestration of carbon dioxide from the atmosphere by capturing carbon dioxide into a permanent mineral, such as the aqueous precipitation of carbonate minerals that results in the storage of carbon dioxide in a mineral form.

''(36) NATURAL GAS LIQUID.—The term 'natural gas liquid' means ethane, butane, isobutane, natural gasoline, and propane.

''(37) NATURAL GAS LOCAL DISTRIBUTION COMPANY.—The term 'natural gas local distribution company' has the meaning given the term 'local distribution company' in section 2(17) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301(17)).

''(38) OFFSET CREDIT.—For purposes of this section and part D, the term 'offset credit' means an offset credit issued under part D. For purposes of part C, the term means any offset credit issued under the American Clean Energy and Security Act of 2009, or the amendments made thereby. The term does not include a term offset credit.

''(39) OFFSET PROJECT.—The term 'offset project' means a project or activity that reduces or avoids greenhouse gas emissions, or sequesters greenhouse gases, and for which offset credits are or may be issued under part D.

''(40) OFFSET PROJECT DEVELOPER.—The term 'offset project developer' means the individual or entity designated as the offset project developer in an offset project approval petition under section 735(c)(1).

''(41) PETROLEUM.—The term 'petroleum' includes crude oil, tar sands, oil shale, and heavy oils.

''(42) RENEWABLE BIOMASS.—The term 'renewable biomass' means any of the following:

''(A) Materials, pre-commercial thinnings, or removed invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), including those that are byproducts of preventive treatments (such as trees, wood, brush, thinnings, chips, and slash), that are removed as part of a federally recognized timber sale, or that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health, and that are—

''(i) not from components of the National Wilderness Preservation System, Wilderness Study Areas, Inventoried Roadless Areas, old growth stands, late-successional stands (except for dead, severely damaged, or badly infested trees), components of the National Landscape Conservation System, National Monuments, National Conservation Areas, Designated Primitive Areas, or Wild and Scenic Rivers corridors;

''(ii) harvested in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

''(iii) harvested in accordance with Federal and State law, and applicable land management plans.

''(B) Any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure);

''(IV) construction waste; and

''(V) food waste and yard waste.

''(C) Residues and byproducts from wood, pulp, or paper products facilities.''.

''(43) RETIRE.—The term 'retire', with respect to an ''allowance, offset credit, or term offset credit, established or issued under the American Clean Energy and Security Act of 2009 or the amendments made thereby, means to disqualify such allowance or offset credit for any subsequent use under this title, regardless of whether the use is a sale, exchange, or submission of the allowance, offset credit, or term offset credit to satisfy a compliance obligation.

''(44) REVERSAL.—The term 'reversal' means an intentional or unintentional loss of sequestered greenhouse gases to the atmosphere.

''(45) SEQUESTERED AND SEQUESTRATION.—The terms 'sequestered' and 'sequestration' mean the separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator. The terms include biological, geologic, and mineral sequestration, but do not include ocean fertilization techniques.

''(46) STATIONARY SOURCE.—The term 'stationary source' means any integrated operation comprising any plant, building, structure, or stationary equipment, including support buildings and equipment, that is located within one or more contiguous or adjacent properties, is under common control of the same person or persons, and emits or may emit a greenhouse gas.

''(47) STRATEGIC RESERVE ALLOWANCE.—The term 'strategic reserve allowance' means an emission allowance reserved for, transferred to, or deposited in the strategic reserve under section 726.

''(48) TON.—The term 'ton' means metric ton.

''(49) UNCAPPED EMISSIONS.—The term 'uncapped emissions' means emissions of greenhouse gases emitted after December 31, 2011, that are not capped emissions.

''(50) UNITED STATES GREENHOUSE GAS EMISSIONS.—The term 'United States greenhouse gas emissions' means the total quantity of annual greenhouse gas emissions from the United States, as calculated by the Administrator and reported to the United Nations Framework Convention on Climate Change Secretariat.

''(51) UTILITY UNIT.—The term 'utility unit' means a combustion device that, on January 1, 2009, or any date thereafter, is fossil fuel-fired and serves a generator that produces electricity for sale, unless such combustion

device, during the 12-month period starting the later of January 1, 2009, or the commencement of commercial operation and each calendar year starting after such later date—

''(A) is part of an integrated cycle system that cogenerates steam and electricity during normal operation and that supplies one-third or less of its potential electric output capacity and 25 MW or less of electrical output for sale; or

''(B) combusts materials of which more than 95 percent is municipal solid waste on a heat input basis.

''(52) VINTAGE YEAR.—The term 'vintage year' means the calendar year for which an emission allowance is established under section 721(a) or which is assigned to an emission allowance under section 726(g)(3)(A), except that the vintage year for a strategic reserve allowance shall be the year in which such allowance is purchased at auction.''.

Subtitle B—Disposition of Allowances

SEC. 321. DISPOSITION OF ALLOWANCES FOR GLOBAL WARMING POLLUTION REDUCTION PROGRAM.

Title VII of the Clean Air Act, as added by section 311 of this Act, is amended by adding at the end the following part:

"PART H—DISPOSITION OF ALLOWANCES

"SEC. 781. ALLOCATION OF ALLOWANCES FOR SUPPLEMENTAL REDUCTIONS.

''(a) IN GENERAL.—The Administrator shall allocate for each vintage year the following percentage of the emission allowances established under section 721(a), for distribution in accordance with part E:

''(1) For vintage years 2012 through 2025, 5 percent.

''(2) For vintage years 2026 through 2030, 3 percent.

''(3) For vintage years 2031 through 2050, 2 percent.

''(b) ADJUSTMENT.—The Administrator shall modify the percentages set forth in subsection (a) as necessary to ensure the achievement of the annual supplemental emission reduction objective for 2020, and the cumulative reduction objective through 2025, set forth in section 753(b)(1).

''(c) CARRYOVER.—If the Administrator has not distributed all of the allowances allocated pursuant to this section for a given vintage year by the end of that year, all such undistributed emission allowances shall, in accordance with section 782(s), be exchanged for allowances from the following vintage year and treated as part of the allocation for supplemental reductions under this section for that later vintage year.

"SEC. 782. ALLOCATION OF EMISSION ALLOWANCES.

''(a) ELECTRICITY CONSUMERS.—(1) The Administrator shall allocate emission allowances for the benefit of electricity consumers, to be distributed in accordance with section 783(b), (c), and (d) in the following amounts:

''(A) For vintage years 2012 and 2013: 43.75 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2014 and 2015: 38.89 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2016 through 2025: 35.00 percent of the emission allowances established for each year under section 721(a).

''(D) For vintage year 2026: 28 percent of the emission allowances established for that year under section 721(a).

''(E) For vintage year 2027: 21 percent of the emission allowances established for that year under section 721(a).

''(F) For vintage year 2028: 14 percent of the emission allowances established for that year under section 721(a).

''(G) For vintage year 2029: 7 percent of the emission allowances established for that year under section 721(a).

''(2) The Administrator shall allocate emission allowances for energy efficiency, renewable electricity, and low income ratepayer assistance programs administered by small electricity local distribution companies, to be distributed in accordance with section 783(e) in the following amounts:

''(A) For vintage years 2012 through 2025: 0.5 percent of the emission allowances established each year under section 721(a).

''(B) For vintage year 2026: 0.4 percent of the emission allowances established for that year under section 721(a).

''(C) For vintage year 2027: 0.3 percent of the emission allowances established for that year under section 721(a).

''(D) For vintage year 2028: 0.2 percent of the emission allowances established for that year under section 721(a).

''(E) For vintage year 2029: 0.1 percent of the emission allowances established for that year under section 721(a).

''(3) For vintage year 2012, the Administrator shall allocate 0.35 percent of emission allowances established for such year under section 721(a) to avoid disincentives to the continued use of existing energy-efficient cogeneration facilities at industrial parks, to be distributed in accordance with section 783(f).

''(b) NATURAL GAS CONSUMERS.—The Administrator shall allocate emission allowances for the benefit of natural gas consumers to be distributed in accordance with section 784 in the following amounts:

''(1) For vintage years 2016 through 2025, 9 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage year 2026, 7.2 percent of the emission allowances established for that year under section 721(a).

''(3) For vintage year 2027, 5.4 percent of the emission allowances established for that year under section 721(a).

''(4) For vintage year 2028, 3.6 percent of the emission allowances established for that year under section 721(a).

''(5) For vintage year 2029, 1.8 percent of the emission allowances established for that year under section 721(a).

''(c) HOME HEATING OIL AND PROPANE CONSUMERS.—The Administrator shall allocate emission allowances for the benefit of home heating oil and propane consumers to be distributed in accordance with section 785 in the following amounts:

''(1) For vintage years 2012 and 2013, 1.875 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2014 and 2015, 1.67 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2016 through 2025, 1.5 percent of the emission allowances established for each year under section 721(a).

''(4) For vintage year 2026, 1.2 percent of the emission allowances established for that year under section 721(a).

''(5) For vintage year 2027, 0.9 percent of the emission allowances established for that year under section 721(a).

''(6) For vintage year 2028, 0.6 percent of the emission allowances established for that year under section 721(a).

''(7) For vintage year 2029, 0.3 percent of the emission allowances established for that year under section 721(a).

''(d) LOW INCOME CONSUMERS.—For each vintage year starting in 2012, the Administrator shall auction, pursuant to section 791, 15 percent of the emission allowances established for each year under section 721(a), with the proceeds used for the benefit of low income consumers to fund the program set forth in subtitle C of title IV of American Clean Energy and Security Act of 2009 and the amendments made thereby.

''(e) TRADE-VULNERABLE INDUSTRIES.—

''(1) IN GENERAL.—The Administrator shall allocate emission allowances to energy-intensive, trade-exposed entities, to be distributed in accordance with section 765, in the following amounts:

''(A) For vintage years 2012 and 2013, up to 2.0 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage year 2014, up to 15 percent of the emission allowances established for that year under section 721(a).

''(C) For vintage year 2015, up to the product of—

''(i) the amount specified in paragraph (2); multiplied by

''(ii) the quantity of emission allowances established for 2015 under section 721(a) divided by the quantity of emission allowances established for 2014 under section 721(a).

''(D) For vintage year 2016, up to the product of—

''(i) the amount specified in paragraph (3); multiplied by

''(ii) the quantity of emission allowances established for 2015 under section 721(a) divided by the quantity of emission allowances established for 2014 under section 721(a).

''(E) For vintage years 2017 through 2025, up to the product of—

''(i) the amount specified in paragraph (4); multiplied by

''(ii) the quantity of emission allowances established for that year under section 721(a) divided by the quantity of emission allowances established for 2016 under section 721(a).

''(F) For vintage years 2026 through 2050, up to the product of the amount specified in paragraph (4)—

''(i) multiplied by the quantity of emission allowances established for the applicable year during 2026 through 2050 under section 721(a) divided by the quantity of emission allowances established for 2016 under section 721(a); and

''(ii) multiplied by a factor that shall equal 90 percent for 2026 and decline 10 percent for each year thereafter until reaching zero, except that, if the President modifies a percentage for a year under subparagraph (A) of section 767(c)(3), the highest percentage the President applies for any sector under that subparagraph for that year (not exceeding 100 percent) shall be used for that year instead of the factor otherwise specified in this clause.

''(2) CARRYOVER.—After the Administrator distributes emission allowances pursuant to section 765 for any given vintage year, any emission allowances allocated to energy-intensive, trade-exposed entities pursuant to this subsection that have not been so distributed shall, in accordance with subsection (s), be exchanged for allowances from the following vintage year and treated as part of the allocation to such entities for that later vintage year.

''(f) DEPLOYMENT OF CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY.—

''(1) ANNUAL ALLOCATION.—The Administrator shall allocate emission allowances for the deployment of carbon capture and sequestration technology to be distributed in accordance with section 786 in the following amounts:

''(A) For vintage years 2014 through 2017, 1.75 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2018 and 2019, 4.75 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2020 through 2050, 5 percent of the emission allowances established for each year under section 721(a).

''(2) CARRYOVER.—If the Administrator has not distributed all of the allowances allocated pursuant to this subsection for a given vintage year by the end of that year, all such undistributed emission allowances shall, in accordance with subsection (s), be exchanged for allowances from the following vintage

year and treated as part of the allocation for the deployment of carbon capture and sequestration technology under this subsection for that later vintage year.

''(g) INVESTMENT IN ENERGY EFFICIENCY AND RENEWABLE ENERGY.—The Administrator shall allocate emission allowances to invest in energy efficiency and renewable energy as follows:

''(1) To be distributed in accordance with section 132 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2015, 9.5 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2016 through 2017, 6.5 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2018 through 2021, 5.5 percent of the emission allowances established for each year under section 721(a).

''(D) For vintage years 2022 through 2025, 1.0 percent of the emission allowances established for each year under section 721(a).

''(E) For vintage years 2026 through 2050, 4.5 percent of the emission allowances established for each year under section 721(a).

''(F) At the same time allowances are distributed under subparagraph (D) for each of the vintage years 2022 through 2025, 3.55 percent of emission allowances established under section 721(a) for the vintage year four years after that vintage year shall also be distributed (which shall be in addition to the emission allowances distributed under subparagraph (E)).

''(2) To be distributed in accordance with section 304 of the Energy Conservation and Production Act, as amended by section 201 of the American Clean Energy and Security Act of 2009, for each vintage year from 2012 through 2050, 0.5 percent of emission allowances established for that year under section 721(a).

''(3) To be distributed among the States in accordance with the formula in section 132(b) of the American Clean Energy and Security Act of 2009 and to be used exclusively for the purposes of section 202 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2017, 0.05 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2018 through 2050, 0.03 percent of the emission allowances established for each year under section 721(a).

''(h) ENERGY RESEARCH AND DEVELOPMENT.—

''(1) ENERGY INNOVATION HUBS.—For vintage years 2012 through 2050, the Administrator shall allocate 0.45 percent of the emission allowances established under section 721(a) to be distributed to Energy Innovation Hubs in accordance with section 171 of the American Clean Energy and Security Act of 2009.

''(2) ADVANCED ENERGY RESEARCH.—For vintage years 2012 through 2050, the Administrator shall allocate 1.05 percent of the emission allowances established under section 721(a) for the Advanced Research Project Agency-Energy to be distributed in accordance with section 172 of the American Clean Energy and Security Act of 2009.

''(i) INVESTMENT IN CLEAN VEHICLE TECHNOLOGY.—The Administrator shall allocate emission allowances to invest in the development and deployment of clean vehicles, to be distributed in accordance with section 124 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2017, 3 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2018 through 2025, 1 percent of the emission allowances established for each year under section 721(a).

''(j) DOMESTIC FUEL PRODUCTION.—For vintage years 2014 through 2026, the Administrator shall allocate and distribute according to section 787—

''(1) 2 percent of the emission allowances established for each year under section 721(a) to domestic petroleum refineries that are covered entities pursuant to section 700(13)(F)(viii), including small business refiners; and

''(2) an additional 0.25 percent of the emissions allowances established for each year under section 721(a) to small business refiners that are covered entities pursuant to section 700(13)(F)(viii).

''(k) INVESTMENT IN WORKERS.—The Administrator shall auction pursuant to section 791 emission allowances for the benefit of workers pursuant to part 2 of subtitle B of the American Clean Energy and Security Act of 2009 in the following amounts, and shall deposit into the Climate Change Worker Adjustment Assistance Fund established pursuant to section 793, and report to the Secretary of Labor on, the proceeds from the sale of these allowances:

''(A) For vintage years 2012 through 2021, 0.5 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2050, 1.0 percent of the emission allowances established for each year under section 721(a).

All amounts deposited into the fund shall be available to the Secretary of Labor until expended to carry out part 2 of subtitle B of title IV of the American Clean Energy and Security Act of 2009. Of the amounts deposited, not more than $10,000,000 shall be available to the Secretary of Labor for Federal administration costs of such part 2 each fiscal year.

''(2) The Administrator shall auction, pursuant to section 791, 0.75 percent of the emission allowances established for each of vintage years 2012 and 2013 under section 721(a), and shall deposit the proceeds in the Energy Efficiency and Renewable Energy Worker Training Fund established by section 422 of the American Clean Energy and Security Act of 2009.

''(l) DOMESTIC ADAPTATION.—The Administrator shall allocate emission allowances for domestic adaptation as follows:

''(1) To be distributed in accordance with section 453 of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2021, 0.9 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 1.9 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 3.9 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage year 2012 and thereafter, the Administrator shall auction, pursuant to section 791, 0.1 percent of the emission allowances established for each year under section 721(a), and shall deposit the proceeds in the Climate Change Health Protection and Promotion Fund established by section 467 of the American Clean Energy and Security Act of 2009.

''(m) WILDLIFE AND NATURAL RESOURCE ADAPTATION.—The Administrator shall allocate emission allowances for wildlife and natural resource adaptation as follows:

''(1) To be distributed to State agencies in accordance with section 480(a) of the American Clean Energy and Security Act of 2009 in the following amounts:

''(A) For vintage years 2012 through 2021, 0.385 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 0.77 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 1.54 percent of the emission allowances established for each year under section 721(a).

''(2) To be auctioned pursuant to section 791, with the proceeds to be deposited in the Natural Resources Climate Change Adaptation Fund established pursuant to section 480(b), in the following amounts:

''(A) For vintage years 2012 through 2021, 0.615 percent of the emission allowances established for each year under section 721(a).

''(B) For vintage years 2022 through 2026, 1.23 percent of the emission allowances established for each year under section 721(a).

''(C) For vintage years 2027 through 2050, 2.46 percent of the emission allowances established for each year under section 721(a).

''(n) INTERNATIONAL ADAPTATION.—The Administrator shall allocate emission allowances for international adaptation to be distributed in accordance with part 2 of subtitle E of title IV of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2021, 1.0 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2022 through 2026, 2.0 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2027 through 2050, 4.0 percent of the emission allowances established for each year under section 721(a).

''(o) INTERNATIONAL CLEAN TECHNOLOGY DEPLOYMENT.—The Administrator shall allocate emission allowances for international clean technology deployment for distribution in accordance with subtitle D of title IV of the American Clean Energy and Security Act of 2009 in the following amounts:

''(1) For vintage years 2012 through 2021, 1.0 percent of the emission allowances established for each year under section 721(a).

''(2) For vintage years 2022 through 2026, 2.0 percent of the emission allowances established for each year under section 721(a).

''(3) For vintage years 2027 through 2050, 4.0 percent of the emission allowances established for each year under section 721(a).

''(p) RELEASE OF FUTURE ALLOWANCES.—The Administrator shall make future year allowances available by auctioning allowances, pursuant to section 791, in the following amounts:

''(1) In each of calendar years 2014 through 2019, a string of 0.70 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(2) In each of calendar years 2020 through 2025, a string of 0.50 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(3) In each of calendar years 2026 through 2030, a string of 0.3 billion allowances with vintage years 12 to 17 years after the year of the auction, with an equal number of allowances from each vintage year in the string.

''(q) DEFICIT REDUCTION.—

''(1) For each of vintage years 2012 through 2025, any allowances not allocated for distribution or auction pursuant to section 781 or subsections (s) and (t) of this section, or disbursed pursuant to section 790, shall be auctioned by the Administrator pursuant to section 791 and the proceeds shall be deposited into the Treasury.

''(2) Unless otherwise specified, any allowances allocated pursuant to subsections (s) and (t) and not distributed by March 31 of the calendar year following the allowance's vintage year, shall be auctioned by the Administrator and the proceeds shall be deposited into the Treasury.

''(3) For auctions conducted through calendar year 2020 pursuant to subsection (p), the auction proceeds shall be deposited into the Treasury.

''(r) CLIMATE CHANGE CONSUMER REFUND.—

''(1) For each of vintage years 2026 through 2050, the Administrator shall auction the following allowances established under section 721(a) and deposit the proceeds into the Climate Change Consumer Refund Account:

''(A) Any allowances not allocated for distribution or auction pursuant to section 781 or subsections (a) through (p) of this section, or disbursed pursuant to section 790.

''(B) Unless otherwise specified, any allowances allocated pursuant to subsections (a) through (o) and not distributed by March 31 of the calendar year following the allowance's vintage year.

''(2) For auctions conducted pursuant to subsection (p) in calendar years 2021 and thereafter, the Administrator shall place the proceeds from the sales of the these allowances into the Climate Change Consumer Refund Account.

''(3) Funds deposited into the Climate Change Consumer Refund Account shall be used as specified in section 789 and shall be available for expenditure, without further appropriation or fiscal year limitation.

''(s) TREATMENT OF CARRYOVER ALLOWANCES.—

''(1) IN GENERAL.—If there are undistributed allowances from a vintage year for supplemental reductions pursuant to section 781(c), energy-intensive, trade-exposed industries pursuant to subsection (e)(2) of this section, deployment of carbon capture and sequestration technology pursuant to subsection (f)(2) of this section, or supplemental agriculture and renewable energy pursuant to subsection (u)(2) of this section, the Administrator shall—

''(A) use the undistributed allowances to increase for the same vintage year—

''(i) the allocation of allowances to be auctioned for deficit reduction pursuant to subsection (q) or for consumer refunds pursuant to subsection (r);

''(ii) the allocation of allowances to be auctioned for low income consumers pursuant to subsection (d); or

''(iii) a combination of both; and

''(B) except as provided in paragraph (2)—

''(i) decrease by the same amount for the following vintage year the allocation for the purpose for which the allocation was increased pursuant to subparagraph (A); and

''(ii) increase by the same amount for the following vintage year the allocation for the purpose for which the undistributed allowances were originally allocated.

''(2) EXCESS UNDISTRIBUTED ALLOWANCES.—(A) For each vintage year for which this subsection applies, the Administrator shall determine whether—

''(i) the total quantity of undistributed allowances for that vintage year that were allocated pursuant to section 781(c), and subsections (e)(2), (f)(2), and (u)(2) of this section, exceeds

''(ii) the total quantity of allowances allocated pursuant to subsection (d), (q) and (r) for the following vintage year, decreased by the quantity of allowances for that following vintage year set aside for the reserve established by section 791(f).

''(B) If the Administrator determines under subparagraph (A) that the quantity described in subparagraph (A)(i) exceeds the quantity described in subparagraph (A)(ii), paragraph (1)(B)(ii) of this subsection shall not apply. Instead, for each purpose described in section 781(c), or subsections (e)(2), (f)(2), and (u)(2) of this section for which undistributed allowances for a given vintage year were allocated, the Administrator shall increase the allocation for the following vintage year by the amount that is the product of—

''(i) the number of undistributed allowances for that purpose, times

''(ii) the quantity described in subparagraph (A)(ii) divided by the quantity described in subparagraph (A)(i).

''(t) COMPENSATION FOR EARLY ACTORS.—For vintage year 2012, the Administrator shall allocate for compensation for early actors 1 percent of emission allowances established under section 721(a), to be distributed in accordance with section 795 of the American Clean Energy and Security Act of 2009.

''(u) SUPPLEMENTAL AGRICULTURE AND RENEWABLE ENERGY.—

''(1) IN GENERAL.—For vintage years 2012 through 2016, the Administrator shall allocate 0.28 percent of emission allowances established under section 721(a), to be distributed in accordance with section 788 of the American Clean Energy and Security Act of 2009.

''(2) CARRYOVER.—After the Administrator distributes emission allowances pursuant to section 788 for any given vintage year, any emission allowances allocated to supplemental agriculture and renewable energy pursuant to this subsection that have not been so distributed shall, in accordance with subsection (s), be exchanged for allowances from the following vintage year and treated as part of the allocation to such entities for that later vintage year.

"SEC. 783. ELECTRICITY CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COAL-FUELED UNIT.—The term 'coal-fueled unit' means a utility unit that derives at least 85 percent of its heat input from coal, petroleum coke, or any combination of these 2 fuels.

''(2) ELECTRICITY LOCAL DISTRIBUTION COMPANY.—The term 'electricity local distribution company' means an electric utility—

''(A) that has a legal, regulatory, or contractual obligation to deliver electricity directly to retail consumers in the United States, regardless of whether that entity or another entity sells the electricity as a commodity to those retail consumers; and

''(B) the retail rates of which, except in the case of an electric cooperative, are regulated or set by—

''(i) a State regulatory authority;

''(ii) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing); or

''(iii) an Indian tribe pursuant to tribal law.

''(3) ELECTRICITY SAVINGS; RENEWABLE ENERGY RESOURCE.—The terms 'electricity savings' and 'renewable energy resource' shall have the meaning given those terms in section 610 of the Public Utility Regulatory Policies Act of 1978 (as added by section 101 of the American Clean Energy and Security Act of 2009).

''(4) INDEPENDENT POWER PRODUCTION FACILITY.—The term 'independent power production facility' means a facility—

''(A) that is used for the generation of electric energy, at least 80 percent of which is sold at wholesale; and

''(B) the sales of the output of which are not subject to retail rate regulation or setting of retail rates by—

''(i) a State regulatory authority;

''(ii) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing);

''(iii) an electric cooperative; or

''(iv) an Indian tribe pursuant to tribal law.

''(5) LONG-TERM CONTRACT GENERATOR.—The term 'long-term contract generator' means a qualifying small power production facility, a qualifying cogeneration facility), an independent power production facility, or a facility for the production of electric energy for sale to others that is owned and operated by an electric cooperative that is—

''(A) a covered entity; and

''(B) as of the date of enactment of this title—

''(i) a facility with 1 or more sales or tolling agreements executed before March 1, 2007, that govern the facility's electricity sales and provide for sales at a price (whether a fixed price or a price formula) for electricity that does not allow for recovery of the costs of compliance with the limitation on greenhouse gas emissions under this title, provided that such agreements are not between entities that are affiliates of one another; or

''(ii) a facility consisting of 1 or more cogeneration units that makes useful thermal energy available to an industrial or commercial process with 1 or more sales agreements executed before March 1, 2007, that govern the facility's useful thermal energy sales and provide for sales at a price (whether a fixed price or price formula) for useful thermal energy that does not allow for recovery of the costs of compliance with the limitation on greenhouse gas emissions under this title, provided that such agreements are not between entities that are affiliates of one another.

''(6) MERCHANT COAL UNIT.—The term 'merchant coal unit' means a coal-fueled unit that—

''(A) is or is part of a covered entity;

''(B) is not owned by a Federal, State, or regional agency or power authority; and

''(C) generates electricity solely for sale to others, provided that all or a portion of such sales are made by a separate legal entity that—

''(i) has a full or partial ownership or leasehold interest in the unit, as certified in accordance with such requirements as the Administrator shall prescribe; and

''(ii) is not subject to retail rate regulation or setting of retail rates by—

''(I) a State regulatory authority;

''(II) a State or political subdivision thereof (or an agency or instrumentality of, or corporation wholly owned by, either of the foregoing);

''(III) an electric cooperative; or

''(IV) an Indian tribe pursuant to tribal law.

''(7) MERCHANT COAL UNIT SALES.—The term 'merchant coal unit sales' means sales to others of electricity generated by a merchant coal unit that are made by the owner or leaseholder described in paragraph (6)(C).

''(8) NEW COAL-FUELED UNIT.—The term 'new coal-fueled unit' means a coal-fueled unit that commenced operation on or after January 1, 2009 and before January 1, 2013.

''(9) NEW MERCHANT COAL UNIT.—The term 'new merchant coal unit' means a merchant coal unit—

''(A) that commenced operation on or after January 1, 2009 and before January 1, 2013; and

''(B) the actual, on-site construction of which commenced prior to January 1, 2009.

''(10) QUALIFYING SMALL POWER PRODUCTION FACILITY; QUALIFYING COGENERATION FACILITY.—The terms 'qualifying small power production facility' and 'qualifying cogeneration facility' have the meanings given those terms in section 3(17)(C) and 3(18)(B) of the Federal Power Act (16 U.S.C. 796(17)(C) and 796(18)(B)).

''(11) SMALL LDC.—The term 'small LDC' means, for any given year, an electricity local distribution company that delivered less than 4,000,000 megawatt hours of electric energy directly to retail consumers in the preceding year.

''(12) STATE REGULATORY AUTHORITY.—The term 'State regulatory authority' has the meaning given that term in section 3(17) of

the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)).

''(13) USEFUL THERMAL ENERGY.—The term 'useful thermal energy'has the meaning given that term in section 371(7) of the Energy Policy and Conservation Act (42 U.S.C. 6341(7)).

''(b) ELECTRICITY LOCAL DISTRIBUTION COMPANIES.—

''(1) DISTRIBUTION OF ALLOWANCES.—Not later than September 30 of 2011 and each calendar year thereafter through 2028, the Administrator shall distribute to electricity local distribution companies for the benefit of retail ratepayers the quantity of emission allowances allocated for the following vintage year pursuant to section 782(a)(1). Notwithstanding the preceding sentence, the Administrator shall withhold from distribution under this subsection a quantity of emission allowances equal to the lesser of 14.3 percent of the quantity of emission allowances allocated under section 782(a)(1) for the relevant vintage year, or 105 percent of the emission allowances for the relevant vintage year that the Administrator anticipates will be distributed to merchant coal units and to long-term contract generators, respectively, under subsections (c) and (d). If not required by subsections (c) and (d) to distribute all of these reserved allowances, the Administrator shall distribute any remaining emission allowances to electricity local distribution companies in accordance with this subsection.

''(2) DISTRIBUTION BASED ON EMISSIONS.—

''(A) IN GENERAL.—For each vintage year, 50 percent of the emission allowances available for distribution under paragraph (1), after reserving allowances for distribution under subsections (c) and (d), shall be distributed by the Administrator among individual electricity local distribution companies ratably based on the annual average carbon dioxide emissions attributable to generation of electricity delivered at retail by each such company during the base period determined under subparagraph (B).

''(B) BASE PERIOD.—

''(i) VINTAGE YEARS 2012 AND 2013.—For vintage years 2012 and 2013, an electricity local distribution company's base period shall be—

''(I) calendar years 2006 through 2008; or

''(II) any 3 consecutive calendar years between 1999 and 2008, inclusive, that such company selects, provided that the company timely informs the Administrator of such selection.

''(ii) VINTAGE YEARS 2014 AND THEREAFTER.—For vintage years 2014 and thereafter, the base period shall be—

''(I) the base period selected under clause (i); or

''(II) calendar year 2012, in the case of an electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by a new coal-fueled unit, provided that such company timely informs the Administrator of its election to use 2012 as its base period.

''(C) DETERMINATION OF EMISSIONS.—

''(i) DETERMINATION FOR 1999-2008.—As part of the regulations promulgated pursuant to subsection, the Administrator, after consultation with the Energy Information Administration, shall determine the average amount of carbon dioxide emissions attributable to generation of electricity delivered at retail by each electricity local distribution company for each of the years 1999 through 2008, taking into account entities' electricity generation, electricity purchases, and electricity sales. In the case of any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by, a coal-fueled unit that commenced operation after January 1, 2006 and before December 31, 2008, the Administrator shall adjust the emissions attributable to such company's retail deliveries in calendar years 2006 through 2008 to reflect the emissions that would have occurred if the relevant unit were in operation during the entirety of such 3-year period.

''(ii) ADJUSTMENTS FOR NEW COAL-FUELED UNITS.—

''(I) VINTAGE YEARS 2012 AND 2013.—For purposes of emission allowance distributions for vintage years 2012 and 2013, in the case of any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by, a new coal-fueled unit, the Administrator shall adjust the emissions attributable to such company's retail deliveries in the applicable base period to reflect the emissions that would have occurred if the new coal-fueled unit were in operation during such period.

''(II) VINTAGE YEAR 2014 AND THEREAFTER.—Not later than necessary for use in making emission allowance distributions under this subsection for vintage year 2014, the Administrator shall, for any electricity local distribution company that owns, co-owns, or purchases through a power purchase agreement (whether directly or through a cooperative arrangement) a substantial portion of the electricity generated by a new coal-fueled unit and has selected calendar year 2012 as its base period pursuant to subparagraph (B)(ii)(II), determine the amount of carbon dioxide emissions attributable to generation of electricity delivered at retail by such company in calendar year 2012. If the relevant new coal-fueled unit was not yet operational by January 1, 2012, the Administrator shall adjust such determination to reflect the emissions that would have occurred if such unit were in operation for all of calendar year 2012.

''(iii) REQUIREMENTS.—Determinations under this paragraph shall be as precise as practicable, taking into account the nature of data currently available and the nature of markets and regulation in effect in various regions of the country. The following requirements shall apply to such determinations:

''(I) The Administrator shall determine the amount of fossil fuel-based electricity delivered at retail by each electricity local distribution company, and shall use appropriate emission factors to calculate carbon dioxide emissions associated with the generation of such electricity.

''(II) Where it is not practical to determine the precise fuel mix for the electricity delivered at retail by an individual electricity local distribution company, the Administrator may use the best available data, including average data on a regional basis with reference to Regional Transmission Organizations or regional entities (as that term is defined in section 215(a)(7) of the Federal Power Act (16 U.S.C. 824o(a)(7)), to estimate fuel mix and emissions. Different methodologies may be applied in different regions if appropriate to obtain the most accurate estimate.

''(3) DISTRIBUTION BASED ON DELIVERIES.—

''(A) INITIAL FORMULA.—Except as provided in subparagraph (B), for each vintage year, the Administrator shall distribute 50 percent of the emission allowances available for distribution under paragraph (1), after reserving allowances for distribution under subsections (c) and (d), among individual electricity local distribution companies ratably based on each electricity local distribution company's annual average retail electricity deliveries for calendar years 2006 through 2008, unless the owner or operator of the company selects 3 other consecutive years between 1999 and 2008, inclusive, and timely notifies the Administrator of its selection.

''(B) UPDATING.—Prior to distributing 2015 vintage year emission allowances under this paragraph and at 3-year intervals thereafter, the Administrator shall update the distribution formula under this paragraph to reflect changes in each electricity local distribution company's service territory since the most recent formula was established. For each successive 3-year period, the Administrator shall distribute allowances ratably among individual electricity local distribution companies based on the product of—

''(i) each electricity local distribution company's average annual deliveries per customer during calendar years 2006 through 2008, or during the 3 alternative consecutive years selected by such company under subparagraph (A); and

''(ii) the number of customers of such electricity local distribution company in the most recent year in which the formula is updated under this subparagraph.

''(4) PROHIBITION AGAINST EXCESS DISTRIBUTIONS.—The regulations promulgated under subsection shall ensure that, notwithstanding paragraphs (2) and (3), no electricity local distribution company shall receive a greater quantity of allowances under this subsection than is necessary to offset any increased electricity costs to such company's retail ratepayers, including increased costs attributable to purchased power costs, due to enactment of this title. Any emission allowances withheld from distribution to an electricity local distribution company pursuant to this paragraph shall be distributed among all remaining electricity local distribution companies ratably based on emissions pursuant to paragraph (2).

''(5) USE OF ALLOWANCES.—

''(A) RATEPAYER BENEFIT.—Emission allowances distributed to an electricity local distribution company under this subsection shall be used exclusively for the benefit of retail ratepayers of such electricity local distribution company and may not be used to support electricity sales or deliveries to entities or persons other than such ratepayers.

''(B) RATEPAYER CLASSES.—In using emission allowances distributed under this subsection for the benefit of ratepayers, an electricity local distribution company shall ensure that ratepayer benefits are distributed—

''(i) among ratepayer classes ratably based on electricity deliveries to each class; and

''(ii) equitably among individual ratepayers within each ratepayer class, including entities that receive emission allowances pursuant to part F.

''(C) LIMITATION.—In general, an electricity local distribution company shall not use the value of emission allowances distributed under this subsection to provide to any ratepayer a rebate that is based solely on the quantity of electricity delivered to such ratepayer. To the extent an electricity local distribution company uses the value of emission allowances distributed under this subsection to provide rebates, it shall, to the maximum extent practicable, provide such rebates with regard to the fixed portion of ratepayers' bills or as a fixed credit or rebate on electricity bills.

''(D) INDUSTRIAL RATEPAYERS.—Notwithstanding subparagraph (C), if compliance with the requirements of this title results (or would otherwise result) in an increase in electricity costs for industrial retail ratepayers of any given electricity local distribution company (including entities that receive emission allowances pursuant to part

F), such electricity local distribution company—

''(i) shall pass through to industrial retail ratepayers their ratable share (based on deliveries to each ratepayer class) of the value of the emission allowances distributed to such company under this subsection, to reduce electricity cost impacts on such ratepayers; and

''(ii) may do so based on the quantity of electricity delivered to individual industrial retail ratepayers.

''(E) GUIDELINES.—As part of the regulations promulgated under subsection, the Administrator shall, after consultation with State regulatory authorities, prescribe guidelines for the implementation of the requirements of this paragraph. Such guidelines shall include requirements to ensure that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of the allowances distributed to each electricity local distribution company pursuant to this subsection.

''(6) REGULATORY PROCEEDINGS.—

''(A) REQUIREMENT.—No electricity local distribution company shall be eligible to receive emission allowances under this subsection or subsection (e) unless the State regulatory authority with authority over such company's retail rates, or the entity with authority to regulate or set retail electricity rates of an electricity local distribution company not regulated by a State regulatory authority, has—

''(i) after public notice and an opportunity for comment, promulgated a regulation or completed a rate proceeding (or the equivalent, in the case of a ratemaking entity other than a State regulatory authority) that provides for the full implementation of the requirements of paragraph (5) of this subsection and the requirements of subsection (e); and

''(ii) made available to the Administrator and the public a report describing, in adequate detail, the manner in which the requirements of paragraph (5) and the requirements of subsection (e) will be implemented.

''(B) UPDATING.—The Administrator shall require, as a condition of continued receipt of emission allowances under this subsection by an electricity local distribution company, that a new regulation be promulgated or rate proceeding be completed , after public notice and an opportunity for comment, and a new report be made available to the Administrator and the public, pursuant to subparagraph (A), not less frequently than every 5 years.

''(7) PLANS AND REPORTING.—

''(A) REGULATIONS.—As part of the regulations promulgated under subsection, the Administrator shall prescribe requirements governing plans and reports to be submitted in accordance with this paragraph.

''(B) PLANS.—Not later than April 30 of 2011 and every 5 years thereafter through 2026, each electricity local distribution company shall submit to the Administrator a plan, approved by the State regulatory authority or other entity charged with regulating tor setting the retail rates of such company, describing such company's plans for the disposition of the value of emission allowances to be received pursuant to this subsection and subsection (e), in accordance with the requirements of this subsection and subsection (e). Such plan shall include a description of the manner in which the company will provide to industrial retail ratepayers (including entities that receive emission allowances under part F) their ratable share of the value of such allowances.

''(C) REPORTS.—Not later than June 30 of 2013 and each calendar year thereafter through 2031, each electricity local distribution company shall submit a report to the Administrator, and to the relevant State regulatory authority or other entity charged with regulating or setting the retail electricity rates of such company, describing the disposition of the value of any emission allowances received by such company in the prior calendar year pursuant to this subsection and subsection (e), including—

''(i) a description of sales, transfer, exchange, or use by the company for compliance with obligations under this title, of any such emission allowances;

''(ii) the monetary value received by the company, whether in money or in some other form, from the sale, transfer, or exchange of any such emission allowances;

''(iii) the manner in which the company's disposition of any such emission allowances complies with the requirements of this subsection and of subsection (e), including each of the requirements of paragraph (5) of this subsection, including the requirement that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of such allowances; and

''(iv) such other information as the Administrator may require pursuant to subparagraph (A).

''(D) PUBLICATION.—The Administrator shall make available to the public all plans and reports submitted under this subsection, including by publishing such plans and reports on the Internet.

''(8) AUDITS.—Each year, the Administrator shall audit a representative sample of electricity local distribution companies to ensure that emission allowances distributed under this subsection have been used exclusively for the benefit of retail ratepayers and that such companies are complying with the requirements of this subsection and of subsection (e), including the requirement that industrial retail ratepayers (including entities that receive emission allowances under part F) receive their ratable share of the value of such allowances. In selecting companies for audit, the Administrator shall take into account any credible evidence of noncompliance with such requirements. The Administrator shall make available to the public a report describing the results of each such audit, including by publishing such report on the Internet.

''(9) ENFORCEMENT.—A violation of any requirement of this subsection or of subsection (e) shall be a violation of this Act. Each emission allowance the value of which is used in violation of the requirements of this subsection or of subsection (e) shall be a separate violation.

''(c) MERCHANT COAL UNITS.—

''(1) QUALIFYING EMISSIONS.—The qualifying emissions for a merchant coal unit for a given calendar year shall be the product of the number of megawatt hours of merchant coal unit sales generated by such unit in such calendar year and the average carbon dioxide emissions per megawatt hour generated by such unit during the base period under paragraph (2), provided that the number of megawatt hours in a given calendar year for purposes of such calculation shall be reduced in proportion to the portion of such unit's carbon dioxide emissions that are either—

''(A) captured and sequestered in such calendar year; or

''(B) attributable to the combustion or gasification of biomass, to the extent that the owner or operator of the unit is not required to hold emission allowances for such emissions.

''(2) BASE PERIOD.—For purposes of this subsection, the base period for a merchant coal unit shall be—

''(A) calendar years 2006 through 2008; or

''(B) in the case of a new merchant coal unit—

''(i) the first full calendar year of operation of such unit, if such unit commences operation before January 1, 2012;

''(ii) calendar year 2012, if such unit commences operation on or after January 1, 2012.

''(iii) calendar year 2013, if such unit commences operation on or after October 1, 2012, and before January 1, 2013.

''(3) PHASE-DOWN SCHEDULE.—The Administrator shall identify an annual phase-down factor, applicable to distributions to merchant coal units for each of vintage years 2012 through 2029, that corresponds to the overall decline in the amount of emission allowances allocated to the electricity sector in such years pursuant to section 782(a)(1). Such factor shall—

''(A) for vintage year 2012, be equal to 1.0;

''(B) for each of vintage years 2013 through 2029, correspond to the quotient of—

''(i) the quantity of emission allowances allocated under section 782(a)(1) for such vintage year; divided by

''(ii) the quantity of emission allowances allocated under section 782(a)(1) for vintage year 2012.

''(4) DISTRIBUTION OF EMISSION ALLOWANCES.—Not later than March 1 of 2013 and each calendar year through 2030, the Administrator shall distribute emission allowances of the preceding vintage year to the owner or operator of each merchant coal unit described in subsection (a)(6)(C) in an amount equal to the product of—

''(A) 0.5;

''(B) the qualifying emissions for such merchant coal unit for the preceding year, as determined under paragraph (1); and

''(C) the phase-down factor for the preceding calendar year, as identified under paragraph (3).

''(5) ADJUSTMENT.—

''(A) STUDY.—Not later than July 1, 2014, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall complete a study to determine whether the allocation formula under paragraph (3) is resulting in, or is likely to result in, windfall profits to merchant coal generators or substantially disparate treatment of merchant coal generators operating in different markets or regions.

''(B) REGULATION.—If the Administrator, in consultation with the Federal Energy Regulatory Commission, makes an affirmative finding of windfall profits or disparate treatment under subparagraph (A), the Administrator shall, not later than 18 months after the completion of the study described in subparagraph (A), promulgate regulations providing for the adjustment of the allocation formula under paragraph (3) to mitigate, to the extent practicable, such windfall profits, if any, and such disparate treatment, if any.

''(6) LIMITATION ON ALLOWANCES.—Notwithstanding paragraph (4) or (5), for each vintage year the Administrator shall distribute under this subsection no more than 10 percent of the total quantity of emission allowances available for such vintage year for distribution to the electricity sector under section 782(a)(1). If the quantity of emission allowances that would otherwise be distributed pursuant to paragraph (4) or (5) for any vintage year would exceed such limit, the Administrator shall distribute 10 percent of the total emission allowances available for distribution under section 782(a)(1) for such vintage year ratably among merchant coal generators based on the applicable formula under paragraph (4) or (5).

''(7) ELIGIBILITY.—The owner or operator of a merchant coal unit shall not be eligible to receive emission allowances under this subsection for any vintage year for which such owner or operator has elected to receive emission allowances for the same unit under subsection (d).

''(d) LONG-TERM CONTRACT GENERATORS.—

''(1) DISTRIBUTION.—Not later than March 1 of 2013 and each calendar year through 2030, the Administrator shall distribute to the owner or operator of each long-term contract generator a quantity of emission allowances of the preceding vintage year that is equal to the sum of—

''(A) the number of tons of carbon dioxide emitted as a result of a qualifying electricity sales agreement referred to in subsection (a)(5)(B)(i); and

''(B) the incremental number of tons of carbon dioxide emitted solely as a result of a qualifying thermal sales agreement referred to in subsection (a)(5)(B)(ii), provided that in no event shall the Administrator distribute more than 1 emission allowance for the same ton of emissions.

''(2) LIMITATION ON ALLOWANCES.— Notwithstanding paragraph (1), for each vintage year the Administrator shall distribute under this subsection no more than 4.3 percent of the total quantity of emission allowances available for such vintage year for distribution to the electricity sector under section 782(a)(1). If the quantity of emission allowances that would otherwise be distributed pursuant to paragraph (1) for any vintage year would exceed such limit, the Administrator shall distribute 4.3 percent of the total emission allowances available for distribution under section 782(a)(1) for such vintage year ratably among long-term contract generators based on paragraph (1).

''(3) ELIGIBILITY.—

''(A) FACILITY ELIGIBILITY.—The owner or operator of a facility shall cease to be eligible to receive emission allowances under this subsection upon the earliest date on which the facility no longer meets each and every element of the definition of a long-term contract generator under subsection (a)(5).

''(B) CONTRACT ELIGIBILITY.—The owner or operator of a facility shall cease to be eligible to receive emission allowances under this subsection based on an electricity or thermal sales agreement referred to in subsection (a)(5)(B) upon the earliest date that such agreement—

''(i) expires;

''(ii) is terminated; or

''(iii) is amended in any way that changes the location of the facility, the price (whether a fixed price or price formula) for electricity or thermal energy sold under such agreement, the quantity of electricity or thermal energy sold under the agreement, or the expiration or termination date of the agreement.

''(4) DEMONSTRATION OF ELIGIBILITY.—To be eligible to receive allowance distributions under this subsection, the owner or operator of a long-term contract generator shall submit each of the following in writing to the Administrator within 180 days after the date of enactment of this title, and not later than September 30 of each vintage year for which such generator wishes to receive emission allowances:

''(A) A certificate of representation described in section 700(15).

''(B) An identification of each owner and each operator of the facility.

''(C) An identification of the units at the facility and the location of the facility.

''(D) A written certification by the designated representative that the facility meets all the requirements of the definition of a long-term contract generator.

''(E) The expiration date of each qualifying electricity or thermal sales agreement referred to in subsection (a)(5)(B).

''(F) A copy of each qualifying electricity or thermal sales agreement referred to in subsection (a)(5)(B).

''(5) NOTIFICATION.—Not later than 30 days after, in accordance with paragraph (3), a facility or an agreement ceases to meet the eligibility requirements for distribution of emission allowances pursuant to this subsection, the designated representative of such facility shall notify the Administrator in writing when, and on what basis, such facility or agreement ceased to meet such requirements.

''(e) SMALL LDCS.—

''(1) DISTRIBUTION.—Not later than September 30 of each calendar year from 2011 through 2028, the Administrator shall, in accordance with this subsection, distribute emission allowances allocated pursuant to section 782(a)(2) for the following vintage year. Such allowances shall be distributed ratably among small LDCs based on historic emissions in accordance with the same measure of such emissions applied to each such small LDC for the relevant vintage year under subsection (b)(2) of this section.

''(2) USES.—A small LDC receiving allowances under this section shall use such allowances exclusively for the following purposes:

''(A) Cost-effective programs to achieve electricity savings, provided that such savings shall not be transferred or used for compliance with section 610 of the Public Utility Regulatory Policies Act of 1978.

''(B) Deployment of technologies to generate electricity from renewable energy resources, provided that any Federal renewable electricity credits issued based on generation supported under this section shall be submitted to the Federal Energy Regulatory Commission for voluntary retirement and shall not be used for compliance with section 610 of the Public Utility Regulatory Policies Act of 1978.

''(C) Assistance programs to reduce electricity costs for low-income residential ratepayers of such small LDC, provided that such assistance is made available equitably to all residential ratepayers below a certain income level, which shall not be higher than 200 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(3) REQUIREMENTS.—As part of the regulations promulgated under subsection, the Administrator shall prescribe—

''(A) after consultation with the Federal Energy Regulatory Commission, requirements to ensure that programs and projects under paragraph (2)(A) and (B) are consistent with the standards established by, and effectively supplement electricity savings and generation of electricity from renewable energy resources achieved by, the Combined Efficiency and Renewable Electricity Standard established under section 610 of the Public Utility Regulatory Policies Act of 1978;

''(B) eligibility criteria and guidelines for consumer assistance programs for low-income residential ratepayers under paragraph (2)(C); and

''(C) such other requirements as the Administrator determines appropriate to ensure compliance with the requirements of this subsection.

''(4) REPORTING.—Reports submitted under subsection (b)(7) shall include, in accordance with such requirements as the Administrator may prescribe—

''(A) a description of any facilities deployed under paragraph (2)(A), the quantity of resulting electricity generation from renewable energy resources;

''(B) an assessment demonstrating the cost-effectiveness of, and electricity savings achieved by, programs supported under paragraph (2)(B); and

''(C) a description of assistance provided to low-income retail ratepayers under paragraph (2)(C).

(f) CERTAIN COGENERATION FACILITIES.—

(1) ELIGIBLE COGENERATION FACILITIES.—For purposes of this subsection, an ''eligible cogeneration facility'' is a facility that—

(A) is a qualifying co-generation facility (as that term is defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B));

(B) derives 80 percent or more of its heat input from coal, petroleum coke, or any combination of these 2 fuels;

(C) has a nameplate capacity of 100 megawatts or greater;

(D) was in operation as of January 1, 2009, and remains in operation as of the date of any distribution of emission allowances under this subsection;

(E) in calendar years 2006 through 2008 sold, and as of the date of any distribution of emission allowances under this section sells, steam or electricity directly and solely to multiple, separately-owned industrial or commercial facilities co-located at the same site with the cogeneration facility; and

(F) is not eligible to receive allowances under any other subsection of this section or under part F of this title.

(2) DISTRIBUTION.—The Administrator shall distribute the emission allowances allocated pursuant to section 782(a)(3) to owners or operators of eligible cogeneration facilities ratably based on the carbon dioxide emissions of each such facility in calendar years 2006 through 2008. The Administrator—

(A) shall not, in any year, distribute emission allowances under this subsection to the owner or operator of any eligible cogeneration facility in excess of the amount necessary to offset such facility's cost of compliance with the requirements of this title in that year; and

(B) may distribute such allowances over a period of years if annual distributions under this subsection would otherwise exceed the limitation in subparagraph (A), provided that in no event shall distributions be made under this subsection after calendar year 2025.

(3) REQUIREMENTS.—The Administrator shall, by regulation, establish requirements to ensure that the value of any emission allowances distributed pursuant to this subsection are passed through, on an equitable basis, to the facilities to which the relevant cogeneration facility provides electricity or steam deliveries, including any facility owned or operated by the owner or operator of the cogeneration facility.

''(g) REGULATIONS.—Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall promulgate regulations to implement the requirements of this section.

"SEC. 784. NATURAL GAS CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) COST-EFFECTIVE.—The term 'cost-effective', with respect to an energy efficiency program, means that the program meets the Total Resource Cost Test, which requires that the net present value of economic benefits over the life of the program, including avoided supply and delivery costs and deferred or avoided investments, is greater than the net present value of the economic costs over the life of the program, including program costs and incremental costs borne by the energy consumer.

''(2) NATURAL GAS LOCAL DISTRIBUTION COMPANY.—The term 'natural gas local distribution company' means a natural gas local distribution company that is a covered entity.

''(3) NON-COVERED ENTITY.—The term 'non-covered entity' means, when used in reference to a date or period prior to the enactment of this title, an entity that would not have been a covered entity if this title had been in effect during such date or period.

''(4) STATE REGULATORY AUTHORITY.—The term 'State regulatory authority' has the meaning given the term 'State commission' in section 2(8) of the Natural Gas Act (15 U.S.C. 717a(8)).

''(b) DISTRIBUTION.—Not later than June 30 of 2015 and each calendar year thereafter through 2028, the Administrator shall distribute to natural gas local distribution companies for the benefit of retail ratepayers the quantity of emission allowances allocated for the following vintage year pursuant to section 782(b). Such allowances shall be distributed among local natural gas distribution companies based on the following formula:

''(1) INITIAL FORMULA.—Except as provided in paragraph (2), for each vintage year, the Administrator shall distribute emission allowances among natural gas local distribution companies ratably based on each such company's annual average retail natural gas deliveries for 2006 through 2008 to customers that were non-covered entities, unless the owner or operator of the company selects 3 other consecutive years between 1999 and 2008, inclusive, and timely notifies the Administrator of its selection.

''(2) UPDATING.—Prior to distributing 2019 vintage year emission allowances and at 3-year intervals thereafter, the Administrator shall update the distribution formula under this subsection to reflect changes in each natural gas local distribution company's service territory since the most recent formula was established. For each successive 3-year period, the Administrator shall distribute allowances ratably among natural gas local distribution companies based on the product of—

''(A) each natural gas local distribution company's average annual natural gas deliveries per customer to customers that were non-covered entities during calendar years 2006 through 2008, or during the 3 alternative consecutive years selected by such company under paragraph (1); and

''(B) the number of customers of such natural gas local distribution company that are not covered entities in the most recent year in which the formula is updated under this paragraph.

''(c) USE OF ALLOWANCES.—

''(1) RATEPAYER BENEFIT.—Emission allowances distributed to a natural gas local distribution company under this section shall be used exclusively for the benefit of retail ratepayers of such natural gas local distribution company other than covered entities and may not be used to support natural gas sales or deliveries to entities or persons other than such ratepayers.

''(2) RATEPAYER CLASSES.—In using emission allowances distributed under this section for the benefit of ratepayers, a natural gas local distribution company shall ensure that ratepayer benefits are distributed—

''(A) among ratepayer classes ratably based on natural gas deliveries to each class, excluding deliveries to covered entities; and

''(B) equitably among individual ratepayers other than covered entities within each ratepayer class.

''(3) LIMITATION.—In general, a natural gas local distribution company shall not use the value of emission allowances distributed under this section to provide to any ratepayer a rebate that is based solely on the quantity of natural gas delivered to such ratepayer. To the extent a natural gas local distribution company uses the value of emission allowances distributed under this section to provide rebates, it shall, to the maximum extent practicable, provide such rebates with regard to the fixed portion of ratepayers' bills or as a fixed creditor rebate on natural gas bills.

''(4) INDUSTRIAL RATEPAYERS.—Notwithstanding paragraph (3), if compliance with the requirements of this title results (or would otherwise result) in an increase in natural gas costs for industrial retail ratepayers of any given natural gas local distribution company that are not covered entities (including entities that receive emission allowances pursuant to part F), such natural gas local distribution company—

''(A) shall pass through to industrial retail ratepayers that are not covered entities their ratable share (based on deliveries to each ratepayer class) of the value of the emission allowances distributed to such company under this subsection, to reduce natural gas cost impacts on such ratepayers; and

''(B) may do so based on the quantity of natural gas delivered to individual industrial retail ratepayers.

''(5) ENERGY EFFICIENCY PROGRAMS.—The value of no less than one third of the emission allowances distributed to natural gas local distribution companies pursuant to this section in any calendar year shall be used for cost-effective energy efficiency programs for natural gas consumers. Such programs must be authorized and overseen by the State regulatory authority, or by the entity with authority to regulate or set retail natural gas rates in the case of a natural gas local distribution company that is not regulated by a State regulatory authority.

''(6) CERTAIN INTRACOMPANY DELIVERIES.—If a natural gas local distribution company makes an intracompany delivery of natural gas to a customer that is not a covered entity, for which such company is required to hold emission allowances under section 722, such customer shall, for purposes of this section, be considered a retail ratepayer and a member of a ratepayer class to be determined by the relevant State regulatory authority, or other entity with authority to regulate or set natural gas rates in the case of a company not regulated by a State regulatory authority.

''(7) GUIDELINES.—As part of the regulations promulgated under subsection (h), the Administrator shall, after consultation with State regulatory authorities, prescribe guidelines for the implementation of the requirements of this subsection. Such guidelines shall include requirements to ensure that industrial retail ratepayers that are not covered entities (including entities that receive emission allowances under part F) receive their ratable share of the value of the allowances distributed to each natural gas local distribution company pursuant to this section.

''(d) REGULATORY PROCEEDINGS.—

''(1) REQUIREMENT.—No natural gas local distribution company shall be eligible to receive emission allowances under this section unless the State regulatory authority with authority over the retail rates of such company, or the entity with authority to regulate or set retail rates of a natural gas local distribution company not regulated by a State regulatory authority, has—

''(A) after public notice and an opportunity for comment, promulgated a regulation or completed a public rate proceeding (or the equivalent, in the case of a ratemaking entity other than a State regulatory authority) that provides for the full implementation of the requirements of subsection (c); and

''(B) made available to the Administrator and the public a report describing, in adequate detail, the manner in which the requirements of subsection (c) will be implemented.

''(2) UPDATING.—The Administrator shall require, as a condition of continued receipt of emission allowances under this section, that a new regulation be promulgated or rate proceeding be completed, after public notice and an opportunity for comment, and a new report be made available to the Administrator and the public, pursuant to paragraph (1), not less frequently than every 5 years.

''(e) PLANS AND REPORTING.—

''(1) REGULATIONS.—As part of the regulations promulgated under subsection (h), the Administrator shall prescribe requirements governing plans and reports to be submitted in accordance with this subsection.

''(2) PLANS.—Not later than April 30 of 2015 and every 5 years thereafter through 2025, each natural gas local distribution company shall submit to the Administrator a plan, approved by the State regulatory authority or other entity charged with regulating or setting the retail rates of such company, describing such company's plans for the disposition of the value of emission allowances to be received pursuant to this section, in accordance with the requirements of this section.

''(3) REPORTS.—Not later than June 30 of 2017 and each calendar year thereafter through 2031, each natural gas local distribution company shall submit a report to the Administrator, approved by the relevant State regulatory authority or other entity charged with regulating or setting the retail natural gas rates of such company, describing the disposition of the value of any emission allowances received by such company in the prior calendar year pursuant to this section, including—

''(A) a description of sales, transfer, exchange, or use by the company for compliance with obligations under this title, of any such emission allowances;

''(B) the monetary value received by the company, whether in money or in some other form, from the sale, transfer, or exchange of emission allowances received by the company under this section;

''(C) the manner in which the company's disposition of emission allowances received under this section complies with the requirements of this section, including each of the requirements of subsection (c);

''(D) the cost-effectiveness of, and energy savings achieved by, energy efficiency programs supported through such emission allowances; and

''(E) such other information as the Administrator may require pursuant to paragraph (1).

''(4) PUBLICATION.—The Administrator shall make available to the public all plans and reports submitted by natural gas local distribution companies under this subsection, including by publishing such plans and reports on the Internet.

''(f) AUDITS.—Each year, the Administrator shall audit a representative sample of natural gas local distribution companies to ensure that emission allowances distributed under this section have been used exclusively for the benefit of retail ratepayers and that such companies are complying with the requirements of this section. In selecting companies for audit, the Administrator shall take into account any credible evidence of noncompliance with such requirements. The Administrator shall make available to the public a report describing the results of each such audit, including by publishing such report on the Internet.

''(g) ENFORCEMENT.—A violation of any requirement of this section shall be a violation of this Act. Each emission allowance the value of which is used in violation of the requirements of this section shall be a separate violation.

''(h) REGULATIONS.—Not later than January 1, 2014, the Administrator, in consultation with the Federal Energy Regulatory Commission, shall promulgate regulations to implement the requirements of this section.

''SEC. 785. HOME HEATING OIL, PROPANE, AND KEROSENE CONSUMERS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) CARBON CONTENT.—The term 'carbon content' means the amount of carbon dioxide that would be emitted as a result of the combustion of a fuel.

''(2) COST-EFFECTIVE.—The term 'cost-effective' has the meaning given that term in section 784(a)(1).

''(3) OILHEAT FUEL.—The term 'oilheat fuel' means fuel that—

''(A) is—

''(i) No. 1 distillate;

''(ii) No. 2 dyed distillate;

''(iii) a liquid blended with No. 1 distillate or No. 2 dyed distillate; or

''(iv) a biobased liquid; and

''(B) is used as a fuel for nonindustrial commercial or residential space or hot water heating.

''(b) DISTRIBUTION AMONG STATES.—Not later than September 30 of each of calendar years 2011 through 2028, the Administrator shall distribute among the States, in accordance with this section, the quantity of emission allowances allocated for the following vintage year pursuant to section 782(c). The Administrator shall distribute emission allowances among the States under this section each year ratably based on the ratio of—

''(1) the carbon content of oilheat fuel, propane, and kerosene sold to consumers within each State in the preceding year for residential or commercial uses; to

''(2) the carbon content of oilheat fuel, propane, and kerosene sold to consumers within the United States in the preceding year for residential or commercial uses.

''(c) USE OF ALLOWANCES.—

''(1) IN GENERAL.—States shall use emission allowances distributed under this section exclusively for the benefit of consumers of oilheat fuel, propane, or kerosene for residential or commercial purposes. Such proceeds shall be used exclusively for—

''(A) cost-effective energy efficiency programs for consumers that use oilheat fuel, propane, or kerosene for residential or commercial purposes; or

''(B) rebates or other direct financial assistance programs for consumers of oilheat fuel, propane, or kerosene used for residential or commercial purposes.

''(2) ADMINISTRATION AND DELIVERY MECHANISMS.—In administering programs supported by this section, States shall

''(A) use no less than 50 percent of the value of emission allowances received under this section for cost-effective energy efficiency programs to reduce consumers' overall fuel costs;

''(B) to the extent practicable, deliver consumer support under this section through existing energy efficiency and consumer energy assistance programs or delivery mechanisms, including, where appropriate, programs or mechanisms administered by parties other than the State; and

''(C) seek to coordinate the administration and delivery of energy efficiency and consumer energy assistance programs supported under this section, with one another and with existing programs for various fuel types, so as to deliver comprehensive, fuel-blind, coordinated programs to consumers.

''(d) REPORTING.—Each State receiving emission allowances under this section shall submit to the Administrator, within 12 months of each receipt of such allowances, a report, in accordance with such requirements as the Administrator may prescribe, that—

''(1) describes the State's use of emission allowances distributed under this section, including a description of the energy efficiency and consumer assistance programs supported with such allowances;

''(2) demonstrates the cost-effectiveness of, and the energy savings and greenhouse gas emissions reductions achieved by, energy efficiency programs supported under this section; and

''(3) includes a report prepared by an independent third party, in accordance with such regulations as the Administrator may promulgate, evaluating the performance of the energy efficiency and consumer assistance programs supported under this section.

''(e) ENFORCEMENT.—If the Administrator determines that a State is not in compliance with this section, the Administrator may withhold a portion of the emission allowances, the quantity of which is equal to up to twice the quantity of the allowances that the State failed to use in accordance with the requirements of this section, that such State would otherwise be eligible to receive under this section in later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States ratably in accordance with the formula in subsection (b).

"SEC. 787. ALLOCATIONS TO REFINERIES.

''(a) PURPOSE.—The purpose of this section is to provide emission allowance rebates to petroleum refineries in the United States in a manner that promotes energy efficiency and a reduction in greenhouse gas emissions at such facilities.

''(b) DEFINITIONS.—In this section:

''(1) EMISSIONS.—The term 'emissions' includes direct emissions from fuel combustion, process emissions, and indirect emissions from the generation of electricity, steam, and hydrogen used to produce the output of a petroleum refinery or the petroleum refinery sector.

''(2) PETROLEUM REFINERY.—The term 'petroleum refinery' means a facility classified under code 324110 of the North American Industrial Classification System of 2002.

''(3) SMALL BUSINESS REFINER.—The term 'small business refiner' means a refiner that meets the applicable Federal refinery capacity and employee limitations criteria described in section 45H(c)(1) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this section and without regard to section 45H(d)). Eligibility of a small business refiner under this paragraph shall not be recalculated or disallowed on account of (i) its merger with another small business refiner or refiners after December 31, 2002 or (ii) its acquisition of another small business refiner (or refinery of such refiner) after December 31, 2002.

''(c) IN GENERAL.—For each vintage year between 2014 and 2026, the Administrator shall distribute allowances pursuant to this section to owners and operators of petroleum refineries, including small business refiners, in the United States.

''(d) DISTRIBUTION SCHEDULE.—The Administrator shall distribute emission allowances pursuant to the regulations issued under subsection (e) for each vintage year no later than October 31 of the preceding calendar year.

''(e) REGULATIONS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Administrator of the Energy Information Administration, shall promulgate regulations that establish a formula for distributing emission allowances consistent with the purpose of this section. In establishing such formula, the Administrator shall consider the relative complexity of refinery processes and appropriate mechanisms to take energy efficiency and greenhouse gas reductions into account. If a petroleum refinery's electricity provider received a free allocation of emission allowances pursuant to section 782(a), the Administrator shall take this free allocation into account when establishing such formula to avoid rebates to a petroleum refinery for costs that the Administrator determines were not incurred by the petroleum refinery because the allowances were freely allocated to the petroleum refinery's electricity provider and used for the benefit of the petroleum refinery. This formula shall apply separately to the distribution of allowances allocated pursuant to section 782(j)(1) and to those allocated under section 782(j)(2).

"SEC. 788. SUPPLEMENTAL AGRICULTURE AND RENEWABLE ENERGY INCENTIVES PROGRAMS.

''(a) IN GENERAL.—Emission allowances allocated pursuant to section 782(u) shall be distributed by the Administrator at the direction of the Secretary of Energy and the Secretary of Agriculture in accordance with this section. Not less than 50 percent of the allowances shall be available for the program established pursuant to subsection (b).

''(b) AGRICULTURE INCENTIVES PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish by rule a program to provide incentives in the form of emission allowances for activities undertaken in the agriculture sector that reduce greenhouse gas emissions or sequester carbon. Under this program, the Secretary of Agriculture shall provide incentives for projects and activities that—

''(A) reduce or avoid greenhouse gas emissions, or sequester greenhouse gases, but do not meet the criteria for offset credits established under the American Clean Energy and Security Act of 2009;

''(B) support actions to adapt to climate change; or

''(C) prevent conversion of land that would increase greenhouse gas emissions (including projects and activities that complement or supplement conservation programs administered by the Secretary).

''(2) CONSIDERATIONS.—In designing this program, the Secretary shall ensure that it provides support for—

''(A) development and demonstration of practices to reduce greenhouse gas emissions or sequester carbon in agricultural operations where there are limited recognized opportunities to achieve such emissions reductions or sequestration; and

''(B) projects that reduce greenhouse gas emissions or increase sequestration of greenhouse gases and also achieve other significant environmental benefits, such as the improvement of water or air quality.

''(3) RESEARCH.—The Secretary shall establish by rule a program to conduct research to develop additional projects and activities for crops to find additional techniques and methods to reduce greenhouse gas emissions or sequester greenhouse gases that may or may not meet the criteria for offset credits established under the American Clean Energy and Security Act of 2009.

''(4) USE OF INFORMATION.—Information and data generated by this program should, where relevant, be used to inform the development of additional offset practices and methodologies.

''(c) RENEWABLE ENERGY INCENTIVES PROGRAM.—The Secretary of Energy and the Administrator shall establish by rule a program to provide allowances to State and local governments to support the deployment of renewable energy infrastructure.''.

"SEC. 789. CLIMATE CHANGE CONSUMER REFUNDS.

''(a) REFUND.—In each year after deposits are made to the Climate Change Consumer Refund Account, the Secretary of the Treasury shall provide tax refunds on a per capita basis to each household in the United States that shall collectively equal the amount deposited into the Climate Change Consumer Refund Account.

''(b) LIMITATIONS.—The Secretary of the Treasury shall establish procedures to ensure that individuals who are not—

''(1) citizens or nationals of the United States; or

''(2) immigrants lawfully residing in the United States,

are excluded for the purpose of calculating and distributing refunds under this section.

"SEC. 790. EXCHANGE FOR STATE-ISSUED ALLOWANCES.

"(a) IN GENERAL.—Not later than one year after the date of enactment of this title, the Administrator shall issue regulations allowing any person in the United States to exchange greenhouse gas emission allowances issued before December 31, 2011, by the State of California or for the Regional Greenhouse Gas Initiative, or the Western Climate Initiative (in this section referred to as 'State allowances') for emission allowances established by the Administrator under section 721(a).

"(b) REGULATIONS.—Regulations issued under subsection (a) shall—

"(1) provide that a person exchanging State allowances under this section receive emission allowances established under section 721(a) in the amount that is sufficient to compensate for the cost of obtaining and holding such State allowances;

"(2) establish a deadline by which persons must exchange the State allowances;

"(4) require that, once exchanged, the credit or other instrument be retired for purposes of use under the program by or for which it was originally issued.

"(5) provide that the Federal emission allowances disbursed pursuant to this section shall be deducted from the allowances to be auctioned pursuant to section 782(d); and

"(c) COST OF OBTAINING STATE ALLOWANCE.—For purposes of this section, the cost of obtaining a State allowance shall be the average auction price, for emission allowances issued in the year in which the State allowance was issued, under the program under which the State allowance was issued.

"SEC. 791. AUCTION PROCEDURES.

"(a) IN GENERAL.—To the extent that auctions of emission allowances by the Administrator are authorized by this part, such auctions shall be carried out pursuant to this section and the regulations established hereunder.

"(b) INITIAL REGULATIONS.—Not later than 12 months after the date of enactment of this title, the Administrator, in consultation with other agencies, as appropriate, shall promulgate regulations governing the auction of allowances under this section. Such regulations shall include the following requirements:

"(1) FREQUENCY; FIRST AUCTION.—Auctions shall be held four times per year at regular intervals, with the first auction to be held no later than March 31, 2011.

"(2) AUCTION SCHEDULE; CURRENT AND FUTURE VINTAGES.—The Administrator shall, at each quarterly auction under this section, offer for sale both a portion of the allowances with the same vintage year as the year in which the auction is being conducted and a portion of the allowances with vintage years from future years. The preceding sentence shall not apply to auctions held before 2012, during which period, by necessity, the Administrator shall auction only allowances with a vintage year that is later than the year in which the auction is held. Beginning with the first auction and at each quarterly auction held thereafter, the Administrator may offer for sale allowances with vintage years of up to four years after the year in which the auction is being conducted, except as provided in section 782(p).

"(3) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

"(4) PARTICIPATION; FINANCIAL ASSURANCE.—Auctions shall be open to any person, except that the Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

"(5) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in the auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

"(6) PURCHASE LIMITS.—No person may, directly or in concert with another participant, purchase more than 5 percent of the allowances offered for sale at any quarterly auction.

"(7) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the identities of winning bidders, the quantity of allowances obtained by each winning bidder, and the auction clearing price.

"(8) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator, in consultation with other agencies, as appropriate, considers appropriate to promote effective, efficient, transparent, and fair administration of auctions under this section.

"(c) REVISION OF REGULATIONS.—The Administrator may, in consultation with other agencies, as appropriate, at any time, revise the initial regulations promulgated under subsection (b) by promulgating new regulations. Such revised regulations need not meet the requirements identified in subsection (b) if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this subsection, the Administrator shall not consider maximization of revenues to the Federal Government.

"(d) RESERVE AUCTION PRICE.—The minimum reserve auction price shall be $10 (in constant 2009 dollars) for auctions occurring in 2012. The minimum reserve price for auctions occurring in years after 2012 shall be the minimum reserve auction price for the previous year increased by 5 percent plus the rate of inflation (as measured by the Consumer Price Index for all urban consumers).

"(e) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

"(f) SMALL BUSINESS REFINER RESERVE.—The Administrator shall, in accordance with this subsection, issue regulations setting aside a specified number of allowances that small business refiners may purchase at the average auction price and may use to demonstrate compliance pursuant to section 722. These regulations shall provide the following:

"(1) AMOUNT.—The Administrator shall place in the small business refiner reserve account allowances that are to be sold at auction pursuant to the allocations in section 782 in an amount equal to—

"(A) 6.2 percent of the emission allowances established under section 721(a) for each vintage year from 2012 through 2013;

"(B) 5.4 percent of the emission allowances established under section 721(a) for each vintage year from 2014 through 2015; and

"(C) 4.9 percent of the emission allowances established under section 721(a) for each vintage year from 2016 through 2024.

"(2) ALLOWED PURCHASES.—From January 1 of the calendar year that matches the vintage year for which allowances have been placed in the reserve, through January 14 of the following year, small business refiners (as defined in section 787(b)) may purchase allowances from this reserve at the price determined pursuant to paragraph (3).

"(3) PRICE.—The price for allowances purchased from this reserve shall be the average auction price for allowances of the same vintage year purchased at auctions conducted pursuant to this section during the 12 months preceding the purchase of the allowances.

"(4) USE OF ALLOWANCES.—Allowances purchased from this reserve shall only be used by the purchaser to demonstrate compliance pursuant to section 722 for attributable greenhouse gas emissions in the calendar year that matches the vintage year of the purchased allowance. Allowances purchased from this reserve may not be banked, traded or borrowed.

"(5) LIMITATIONS ON PURCHASE AMOUNT.—The Administrator, by regulation adopted after public notice and an opportunity for comment, shall establish procedures to distribute the ability to purchase allowances from the reserve fairly among all small business refiners interested in purchasing allowances from this reserve so as to address the potential that requests to purchase allowances exceed the number of allowances available in the reserve. This regulation may place limits on the number of allowances a small business refiner may purchase from the reserve.

"(6) UNSOLD ALLOWANCES.—Vintage year allowances not sold from the reserve on or before January 15 of the calendar year following the vintage year shall be sold at an auction conducted pursuant to this section no later than March 31 of the calendar year following the vintage year. If significantly more allowances are being placed in the reserve than are being purchased from the reserve several years in a row, the Administrator may adjust either the percent of allowances placed in the reserve or the date by which allowances may be purchased from the reserve.

"SEC. 792. AUCTIONING ALLOWANCES FOR OTHER ENTITIES.

"(a) CONSIGNMENT.—Any entity holding emission allowances or compensatory allowances may request that the Administrator auction, pursuant to section 791, the allowances on consignment.

"(b) PRICING.—When the Administrator acts under this section as the agent of an entity in possession of emission allowances or compensatory allowances, the Administrator is not obligated to obtain the highest price possible for the allowances, and instead shall auction consignment allowances in the same manner and pursuant to the same rules as auctions of other allowances under section 791. The Administrator may permit the entity offering the allowance for sale to condition the sale of its allowances pursuant to this section on a minimum reserve price that is different than the reserve auction price set pursuant to section 791(d).

"(c) PROCEEDS.—For emission allowances and compensatory allowances auctioned pursuant to this section, notwithstanding section 3302 of title 31, United States Code, or any other provision of law, within 90 days of receipt, the United States shall transfer the proceeds from the auction to the entity which held the allowances auctioned. No funds transferred from a purchaser to a seller of emission allowances or compensatory allowances under this subsection shall be held by any officer or employee of the United States or treated for any purpose as public monies.

"(d) UNSOLD ALLOWANCES.—Allowances offered for sale under this section that are not sold shall be returned to the entity in possession of the allowance, notwithstanding section 726(b)(2)(A).

"(e) REGULATIONS.—The Administrator shall issue regulations within 24 months after the date of enactment of this title to implement this section.

"SEC. 793. ESTABLISHMENT OF FUNDS.

''There is hereby established in the Treasury of the United States the following separate accounts:

''(1) The Strategic Reserve Fund.

''(2) The Climate Change Consumer Refund Account.

''(3) The Climate Change Worker Adjustment Assistance Fund.

"SEC. 794. OVERSIGHT OF ALLOCATIONS.

''(a) IN GENERAL.—Not later than January 1, 2014, and every 2 years thereafter, the Comptroller General of the United States shall carry out and report to Congress on the results of a review of programs administered by the Federal Government that distribute emission allowances or funds from any Federal auction of allowances.

''(b) CONTENTS.—Each such report shall include a comprehensive evaluation of the administration and effectiveness of each program, including—

''(1) the efficiency, transparency, and soundness of the administration of each program;

''(2) the performance of activities receiving assistance under each program;

''(3) the cost-effectiveness of each program in achieving the stated purposes of the program; and

''(4) recommendations, if any, for legislative, regulatory, or administrative changes to each program to improve its effectiveness.

''(c) FOCUS.—In evaluating program performance, each review under this section review shall address the effectiveness of such programs in—

''(1) creating and preserving jobs;

''(2) ensuring a manageable transition for working families and workers;

''(3) reducing the emissions, or enhancing sequestration, of greenhouse gases;

''(4) developing clean technologies; and

''(5) building resilience to the impacts of climate change.

"SEC. 795. EXCHANGE FOR EARLY ACTION OFFSET CREDITS.

''(a) IN GENERAL.—Emission allowances allocated pursuant to section 782(t) shall be distributed by the Administrator in accordance with this section. Not later than one year after the date of enactment of this title, the Administrator shall issue regulations allowing—

''(1) any person in the United States to exchange instruments in the nature of offset credits issued before January 1, 2009, by a State or voluntary offset program with respect to which the Administrator has made an affirmative determination under section 740(a)(2), for emissions allowances established by the Administrator under section 721(a); and

''(2) the Administrator to provide compensation in the form of emission allowances to entities that do not meet the criteria of paragraph (1) and meet the criteria of this paragraph for documented early reductions or avoidance of greenhouse gas emissions or greenhouse gases sequestered before January 1, 2009, from projects begun before January 1, 2009, where—

''(A) the entity publicly stated greenhouse gas reduction goals and publicly reported against those goals;

''(B) the entity demonstrated entity-wide net greenhouse gas reductions; and

''(C) the entity demonstrates the actual projects undertaken to make reductions and documents the reductions (e.g., through documentation of engineering projects).

''(b) REGULATIONS.—Regulations issued under subsection (a) shall—

''(1) provide that a person exchanging credits under subsection (a)(1) receive emission allowances established under section 721(a) in an amount for which the monetary value is equivalent to the average monetary value of the credits during the period from January 1, 2006, to January 1, 2009, as adjusted for inflation to reflect current dollar values at the time of the exchange;

''(2) provide that a person receiving compensation for documented early action under subsection (a)(2) shall receive emission allowances established under section 721(a) in an amount that is approximately equivalent in value to the carbon dioxide equivalent per ton value received by entities in exchange for credits under paragraph (1) (as adjusted for inflation to reflect current dollar values at the time of the exchange), as determined by the Administrator;

''(3) provide that only reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, achieved by activities in the United States between January 1, 2001, and January 1, 2009, may be compensated under this section, and only credits issued for such activities may be exchanged under this section;

''(4) provide that only credits that have not been retired or otherwise used to meet a voluntary or mandatory commitment, and have not expired, may be exchanged under subsection (a)(1);

''(5) require that, once exchanged, the credit be retired for purposes of use under the program by or for which it was originally issued; and

''(6) establish a deadline by which persons must exchange the credits or request compensation for early action under this section.

''(c) PARTICIPATION.—Participation in an exchange of credits for allowances or compensation for early action authorized by this section shall not preclude any person from participation in an offset credit program established under the American Clean Energy and Security Act of 2009.

''(d) DISTRIBUTION.—Of the emission allowances distributed under this section, a quantity equal to 0.75 percent of vintage year 2012 emission allowances established under section 721(a) shall be distributed pursuant to subsection (a)(1), and a quantity equal to 0.25 percent of vintage year 2012 emission allowances established under section 721(a) shall be distributed pursuant to subsection (a)(2).''.

Subtitle C—Additional Greenhouse Gas Standards

SEC. 331. GREENHOUSE GAS STANDARDS.

The Clean Air Act (42 U.S.C. 7401 and following), as amended by subtitles A and B of this title, is further amended by adding the following new title after title VII:

"TITLE VIII—ADDITIONAL GREENHOUSE GAS STANDARDS

"SEC. 801. DEFINITIONS.

''For purposes of this title, terms that are defined in title VII, except for the term 'stationary source', shall have the meaning given those terms in title VII.

"PART A—STATIONARY SOURCE STANDARDS

"SEC. 811. STANDARDS OF PERFORMANCE.

''(a) UNCAPPED STATIONARY SOURCES.—

''(1) INVENTORY OF SOURCE CATEGORIES.—(A) Within 12 months after the date of enactment of this title, the Administrator shall publish under section 111(b)(1)(A) an inventory of categories of stationary sources that consist of those categories that contain sources that individually had uncapped greenhouse gas emissions greater than 10,000 tons of carbon dioxide equivalent and that, in the aggregate, were responsible for emitting at least 20 percent annually of the uncapped greenhouse gas emissions.

''(B) The Administrator shall include in the inventory under this paragraph each source category that is responsible for at least 10 percent of the uncapped methane emissions in 2005. Notwithstanding any other provision, the inventory required by this section shall not include sources of enteric fermentation. The list under this paragraph shall include industrial sources, the emissions from which, when added to the capped emissions from industrial sources, constitute at least 95 percent of the greenhouse gas emissions of the industrial sector.

''(C) For purposes of this subsection, emissions shall be calculated using tons of carbon dioxide equivalents. In promulgating the inventory required by this paragraph and the schedule required under by paragraph (2)(C), the Administrator shall use the most current emissions data available at the time of promulgation, except as provided in subparagraph (B).

''(D) Notwithstanding any other provisions, the Administrator may list under 111(b) any source category identified in the inventory required by this subsection without making a finding that the source category causes or contributes significantly to, air pollution with may be reasonably anticipated to endanger public health or welfare.

''(2) STANDARDS AND SCHEDULE.—(A) For each category identified as provided in paragraph (1), the Administrator shall promulgate standards of performance under section 111 for the uncapped emissions of greenhouse gases from stationary sources in that category and shall promulgate corresponding regulations under section 111(d).

''(B) The Administrator shall promulgate standards as required by this subsection for stationary sources in categories identified as provided in paragraph (1) as expeditiously as practicable, assuring that—

''(i) standards for identified source categories that, combined, emitted 80 percent or more of the greenhouse gas emissions of the identified source categories shall be promulgated not later than 3 years after the date of enactment of this title and shall include standards for natural gas extraction; and

''(ii) for all other identified source categories—

''(I) standards for not less than an additional 25 percent of the identified categories shall be promulgated not later than 5 years after the date of enactment of this title;

''(II) standards for not less than an additional 25 percent of the identified categories shall be promulgated not later than 7 years after the date of enactment of this title; and

''(III) standards for all the identified categories shall be promulgated not later than 10 years after the date of enactment of this title.

''(C) Not later than 24 months after the date of enactment of this title and after notice and opportunity for comment, the Administrator shall publish a schedule establishing a date for the promulgation of standards for each category of sources identified pursuant to paragraph (1). The date for each category shall be consistent with the requirements of subparagraph (B). The determination of priorities for the promulgation of standards pursuant to this paragraph is not a rulemaking and shall not be subject to judicial review, except that failure to promulgate any standard pursuant to the schedule established by this paragraph shall be subject to review under section 304(a)(2).

''(D) Notwithstanding section 307, no action of the Administrator listing a source category under paragraph (1) shall be a final agency action subject to judicial review, except that any such action may be reviewed under section 307 when the Administrator issues performance standards for such category.

''(b) CAPPED SOURCES.—No standard of performance shall be established under section 111 for capped greenhouse gas emissions from a capped source unless the Administrator determines that such standards are appropriate

because of effects that do not include climate change effects. In promulgating a standard of performance under section 111 for the emission from capped sources of any air pollutant that is not a greenhouse gas, the Administrator shall treat the emission of any greenhouse gas by those entities as a nonair quality public health and environmental impact within the meaning of section 111(a)(1).

''(c) PERFORMANCE STANDARDS.—For purposes of setting a performance standard for source categories identified pursuant to subsection (a)—

''(1) The Administrator shall take into account the goal of reducing total United States greenhouse gas emissions as set forth in section 702.

''(2) The Administrator may promulgate a design, equipment, work practice, or operational standard, or any combination thereof, under section 111 in lieu of a standard of performance under that section without regard to any determination of feasibility that would otherwise be required under section 111(h).

''(3) Notwithstanding any other provision, in setting the level of each standard required by this section, the Administrator shall take into account projections of allowance prices, such that the marginal cost of compliance (expressed as dollars per ton of carbon dioxide equivalent reduced) imposed by the standard would not, in the judgement of the Administrator, be expected to exceed the Administrator's projected allowance prices over the time period spanning from the date of initial compliance to the date that the next revisions of the standard would come into effect pursuant to the schedule under section 111(b)(1)(B).

''(d) DEFINITIONS.—In this section, the terms 'uncapped greenhouse gas emissions' and 'uncapped methane emissions' mean those greenhouse gas or methane emissions, respectively, to which section 722 would not have applied if the requirements of this title had been in effect for the same year as the emissions data upon which the list is based.

''(e) STUDY OF THE EFFECTS OF PERFORMANCE STANDARDS.—

''(1) STUDY.—The Administrator shall conduct a study of the impacts of performance standards required under this section, which shall evaluate the effect of such standards on the—

''(A) costs of achieving compliance with the economy-wide reduction goals specified in section 702 and the reduction targets specified in section 703;

''(B) available supply of offset credits; and

''(C) ability to achieve the economy-wide reduction goals specified in section 702 and any other benefits of such standards.

''(2) REPORT.—The Administrator shall submit to the House Energy and Commerce Committee a report that describes the results of the study not later than 18 months after the publication of the standards required under subsection (a)(2)(B)(i).

"PART C—EXEMPTIONS FROM OTHER PROGRAMS

"SEC. 831. CRITERIA POLLUTANTS.

''As of the date of the enactment of the Safe Climate Act, no greenhouse gas may be added to the list under section 108(a) on the basis of its effect on global climate change.

"SEC. 832. INTERNATIONAL AIR POLLUTION.

''Section 115 shall not apply to an air pollutant with respect to that pollutant's contribution to global warming.

"SEC. 833. HAZARDOUS AIR POLLUTANTS.

''No greenhouse gas may be added to the list of hazardous air pollutants under section 112 unless such greenhouse gas meets the listing criteria of section 112(b) independent of its effects on global climate change.

"SEC. 834. NEW SOURCE REVIEW.

''The provisions of part C of title I shall not apply to a major emitting facility that is initially permitted or modified after January 1, 2009, on the basis of its emissions of any greenhouse gas.

"SEC. 835. TITLE V PERMITS.

''Notwithstanding any provision of title III or V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely because the source emits any greenhouse gases that are regulated solely because of their effect on global climate change.''.

SEC. 332. HFC REGULATION.

(a) IN GENERAL.—Title VI of the Clean Air Act (42 U.S.C. 7671 et seq.) (relating to stratospheric ozone protection) is amended by adding at the end the following:

"SEC. 619. HYDROFLUOROCARBONS (HFCS).

''(a) TREATMENT AS CLASS II, GROUP II SUBSTANCES.—Except as otherwise provided in this section, hydrofluorocarbons shall be treated as class II substances for purposes of applying the provisions of this title. The Administrator shall establish two groups of class II substances. Class II, group I substances shall include all hydrochlorofluorocarbons (HCFCs) listed pursuant to section 602(b). Class II, group II substances shall include each of the following:

''(1) Hydrofluorocarbon-23 (HFC-23).
''(2) Hydrofluorocarbon-32 (HFC-32).
''(3) Hydrofluorocarbon-41 (HFC-41).
''(4) Hydrofluorocarbon-125 (HFC-125).
''(5) Hydrofluorocarbon-134 (HFC-134).
''(6) Hydrofluorocarbon-134a (HFC-134a).
''(7) Hydrofluorocarbon-143 (HFC-143).
''(8) Hydrofluorocarbon-143a (HFC-143a).
''(9) Hydrofluorocarbon-152 (HFC-152).
''(10) Hydrofluorocarbon-152a (HFC-152a).
''(11) Hydrofluorocarbon-227ea (HFC-227ea).
''(12) Hydrofluorocarbon-236cb (HFC-236cb).
''(13) Hydrofluorocarbon-236ea (HFC-236ea).
''(14) Hydrofluorocarbon-236fa (HFC-236fa).
''(15) Hydrofluorocarbon-245ca (HFC-245ca).
''(16) Hydrofluorocarbon-245fa (HFC-245fa).
''(17) Hydrofluorocarbon-365mfc (HFC-365mfc).
''(18) Hydrofluorocarbon-43-10mee (HFC-43-10mee).
''(19) Hydrofluoroolefin-1234yf (HFO-1234yf).
''(20) Hydrofluoroolefin-1234ze (HFO-1234ze).

Not later than 6 months after the date of enactment of this title, the Administrator shall publish an initial list of class II, group II substances, which shall include the substances listed in this subsection. The Administrator may add to the list of class II, group II substances any other substance used as a substitute for a class I or II substance if the Administrator determines that 1 metric ton of the substance makes the same or greater contribution to global warming over 100 years as 1 metric ton of carbon dioxide. Within 24 months after the date of enactment of this section, the Administrator shall amend the regulations under this title (including the regulations referred to in sections 603, 608, 609, 610, 611, 612, and 613) to apply to class II, group II substances.

''(b) CONSUMPTION AND PRODUCTION OF CLASS II, GROUP II SUBSTANCES.—

''(1) IN GENERAL.—

''(A) CONSUMPTION PHASE DOWN.—In the case of class II, group II substances, in lieu of applying section 605 and the regulations thereunder, the Administrator shall promulgate regulations phasing down the consumption of class II, group II substances in the United States, and the importation of products containing any class II, group II substance, in accordance with this subsection within 18 months after the date of enactment of this section. Effective January 1, 2012, it shall be unlawful for any person to produce any class II, group II substance, import any class II, group II substance, or import any product containing any class II, group II substance without holding one consumption allowance or one destruction offset credit for each carbon dioxide equivalent ton of the class II, group II substance. Any person who exports a class II, group II substance for which a consumption allowance was retired may receive a refund of that allowance from the Administrator following the export.

''(B) PRODUCTION.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, that restricts the production of class II, group II substances, the Administrator shall promulgate regulations establishing a baseline for the production of class II, group II substances in the United States and phasing down the production of class II, group II substances in the United States, in accordance with such multilateral agreement and subject to the same exceptions and other provisions as are applicable to the phase down of consumption of class II, group II substances under this section (except that the Administrator shall not require a person who obtains production allowances from the Administrator to make payment for such allowances if the person is making payment for a corresponding quantity of consumption allowances of the same vintage year). Upon the effective date of such regulations, it shall be unlawful for any person to produce any class II, group II substance without holding one consumption allowance and one production allowance, or one destruction offset credit, for each carbon dioxide equivalent ton of the class II, group II substance.

''(C) INTEGRITY OF CAP.—To maintain the integrity of the class II, group II cap, the Administrator may, through rulemaking, limit the percentage of each person's compliance obligation that may be met through the use of destruction offset credits or banked allowances.

''(D) COUNTING OF VIOLATIONS.—Each consumption allowance, production allowance, or destruction offset credit not held as required by this section shall be a separate violation of this section.

''(2) SCHEDULE.—Pursuant to the regulations promulgated pursuant to paragraph (1)(A), the number of class II, group II consumption allowances established by the Administrator for each calendar year beginning in 2012 shall be the following percentage of the baseline, as established by the Administrator pursuant to paragraph (3):

''Calendar Year	Percent of Baseline
2012	90
2013	87.5
2014	85
2015	82.5
2016	80
2017	77.5
2018	75
2019	71
2020	67
2021	63
2022	59
2023	54
2024	50

''Calendar Year	Percent of Baseline
2025	46
2026	42
2027	38
2028	34
2029	30
2030	25
2031	21
2032	17
after 2032	15

''(3) BASELINE.—(A) Within 12 months after the date of enactment of this section, the Administrator shall promulgate regulations to establish the baseline for purposes of paragraph (2). The baseline shall be the sum, expressed in metric tons of carbon dioxide equivalents, of—

''(i) the annual average consumption of all class II substances in calendar years 2004, 2005, and 2006; plus

''(ii) the annual average quantity of all class II substances contained in imported products in calendar years 2004, 2005, and 2006.

''(B) Notwithstanding subparagraph (A), if the Administrator determines that the baseline is higher than 370 million metric tons of carbon dioxide equivalents, then the Administrator shall establish the baseline at 370 million metric tons of carbon dioxide equivalents.

''(C) Notwithstanding subparagraph (A), if the Administrator determines that the baseline is lower than 280 million metric tons of carbon dioxide equivalents, then the Administrator shall establish the baseline at 280 million metric tons of carbon dioxide equivalents.

''(4) DISTRIBUTION OF ALLOWANCES.—

''(A) IN GENERAL.—Pursuant to the regulations promulgated under paragraph (1)(A), for each calendar year beginning in 2012, the Administrator shall sell consumption allowances in accordance with this paragraph.

''(B) ESTABLISHMENT OF POOLS.—The Administrator shall establish two allowance pools. Eighty percent of the consumption allowances available for a calendar year shall be placed in the producer-importer pool, and 20 percent of the consumption allowances available for a calendar year shall be placed in the secondary pool.

''(C) PRODUCER-IMPORTER POOL.—

''(i) AUCTION.—(I) For each calendar year, the Administrator shall offer for sale at auction the following percentage of the consumption allowances in the producer-importer pool:

''Calendar Year	Percent Available for Auction
2012	10
2013	20
2014	30
2015	40
2016	50
2017	60
2018	70
2019	80
2020 and thereafter	90

''(II) Any person who produced or imported any class II substance during calendar year 2004, 2005, or 2006 may participate in the auction. No other persons may participate in the auction unless permitted to do so pursuant to subclause (III).

''(III) Not later than three years after the date of the initial auction and from time to time thereafter, the Administrator shall determine through rulemaking whether any persons who did not produce or import a class II substance during calendar year 2004, 2005, or 2006 will be permitted to participate in future auctions. The Administrator shall base this determination on the duration, consistency, and scale of such person's purchases of consumption allowances in the secondary pool under subparagraph (D)(ii)(III), as well as economic or technical hardship and other factors deemed relevant by the Administrator.

''(IV) The Administrator shall set a minimum bid per consumption allowance of the following:

''(aa) For vintage year 2012, $1.00.

''(bb) For vintage year 2013, $1.20.

''(cc) For vintage year 2014, $1.40.

''(dd) For vintage year 2015, $1.60.

''(ee) For vintage year 2016, $1.80.

''(ff) For vintage year 2017, $2.00.

''(gg) For vintage year 2018 and thereafter, $2.00 adjusted for inflation after vintage year 2017 based upon the producer price index as published by the Department of Commerce.

''(ii) NON-AUCTION SALE.—(I) For each calendar year, as soon as practicable after auction, the Administrator shall offer for sale the remaining consumption allowances in the producer-importer pool at the following prices:

''(aa) A fee of $1.00 per vintage year 2012 allowance.

''(bb) A fee of $1.20 per vintage year 2013 allowance.

''(cc) A fee of $1.40 per vintage year 2014 allowance.

''(dd) For each vintage year 2015 allowance, a fee equal to the average of $1.10 and the auction clearing price for vintage year 2014 allowances.

''(ee) For each vintage year 2016 allowance, a fee equal to the average of $1.30 and the auction clearing price for vintage year 2015 allowances.

''(ff) For each vintage year 2017 allowance, a fee equal to the average of $1.40 and the auction clearing price for vintage year 2016 allowances.

''(gg) For each allowance of vintage year 2018 and subsequent vintage years, a fee equal to the auction clearing price for that vintage year.

''(II) The Administrator shall offer to sell the remaining consumption allowances in the producer-importer pool to producers of class II, group II substances and importers of class II, group II substances in proportion to their relative allocation share.

''(III) Such allocation share for such sale shall be determined by the Administrator using such producer's or importer's annual average data on class II substances from calendar years 2004, 2005, and 2006, on a carbon dioxide equivalent basis, and—

''(aa) shall be based on a producer's production, plus importation, plus acquisitions and purchases from persons who produced class II substances in the United States during calendar years 2004, 2005, or 2006, less exportation, less transfers and sales to persons who produced class II substances in the United States during calendar years 2004, 2005, or 2006; and

''(bb) for an importer of class II substances that did not produce in the United States any class II substance during calendar years 2004, 2005, and 2006, shall be based on the importer's importation less exportation.

For purposes of item (aa), the Administrator shall account for 100 percent of class II, group II substances and 60 percent of class II, group I substances. For purposes of item (bb), the Administrator shall account for 100 percent of class II, group II substances and 100 percent of class II, group I substances.

''(IV) Any consumption allowances made available for nonauction sale to a specific producer or importer of class II, group II substances but not purchased by the specific producer or importer shall be made available for sale to any producer or importer of class II substances during calendar years 2004, 2005, or 2006. If demand for such consumption allowances exceeds supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances that may include pro rata shares, historic production and importation, economic or technical hardship, or other factors deemed relevant by the Administrator. If the supply of such consumption allowances exceeds demand, the Administrator may offer such consumption allowances for sale in the secondary pool as set forth in subparagraph (D).

''(D) SECONDARY POOL.—(i) For each calendar year, as soon as practicable after the auction required in subparagraph (C), the Administrator shall offer for sale the consumption allowances in the secondary pool at the prices listed in subparagraph (C)(ii).

''(ii) The Administrator shall accept applications for purchase of secondary pool consumption allowances from—

''(I) importers of products containing class II, group II substances;

''(II) persons who purchased any class II, group II substance directly from a producer or importer of class II, group II substances for use in a product containing a class II, group II substance, a manufacturing process, or a reclamation process;

''(III) persons who did not produce or import a class II substance during calendar year 2004, 2005, or 2006, but who the Administrator determines have subsequently taken significant steps to produce or import a substantial quantity of any class II, group II substance; and

''(IV) persons who produced or imported any class II substance during calendar year 2004, 2005, or 2006.

''(iii) If the supply of consumption allowances in the secondary pool equals or exceeds the demand for consumption allowances in the secondary pool as presented in the applications for purchase, the Administrator shall sell the consumption allowances in the secondary pool to the applicants in the amounts requested in the applications for purchase. Any consumption allowances in the secondary pool not purchased in a calendar year may be rolled over and added to the quantity available in the secondary pool in the following year.

''(iv) If the demand for consumption allowances in the secondary pool as presented in the applications for purchase exceeds the supply of consumption allowances in the secondary pool, the Administrator shall sell the consumption allowances as follows:

''(I) The Administrator shall first sell the consumption allowances in the secondary pool to any importers of products containing class II, group II substances in the amounts requested in their applications for purchase. If the demand for such consumption allowances exceeds supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances among importers of

products containing class II, group II substances that may include pro rata shares, historic importation, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(II) The Administrator shall next sell any remaining consumption allowances to persons identified in subclauses (II) and (III) of clause (ii) in the amounts requested in their applications for purchase. If the demand for such consumption allowances exceeds remaining supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances among subclauses (II) and (III) applicants that may include pro rata shares, historic use, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(III) The Administrator shall then sell any remaining consumption allowances to persons who produced or imported any class II substance during calendar year 2004, 2005, or 2006 in the amounts requested in their applications for purchase. If demand for such consumption allowances exceeds remaining supply of such consumption allowances, the Administrator shall develop and utilize criteria for the sale of such consumption allowances that may include pro rata shares, historic production and importation, economic or technical hardship, or other factors deemed relevant by the Administrator.

''(IV) Each person who purchases consumption allowances in a non-auction sale under this subparagraph shall be required to disclose the person or entity sponsoring or benefitting from the purchases if such person or entity is, in whole or in part, other than the purchaser or the purchaser's employer.

''(E) DISCRETION TO WITHHOLD ALLOWANCES.—Nothing in this paragraph prevents the Administrator from exercising discretion to withhold and retire consumption allowances that would otherwise be available for auction or nonauction sale. Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations establishing criteria for withholding and retiring consumption allowances.

''(5) BANKING.—A consumption allowance or destruction offset credit may be used to meet the compliance obligation requirements of paragraph (1) in—

''(A) the vintage year for the allowance or destruction offset credit; or

''(B) any calendar year subsequent to the vintage year for the allowance or destruction offset credit.

''(6) AUCTIONS.—

''(A) INITIAL REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations governing the auction of allowances under this section. Such regulations shall include the following requirements:

''(i) FREQUENCY; FIRST AUCTION.—Auctions shall be held one time per year at regular intervals, with the first auction to be held no later than October 31, 2011.

''(ii) AUCTION FORMAT.—Auctions shall follow a single-round, sealed-bid, uniform price format.

''(iii) FINANCIAL ASSURANCE.—The Administrator may establish financial assurance requirements to ensure that auction participants can and will perform on their bids.

''(iv) DISCLOSURE OF BENEFICIAL OWNERSHIP.—Each bidder in the auction shall be required to disclose the person or entity sponsoring or benefitting from the bidder's participation in the auction if such person or entity is, in whole or in part, other than the bidder.

''(v) PUBLICATION OF INFORMATION.—After the auction, the Administrator shall, in a timely fashion, publish the number of bidders, number of winning bidders, the quantity of allowances sold, and the auction clearing price.

''(vi) BIDDING LIMITS IN 2012.—In the vintage year 2012 auction, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the greater of—

''(I) the number of allowances which, when added to the number of allowances available for purchase by the participant in the producer-importer pool non-auction sale, would equal the participant's annual average consumption of class II, group II substances in calendar years 2004, 2005, and 2006; or

''(II) the number of allowances equal to the product of—

''(aa) 1.20 multiplied by the participant's allocation share of the producer-importer pool non-auction sale as determined under paragraph (4)(C)(ii); and

''(bb) the number of vintage year 2012 allowances offered at auction.

''(vii) BIDDING LIMITS IN 2013.—In the vintage year 2013 auction, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the product of—

''(I) 1.15 multiplied by the ratio of the total number of vintage year 2012 allowances purchased by the participant from the auction and from the producer-importer pool non-auction sale to the total number of vintage year 2012 allowances in the producer-importer pool; and

''(II) the number of vintage year 2013 allowances offered at auction.

''(viii) BIDDING LIMITS IN SUBSEQUENT YEARS.—In the auctions for vintage year 2014 and subsequent vintage years, no auction participant may, directly or in concert with another participant, bid for or purchase more allowances offered for sale at the auction than the product of—

''(I) 1.15 multiplied by the ratio of the highest number of allowances required to be held by the participant in any of the three prior vintage years to meet its compliance obligation under paragraph (1) to the total number of allowances in the producer-importer pool for such vintage year; and

''(II) the number of allowances offered at auction for that vintage year.

''(ix) OTHER REQUIREMENTS.—The Administrator may include in the regulations such other requirements or provisions as the Administrator considers necessary to promote effective, efficient, transparent, and fair administration of auctions under this section.

''(B) REVISION OF REGULATIONS.—The Administrator may, at any time, revise the initial regulations promulgated under subparagraph (A) based on the Administrator's experience in administering allowance auctions by promulgating new regulations. Such revised regulations need not meet the requirements identified in subparagraph (A) if the Administrator determines that an alternative auction design would be more effective, taking into account factors including costs of administration, transparency, fairness, and risks of collusion or manipulation. In determining whether and how to revise the initial regulations under this paragraph, the Administrator shall not consider maximization of revenues to the Federal Government.

''(C) DELEGATION OR CONTRACT.—Pursuant to regulations under this section, the Administrator may, by delegation or contract, provide for the conduct of auctions under the Administrator's supervision by other departments or agencies of the Federal Government or by nongovernmental agencies, groups, or organizations.

''(7) PAYMENTS FOR ALLOWANCES.—

''(A) INITIAL REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Administrator shall promulgate regulations governing the payment for allowances purchased in auction and non-auction sales under this section. Such regulations shall include the requirement that, in the event that full payment for purchased allowances is not made on the date of purchase, equal payments shall be made one time per calendar quarter with all payments for allowances of a vintage year made by the end of that vintage year.

''(B) REVISION OF REGULATIONS.— The Administrator may, at any time, revise the initial regulations promulgated under subparagraph (A) based on the Administrator's experience in administering collection of payments by promulgating new regulations. Such revised regulations need not meet the requirements identified in subparagraph (A) if the Administrator determines that an alternative payment structure or frequency would be more effective, taking into account factors including cost of administration, transparency, and fairness. In determining whether and how to revise the initial regulations under this paragraph, the Administrator shall not consider maximization of revenues to the Federal Government.

''(C) PENALTIES FOR NON-PAYMENT.—Failure to pay for purchased allowances in accordance with the regulations promulgated pursuant to this paragraph shall be a violation of the requirements of subsection (b). Section 113(c)(3) shall apply in the case of any person who knowingly fails to pay for purchased allowances in accordance with the regulations promulgated pursuant to this paragraph.

''(8) IMPORTED PRODUCTS.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, which restricts the production or consumption of class II, group II substances—

''(A) as of the date on which such agreement or amendment enters into force, it shall no longer be unlawful for any person to import from a party to such agreement or amendment any product containing any class II, group II substance whose production or consumption is regulated by such agreement or amendment without holding one consumption allowance or one destruction offset credit for each carbon dioxide equivalent ton of the class II, group II substance;

''(B) the Administrator shall promulgate regulations within 12 months of the date the United States becomes a party or otherwise adheres to such agreement or amendment, or the date on which such agreement or amendment enters into force, whichever is later, to establish a new baseline for purposes of paragraph (2), which new baseline shall be the original baseline less the carbon dioxide equivalent of the annual average quantity of any class II substances regulated by such agreement or amendment contained in products imported from parties to such agreement or amendment in calendar years 2004, 2005, and 2006;

''(C) as of the date on which such agreement or amendment enters into force, no person importing any product containing any class II, group II substance may, directly or in concert with another person, purchase any consumption allowances for sale by the Administrator for the importation of products from a party to such agreement or amendment that contain any class II, group II substance restricted by such agreement or amendment; and

''(D) the Administrator may adjust the two allowance pools established in paragraph (4) such that up to 90 percent of the consumption allowances available for a calendar year are placed in the producer-importer pool with the remaining consumption allowances placed in the secondary pool.

''(9) OFFSETS.—

''(A) CHLOROFLUOROCARBON DESTRUCTION.—Within 18 months after the date of enactment of this section, the Administrator shall promulgate regulations to provide for the issuance of offset credits for the destruction, in the calendar year 2012 or later, of chlorofluorocarbons in the United States. The Administrator shall establish and distribute to the destroying entity a quantity of destruction offset credits equal to 0.8 times the number of metric tons of carbon dioxide equivalents of reduction achieved through the destruction. No destruction offset credits shall be established for the destruction of a class II, group II substance.

''(B) DEFINITION.—For purposes of this paragraph, the term 'destruction' means the conversion of a substance by thermal, chemical, or other means to another substance with little or no carbon dioxide equivalent value and no ozone depletion potential.

''(C) REGULATIONS.—The regulations promulgated under this paragraph shall include standards and protocols for project eligibility, certification of destroyers, monitoring, tracking, destruction efficiency, quantification of project and baseline emissions and carbon dioxide equivalent value, and verification. The Administrator shall ensure that destruction offset credits represent real and verifiable destruction of chlorofluorocarbons or other class I or class II, group I, substances authorized under subparagraph (D).

''(D) OTHER SUBSTANCES.—The Administrator may promulgate regulations to add to the list of class I and class II, group I, substances that may be destroyed for destruction offset credits, taking into account a candidate substance's carbon dioxide equivalent value, ozone depletion potential, prevalence in banks in the United States, and emission rates, as well as the need for additional cost containment under the class II, group II cap and the integrity of the class II, group II cap. The Administrator shall not add a class I or class II, group I substance to the list if the consumption of the substance has not been completely phased-out internationally (except for essential use exemptions or other similar exemptions) pursuant to the Montreal Protocol.

''(E) EXTENSION OF OFFSETS.—(i) At any time after the Administrator promulgates regulations pursuant to subparagraph (A), the Administrator may, pursuant to the requirements of part D of title VII and based on the carbon dioxide equivalent value of the substance destroyed, add the types of destruction projects authorized to receive destruction offset credits under this paragraph to the list of types of projects eligible for offset credits under section 733. If such projects are added to the list under section 733, the issuance of offset credits for such projects under part D of title VII shall be governed by the requirements of such part D, while the issuance of offset credits for such projects under this paragraph shall be governed by the requirements of this paragraph. Nothing in this paragraph shall affect the issuance of offset credits under section 740.

''(ii) The Administrator shall not make the addition under clause (i) unless the Administrator finds that insufficient destruction is occurring or is projected to occur under this paragraph and that the addition would increase destruction.

''(iii) In no event shall more than one destruction offset credit be issued under title VII and this section for the destruction of the same quantity of a substance.

''(10) LEGAL STATUS OF ALLOWANCES AND CREDITS.—None of the following constitutes a property right:

''(A) A production or consumption allowance.

''(B) A destruction offset credit.

''(c) DEADLINES FOR COMPLIANCE.—Notwithstanding the deadlines specified for class II substances in sections 608, 609, 610, 612, and 613 that occur prior to January 1, 2009, the deadline for promulgating regulations under those sections for class II, group II substances shall be January 1, 2012.

''(d) EXCEPTIONS FOR ESSENTIAL USES.—Notwithstanding any phase down of production and consumption required by this section, to the extent consistent with any applicable multilateral agreement to which the United States is a party or otherwise adheres, the Administrator may provide the following exceptions for essential uses:

''(1) MEDICAL DEVICES.—The Administrator, after notice and opportunity for public comment, and in consultation with the Commissioner of the Food and Drug Administration, may provide an exception for the production and consumption of class II, group II substances solely for use in medical devices.

''(2) AVIATION AND SPACE VEHICLE SAFETY.—The Administrator, after notice and opportunity for public comment, may authorize the production and consumption of limited quantities of class II, group II substances solely for the purposes of aviation or space vehicle safety if either the Administrator of the Federal Aviation Administration or the Administrator of the National Aeronautics and Space Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation or space flight safety purposes.

''(e) DEVELOPING COUNTRIES.—Notwithstanding any phase down of production required by this section, the Administrator, after notice and opportunity for public comment, may authorize the production of limited quantities of class II, group II substances in excess of the amounts otherwise allowable under this section solely for export to, and use in, developing countries. Any production authorized under this subsection shall be solely for purposes of satisfying the basic domestic needs of such countries as provided in applicable international agreements, if any, to which the United States is a party or otherwise adheres.

''(f) NATIONAL SECURITY; FIRE SUPPRESSION, ETC.—The provisions of subsection (f) and paragraphs (1) and (2) of subsection (g) of section 604 shall apply to any consumption and production phase down of class II, group II substances in the same manner and to the same extent, consistent with any applicable international agreement to which the United States is a party or otherwise adheres, as such provisions apply to the substances specified in such subsection.

''(g) ACCELERATED SCHEDULE.—In lieu of section 606, the provisions of paragraphs (1), (2), and (3) of this subsection shall apply in the case of class II, group II substances.

''(1) IN GENERAL.—The Administrator shall promulgate initial regulations not later than 18 months after the date of enactment of this section, and revised regulations any time thereafter, which establish a schedule for phasing down the consumption (and, if the condition in subsection (b)(1)(B) is met, the production) of class II, group II substances that is more stringent than the schedule set forth in this section if, based on the availability of substitutes, the Administrator determines that such more stringent schedule is practicable, taking into account technological achievability, safety, and other factors the Administrator deems relevant, or if the Montreal Protocol, or any applicable international agreement to which the United States is a party or otherwise adheres, is modified or established to include a schedule or other requirements to control or reduce production, consumption, or use of any class II, group II substance more rapidly than the applicable schedule under this section.

''(2) PETITION.—Any person may submit a petition to promulgate regulations under this subsection in the same manner and subject to the same procedures as are provided in section 606(b).

''(3) INCONSISTENCY.—If the Administrator determines that the provisions of this section regarding banking, allowance rollover, or destruction offset credits create a significant potential for inconsistency with the requirements of any applicable international agreement to which the United States is a party or otherwise adheres, the Administrator may promulgate regulations restricting the availability of banking, allowance rollover, or destruction offset credits to the extent necessary to avoid such inconsistency.

''(h) EXCHANGE.—Section 607 shall not apply in the case of class II, group II substances. Production and consumption allowances for class II, group II substances may be freely exchanged or sold but may not be converted into allowances for class II, group I substances.

''(i) LABELING.—(1) In applying section 611 to products containing or manufactured with class II, group II substances, in lieu of the words 'destroying ozone in the upper atmosphere' on labels required under section 611 there shall be substituted the words 'contributing to global warming'.

''(2) The Administrator may, through rulemaking, exempt from the requirements of section 611 products containing or manufactured with class II, group II substances determined to have little or no carbon dioxide equivalent value compared to other substances used in similar products.

''(j) NONESSENTIAL PRODUCTS.—For the purposes of section 610, class II, group II substances shall be regulated under section 610(b), except that in applying section 610(b) the word 'hydrofluorocarbon' shall be substituted for the word 'chlorofluorocarbon' and the term 'class II, group II' shall be substituted for the term 'class I'. Class II, group II substances shall not be subject to the provisions of section 610(d).

''(k) INTERNATIONAL TRANSFERS.—In the case of class II, group II substances, in lieu of section 616, this subsection shall apply. To the extent consistent with any applicable international agreement to which the United States is a party or otherwise adheres, including any amendment to the Montreal Protocol, the United States may engage in transfers with other parties to such agreement or amendment under the following conditions:

''(1) The United States may transfer production allowances to another party to such agreement or amendment if, at the time of the transfer, the Administrator establishes revised production limits for the United States accounting for the transfer in accordance with regulations promulgated pursuant to this subsection.

''(2) The United States may acquire production allowances from another party to such agreement or amendment if, at the time of the transfer, the Administrator finds that the other party has revised its domestic production limits in the same manner as provided with respect to transfers by the United States in the regulations promulgated pursuant to this subsection.

''(l) RELATIONSHIP TO OTHER LAWS.—

''(1) STATE LAWS.—For purposes of section 116, the requirements of this section for class II, group II substances shall be treated as requirements for the control and abatement of air pollution.

''(2) MULTILATERAL AGREEMENTS.—Section 614 shall apply to the provisions of this section concerning class II, group II substances, except that for the words 'Montreal Protocol' there shall be substituted the words 'Montreal Protocol, or any applicable multilateral agreement to which the United

States is a party or otherwise adheres that restricts the production or consumption of class II, group II substances,' and for the words 'Article 4 of the Montreal Protocol' there shall be substituted 'any provision of such multilateral agreement regarding trade with non-parties'.

''(3) FEDERAL FACILITIES.—For purposes of section 118, the requirements of this section for class II, group II substances and corresponding State, interstate, and local requirements, administrative authority, and process and sanctions shall be treated as requirements for the control and abatement of air pollution within the meaning of section 118.

''(m) CARBON DIOXIDE EQUIVALENT VALUE.—(1) In lieu of section 602(e), the provisions of this subsection shall apply in the case of class II, group II substances. Simultaneously with establishing the list of class II, group II substances, and simultaneously with any addition to that list, the Administrator shall publish the carbon dioxide equivalent value of each listed class II, group II substance, based on a determination of the number of metric tons of carbon dioxide that makes the same contribution to global warming over 100 years as 1 metric ton of each class II, group II substance.

''(2) Not later than February 1, 2017, and not less than every 5 years thereafter, the Administrator shall—

''(A) review, and if appropriate, revise the carbon dioxide equivalent values established for class II, group II substances based on a determination of the number of metric tons of carbon dioxide that makes the same contributions to global warming over 100 years as 1 metric ton of each class II, group II substance; and

''(B) publish in the Federal Register the results of that review and any revisions.

''(3) A revised determination published in the Federal Register under paragraph (2)(B) shall take effect for production of class II, group II substances, consumption of class II, group II substances, and importation of products containing class II, group II substances starting on January 1 of the first calendar year starting at least 9 months after the date on which the revised determination was published.

''(4) The Administrator may decrease the frequency of review and revision under paragraph (2) if the Administrator determines that such decrease is appropriate in order to synchronize such review and revisions with any similar review process carried out pursuant to the United Nations Framework Convention on Climate Change, an agreement negotiated under that convention, The Vienna Convention for the Protection of the Ozone Layer, or an agreement negotiated under that convention, except that in no event shall the Administrator carry out such review and revision any less frequently than every 10 years.

''(n) REPORTING REQUIREMENTS.—In lieu of subsections (b) and (c) of section 603, paragraphs (1) and (2) of this subsection shall apply in the case of class II, group II substances:

''(1) IN GENERAL.—On a quarterly basis, or such other basis (not less than annually) as determined by the Administrator, each person who produced, imported, or exported a class II, group II substance, or who imported a product containing a class II, group II substance, shall file a report with the Administrator setting forth the carbon dioxide equivalent amount of the substance that such person produced, imported, or exported, as well as the amount that was contained in products imported by that person, during the preceding reporting period. Each such report shall be signed and attested by a responsible officer. If all other reporting is complete, no such report shall be required from a person after April 1 of the calendar year after such person permanently ceases production, importation, and exportation of the substance, as well as importation of products containing the substance, and so notifies the Administrator in writing. If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, that restricts the production or consumption of class II, group II substances, then, if all other reporting is complete, no such report shall be required from a person with respect to importation from parties to such agreement or amendment of products containing any class II, group II substance restricted by such agreement or amendment, after April 1 of the calendar year following the year during which such agreement or amendment enters into force.

''(2) BASELINE REPORTS FOR CLASS II, GROUP II SUBSTANCES.—

''(A) IN GENERAL.—Unless such information has been previously reported to the Administrator, on the date on which the first report under paragraph (1) of this subsection is required to be filed, each person who produced, imported, or exported a class II, group II substance, or who imported a product containing a class II substance, (other than a substance added to the list of class II, group II substances after the publication of the initial list of such substances under this section), shall file a report with the Administrator setting forth the amount of such substance that such person produced, imported, exported, or that was contained in products imported by that person, during each of calendar years 2004, 2005, and 2006.

''(B) PRODUCERS.—In reporting under subparagraph (A), each person who produced in the United States a class II substance during calendar years 2004, 2005, or 2006 shall—

''(i) report all acquisitions or purchases of class II substances during each of calendar years 2004, 2005, and 2006 from all other persons who produced in the United States a class II substance during calendar years 2004, 2005, or 2006, and supply evidence of such acquisitions and purchases as deemed necessary by the Administrator; and

''(ii) report all transfers or sales of class II substances during each of calendar years 2004, 2005, and 2006 to all other persons who produced in the United States a class II substance during calendar years 2004, 2005, or 2006, and supply evidence of such transfers and sales as deemed necessary by the Administrator.

''(C) ADDED SUBSTANCES.—In the case of a substance added to the list of class II, group II substances after publication of the initial list of such substances under this section, each person who produced, imported, exported, or imported products containing such substance in calendar year 2004, 2005, or 2006 shall file a report with the Administrator within 180 days after the date on which such substance is added to the list, setting forth the amount of the substance that such person produced, imported, and exported, as well as the amount that was contained in products imported by that person, in calendar years 2004, 2005, and 2006.

''(o) STRATOSPHERIC OZONE AND CLIMATE PROTECTION FUND.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a Stratospheric Ozone and Climate Protection Fund.

''(2) DEPOSITS.—The Administrator shall deposit all proceeds from the auction and non-auction sale of allowances under this section into the Stratospheric Ozone and Climate Protection Fund.

''(3) USE.—Amounts deposited into the Stratospheric Ozone and Climate Protection Fund shall be available, subject to appropriations, exclusively for the following purposes:

''(A) RECOVERY, RECYCLING, AND RECLAMATION.—The Administrator may utilize funds to establish a program to incentivize the recovery, recycling, and reclamation of any Class II substances in order to reduce emissions of such substances.

''(B) MULTILATERAL FUND.—If the United States becomes a party or otherwise adheres to a multilateral agreement, including any amendment to the Montreal Protocol on Substances That Deplete the Ozone Layer, which restricts the production or consumption of class II, group II substances, the Administrator may utilize funds to meet any related contribution obligation of the United States to the Multilateral Fund for the Implementation of the Montreal Protocol or similar multilateral fund established under such multilateral agreement.

''(C) BEST-IN-CLASS APPLIANCES DEPLOYMENT PROGRAM.—The Secretary of Energy is authorized to utilize funds to carry out the purposes of section 214 of the American Clean Energy and Security Act of 2009.

''(D) LOW GLOBAL WARMING PRODUCT TRANSITION ASSISTANCE PROGRAM.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, may utilize funds in fiscal years 2012 through 2022 to establish a program to provide financial assistance to manufacturers of products containing class II, group II substances to facilitate the transition to products that contain or utilize alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential.

''(ii) DEFINITION.—In this subparagraph, the term 'products' means refrigerators, freezers, dehumidifiers, air conditioners, foam insulation, technical aerosols, fire protection systems, and semiconductors.

''(iii) FINANCIAL ASSISTANCE.—The Administrator may provide financial assistance to manufacturers pursuant to clause (i) for—

''(I) the design and configuration of new products that use alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential; and

''(II) the redesign and retooling of facilities for the manufacture of products in the United States that use alternative substances with no or low carbon dioxide equivalent value and no ozone depletion potential.

''(iv) REPORTS.—For any fiscal year during which the Administrator provides financial assistance pursuant to this subparagraph, the Administrator shall submit a report to the Congress within 3 months of the end of such fiscal year detailing the amounts, recipients, specific purposes, and results of the financial assistance provided.''.

(b) TABLE OF CONTENTS.—The table of contents of title VI of the Clean Air Act (42 U.S.C. 7671 et seq.) is amended by adding the following new item at the end thereof:

''Sec. 619. Hydrofluorocarbons (HFCs).''.

(c) FIRE SUPPRESSION AGENTS.—Section 605(a) of the Clean Air Act (42 U.S.C. 7671(a)) is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding the following new paragraph after paragraph (3):

''(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).''.

(d) MOTOR VEHICLE AIR CONDITIONERS.—

(1) Section 609(e) of the Clean Air Act (42 U.S.C. 7671h(e)) is amended by inserting '', group I'' after each reference to ''class II'' in the text and heading.

(2) Section 609 of the Clean Air Act (42 U.S.C. 7671h) is amended by adding the following new subsection after subsection (e):

''(f) CLASS II, GROUP II SUBSTANCES.—

''(1) REPAIR.—The Administrator may promulgate regulations establishing requirements for repair of motor vehicle air conditioners prior to adding a class II, group II substance.

''(2) SMALL CONTAINERS.—(A) The Administrator may promulgate regulations establishing servicing practices and procedures for recovery of class II, group II substances from containers which contain less than 20 pounds of such class II, group II substances.

''(B) Not later than 18 months after enactment of this subsection, the Administrator shall either promulgate regulations requiring that containers which contain less than 20 pounds of a class II, group II substance be equipped with a device or technology that limits refrigerant emissions and leaks from the container and limits refrigerant emissions and leaks during the transfer of refrigerant from the container to the motor vehicle air conditioner or issue a determination that such requirements are not necessary or appropriate.

''(C) Not later than 18 months after enactment of this subsection, the Administrator shall promulgate regulations establishing requirements for consumer education materials on best practices associated with the use of containers which contain less than 20 pounds of a class II, group II substance and prohibiting the sale or distribution, or offer for sale or distribution, of any class II, group II substance in any container which contains less than 20 pounds of such class II, group II substance, unless consumer education materials consistent with such requirements are displayed and available at point-of-sale locations, provided to the consumer, or included in or on the packaging of the container which contain less than 20 pounds of a class II, group II substance.

''(D) The Administrator may, through rulemaking, extend the requirements established under this paragraph to containers which contain 30 pounds or less of a class II, group II substance if the Administrator determines that such action would produce significant environmental benefits.

''(3) RESTRICTION OF SALES.—Effective January 1, 2014, no person may sell or distribute or offer to sell or distribute or otherwise introduce into interstate commerce any motor vehicle air conditioner refrigerant in any size container unless the substance has been found acceptable for use in a motor vehicle air conditioner under section 612.''.

(e) SAFE ALTERNATIVES POLICY.—Section 612(e) of the Clean Air Act (42 U.S.C. 7671k(e)) is amended by inserting ''or class II'' after each reference to ''class I''.

SEC. 333. BLACK CARBON.

(a) DEFINITION.—As used in this section, the term ''black carbon'' means primary light absorbing aerosols, as defined by the Administrator, based on the best available science.

(b) BLACK CARBON ABATEMENT REPORT.—Not later than one year after the date of enactment of this section, the Administrator shall, in consultation with other appropriate Federal agencies, submit to Congress a report regarding black carbon emissions. The report shall include the following:

(1) A summary of the current information and research that identifies—

(A) an inventory of the major sources of black carbon emissions in the United States and throughout the world, including—

(i) an estimate of the quantity of current and projected future emissions; and

(ii) the net climate forcing of the emissions from such sources, including consideration of co-emissions of other pollutants;

(B) effective and cost-effective control technologies, operations, and strategies for additional domestic and international black carbon emissions reductions, such as diesel retrofit technologies on existing on-road, non-road, and stationary engines and programs to address residential cookstoves, and forest and agriculture-based burning;

(C) potential metrics and approaches for quantifying the climatic effects of black carbon emissions, including its radiative forcing and warming effects, that may be used to compare the climate benefits of different mitigation strategies, including an assessment of the uncertainty in such metrics and approaches; and

(D) the public health and environmental benefits associated with additional controls for black carbon emissions.

(2) Recommendations regarding—

(A) development of additional emissions monitoring techniques and capabilities, modeling, and other black carbon-related areas of study;

(B) areas of focus for additional study of technologies, operations, and strategies with the greatest potential to reduce emissions of black carbon and associated public health, economic, and environmental impacts associated with these emissions; and

(C) actions, in addition to those identified by the Administrator under section 851 of the Clean Air Act (as added by subsection (c)), the Federal Government may take to encourage or require reductions in black carbon emissions.

(c) BLACK CARBON MITIGATION.—Title VIII of the Clean Air Act, as added by section 331 of this Act, and amended by section 222 of this Act, is further amended by adding after part D the following new part:

''PART E—BLACK CARBON

''SEC. 851. BLACK CARBON.

''(a) DOMESTIC BLACK CARBON MITIGATION.—Not later than 18 months after the date of enactment of this section, the Administrator, taking into consideration the public health and environmental impacts of black carbon emissions, including the effects on global and regional warming, the Arctic, and other snow and ice-covered surfaces, shall propose regulations under the existing authorities of this Act to reduce emissions of black carbon or propose a finding that existing regulations promulgated pursuant to this Act adequately regulate black carbon emissions. Not later than two years after the date of enactment of this section, the Administrator shall promulgate final regulations under the existing authorities of this Act or finalize the proposed finding. Such regulations shall not apply to specific types, classes, categories, or other suitable groupings of emissions sources that the Administrator finds are subject to adequate regulation.

''(b) INTERNATIONAL BLACK CARBON MITIGATION.—

''(1) REPORT.—Not later than one year after the date of enactment of this section, the Administrator, in coordination with the Secretary of State and other appropriate Federal agencies, shall transmit a report to Congress on the amount, type, and direction of all present United States financial, technical, and related assistance to foreign countries to reduce, mitigate, and otherwise abate black carbon emissions.

''(2) OTHER OPPORTUNITIES.—The report required under paragraph (1) shall also identify opportunities and recommendations, including action under existing authorities, to achieve significant black carbon emission reductions in foreign countries through technical assistance or other approaches to—

''(A) promote sustainable solutions to bring clean, efficient, safe, and affordable stoves, fuels, or both stoves and fuels to residents of developing countries that are reliant on solid fuels such as wood, dung, charcoal, coal, or crop residues for home cooking and heating, so as to help reduce the public health, environmental, and economic impacts of black carbon emissions from these sources by—

''(i) identifying key regions for large-scale demonstration efforts, and key partners in each such region; and

''(ii) developing for each such region a large-scale implementation strategy with a goal of collectively reaching 20,000,000 homes over 5 years with interventions that will—

''(I) increase stove efficiency by over 50 percent (or such other goal as determined by the Administrator);

''(II) reduce emissions of black carbon by over 60 percent (or such other goal as determined by the Administrator); and

''(III) reduce the incidence of severe pneumonia in children under 5 years old by over 30 percent (or such other goal as determined by the Administrator);

''(B) make technological improvements to diesel engines and provide greater access to fuels that emit less or no black carbon;

''(C) reduce unnecessary agricultural or other biomass burning where feasible alternatives exist;

''(D) reduce unnecessary fossil fuel burning that produces black carbon where feasible alternatives exist;

''(E) reduce other sources of black carbon emissions; and

''(F) improve capacity to achieve greater compliance with existing laws to address black carbon emissions.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 334. STATES.

Section 116 of the Clean Air Act (42 U.S.C. 7416) is amended by adding the following at the end thereof: ''For the purposes of this section, the phrases 'standard or limitation respecting emissions of air pollutants' and 'requirements respecting control or abatement of air pollution' shall include any provision to: cap greenhouse gas emissions, require surrender to the State or a political subdivision thereof of emission allowances or offset credits established or issued under this Act, and require the use of such allowances or credits as a means of demonstrating compliance with requirements established by a State or political subdivision thereof.''.

SEC. 335. STATE PROGRAMS.

Title VIII of the Clean Air Act, as added by section 331 of this Act and amended by several sections of this Act, is further amended by adding after part E (as added by section 333(c) of this Act) the following new part:

''PART F—MISCELLANEOUS

''SEC. 861. STATE PROGRAMS.

''Notwithstanding section 116, no State or political subdivision thereof shall implement or enforce a cap and trade program that covers any capped emissions emitted during the years 2012 through 2017. For purposes of this section, the term 'cap and trade program' means a system of greenhouse gas regulation under which a State or political subdivision issues a limited number of tradable instruments in the nature of emission allowances and requires that sources within its jurisdiction surrender such tradeable instruments for each unit of greenhouse gases emitted during a compliance period. For purposes of this section, a 'cap-and-trade program' does not include a target or limit on greenhouse gas emissions adopted by a State or political subdivision that is implemented other than through the issuance and surrender of a limited number of tradable instruments in the nature of emission allowances, nor does it include any other standard, limit, regulation, or program to reduce greenhouse gas emissions that is not implemented through the issuance and surrender of a limited number

of tradeable instruments in the nature of emission allowances. For purposes of this section, the term 'cap and trade program' does not include, among other things, fleet-wide motor vehicle emission requirements that allow greater emissions with increased vehicle production, or requirements that fuels, or other products, meet an average pollution emission rate or lifecycle greenhouse gas standard.

"SEC. 862. GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS.

''The Administrator is authorized to make grants to air pollution control agencies pursuant to section 105 for purposes of assisting in the implementation of programs to address global warming established under the Safe Climate Act.''.

SEC. 336. ENFORCEMENT.

(a) REMAND.—Section 307(b) of the Clean Air Act (42 U.S.C. 7607(b)) is amended by adding the following new paragraphs at the end thereof:

''(3) If the court determines that any action of the Administrator is arbitrary, capricious, or otherwise unlawful, the court may remand such action, without vacatur, if vacatur would impair or delay protection of the environment or public health or otherwise undermine the timely achievement of the purposes of this Act.

''(4) If the court determines that any action of the Administrator is arbitrary, capricious, or otherwise unlawful, and remands the matter to the Administrator, the Administrator shall complete final action on remand within an expeditious time period no longer than the time originally allowed for the action or one year, whichever is less, unless the court on motion determines that a shorter or longer period is necessary, appropriate, and consistent with the purposes of this Act. The court of appeals shall have jurisdiction to enforce a deadline for action on remand under this subparagraph.''.

(b) PETITION FOR RECONSIDERATION.—Section 307(d)(7)(B) of the Clean Air Act (42 U.S.C. 7607(d)(7)(B)) is amended as follows:

(1) By inserting after the second sentence ''If a petition for reconsideration is filed, the Administrator shall take final action on such petition, including promulgation of final action either revising or determining not to revise the action for which reconsideration is sought, within 150 days after the petition is received by the Administrator or the petition shall be deemed denied for the purpose of judicial review.''.

(2) By amending the third sentence to read as follows: ''Such person may seek judicial review of such denial, or of any other final action, by the Administrator, in response to a petition for reconsideration, in the United States court of appeals for the appropriate circuit (as provided in subsection (b)).''.

SEC. 337. CONFORMING AMENDMENTS.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended as follows:

(1) In subsection (a)(3), by striking ''or title VI,'' and inserting ''title VI, title VII, or title VIII''.

(2) In subsection (b), by striking ''or a major stationary source'' and inserting ''a major stationary source, or a covered EGU under title VIII'' in the material preceding paragraph (1).

(3) In paragraph (2) of subsection (b), by striking ''or title VI'' and inserting ''title VI, title VII, or title VIII''.

(4) In subsection (c)—

(A) in the first sentence of paragraph (1), by striking ''or title VI (relating to stratospheric ozone control),'' and inserting ''title VI, title VII, or title VIII,''; and

(B) in the first sentence of paragraph (3), by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(5) In subsection (d)(1)(B), by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(6) In subsection (f), in the first sentence, by striking ''or VI'' and inserting ''VI, VII, or VIII''.

(b) RETENTION OF STATE AUTHORITY.—Section 116 of the Clean Air Act (42 U.S.C. 7416) is amended as follows:

(1) By striking ''and 233'' and inserting ''233''.

(2) By striking ''of moving sources)'' and inserting ''of moving sources), and 861 (preempting certain State greenhouse gas programs for a limited time)''.

(c) INSPECTIONS, MONITORING, AND ENTRY.—Section 114(a) of the Clean Air Act (42 U.S.C. 7414(a)) is amended by striking ''section 112,'' and all that follows through ''(ii)'' and inserting the following: ''section 112, or any regulation of greenhouse gas emissions under title VII or VIII, (ii)''.

(d) ENFORCEMENT.—Subsection (f) of section 304 of the Clean Air Act (42 U.S.C. 7604(f)) is amended as follows:

(1) By striking ''; or'' at the end of paragraph (3) thereof and inserting a comma.

(2) By striking the period at the end of paragraph (4) thereof and inserting '', or''.

(3) By adding the following after paragraph (4) thereof:

''(5) any requirement of title VII or VIII.''.

(e) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended as follows:

(1) In subsection (a), by striking '', or section 306'' and inserting ''section 306, or title VII or VIII''.

(2) In subsection (b)(1)—

(A) by striking ''.,'' and inserting ''.'' in each place such punctuation appears; and

(B) by striking ''section 120,'' in the first sentence and inserting ''section 120, any final action under title VII or VIII,''.

(3) In subsection (d)(1) by amending subparagraph (S) to read as follows:

''(S) the promulgation or revision of any regulation under title VII or VIII,''.

SEC. 338. DAVIS-BACON COMPLIANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, to receive emission allowances or funding under this Act, or the amendments made by this Act, the recipient shall provide reasonable assurances that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act, or the amendments made by this Act, or by any entity established in accordance with this Act, or the amendments made by this Act, including the Carbon Storage Research Corporation, will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act''). With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(b) EXEMPTION.—Neither subsection (a) nor the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to retrofitting of the following:

(1) Single family homes (both attached and detached) under section 202.

(2) Owner-occupied residential units in larger buildings that have their own dedicated space-conditioning systems under section 202.

(3) Residential buildings (as defined in section 202(a)(5)) if designed for residential use by less than 4 families.

(4) Nonresidential buildings (as defined in section 202(a)(1)) if the net interior space of such nonresidential building is less than 6,500 square feet.

SEC. 339. NATIONAL STRATEGY FOR DOMESTIC BIOLOGICAL CARBON SEQUESTRATION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, the Secretary of Agriculture, the Secretary of the Interior, and the heads of such other relevant Federal agencies as the President may designate, shall submit to Congress a report setting forth a unified and comprehensive strategy to address the key legal, regulatory, technological, and other barriers to maximizing the potential for sustainable biological sequestration of carbon within the United States.

SEC. 340. REDUCING ACID RAIN AND MERCURY POLLUTION.

Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that analyzes the effects of different carbon dioxide reduction strategies and technologies on the emissions of mercury, sulfur dioxide, and nitrogen oxide, which cause acid rain, particulate matter, ground level ozone, mercury contamination, and other environmental problems. The report shall assess a variety of carbon reduction technologies, including the application of various carbon capture and sequestration technologies for both new and existing power plants. The report shall assess the current scientific and technical understanding of the interplay between the various technologies and emissions of air pollutants, identify hurdles to strategies that could cost-effectively reduce emissions of multiple pollutants, and make appropriate recommendations.

Subtitle D—Carbon Market Assurance

SEC. 341. CARBON MARKET ASSURANCE.

(a) AMENDMENT.—The Federal Power Act (16 U.S.C. 791a and following) is amended by adding at the end the following:

"PART IV—CARBON MARKET ASSURANCE

"SEC. 401. OVERSIGHT AND ASSURANCE OF CARBON MARKETS.

''(a) DEFINITIONS.—In this section:

''(1) CONTRACT OF SALE.—The term 'contract of sale' includes sales, agreements of sale, and agreements to sell.

''(1) COVERED ENTITY.—The term 'covered entity' shall have the meaning given in section 700 of the Clean Air Act.

''(2) REGULATED ALLOWANCE.—The term 'regulated allowance' means any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009.

''(3) REGULATED INSTRUMENT.—The term 'regulated instrument' means a regulated allowance or a regulated allowance derivative.

''(b) REGULATED ALLOWANCE MARKET.—

''(1) AUTHORITY.—The Commission shall promulgate regulations for the establishment, operation, and oversight of markets for regulated allowances not later than 18 months after the date of the enactment of this section, and from time to time thereafter as may be appropriate.

''(2) REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall—

''(A) provide for effective and comprehensive market oversight;

''(B) prohibit fraud, market manipulation, and excess speculation, and provide measures to limit unreasonable fluctuation in the prices of regulated allowances;

''(C) facilitate compliance with title VII of the Clean Air Act by covered entities;

''(D) ensure market transparency and recordkeeping deemed necessary and appropriate by the Commission to provide for efficient price discovery; prevention of fraud, market manipulation, and excess speculation; and compliance with title VII of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978;

''(E) as necessary, ensure that position limitations for individual market participants are established with respect to each class of regulated allowances;

''(F) as necessary, ensure that margin requirements are established for each class of regulated allowances;

''(G) provide for the formation and operation of a fair, orderly and liquid national market system that allows for the best execution in the trading of regulated allowances;

''(H) limit or eliminate counterparty risks, market power concentration risks, and other risks associated with trading regulated allowances outside of trading facilities

''(I) establish standards for qualification as, and operation of, trading facilities for regulated allowances;

''(J) establish standards for qualification as, and operation of, clearing organizations for trading facilities for regulated allowances; and

''(K) include such other requirements as necessary to preserve market integrity and facilitate compliance with title VII of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978 and the regulations promulgated under such title and such section.

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—If the Commission determines, after notice and an opportunity for a hearing on the record, that any entity has violated any rule or order issued by the Commission under this subsection, the Commission may issue an order—

''(i) prohibiting the entity from trading on a trading facility for regulated allowances registered with the Commission, and requiring all such facilities to refuse the entity all privileges for such period as may be specified in the order;

''(ii) if the entity is registered with the Commission in any capacity, suspending for a period of not more than 6 months, or revoking, the registration of the entity;

''(iii) assessing the entity a civil penalty of not more than $1,000,000 per day per violation for as long as the violation continues (and in determining the amount of a civil penalty, the Commission shall take into account the nature and seriousness of the violation and the efforts to remedy the violation); and

''(iv) requiring disgorgement of unjust profits, restitution to entities harmed by the violation as determined by the Commission, or both.

''(B) AUTHORITY TO SUSPEND OR REVOKE REGISTRATION.—The Commission may suspend for a period of not more than 6 months, or revoke, the registration of a trading facility for regulated allowances or of a clearing organization registered by the Commission if, after notice and opportunity for a hearing on the record, the Commission finds that—

''(i) the entity violated any rule or order issued by the Commission under this subsection; or

''(ii) a director, officer, employee, or agent of the entity has violated any rule or order issued by the Commission under this subsection.

''(C) CEASE AND DESIST PROCEEDINGS.—

''(i) IN GENERAL.—If the Commission determines that any entity may be violating, may have violated, or may be about to violate any provision of this part, or any regulation promulgated by, or any restriction, condition, or order made or imposed by, the Commission under this Act, and if the Commission finds that the alleged violation or threatened violation, or the continuation of the violation, is likely to result in significant harm to covered entities or market participants, or significant harm to the public interest, the Commission may issue a temporary order requiring the entity—

''(I) to cease and desist from the violation or threatened violation;

''(II) to take such action as is necessary to prevent the violation or threatened violation; and

''(III) to prevent, as the Commission determines to be appropriate—

''(aa) significant harm to covered entities or market participants;

''(bb) significant harm to the public interest; and

''(cc) frustration of the ability of the Commission to conduct the proceedings or to redress the violation at the conclusion of the proceedings.

''(ii) TIMING OF ENTRY.—An order issued under clause (i) shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing before entry would be impracticable or contrary to the public interest.

''(iii) EFFECTIVE DATE.—A temporary order issued under clause (i) shall—

''(I) become effective upon service upon the entity; and

''(II) unless set aside, limited, or suspended by the Commission or a court of competent jurisdiction, remain effective and enforceable pending the completion of the proceedings.

''(D) PROCEEDINGS REGARDING DISSIPATION OR CONVERSION OF ASSETS.—

''(i) IN GENERAL.—In a proceeding involving an alleged violation of a regulation or order promulgated or issued by the Commission, if the Commission determines that the alleged violation or related circumstances are likely to result in significant dissipation or conversion of assets, the Commission may issue a temporary order requiring the respondent to take such action as is necessary to prevent the dissipation or conversion of assets.

''(ii) TIMING OF ENTRY.—An order issued under clause (i) shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing before entry would be impracticable or contrary to the public interest.

''(iii) EFFECTIVE DATE.—A temporary order issued under clause (i) shall—

''(I) become effective upon service upon the respondent; and

''(II) unless set aside, limited, or suspended by the Commission or a court of competent jurisdiction, remain effective and enforceable pending the completion of the proceedings.

''(E) REVIEW OF TEMPORARY ORDERS.—

''(i) APPLICATION FOR REVIEW.—At any time after a respondent has been served with a temporary cease-and-desist order pursuant to subparagraph (C) or order regarding the dissipation or conversion of assets pursuant to subparagraph (D), the respondent may apply to the Commission to have the order set aside, limited, or suspended.

''(ii) NO PRIOR HEARING.—If a respondent has been served with a temporary order entered without a prior hearing of the Commission—

''(I) the respondent may, not later than 10 days after the date on which the order was served, request a hearing on the application; and

''(II) the Commission shall hold a hearing and render a decision on the application at the earliest practicable time.

''(iii) JUDICIAL REVIEW.—

''(I) IN GENERAL.—An entity shall not be required to submit a request for rehearing of a temporary order before seeking judicial review in accordance with this subparagraph.

''(II) TIMING OF REVIEW.—Not later than 10 days after the date on which a respondent is served with a temporary cease-and-desist order entered with a prior hearing of the Commission, or 10 days after the date on which the Commission renders a decision on an application and hearing under clause (i) with respect to any temporary order entered without such a prior hearing—

''(aa) the respondent may obtain a review of the order in a United States circuit court having jurisdiction over the circuit in which the respondent resides or has a principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order; and

''(bb) the court shall have jurisdiction to enter such an order.

''(III) NO PRIOR HEARING.—A respondent served with a temporary order entered without a prior hearing of the Commission may not apply to the applicable court described in subclause (II) except after a hearing and decision by the Commission on the application of the respondent under clauses (i) and (ii).

''(iv) PROCEDURES.—Section 222 and Part III shall apply to—

''(I) an application for review of an order under clause (i); and

''(II) an order subject to review under clause (iii).

''(v) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under clause (iii) shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

''(F) ACTIONS TO COLLECT CIVIL PENALTIES.—If any person fails to pay a civil penalty assessed under this subsection after an order assessing the penalty has become final and unappealable, the Commission shall bring an action to recover the amount of the penalty in any appropriate United States district court.

''(4) TRANSACTION FEES.—

''(A) IN GENERAL.—The Commission shall, in accordance with this paragraph, establish and collect transaction fees designed to recover the costs to the Federal Government of the supervision and regulation of regulated allowance markets and market participants, including related costs for enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

''(B) INITIAL FEE RATE.—Each trading facility on or through which regulated allowances are transacted shall pay to the Commission a fee at a rate of not more than $15 per $1,000,000 of the aggregate dollar amount of sales of regulated allowances transacted through the facility.

''(C) ANNUAL ADJUSTMENT OF FEE RATE.—The Commission shall, on an annual basis—

''(i) assess the rate at which fees are to be collected as necessary to meet the cost recovery requirement in subparagraph (A); and

''(ii) consistent with subparagraph (B), adjust the rate as necessary in order to meet the requirement.

''(D) REPORT ON ADEQUACY OF FEES IN RECOVERING COSTS.—The Commission, shall, on an annual basis, report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the adequacy of the transaction fees in providing funding for the Commission to regulate the regulated allowance markets.

''(5) JUDICIAL REVIEW.—Judicial review of actions taken by the Commission under this subsection shall be pursuant to part III.

''(6) ADDITIONAL EMPLOYEES REPORT AND APPOINTMENT.—Within 18 months after the date of the enactment of this section, the Commission shall submit to the President,

the Committee on Energy and Commerce of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, a report that contains recommendations as to how many additional employees would be necessary to provide robust oversight and enforcement of the regulations promulgated under this subsection. As soon as practicable after the completion of the report, subject to appropriations, the Commission shall appoint the recommended number of additional employees for such purposes.

''(e) WORKING GROUP.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the President shall establish an interagency working group on carbon market oversight, which shall include the Administrator of the Environmental Protection Agency and representatives of other relevant agencies, to make recommendations to the Commodity Futures Trading Commission regarding proposed regulations for the establishment, operation, and oversight of markets for regulated allowance derivatives.

''(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and biennially thereafter, the interagency working group shall submit a written report to the President and Congress that includes its recommendations to the Commodity Futures Trading Commission regarding proposed regulations for the establishment, operation, and oversight of markets for regulated allowance derivatives and any recommendations to Congress for statutory changes needed to ensure the establishment, operation, and oversight of transparent, fair, stable, and efficient markets for regulated allowance derivatives.

''(d) PENALTY FOR FRAUD AND FALSE OR MISLEADING STATEMENTS.—A person convicted under section 1041 of title 18, United States Code, may be prohibited from holding or trading regulated allowances for a period of not more than 5 years pursuant to the regulations promulgated under this section, except that, if the person is a covered entity, the person shall be allowed to hold sufficient regulated allowances to meet its compliance obligations.

''(e) RELATION TO STATE LAW.—Nothing in this section shall preclude, diminish or qualify any authority of a State or political subdivision thereof to adopt or enforce any unfair competition, antitrust, consumer protection, securities, commodities or any other law or regulation, except that no such State law or regulation may relieve any person of any requirement otherwise applicable under this section.

''(f) MARKET REPORTS.—

''(1) COLLECTION AND ANALYSIS OF INFORMATION.—The Commission, in conjunction with the Commodity Futures Trading Commission shall, on a continuous basis, analyze the following information on the functioning of the markets for regulated instruments established under this part:

''(A) The status of, and trends in, the markets, including prices, trading volumes, transaction types, and trading channels and mechanisms.

''(B) Spikes, collapses, and volatility in prices of regulated instruments, and the causes therefor.

''(C) The relationship between the market for regulated allowances and allowance derivatives, and the spot and futures markets for energy commodities, including electricity.

''(D) The economic effects of the markets, including to macro- and micro-economic effects of unexpected significant increases and decreases in the price of regulated instruments.

''(E) Any changes in the roles, activities, or strategies of various market participants.

''(F) Regional, industrial, and consumer responses to the markets, and energy investment responses to the markets.

''(G) Any other issue related to the markets that the Commission, Commodity Futures Trading Commission, deems appropriate.

''(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 1 month after the end of each calendar year, the Commission, in conjunction with the Federal agency, shall submit to the President, the Committee on Agriculture and Committee on Energy and Commerce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and Committee on Energy and Natural Resources of the Senate, and make available to the public, a report on the matters described in paragraph (1) with respect to the year, including recommendations for any administrative or statutory measures the Commission, and the Commodity Futures Trading Commission consider necessary to address any threats to the transparency, fairness, or integrity of the markets in regulated instruments.

''SEC. 402. APPLICABILITY OF PART III PROVISIONS.

''(a) SECTIONS 301, 304, AND 306.—Sections 301, 304, and 306 shall not apply to this part.

''(b) SECTION 315.—In applying section 315(a) to this part, the words ''person or entity'' shall be substituted for the words ''licensee or public utility''. In applying section 315(b) to this part, the words ''an entity'' shall be substituted for the words ''a licensee or public utility'' and the words ''such entity'' shall be substituted for the words ''such licensee or public utility.''

''(c) SECTION 316.—Section 316(a) shall not apply to section 401(d).''.

(b) CRIMINAL PROHIBITION AGAINST FRAUD AND FALSE OR MISLEADING STATEMENTS.—

(1) Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Fraud and false statements in connection with regulated allowances

''Whoever in connection with a transaction involving a regulated allowance (as defined in section 401(a) of the Federal Power Act, as added by section 341 of the American Clean Energy and Security Act of 2009), knowingly—

''(1) makes or uses a materially false or misleading statement, writing, representation, scheme, or device; or

''(2) falsifies, conceals, or covers up by any trick, scheme, or device any material fact,

shall be fined not more than $5,000,000 (or $25,000,000 in the case of an organization) or imprisoned not more than 20 years, or both.''.

(2) The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1041. Fraud and false statements in connection with regulated allowances.''.

SEC. 342. CARBON DERIVATIVE MARKETS.

(a) Section 1a(14) of the Commodity Exchange Act (7 U.S.C. 1a(14)) is amended by striking ''or an agricultural commodity'' and inserting '', an agricultural commodity, or any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009''.

(b) Section 4(c) of such Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

''(6) This subsection does not apply to any agreement, contract, or transaction for any emission allowance, compensatory allowance, offset credit, or Federal renewable electricity credit established or issued under the American Clean Energy and Security Act of 2009.''.

Subtitle E—Additional Market Assurance

SEC. 351. REGULATION OF CERTAIN TRANSACTIONS IN DERIVATIVES INVOLVING ENERGY COMMODITIES.

(a) ENERGY COMMODITY DEFINED.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) in paragraph (14), by inserting '', an energy commodity,'' after ''excluded commodity'';

(2) by redesignating paragraphs (13) through (21) and paragraphs (22) through (34) as paragraphs (14) through (22) and paragraphs (24) through (36), respectively;

(3) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity (excluding financial transmission rights which are subject to regulation and oversight by the Federal Energy Regulatory Commission);

''(D) natural gas; and

''(E) any other substance (other than an excluded commodity, a metal, or an agricultural commodity) that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''; and

(4) by inserting after paragraph (22) (as so redesignated by paragraph (2) of this subsection) the following:

''(23) INCLUDED ENERGY TRANSACTION.—The term 'included energy transaction' means a contract, agreement, or transaction in an energy commodity for future delivery that provides for a delivery point of the energy commodity in the United States or a territory or possession of the United States, or that is offered or transacted on or through a computer terminal located in the United States.''.

(b) EXTENSION OF REGULATORY AUTHORITY TO SWAPS INVOLVING ENERGY TRANSACTIONS.—Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''or an energy commodity'' after ''agricultural commodity''.

(c) ELIMINATION OF EXEMPTION FOR OVER-THE-COUNTER SWAPS INVOLVING ENERGY COMMODITIES.—Section 2(h)(1) of such Act (7 U.S.C. 2(h)(1)) is amended by inserting ''(other than an energy commodity)'' after ''exempt commodity''.

(d) EXTENSION OF REGULATORY AUTHORITY TO INCLUDED ENERGY TRANSACTIONS ON FOREIGN BOARDS OF TRADE.—Section 4 of such Act (7 U.S.C. 6) is amended—

(1) in subsection (a), by inserting '', and which is not an included energy transaction'' after ''territories or possessions'' the 2nd place it appears; and

(2) in subsection (b), by adding at the end the following: ''The preceding sentence shall not apply with respect to included energy transactions.''.

(e) LIMITATION OF GENERAL EXEMPTIVE AUTHORITY OF THE CFTC WITH RESPECT TO INCLUDED ENERGY TRANSACTIONS.—

(1) IN GENERAL.—Section 4(c) of such Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

''(6) The Commission may not exempt any included energy transaction from the requirements of subsection (a), unless the Commission provides 60 days advance notice to the Congress and the Position Limit Energy Advisory Group and solicits public comment about the exemption request and any proposed Commission action.''.

(2) NULLIFICATION OF NO-ACTION LETTER EXEMPTIONS TO CERTAIN REQUIREMENTS APPLICABLE TO INCLUDED ENERGY TRANSACTIONS.—Beginning 180 days after the date of the enactment of this Act, any exemption provided by

the Commodity Futures Trading Commission that has allowed included energy transactions (as defined in section 1a(13) of the Commodity Exchange Act) to be conducted without regard to the requirements of section 4(a) of such Act shall be null and void.

(f) REQUIREMENT TO ESTABLISH UNIFORM SPECULATIVE POSITION LIMITS FOR ENERGY TRANSACTIONS.—

(1) IN GENERAL.—Section 4a(a) of such Act (7 U.S.C. 6a(a)) is amended—

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

(B) by inserting after the 2nd sentence the following: ''With respect to energy transactions, the Commission shall fix limits on the aggregate number of positions which may be held by any person for each month across all markets subject to the jurisdiction of the Commission.'';

(C) in the 4th sentence by inserting '', consistent with the 3rd sentence,'' after ''Commission''; and

(D) by adding after and below the end the following:

''(2)(A) Not later than 60 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Energy Advisory Group consisting of representatives from—

''(i) 7 predominantly commercial short hedgers of the actual energy commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual energy commodity for future delivery;

''(iii) 4 non-commercial participants in markets for energy commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the energy commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the energy commodity.

''(B) Not later than 60 days after the date on which the advisory group is convened under subparagraph (A), and annually thereafter, the advisory group shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (1).

''(C) The Commission shall have exclusive authority to grant exemptions for bona fide hedging transactions and positions from position limits imposed under this Act on energy transactions.''.

(2) CONFORMING AMENDMENTS.—

(A) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7) of such Act (7 U.S.C. 2(h)(7)) is amended—

(i) in subparagraph (A)—

(I) by inserting ''of this paragraph and section 4a(a)'' after ''(B) through (D)''; and

(II) by inserting ''of this paragraph'' before the period; and

(ii) in subparagraph (C)(ii)(IV)—

(I) in the heading, by striking ''LIMITATIONS OR''; and

(II) by striking ''position limitations or''.

(B) CONTRACTS TRADED ON OR THROUGH DESIGNATED CONTRACT MARKETS.—Section 5(d)(5) of such Act (7 U.S.C. 7(d)(5)) is amended—

(i) in the heading by striking ''LIMITATIONS OR''; and

(ii) by striking ''position limitations or''.

(C) CONTRACTS TRADED ON OR THROUGH DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended—

(i) in the heading by striking ''LIMITATIONS OR''; and

(ii) by striking ''position limits or''.

(g) ELIMINATION OF THE SWAPS LOOPHOLE.—Section 4a(c) of such Act (7 U.S.C. 6a(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding after and below the end the following:

''(2) For the purposes of contracts of sale for future delivery and options on such contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions made or to be made or positions taken or to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (d), (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

(h) DETAILED REPORTING AND DISAGGREGATION OF MARKET DATA.—Section 4 of such Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) DETAILED REPORTING AND DISAGGREGATION OF MARKET DATA.—

''(1) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for any positions of such entities in contracts traded on designated contract markets, over-the-counter markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(f), and electronic trading facilities with respect to significant price discovery contracts not later than 120 days after the date of the enactment of this subsection, and issue a final rule within 180 days after such date of enactment.

''(2) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN MARKETS.—Subject to section 8 and beginning within 60 days of the issuance of the final rule required by paragraph (1), the Commission shall disaggregate and make public weekly—

''(A) the number of positions and total notional value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all markets to the extent such information is available; and

''(B) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.

''(3) DISCLOSURE OF IDENTITY OF HOLDERS OF POSITIONS IN INDEXES IN EXCESS OF POSITION LIMITS.—The Commission shall include in its weekly Commitment of Trader reports the identity of each person who holds a position in an index in excess of a limit imposed under section 4i.''.

(i) AUTHORITY TO SET LIMITS TO PREVENT EXCESSIVE SPECULATION IN INDEXES.—

(1) IN GENERAL.—Section 4a of such Act (7 U.S.C. 6a) is amended by adding at the end the following:

''(f) The provisions of this section shall apply to the amounts of trading which may be done or positions which may be held by any person under contracts of sale of an index for future delivery on or subject to the rules of any contract market, derivatives transaction execution facility, or over-the-counter market, or on an electronic trading facility with respect to a significant price discovery contract, in the same manner in which this section applies to contracts of sale of a commodity for future delivery.''.

(2) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations under section 4a(f) of the Commodity Exchange Act within 180 days after the date of the enactment of this Act.

SEC. 352. NO EFFECT ON AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:.

''(j) This Act shall not be interpreted to affect the jurisdiction of the Federal Energy Regulatory Commission with respect to the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.), the Natural Gas Act (15 U.S.C. 717 et seq.), or other law to obtain information, carry out enforcement actions, or otherwise carry out the responsibilities of the Federal Energy Regulatory Commission.''.

SEC. 353. INSPECTOR GENERAL OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) ELEVATION OF OFFICE.—

(1) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—

(A) Section 12(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Chairman of the Commodity Futures Trading Commission;''.

(B) Section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, or the Commodity Futures Trading Commission,''.

(2) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(b) PROVISIONS RELATING TO PAY AND PERSONNEL AUTHORITY.—

(1) PROVISION RELATING TO THE POSITION OF INSPECTOR GENERAL OF THE CFTC.—In the case of the Inspector General of the Commodities Futures Trading Commission, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110-409) shall apply in the same manner as if the Commission was a designated Federal entity under section 8G. The Inspector General of the Commodities Futures Trading Commission shall not be subject to section 3(e) of such Act.

(2) PROVISION RELATING TO OTHER PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Commodities Futures Trading Commission may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Commodities Futures Trading Commission.

(c) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

(2) TRANSITION RULE.—An individual serving as Inspector General of the Commodity Futures Trading Commission on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) may continue so serving until the President makes an appointment under section 3(a) of such Act consistent with the amendments made by this section; and

(B) shall, while serving under subparagraph (A), remain subject to the provisions of section 8G of such Act which apply with respect to the Commodity Futures Trading Commission.

SEC. 354. SETTLEMENT AND CLEARING THROUGH REGISTERED DERIVATIVES CLEARING ORGANIZATIONS.

(a) IN GENERAL.—

(1) APPLICATION TO EXCLUDED DERIVATIVE TRANSACTIONS.—

(A) Section 2(d)(1) of the Commodity Exchange Act (7 U.S.C. 2(d)(1)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), the agreement, contract, or transaction is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(B) Section 2(d)(2) of such Act (7 U.S.C. 2(d)(2)) is amended—

(i) by striking ''and'' at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) except as provided in section 4(f), the agreement, contract, or transaction is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(2) APPLICATION TO CERTAIN SWAP TRANSACTIONS.—Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(C) by adding at the end the following:

''(4) except as provided in section 4(f), settled and cleared through a derivatives clearing organization registered with the Commission.''.

(3) APPLICATION TO CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

(A) Section 2(h)(1) of such Act (7 U.S.C. 2(h)(1)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), is settled and cleared through a derivatives clearing organization registered with the Commission.''.

(B) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) except as provided in section 4(f), settled and cleared through a derivatives clearing organization registered with the Commission.''.

(4) GENERAL EXEMPTIVE AUTHORITY.—Section 4(c)(1) of such Act (7 U.S.C. 6(c)(1)) is amended by inserting ''the agreement, contract, or transaction, except as provided in section 4(h), will be settled and cleared through a derivatives clearing organization registered with the Commission and'' before ''the Commission determines''.

(5) CONFORMING AMENDMENT RELATING TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(D) of such Act (7 U.S.C. 2(h)(7)(D)) is amended by striking the designation and heading for the subparagraph and all that follows through ''As part of'' and inserting the following:

''(D) REVIEW OF IMPLEMENTATION.—As part of''.

(b) ALTERNATIVES TO CLEARING THROUGH DESIGNATED CLEARING ORGANIZATIONS.—Section 4 of such Act (7 U.S.C. 6), as amended by section 351(h) of this Act, is amended by adding at the end the following:

''(f) ALTERNATIVES TO CLEARING THROUGH DESIGNATED CLEARING ORGANIZATIONS.—

''(1) SETTLEMENT AND CLEARING THROUGH CERTAIN OTHER REGULATED ENTITIES.—An agreement, contract, or transaction, or class thereof, relating to an excluded commodity, that would otherwise be required to be settled and cleared by section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), or 2(h)(3)(C) of this Act, or subsection (c)(1) of this section may be settled and cleared through an entity listed in subsections (a) or (b) of section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

''(2) WAIVER OF CLEARING REQUIREMENT.—

''(A) The Commission, in its discretion, may exempt an agreement, contract, or transaction, or class thereof, that would otherwise be required by section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), or 2(h)(3)(C) of this Act, or subsection (c)(1) of this section to be settled and cleared through a derivatives clearing organization registered with the Commission from such requirement.

''(B) In granting exemptions pursuant to subparagraph (A), the Commission shall consult with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System regarding exemptions that relate to excluded commodities or entities for which the Securities Exchange Commission or the Board of Governors of the Federal Reserve System serve as the primary regulator.

''(C) Before granting an exemption pursuant to subparagraph (A), the Commission shall find that the agreement, contract, or transaction, or class thereof—

''(i) is highly customized as to its material terms and conditions;

''(ii) is transacted infrequently;

''(iii) does not serve a significant price-discovery function in the marketplace; and

''(iv) is being entered into by parties who can demonstrate the financial integrity of the agreement, contract, or transaction and their own financial integrity, as such terms and standards are determined by the Commission. The standards may include, with respect to any federally regulated financial entity for which net capital requirements are imposed, a net capital requirement associated with any agreement, contract, or transaction subject to an exemption from the clearing requirement that is higher than the net capital requirement that would be associated with such a transaction were it cleared

''(D) Any agreement, contract, or transaction, or class thereof, which is exempted pursuant to subparagraph (A) shall be reported to the Commission in a manner designated by the Commission, or to such other entity the Commission deems appropriate.

''(E) The Commission, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System shall enter into a memorandum of understanding by which the information reported to the Commission pursuant to subparagraph (D) with regard to excluded commodities or entities for which the Securities Exchange Commission or the Board of Governors of the Federal Reserve System serve as the primary regulator may be provided to the other agencies.

''(g) SPOT AND FORWARD EXCLUSION.—The settlement and clearing requirements of section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C), or 4(c)(1) shall not apply to an agreement, contract, or transaction of any cash commodity for immediate or deferred shipment or delivery, as defined by the Commission.''.

(c) ADDITIONAL REQUIREMENTS APPLICABLE TO APPLICANTS FOR REGISTRATION AS A DERIVATIVE CLEARING ORGANIZATION.—Section 5b(c)(2) of such Act (7 U.S.C. 7a-1(c)(2)) is amended by adding at the end the following:

''(O) DISCLOSURE OF GENERAL INFORMATION.—The applicant shall disclose publicly and to the Commission information concerning—

''(i) the terms and conditions of contracts, agreements, and transactions cleared and settled by the applicant;

''(ii) the conventions, mechanisms, and practices applicable to the contracts, agreements, and transactions;

''(iii) the margin-setting methodology and the size and composition of the financial resource package of the applicant; and

''(iv) other information relevant to participation in the settlement and clearing activities of the applicant.

''(P) DAILY PUBLICATION OF TRADING INFORMATION.—The applicant shall make public daily information on settlement prices, volume, and open interest for contracts settled or cleared pursuant to the requirements of section 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C) or 4(c)(1) of this Act by the applicant if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

''(Q) FITNESS STANDARDS.—The applicant shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, and members of the applicant, and any other persons with direct access to the settlement or clearing activities of the applicant, including any parties affiliated with any of the persons described in this subparagraph.''.

(d) AMENDMENTS.—

(1) Section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4422) is amended by adding at the end the following:

''(c) CLEARING REQUIREMENT.—A multilateral clearing organization described in subsections (a) or (b) of this section shall comply with requirements similar to the requirements of sections 5b and 5c of the Commodity Exchange Act.''.

(2) Section 407 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27e) is amended by inserting ''and the settlement and clearing requirements of sections 2(d)(1)(C), 2(d)(2)(D), 2(g)(4), 2(h)(1)(C), 2(h)(3)(C), and 4(c)(1) of such Act'' after ''the clearing of covered swap agreements''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 150 days after the date of the enactment of this Act.

(f) TRANSITION RULE.—Any agreement, contract, or transaction entered into before the date of the enactment of this Act or within 150 days after such date of enactment, in reliance on subsection (d), (g), (h)(1), or (h)(3) of section 2 of the Commodity Exchange Act or any other exemption issued by the Commission Futures Trading Commission by rule, regulation, or order shall, within 90 days after such date of enactment, unless settled and cleared through an entity registered with the Commission as a derivatives

clearing organization or another clearing entity pursuant to section 4(f) of such Act, be reported to the Commission in a manner designated by the Commission, or to such other entity as the Commission deems appropriate.

SEC. 355. LIMITATION ON ELIGIBILITY TO PURCHASE A CREDIT DEFAULT SWAP.

(a) IN GENERAL.—Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

''(h) LIMITATION ON ELIGIBILITY TO PURCHASE A CREDIT DEFAULT SWAP.—It shall be unlawful for any person to enter into a credit default swap unless the person—

''(1) owns a credit instrument which is insured by the credit default swap;

''(2) would experience financial loss if an event that is the subject of the credit default swap occurs with respect to the credit instrument; and

''(3) meets such minimum capital adequacy standards as may be established by the Commission, in consultation with the Board of Governors of the Federal Reserve System, or such more stringent minimum capital adequacy standards as may be established by or under the law of any State in which the swap is originated or entered into, or in which possession of the contract involved takes place.''.

(b) ELIMINATION OF PREEMPTION OF STATE BUCKETING LAWS REGARDING NAKED CREDIT DEFAULT SWAPS.—Section 12(e)(2)(B) of such Act (7 U.S.C. 16(e)(2)(B)) is amended by inserting ''(other than a credit default swap in which the purchaser of the swap would not experience financial loss if an event that is the subject of the swap occurred)'' before ''that is excluded''.

(c) DEFINITION OF CREDIT DEFAULT SWAP.—Section 1a of such Act (7 U.S.C. 1a), as amended by section 351(a) of this Act, is amended by adding at the end the following:

''(37) CREDIT DEFAULT SWAP.—The term 'credit default swap' means a contract which insures a party to the contract against the risk that an entity may experience a loss of value as a result of an event specified in the contract, such as a default or credit downgrade. A credit default swap that is traded on or cleared by a registered entity shall be excluded from the definition of a security as defined in this Act and in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934, except it shall be deemed a security solely for purpose of enforcing prohibitions against insider trading in sections 10 and 16 of the Securities Exchange Act of 1934.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective for credit default swaps (as defined in section 1a(37) of the Commodity Exchange Act) entered into after 60 days after the date of the enactment of this section.

SEC. 356. TRANSACTION FEES.

(a) IN GENERAL.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and inserting after subsection (d) the following:

''(e) CLEARING FEES.—

''(1) IN GENERAL.—The Commission shall, in accordance with this subsection, charge and collect from each registered clearing organization, and each such organization shall pay to the Commission, transaction fees at a rate calculated to recover the costs to the Federal Government of the supervision and regulation of futures markets, except those directly related to enforcement.

''(2) FEES ASSESSED PER SIDE OF CLEARED CONTRACTS.—

''(A) IN GENERAL.—The Commission shall determine the fee rate referred to in paragraph (1), and shall apply the fee rate per side of any transaction cleared.

''(B) AUTHORITY TO DELEGATE.— The Commission may determine the procedures by which the fee rate is to be applied on the transactions subject to the fee, or delegate the authority to make the determination to any appropriate derivatives clearing organization.

''(3) EXEMPTIONS.—The Commission may not impose a fee under paragraph (1) on—

''(A) a class of contracts or transactions if the Commission finds that it is in the public interest to exempt the class from the fee; or

''(B) a contract or transaction cleared by a registered derivatives clearing organization that is—

''(i) subject to fees under section 31 of the Securities Exchange Act of 1934; or

''(ii) a security as defined in the Securities Act of 1933 or the Securities Exchange Act of 1934.

''(4) DATES FOR PAYMENT OF FEES.—The fees imposed under paragraph (1) shall be paid on or before—

''(A) March 15 of each year, with respect to transactions occurring on or after the preceding September 1 and on or before the preceding December 31; and

''(B) September 15 of each year, with respect to transactions occurring on or after the preceding January 1 and on or before the preceding August 31.

''(5) ANNUAL ADJUSTMENT OF FEE RATES.—

''(A) IN GENERAL.—Not later than April 30 of each fiscal year , the Commission shall, by order, adjust each fee rate determined under paragraph (2) for the fiscal year to a uniform adjusted rate that, when applied to the estimated aggregate number of cleared sides of transactions for the fiscal year, is reasonably likely to produce aggregate fee receipts under this subsection for the fiscal year equal to the target offsetting receipt amount for the fiscal year.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) ESTIMATED AGGREGATE NUMBER OF CLEARED SIDES OF TRANSACTIONS.—The term 'estimated aggregate number of cleared sides of transactions' means, with respect to a fiscal year, the aggregate number of cleared sides of transactions to be cleared by registered derivatives clearing organizations during the fiscal year, as estimated by the Commission, after consultation with the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(ii) TARGET OFFSETTING RECEIPT AMOUNT.—The term 'target offsetting receipt amount' means, with respect to a fiscal year, the total level of Commission budget authority for all non-enforcement activities of the Commission, as contained in the regular appropriations Acts for the fiscal year.

''(C) NO JUDICIAL REVIEW.—An adjusted fee rate prescribed under subparagraph (A) shall not be subject to judicial review.

''(6) PUBLICATION.—Not later than April 30 of each fiscal year, the Commission shall cause to be published in the Federal Register notices of the fee rates applicable under this subsection for the succeeding fiscal year, and any estimate or projection on which the fee rates are based.

''(7) ESTABLISHMENT OF FUTURES AND OPTIONS TRANSACTION FEE ACCOUNT; DEPOSIT OF FEES.—There is established in the Treasury of the United States an account which shall be known as the 'Futures and Options Transaction Fee Account'. All fees collected under this subsection for a fiscal year shall be deposited in the account. Amounts in the account are authorized to be appropriated to fund the expenditures of the Commission.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning 30 or more days after the date of the enactment of this Act.

(c) TRANSITION RULE.—If this section becomes law after March 31 and before September 1 of a fiscal year, then paragraphs (5)(A) and (6) of section 12(e) of the Commodity Exchange Act shall be applied, in the case of the 1st fiscal year beginning after the date of the enactment of this Act, by substituting ''August 31'' for ''April 30''.

SEC. 357. NO EFFECT ON ANTITRUST LAW OR AUTHORITY OF THE FEDERAL TRADE COMMISSION.

(a) Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term ''antitrust laws'' has the meaning given it in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such term applies to unfair methods of competition.

(b) Nothing in this subtitle shall be construed to affect or diminish the jurisdiction or authority of the Federal Trade Commission with respect to its authorities under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or the Energy Independence and Security Act of 2007 (Public Law 110–140) to obtain information, to carry out enforcement activities, or otherwise to carry out the responsibilities of the Federal Trade Commission.

SEC. 358. EFFECT OF DERIVATIVES REGULATORY REFORM LEGISLATION.

(a) STATUTES.—Upon the passage of legislation that includes derivatives regulatory reform, sections 351, 352, 354, 355, 356, and 357 shall be repealed.

(b) REGULATIONS.—Upon the passage of legislation that includes derivatives regulatory reform, any regulations promulgated under section 351, 352, 354, 355, 356, or 357 shall be considered null and void.

SEC. 359. CEASE-AND-DESIST AUTHORITY.

(a) NATURAL GAS ACT.—Section 20 of the Natural Gas Act (15 U.S.C. 717s) is amended by adding the following at the end:

''(e) CEASE-AND-DESIST PROCEEDINGS; TEMPORARY ORDERS; AUTHORITY OF THE COMMISSION.—

''(1) IN GENERAL.—If the Commission finds, after notice and opportunity for hearing, that any entity may be violating, may have violated, or may be about to violate any provision of this Act, or any rule, regulation, restriction, condition, or order made or imposed by the Commission under the authority of this Act, the Commission may publish its findings and issue an order requiring such entity, and any other entity that is, was, or would be a cause of the violation, due to an act or omission the entity knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring an entity to cease and desist from committing or causing a violation, require such entity to comply, to provide an accounting and disgorgement, or to take steps to effect compliance, with such provision, rule, or regulation, upon such terms and conditions and within such time as the Commission may specify in such order. Any such order may, as the Commission deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Commission may specify.

''(2) TIMING OF ENTRY.—An order issued under this subsection shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing prior to entry would be impracticable or contrary to the public interest.

''(f) HEARING.—The notice instituting proceedings pursuant to subsection (e) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Commission with the consent of any respondent so served.

''(g) TEMPORARY ORDER.—Whenever the Commission determines that—

''(1) a respondent may take actions to dissipate or convert assets prior to the completion of the proceedings referred to in subsection (e), and such assets would be necessary to comply with or otherwise satisfy a final enforcement order of the Commission pursuant to alleged violations or threatened violations specified in the notice instituting proceedings; or

''(2) a respondent is engaged in actual or threatened violations of this Act or a Commission rule, regulation, restriction or order referred to in subsection (e),

the Commission may issue a temporary order requiring the respondent to take such action to prevent dissipation or conversion of assets, significant harm to energy consumers, or substantial harm to the public interest, frustration of the Commission's ability to conduct the proceedings, or frustration of the Commission's ability to redress said violation at the conclusion of the proceedings, as the Commission deems appropriate pending completion of such proceedings.

''(h) REVIEW OF TEMPORARY ORDERS.—

''(1) COMMISSION REVIEW.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to subsection (g), the respondent may apply to the Commission to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior Commission hearing, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Commission shall hold a hearing and render a decision on such application at the earliest possible time.

''(2) JUDICIAL REVIEW.—Within—

''(A) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior Commission hearing; or

''(B) 10 days after the Commission renders a decision on an application and hearing under paragraph (1),

with respect to any temporary cease-and-desist order entered without a prior Commission hearing, the respondent may apply to the United States circuit court having jurisdiction over the circuit in which the respondent resides or has its principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior Commission hearing may not apply to the court except after hearing and decision by the Commission on the respondent's application under paragraph (1) of this subsection.

''(3) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

''(4) EXCLUSIVE REVIEW.—Sections 19(d) and 24 shall not apply to a temporary order entered pursuant to this section.

''(i) IMPLEMENTATION.—The Commission is authorized to adopt rules, regulations, and orders as it deems appropriate to implement this section.''.

(c) NATURAL GAS POLICY ACT OF 1978.—Section 504 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414) is amended by adding the following at the end:

''(d) CEASE-AND-DESIST PROCEEDINGS; TEMPORARY ORDERS; AUTHORITY OF THE COMMISSION.—

''(1) IN GENERAL.—If the Commission finds, after notice and opportunity for hearing, that any entity may be violating, may have violated, or may be about to violate any provision of this Act, or any rule, regulation, restriction, condition, or order made or imposed by the Commission under the authority of this Act, the Commission may publish its findings and issue an order requiring such entity, and any other entity that is, was, or would be a cause of the violation, due to an act or omission the entity knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring an entity to cease and desist from committing or causing a violation, require such entity to comply, to provide an accounting and disgorgement, or to take steps to effect compliance, with such provision, rule, or regulation, upon such terms and conditions and within such time as the Commission may specify in such order. Any such order may, as the Commission deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Commission may specify.

''(2) TIMING OF ENTRY.—An order issued under this subsection shall be entered only after notice and opportunity for a hearing, unless the Commission determines that notice and hearing prior to entry would be impracticable or contrary to the public interest.

''(3) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Commission with the consent of any respondent so served.

''(4) TEMPORARY ORDER.—Whenever the Commission determines that—

''(A) a respondent may take actions to dissipate or convert assets prior to the completion of the proceedings referred to in paragraph (1) and such assets would be necessary to comply with or otherwise satisfy a final enforcement order of the Commission pursuant to alleged violations or threatened violations specified in the notice instituting proceedings; or

''(B) a respondent is engaged in actual or threatened violations of this Act or a Commission rule, regulation, restriction or order referred to in paragraph (1),

the Commission may issue a temporary order requiring the respondent to take such action to prevent dissipation or conversion of assets, significant harm to energy consumers, or substantial harm to the public interest, frustration of the Commission's ability to conduct the proceedings, or frustration of the Commission's ability to redress said violation at the conclusion of the proceedings, as the Commission deems appropriate pending completion of such proceedings.

''(5) REVIEW OF TEMPORARY ORDERS.—

''(A) COMMISSION REVIEW.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (4), the respondent may apply to the Commission to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior Commission hearing, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Commission shall hold a hearing and render a decision on such application at the earliest possible time.

''(B) JUDICIAL REVIEW.—Within—

''(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior Commission hearing; or

''(ii) 10 days after the Commission renders a decision on an application and hearing under subparagraph (A), with respect to any temporary cease-and-desist order entered without a prior Commission hearing, the respondent may apply to the United States circuit court having jurisdiction over the circuit in which the respondent resides or has its principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior Commission hearing may not apply to the court except after hearing and decision by the Commission on the respondent's application under paragraph (1) of this subsection.

''(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) of this paragraph shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

''(6) IMPLEMENTATION.—The Commission is authorized to adopt rules, regulations, and orders as it deems appropriate to implement this subsection.''.

SEC. 360. PRESIDENTIAL REVIEW OF REGULATIONS.

Not later than 24 months after the date of enactment of this Act, the President shall review the offset regulations and derivatives regulations promulgated pursuant to the American Clean Energy and Security Act of 2009. The President shall determine whether such regulations adequately protect the United States financial system from systemic risk.

TITLE IV—TRANSITIONING TO A CLEAN ENERGY ECONOMY

Subtitle A—Ensuring Real Reductions in Industrial Emissions

SEC. 401. ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS.

Title VII of the Clean Air Act is amended by inserting after part E the following new part:

"PART F—ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS

"SEC. 761. PURPOSES.

''(a) PURPOSES OF PART.—The purposes of this part are—

''(1) to promote a strong global effort to significantly reduce greenhouse gas emissions, and, through this global effort, stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system; and

''(2) to prevent an increase in greenhouse gas emissions in countries other than the United States as a result of direct and indirect compliance costs incurred under this title.

''(b) PURPOSES OF SUBPART 1.—The purposes of subpart 1 are additionally—

''(1) to provide a rebate to the owners and operators of entities in domestic eligible industrial sectors for their greenhouse gas emission costs incurred under this title, but not for costs associated with other related or unrelated market dynamics;

''(2) to design such rebates in a way that will prevent carbon leakage while also rewarding innovation and facility-level investments in energy efficiency performance improvements; and

''(3) to eliminate or reduce distribution of emission allowances under subpart 1 when such distribution is no longer necessary to prevent carbon leakage from eligible industrial sectors.

''(c) PURPOSES OF SUBPART 2.—The purposes of subpart 2 are additionally—

''(1) to induce foreign countries, and, in particular, fast-growing developing countries, to take substantial action with respect to their greenhouse gas emissions consistent with the Bali Action Plan developed under the United Nations Framework Convention on Climate Change; and

''(2) to ensure that the measures described in subpart 2 are designed and implemented in a manner consistent with applicable international agreements to which the United States is a party.

''SEC. 762. DEFINITIONS.

''In this part:

''(1) CARBON LEAKAGE.—The term 'carbon leakage' means any substantial increase (as determined by the Administrator) in greenhouse gas emissions by industrial entities located in other countries if such increase is caused by an incremental cost of production increase in the United States resulting from the implementation of this title.

''(2) COVERED GOOD.—The term 'covered good' means a good that, as identified by the Administrator by regulation, is either—

''(A) entered under a heading or subheading of the Harmonized Tariff Schedule of the United States that corresponds to the NAICS code for an eligible industrial sector, as established in the concordance between NAICS codes and the Harmonized Tariff Schedule of the United States prepared by the United States Census Bureau; or

''(B) a manufactured item for consumption.

''(3) ELIGIBLE INDUSTRIAL SECTOR.—The term 'eligible industrial sector' means an industrial sector determined by the Administrator under section 763(b) to be eligible to receive emission allowance rebates under subpart 1.

''(4) INDUSTRIAL SECTOR.—The term 'industrial sector' means any sector that is in the manufacturing sector (as defined in NAICS codes 31, 32, and 33) or that beneficiates or otherwise processes (including agglomeration) metal ores, including iron and copper ores, soda ash, or phosphate. The extraction of metal ores, soda ash, or phosphate shall not be considered to be an industrial sector.

''(5) MANUFACTURED ITEM FOR CONSUMPTION.—

''(A) IN GENERAL.—The term 'manufactured item for consumption' means any good—

''(i) that includes in substantial amounts one or more goods like the goods produced by an eligible industrial sector;

''(ii) with respect to which an international reserve allowance program pursuant to subpart 2 is in effect with regard to the eligible industrial sector and the quantity of international reserve allowances is not zero pursuant to section 768(b);

''(iii) with respect to which the trade intensity of the industrial sector that produces the good, as measured consistent with section 763(b)(2)(A)(iii), is at least 15 percent; and

''(iv) for which the domestic producers of the good have demonstrated, and the Administrator has determined, that the application of the international reserve allowance program pursuant to subpart 2 is technically and administratively feasible and appropriate to achieve the purposes of this part, taking into account the energy and greenhouse gas intensity of the industrial sector that produces the good, as measured consistent with section 763(b)(2)(A)(ii), and the ability of such producers to pass on cost increases and other appropriate factors.

''(B) RULE OF CONSTRUCTION.—A determination of the Administrator under subparagraph (A)(iv) shall not be considered to be a determination of the President under section 767(b).

''(6) NAICS.—The term 'NAICS' means the North American Industrial Classification System of 2002.

''(7) OUTPUT.—The term 'output' means the total tonnage or other standard unit of production (as determined by the Administrator) produced by an entity in an industrial sector. The output of the cement sector is hydraulic cement, and not clinker.

''Subpart 1—Emission Allowance Rebate Program

''SEC. 763. ELIGIBLE INDUSTRIAL SECTORS.

''(a) LIST.—

''(1) INITIAL LIST.—Not later than June 30, 2011, the Administrator shall publish in the Federal Register a list of eligible industrial sectors pursuant to subsection (b). Such list shall include the amount of the emission allowance rebate per unit of production that shall be provided to entities in each eligible industrial sector in the following two calendar years pursuant to section 764.

''(2) SUBSEQUENT LISTS.—Not later than February 1, 2013, and every four years thereafter, the Administrator shall publish in the Federal Register an updated version of the list published under paragraph (1).

''(b) ELIGIBLE INDUSTRIAL SECTORS.—

''(1) IN GENERAL.—Not later than June 30, 2011, the Administrator shall promulgate a rule designating, based on the criteria under paragraph (2), the industrial sectors eligible for emission allowance rebates under this subpart.

''(2) PRESUMPTIVELY ELIGIBLE INDUSTRIAL SECTORS.—

''(A) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—An owner or operator of an entity shall be eligible to receive emission allowance rebates under this subpart if such entity is in an industrial sector that is included in a six-digit classification of the NAICS that meets the criteria in both clauses (ii) and (iii), or the criteria in clause (iv).

''(ii) ENERGY OR GREENHOUSE GAS INTENSITY.—As determined by the Administrator, the industrial sector had—

''(I) an energy intensity of at least 5 percent, calculated by dividing the cost of purchased electricity and fuel costs of the sector by the value of the shipments of the sector, based on data described in subparagraph (D); or

''(II) a greenhouse gas intensity of at least 5 percent, calculated by dividing—

''(aa) the number 20 multiplied by the number of tons of carbon dioxide equivalent greenhouse gas emissions (including direct emissions from fuel combustion, process emissions, and indirect emissions from the generation of electricity used to produce the output of the sector) of the sector based on data described in subparagraph (D); by

''(bb) the value of the shipments of the sector, based on data described in subparagraph (D).

''(iii) TRADE INTENSITY.—As determined by the Administrator, the industrial sector had a trade intensity of at least 15 percent, calculated by dividing the value of the total imports and exports of such sector by the value of the shipments plus the value of imports of such sector, based on data described in subparagraph (D).

''(iv) VERY HIGH ENERGY OR GREENHOUSE GAS INTENSITY.—As determined by the Administrator, the industrial sector had an energy or greenhouse gas intensity, as calculated under clause (ii)(I) or (II), of at least 20 percent.

''(B) METAL AND PHOSPHATE PRODUCTION CLASSIFIED UNDER MORE THAN ONE NAICS CODE.—For purposes of this section, the Administrator shall—

''(i) aggregate data for the beneficiation or other processing (including agglomeration) of metal ores, including iron and copper ores, soda ash, or phosphate with subsequent steps in the process of metal and phosphate manufacturing, regardless of the NAICS code under which such activity is classified; and

''(ii) aggregate data for the manufacturing of steel with the manufacturing of steel pipe and tube made from purchased steel in a nonintegrated process.

''(C) EXCLUSION.—The petroleum refining sector shall not be an eligible industrial sector.

''(D) DATA SOURCES.—

''(i) ELECTRICITY AND FUEL COSTS, VALUE OF SHIPMENTS.—The Administrator shall determine electricity and fuel costs and the value of shipments under this subsection from data from the United States Census Annual Survey of Manufacturers. The Administrator shall take the average of data from as many of the years of 2004, 2005, and 2006 for which such data are available. If such data are unavailable, the Administrator shall make a determination based upon 2002 or 2006 data from the most detailed industrial classification level of Energy Information Agency's Manufacturing Energy Consumption Survey (using 2006 data if it is available) and the 2002 or 2007 Economic Census of the United States (using 2007 data if it is available). If data from the Manufacturing Energy Consumption Survey or Economic Census are unavailable for any sector at the six-digit classification level in the NAICS, then the Administrator may extrapolate the information necessary to determine the eligibility of a sector under this paragraph from available Manufacturing Energy Consumption Survey or Economic Census data pertaining to a broader industrial category classified in the NAICS. If data relating to the beneficiation or other processing (including agglomeration) of metal ores, including iron and copper ores, soda ash, or phosphate are not available from the specified data sources, the Administrator shall use the best available Federal or State government data and may use, to the extent necessary, representative data submitted by entities that perform such beneficiation or other processing (including agglomeration), in making a determination. Fuel cost data shall not include the cost of fuel used as feedstock by an industrial sector.

''(ii) IMPORTS AND EXPORTS.—The Administrator shall base the value of imports and exports under this subsection on United States International Trade Commission data. The Administrator shall take the average of data from as many of the years of 2004, 2005, and 2006 for which such data are available. If data from the United States International Trade Commission are unavailable for any sector at the six-digit classification level in the NAICS, then the Administrator may extrapolate the information necessary to determine the eligibility of a sector under this paragraph from available United States International Trade Commission data pertaining to a broader industrial category classified in the NAICS.

''(iii) PERCENTAGES.—The Administrator shall round the energy intensity, greenhouse gas intensity, and trade intensity percentages under subparagraph (A) to the nearest whole number.

''(iv) GREENHOUSE GAS EMISSION CALCULATIONS.—When calculating the tons of carbon dioxide equivalent greenhouse gas emissions for each sector under subparagraph (A)(ii)(II)(aa), the Administrator—

''(I) shall use the best available data from as many of the years 2004, 2005, and 2006 for which such data is available; and

''(II) may, to the extent necessary with respect to a sector, use economic and engineering models and the best available information on technology performance levels for such sector.

''(3) ADMINISTRATIVE DETERMINATION OF ADDITIONAL ELIGIBLE INDUSTRIAL SECTORS.—

''(A) UPDATED TRADE INTENSITY DATA.—The Administrator shall designate as eligible to receive emission allowance rebates under this subpart an industrial sector that—

''(i) met the energy or greenhouse gas intensity criteria in paragraph (2)(A)(ii) as of the date of promulgation of the rule under paragraph (1); and

''(ii) meets the trade intensity criteria in paragraph (2)(A)(iii), using data from any year after 2006.

''(B) INDIVIDUAL SHOWING PETITION.—

''(i) PETITION.—In addition to designation under paragraph (2) or subparagraph (A) of this paragraph, the owner or operator of an entity in an industrial sector may petition the Administrator to designate as eligible industrial sectors under this subpart an entity or a group of entities that—

''(I) represent a subsector of a six-digit section of the NAICS code; and

''(II) meet the eligibility criteria in both clauses (ii) and (iii) of paragraph (2)(A), or the eligibility criteria in clause (iv) of paragraph (2)(A).

''(ii) DATA.—In making a determination under this subparagraph, the Administrator shall consider data submitted by the petitioner that is specific to the entity, data solicited by the Administrator from other entities in the subsector, if such other entities exist, and data specified in paragraph (2)(D).

''(iii) BASIS OF SUBSECTOR DETERMINATION.—The Administrator shall determine an entity or group of entities to be a subsector of a six-digit section of the NAICS code based only upon the products manufactured and not the industrial process by which the products are manufactured, except that the Administrator may determine an entity or group of entities that manufacture a product from primarily virgin material to be a separate subsector from another entity or group of entities that manufacture the same product primarily from recycled material.

''(iv) USE OF MOST RECENT DATA.—In determining whether to designate a sector or subsector as an eligible industrial sector under this subparagraph, the Administrator shall use the most recent data available from the sources described in paragraph (2)(D), rather than the data from the years specified in paragraph (2)(D), to determine the trade intensity of such sector or subsector, but only for determining such trade intensity.

''(v) FINAL ACTION.—The Administrator shall take final action on such petition no later than 6 months after the petition is received by the Administrator.

"SEC. 764. DISTRIBUTION OF EMISSION ALLOWANCE REBATES.

''(a) DISTRIBUTION SCHEDULE.—

''(1) IN GENERAL.—For each vintage year, the Administrator shall distribute pursuant to this section emission allowances made available under section 782(e), no later than October 31 of the preceding calendar year. The Administrator shall make such annual distributions to the owners and operators of each entity in an eligible industrial sector in the amount of emission allowances calculated under subsection (b), except that—

''(A) for vintage years 2012 and 2013, the distribution for a covered entity shall be pursuant to the entity's indirect carbon factor as calculated under subsection (b)(3);

''(B) for vintage year 2026 and thereafter, the distribution shall be pursuant to the amount calculated under subsection (b) multiplied by, except as modified by the President pursuant to section 767(d)(1)(C) for a sector—

''(i) 90 percent for vintage year 2026;

''(ii) 80 percent for vintage year 2027;

''(iii) 70 percent for vintage year 2028;

''(iv) 60 percent for vintage year 2029;

''(v) 50 percent for vintage year 2030;

''(vi) 40 percent for vintage year 2031;

''(vii) 30 percent for vintage year 2032;

''(viii) 20 percent for vintage year 2033;

''(ix) 10 percent for vintage year 2034; and

''(x) 0 percent for vintage year 2035 and thereafter.

''(2) RESUMPTION OF REDUCTION.—If the President has modified the percentage stated in paragraph (1)(B) under section 767(d)(1)(C), and the President subsequently makes a determination under section 767(c) for an eligible industrial sector that more than 85 percent of United States imports for that sector are produced or manufactured in countries that have met at least one of the criteria in that section, then the 10-year reduction schedule set forth in paragraph (1)(B) of this subsection shall begin in the next vintage year, with the percentage reduction based on the amount of the distribution of emission allowances under this section in the previous year.

''(3) NEWLY ELIGIBLE SECTORS.—In addition to receiving a distribution of emission allowances under this section in the first distribution occurring after an industrial sector is designated as eligible under section 763(b)(3), the owner or operator of an entity in that eligible industrial sector may receive a prorated share of any emission allowances made available for distribution under this section that were not distributed for the year in which the petition for eligibility was granted under section 763(b)(3)(A).

''(4) CESSATION OF QUALIFYING ACTIVITIES.—If, as determined by the Administrator, a facility is no longer in an eligible industrial sector designated under section 763—

''(A) the Administrator shall not distribute emission allowances to the owner or operator of such facility under this section; and

''(B) the owner or operator of such facility shall return to the Administrator all allowances that have been distributed to it for future vintage years and a pro-rated amount of allowances distributed to the facility under this section for the vintage year in which the facility ceases to be in an eligible industrial sector designated under section 763.

''(b) CALCULATION OF DIRECT AND INDIRECT CARBON FACTORS.—

''(1) IN GENERAL.—

''(A) COVERED ENTITIES.—Except as provided in subsection (a), for covered entities that are in eligible industrial sectors, the amount of emission allowance rebates shall be based on the sum of the covered entity's direct and indirect carbon factors.

''(B) OTHER ELIGIBLE ENTITIES.—For entities that are in eligible industrial sectors but are not covered entities, the amount of emission allowance rebates shall be based on the entity's indirect carbon factor.

''(C) NEW ENTITIES.—Not later than 2 years after the date of enactment of this title, the Administrator shall issue regulations governing the distribution of emission allowance rebates for the first and second years of operation of a new entity in an eligible industrial sector. These regulations shall provide for—

''(i) the distribution of emission allowance rebates to such entities based on comparable entities in the same sector; and

''(ii) an adjustment in the third and fourth years of operation to reconcile the total amount of emission allowance rebates received during the first and second years of operation to the amount the entity would have received during the first and second years of operation had the appropriate data been available.

''(2) DIRECT CARBON FACTOR.—The direct carbon factor for a covered entity for a vintage year is the product of—

''(A) the average annual output of the covered entity for the two years preceding the year of the distribution; and

''(B) the most recent calculation of the average direct greenhouse gas emissions (expressed in tons of carbon dioxide equivalent) per unit of output for all covered entities in the sector, as determined by the Administrator under paragraph (4).

''(3) INDIRECT CARBON FACTOR.—

''(A) IN GENERAL.—The indirect carbon factor for an entity for a vintage year is the product obtained by multiplying the average annual output of the entity for the two years preceding the year of the distribution by both the electricity emissions intensity factor determined pursuant to subparagraph (B) and the electricity efficiency factor determined pursuant to subparagraph (C) for the year concerned.

''(B) ELECTRICITY EMISSIONS INTENSITY FACTOR.—

''(i) IN GENERAL.—Each person selling electricity to the owner or operator of an entity in any sector designated as an eligible industrial sector under section 763(b) shall provide the owner or operator of the entity and the Administrator, on an annual basis, the electricity emissions intensity factor for the entity. The electricity emissions intensity factor for the entity, expressed in tons of carbon dioxide equivalents per kilowatt hour, is determined by dividing—

''(I) the annual sum of the hourly product of—

''(aa) the electricity purchased by the entity from that person in each hour (expressed in kilowatt hours); multiplied by

''(bb) the marginal or weighted average tons of carbon dioxide equivalent per kilowatt hour that are reflected in the electricity charges to the entity, as determined by the entity's retail rate arrangements; by

''(II) the total kilowatt hours of electricity purchased by the entity from that person during that year.

''(ii) USE OF OTHER DATA TO DETERMINE FACTOR.—Where it is not possible to determine the precise electricity emissions intensity factor for an entity using the methodology in clause (i), the person selling electricity shall use the monthly average data reported by the Energy Information Administration or collected and reported by the Administrator for the utility serving the entity to determine the electricity emissions intensity factor.

''(C) ELECTRICITY EFFICIENCY FACTOR.—The electricity efficiency factor is the average amount of electricity (in kilowatt hours) used per unit of output for all entities in the relevant sector, as determined by the Administrator based on the best available data, including data provided under paragraph (6).

''(D) INDIRECT CARBON FACTOR REDUCTION.—If an electricity provider received a free allocation of emission allowances pursuant to section 782(a), the Administrator shall adjust the indirect carbon factor to avoid rebates to the eligible entity for costs that the Administrator determines were not incurred by the eligible entity because the allowances were freely allocated to the eligible entity's electricity provider and used for the benefit of industrial consumers.

''(4) GREENHOUSE GAS INTENSITY CALCULATIONS.—The Administrator shall calculate the average direct greenhouse gas emissions (expressed in tons of carbon dioxide equivalent) per unit of output and the electricity efficiency factor for all covered entities in each eligible industrial sector every four years, using an average of the four most recent years of the best available data. For

purposes of the lists required to be published no later than February 1, 2013, the Administrator shall use the best available data for the maximum number of years, up to 4 years, for which data are available.

''(5) ENSURING EFFICIENCY IMPROVEMENTS.—When making greenhouse gas calculations, the Administrator shall—

''(A) limit the average direct greenhouse gas emissions per unit of output, calculated under paragraph (4), for any eligible industrial sector to an amount that is not greater than it was in any previous calculation under this subsection;

''(B) limit the electricity emissions intensity factor, calculated under paragraph (3)(B) and resulting from a change in electricity supply, for any entity to an amount that is not greater than it was during any previous year; and

''(C) limit the electricity efficiency factor, calculated under paragraph (3)(C), for any eligible industrial sector to an amount that is not greater than it was in any previous calculation under this subsection.

''(6) DATA SOURCES.—For the purposes of this subsection—

''(A) the Administrator shall use data from the greenhouse gas registry established under section 713, where it is available; and

''(B) each owner or operator of an entity in an eligible industrial sector and each department, agency, and instrumentality of the United States shall provide the Administrator with such information as the Administrator finds necessary to determine the direct carbon factor and the indirect carbon factor for each entity subject to this section.

''(c) TOTAL MAXIMUM DISTRIBUTION.—Notwithstanding subsections (a) and (b), the Administrator shall not distribute more allowances for any vintage year pursuant to this section than are allocated for use under this subpart pursuant to section 782(e) for that vintage year. For any vintage year for which the total emission allowance rebates calculated pursuant to this section exceed the number of allowances allocated pursuant to section 782(e), the Administrator shall reduce each entity's distribution on a pro rata basis so that the total distribution under this section equals the number of allowances allocated under section 782(e).

''(d) IRON AND STEEL SECTOR.—For purposes of this section, the Administrator shall consider as in different industrial sectors—

''(1) entities using integrated iron and steelmaking technologies (including coke ovens, blast furnaces, and other iron-making technologies); and

''(2) entities using electric arc furnace technologies.

''(e) METAL, SODA ASH, OR PHOSPHATE PRODUCTION CLASSIFIED UNDER MORE THAN ONE NAICS CODE.—For purposes of this section, the Administrator shall not aggregate data for the beneficiation or other processing (including agglomeration) of metal ores, soda ash, or phosphate with subsequent steps in the process of metal, soda ash, or phosphate manufacturing. The Administrator shall consider the beneficiation or other processing (including agglomeration) of metal ores, soda ash, or phosphate to be in separate industrial sectors from the metal, soda ash, or phosphate manufacturing sectors. Industrial sectors that beneficiate or otherwise process (including agglomeration) metal ores, soda ash, or phosphate shall not receive emission allowance rebates under this section related to the activity of extracting metal ores, soda ash, or phosphate.

''(f) COMBINED HEAT AND POWER.—For purposes of this section, and to achieve the purpose set forth in section 761(b)(2), the Administrator may consider entities to be in different industrial sectors or otherwise take into account the differences among entities in the same industrial sector, based upon the extent to which such entities use combined heat and power technologies.

''Subpart 2—Promoting International Reductions in Industrial Emissions

''SEC. 765. INTERNATIONAL NEGOTIATIONS.

''(a) FINDING.—Congress finds that the purposes of this subpart, as set forth in section 761(c), can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change, and in other appropriate fora, to establish binding agreements, including sectoral agreements, committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse gas emissions.

''(c) NOTIFICATION OF FOREIGN COUNTRIES.—

''(1) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the President shall provide a notification on climate change described in paragraph (2) to each foreign country the products of which are not exempted under section 768(a)(1)(E).

''(2) NOTIFICATION DESCRIBED.—A notification described in this paragraph is a notification that consists of—

''(A) a statement of the policy of the United States described in subsection (b); and

''(B) a declaration—

''(i) requesting the foreign country to take appropriate measures to limit the greenhouse gas emissions of the foreign country; and

''(ii) indicating that, beginning on January 1, 2020, the international reserve requirements of this subpart may apply to a covered good.

''SEC. 766. UNITED STATES NEGOTIATING OBJECTIVES WITH RESPECT TO MULTILATERAL ENVIRONMENTAL NEGOTIATIONS.

''(a) IN GENERAL.—The negotiating objectives of the United States with respect to multilateral environmental negotiations described in this subpart are—

''(1) to reach an internationally binding agreement in which all major greenhouse gas-emitting countries contribute equitably to the reduction of global greenhouse gas emissions;

''(2)(A) to include in such international agreement provisions that recognize and address the competitive imbalances that lead to carbon leakage and may be created between parties and non-parties to the agreement in domestic and export markets; and

''(B) not to prevent parties to such agreement from addressing the competitive imbalances that lead to carbon leakage and may be created by the agreement among parties to the agreement in domestic and export markets ; and

''(3) to include in such international agreement agreed remedies for any party to the agreement that fails to meet its greenhouse gas reduction obligations in the agreement.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(2) shall be construed to require the United States to alter the provisions of section 764 .

''SEC. 767. PRESIDENTIAL REPORTS AND DETERMINATIONS.

''(a) REPORT.—Not later than January 1, 2017, and every 2 years thereafter, the President shall submit a report to Congress on the effectiveness of the distribution of emission allowance rebates under subpart 1 in mitigating carbon leakage in eligible industrial sectors. Such report shall also include—

''(1) an assessment, for each eligible industrial sector receiving emission allowance rebates, as to whether, and by how much, the per unit cost of production has increased for that sector as a result of compliance with section 722 (as determined in a manner consistent with section 764(b)), taking into account the provision of the emission allowance rebates to that industrial sector and the benefit received by that industrial sector from the provision of free allowances to electricity providers pursuant to section 782(a);

''(2) recommendations on how to better achieve the purposes of this subpart, including an assessment of the feasibility and usefulness of an international reserve allowance program for the eligible industrial sector under section 768;

''(3) to the extent the President determines that an international reserve allowance program would not be useful for the eligible industrial sector because its exposure to carbon leakage is the result of competition in export markets with goods produced in countries not implementing similar greenhouse gas emission reduction policies, an identification of, and to the extent appropriate a description of how the President will implement, alternative actions or programs consistent with the purposes of this subpart (and, in such case, the President may determine not to apply an international reserve allowance program to the eligible industrial sector under subsection (b)); and

''(4) an assessment of the amount and duration of assistance, including distribution of free allowances, being provided to industrial sectors in other developed countries to mitigate costs of compliance with domestic greenhouse gas reduction programs in such countries.

''(b) PRESIDENTIAL DETERMINATION.—

''(1) IN GENERAL.—If, by January 1, 2018, a multilateral agreement consistent with the negotiating objectives set forth in section 766 has not entered into force with respect to the United States, the President shall establish an international reserve allowance program for each eligible industrial sector to the extent provided under section 768 unless—

''(A) the President determines and certifies to the Congress with respect to such eligible industrial sector that such program would not be in the national economic interest or environmental interest of the United States; and

''(B) not later than 90 days after the President transmits the certification described in subparagraph (A), a joint resolution is enacted into law that approves the determination of the President described in subparagraph (A).

''(2) CONTENTS OF JOINT RESOLUTION.—For purposes of this subsection, the term 'joint resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the determination of the President under section 768(b)(1)(A) of the Clean Air Act transmitted to the Congress on _____.', the blank space being filled with the appropriate date.

''(3) CONGRESSIONAL PROCEDURES.—Subsections (c), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), (e), and (f)) shall apply to a joint resolution under this subsection to the same extent as such subsections apply to a joint resolution under section 152 of such Act.

''(4) RULE OF CONSTRUCTION.—For purposes of this section and section 768, if the President transmits a multilateral agreement to Congress (regardless of whether it is transmitted as a treaty for ratification by the Senate or another international agreement for implementation by law enacted by the Congress) indicating that the agreement is consistent with the negotiating objectives set forth in section 766, such agreement will be considered to be consistent with such negotiating objectives as of the date on which the Senate ratifies the treaty, or legislation

is enacted implementing such other agreement, unless the Senate (in the case of ratification) or the implementing legislation expressly provides that the multilateral agreement shall not be treated as consistent with such negotiating objectives for purposes of this section and section 768.

''(c) DETERMINATIONS WITH RESPECT TO ELIGIBLE INDUSTRIAL SECTORS.—If the President establishes an international reserve allowance program pursuant to subsection (b), then not later than June 30, 2018, and every four years thereafter, the President, in consultation with the Administrator and other appropriate agencies, shall determine, for each eligible industrial sector, whether or not more than 85 percent of United States imports of covered goods with respect to that sector are produced or manufactured in countries that have met at least one of the following criteria:

''(1) The country is a party to an international agreement to which the United States is a party that includes a nationally enforceable and economy-wide greenhouse gas emissions reduction commitment for that country that is at least as stringent as that of the United States.

''(2) The country is a party to a multilateral or bilateral emission reduction agreement for that sector to the which the United States is a party.

''(3) The country has an annual energy or greenhouse gas intensity, as described in section 763(b)(2)(A)(ii), for the sector that is equal to or less than the energy or greenhouse gas intensity for such industrial sector in the United States in the most recent calendar year for which data are available.

''(d) EFFECT OF PRESIDENTIAL DETERMINATION.—

''(1) REQUIRED ACTIONS.—If the President makes a determination under subsection (c) with respect to an eligible industrial sector that 85 percent or less of United States imports of covered goods with respect to the sector are produced or manufactured in countries that have met one or more of the criteria in subsection (c), then the President shall, not later than June 30, 2018, and every four years thereafter—

''(A) assess the extent to which the emission allowance rebates provided pursuant to subpart 1 and the benefit received by that industrial sector from the provision of free allowances to electricity providers pursuant to section 782(a) have mitigated or addressed, or could mitigate or address, carbon leakage in that sector;

''(B) assess the extent to which an international reserve allowance program has mitigated or addressed, or could mitigate or address, carbon leakage in that sector; and

''(C) with respect to that sector—

''(i) modify the percentage by which direct and indirect carbon factors will be multiplied under section 764(a)(1)(B); and

''(ii) apply or continue to apply an international reserve allowance program under section 768 with respect to imports of covered goods with respect to that sector.

''(2) PROHIBITED ACTIONS.—If the President makes a determination under subsection (c) with respect to an eligible industrial sector that more than 85 percent of United States imports of covered goods with respect to the sector are produced or manufactured in countries that have met one or more of the criteria in subsection (c), then the President may not apply or continue to apply an international reserve allowance program under section 768 with respect to imports of covered goods with respect to that sector.

''(e) REPORT TO CONGRESS.—Not later than June 30, 2018, and every four years thereafter, the President shall transmit to the Congress a report providing notice of any determination made under subsection (c), explaining the reasons for such determination, and identifying the actions taken by the President under subsection (d).

''SEC. 768. INTERNATIONAL RESERVE ALLOWANCE PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator, with the concurrence of Commissioner responsible for U.S. Customs and Border Protection, shall issue regulations—

''(A) establishing an international reserve allowance program for the sale, exchange, purchase, transfer, and banking of international reserve allowances for covered goods with respect to the eligible industrial sector;

''(B) ensuring that the price for purchasing the international reserve allowances from the United States on a particular day is equivalent to the auction clearing price for emission allowances under section 722 for the most recent emission allowance auction;

''(C) establishing a general methodology for calculating the quantity of international reserve allowances that a United States importer of any covered good must submit;

''(D) requiring the submission of appropriate amounts of such allowances for covered goods with respect to the eligible industrial sector that enter the customs territory of the United States;

''(E) exempting from the requirements of subparagraph (D) such products that are the origin of—

''(i) any country determined to meet any of the standards provided in section 767(c);

''(ii) any foreign country that the United Nations has identified as among the least developed of developing countries; or

''(iii) any foreign country that the President has determined to be responsible for less than 0.5 percent of total global greenhouse gas emissions and less than 5 percent of United States imports of covered goods with respect to the eligible industrial sector;

''(F) specifying the procedures that U.S. Customs and Border Protection will apply for the declaration and entry of covered goods with respect to the eligible industrial sector into the customs territory of the United States; and

''(G) establishing procedures that prevent circumvention of the international reserve allowance requirement for covered goods with respect to the eligible industrial sector that are manufactured or processed in more than one foreign country.

''(2) PURPOSE OF PROGRAM.—The Administrator shall establish the program under paragraph (1) consistent with international agreements to which the United States is a party, in a manner that minimizes the likelihood of carbon leakage as a result of differences between—

''(A) the direct and indirect costs of complying with section 722; and

''(B) the direct and indirect costs, if any, of complying in other countries with greenhouse gas regulatory programs, requirements, export tariffs, or other measures adopted or imposed to reduce greenhouse gas emissions.

''(b) EMISSION ALLOWANCE REBATES.—In establishing a general methodology for purposes of subsection (a)(1)(C), the Administrator shall include an adjustment to the quantity of international reserve allowances based on the value of emission allowance rebates distributed under subpart 1 and the benefit received by the eligible industrial sector concerned from the provision of free allowances to electricity providers pursuant to section 782(a) and may, if appropriate, determine that the quantity of international reserve allowances should be reduced as low as to zero.

''(c) EFFECTIVE DATE.—The international reserve allowance program may not apply to imports of covered goods entering the customs territory of the United States before January 1, 2020.

''(d) COVERED ENTITIES.—International reserve allowances may not be used by covered entities to comply with section 722.

''SEC. 769. IRON AND STEEL SECTOR.

''For purposes of this subpart, the Administrator shall consider to be in the same eligible industrial sector—

''(1) entities using integrated iron and steelmaking technologies (including coke ovens, blast furnaces, and other iron-making technologies); and

''(2) entities using electric arc furnace technologies.''.

Subtitle B—Green Jobs and Worker Transition

PART 1—GREEN JOBS

SEC. 421. CLEAN ENERGY CURRICULUM DEVELOPMENT GRANTS.

(a) AUTHORIZATION.—The Secretary of Education is authorized to award grants, on a competitive basis, to eligible partnerships to develop programs of study (containing the information described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342)), that are focused on emerging careers and jobs in the fields of clean energy, renewable energy, energy efficiency, climate change mitigation, and climate change adaptation. The Secretary of Education shall consult with the Secretary of Labor and the Secretary of Energy prior to the issuance of a solicitation for grant applications.

(b) ELIGIBLE PARTNERSHIPS.—For purposes of this section, an eligible partnership shall include—

(1) at least 1 local educational agency eligible for funding under section 131 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351) or an area career and technical education school or education service agency described in such section;

(2) at least 1 postsecondary institution eligible for funding under section 132 of such Act (20 U.S.C. 2352); and

(3) representatives of the community including business, labor organizations, and industry that have experience in fields as described in subsection (a).

(c) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Applications shall include—

(1) a description of the eligible partners and partnership, the roles and responsibilities of each partner, and a demonstration of each partner's capacity to support the program;

(2) a description of the career area or areas within the fields as described in subsection (a) to be developed, the reason for the choice, and evidence of the labor market need to prepare students in that area;

(3) a description of the new or existing program of study and both secondary and postsecondary components;

(4) a description of the students to be served by the new program of study;

(5) a description of how the program of study funded by the grant will be replicable and disseminated to schools outside of the partnership, including urban and rural areas;

(6) a description of applied learning that will be incorporated into the program of study and how it will incorporate or reinforce academic learning;

(7) a description of how the program of study will be delivered;

(8) a description of how the program will provide accessibility to students, especially economically disadvantaged, low performing, and urban and rural students;

(9) a description of how the program will address placement of students in nontraditional fields as described in section 3(20) of

the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(20)); and

(10) a description of how the applicant proposes to consult or has consulted with a labor organization, labor management partnership, apprenticeship program, or joint apprenticeship and training program that provides education and training in the field of study for which the applicant proposes to develop a curriculum.

(d) PRIORITY.—The Secretary shall give priority to applications that—

(1) use online learning or other innovative means to deliver the program of study to students, educators, and instructors outside of the partnership; and

(2) focus on low performing students and special populations as defined in section 3(29) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(29)).

(e) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations regarding the selection of grantees. Members of the peer review committee shall include—

(1) educators who have experience implementing curricula with comparable purposes; and

(2) business and industry experts in fields as described in subsection (a).

(f) USES OF FUNDS.—Grants awarded under this section shall be used for the development, implementation, and dissemination of programs of study (as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2342(c)(1)(A))) in career areas related to clean energy, renewable energy, energy efficiency, climate change mitigation, and climate change adaptation.

SEC. 422. INCREASED FUNDING FOR ENERGY WORKER TRAINING PROGRAM.

(a) AUTHORIZATION.—Section 171(e)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)(8)) is amended by striking ''$125,000,000'' and inserting ''$150,000,000''.

(b) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a separate account that shall be known as the Energy Efficiency and Renewable Energy Worker Training Fund.

(c) AVAILABILITY OF AMOUNTS.—Subject to subtitle F of title IV, all amounts deposited into the Energy Efficiency and Renewable Energy Worker Training Fund shall be available to the Secretary to carry out section 171(e)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)(8)) subject to further appropriation.

SEC. 423. DEVELOPMENT OF INFORMATION AND RESOURCES CLEARINGHOUSE FOR VOCATIONAL EDUCATION AND JOB TRAINING IN RENEWABLE ENERGY SECTORS.

(a) DEVELOPMENT OF CLEARINGHOUSE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor, in collaboration with the Secretary of Energy and the Secretary of Education, shall develop an internet based information and resources clearinghouse to aid career and technical education and job training programs for the renewable energy sectors. In establishing the clearinghouse, the Secretary shall—

(1) collect and provide information that addresses the consequences of rapid changes in technology and regional disparities for renewable energy training programs and provides best practices for training and education in light of such changes and disparities;

(2) place an emphasis on facilitating collaboration between the renewable energy industry and job training programs and on identifying industry and technological trends and best practices, to better help job training programs maintain quality and relevance; and

(3) place an emphasis on assisting programs that cater to high-demand middle-skill, trades, manufacturing, contracting, and consulting careers.

(b) SOLICITATION AND CONSULTATION.—In developing the clearinghouse pursuant to subsection (a), the Secretary shall solicit information and expertise from businesses and organizations in the renewable energy sector and from institutions of higher education, career and technical schools, and community colleges that provide training in the renewable energy sectors. The Secretary shall solicit a comprehensive peer review of the clearinghouse by such entities not less than once every 2 years. Nothing in this subsection should be interpreted to require the divulgence of proprietary or competitive information.

(c) CONTENTS OF CLEARINGHOUSE.—

(1) SEPARATE SECTION FOR EACH RENEWABLE ENERGY SECTOR.—The clearinghouse shall contain separate sections developed for each of the following renewable energy sectors:

(A) Solar energy systems.

(B) Wind energy systems.

(C) Energy transmission systems.

(D) Geothermal systems of energy and heating.

(E) Energy efficiency technical training.

(2) ADDITIONAL REQUIREMENTS.—In addition to the information required in subsection (a), each section of the clearinghouse shall include information on basic environmental science and processes needed to understand renewable energy systems, Federal government and industry resources, and points of contact to aid institutions in the development of placement programs for apprenticeships and post graduation opportunities, and information and tips about a green workplace, energy efficiency, and relevant environmental topics and information on available industry recognized certifications in each area.

(d) DISSEMINATION.—The clearinghouse shall be made available via the Internet to the general public. Notice of the completed clearinghouse and any major revisions thereto shall also be provided—

(1) to each Member of Congress; and

(2) on the websites of the Departments of Education, Energy, and Labor.

(e) REVISION.—The Secretary of Labor shall revise and update the clearinghouse on a regular basis to ensure its relevance.

SEC. 424. MONITORING PROGRAM EFFECTIVENESS.

The Secretary of Labor shall monitor the potential growth of affected and displaced workers to ensure that the necessary funding continues to support the number of workers affected.

SEC. 424A. GREEN CONSTRUCTION CAREERS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT AND AUTHORITY.—The Secretary of Labor, in consultation with the Secretary of Energy, shall, not later than 180 days after the enactment of this Act, establish a Green Construction Careers demonstration project by rules, regulations, and guidance in accordance with the provisions of this section. The purpose of the demonstration project shall be to promote middle class careers and quality employment practices in the green construction sector among targeted workers and to advance efficiency and performance on construction projects related to this Act. In order to advance these purposes, the Secretary shall identify projects, including residential retrofitting projects, funded directly by or assisted in whole or in part by or through the Federal Government pursuant to this Act or by any other entity established in accordance with this Act, to which all of the following shall apply.

(b) REQUIREMENTS.—The Secretaries may establish such terms and conditions for the demonstration projects as the Secretaries determine are necessary to meet the purposes of subsection (a), including establishing minimum proportions of hours to be worked by targeted workers on such projects. The Secretaries may require the contractors and subcontractors performing construction services on the project to comply with the terms and conditions as a condition of receiving funding or assistance from the Federal Government under this Act.

(c) EVALUATION.—The Secretaries shall evaluate the demonstration projects against the purposes of this section at the end of 3 years from initiation of the demonstration project. If the Secretaries determine that the demonstration projects have been successful, the Secretaries may identify further projects to which of the provisions of this section shall apply.

(d) GAO REPORT.—The Comptroller General shall prepare and submit a report to the Committee on Health, Education, Labor and Pensions and the Committee on Energy and Natural Resources of the Senate and the Committee on Education and Labor and the Committee on Energy and Commerce of the House of Representatives not later than 5 years after the date of enactment of this Act, which shall advise the committees of the results of the demonstration projects and make appropriate recommendations.

(e) DEFINITION AND DESIGNATION OF TARGETED WORKERS.—As used in this section, the term ''targeted worker'' means an individual who resides in the same labor market area (as defined in section 101(18) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(18))) as the project and who—

(1) is a member of a targeted group, within the meaning of section 51 of the Internal Revenue Code of 1986, other than an individual described in subsection (d)(1)(C) of such section;

(2)(A) resides in a census tract in which not less than 20 percent of the households have incomes below the Federal poverty guidelines; or

(B) is a member of a family that received a total family income that, during the 2-year period prior to employment on the project or admission to the pre-apprenticeship program, did not exceed 200 percent of the Federal poverty guidelines (exclusive of unemployment compensation, child support payments, payments described in section 101(25)(A) of the Workforce Investment Act (29 U.S.C. 2801(25)(A)), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402); or

(3) is a displaced homemaker, as such term is defined in section 3(10) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(10)).

(f) QUALIFIED PRE-APPRENTICESHIP PROGRAM.—A qualified pre-apprenticeship program is a pre-apprenticeship program that has demonstrated an ability to recruit, train, and prepare for admission to apprenticeship programs individuals who are targeted workers.

(g) QUALIFIED APPRENTICESHIP AND OTHER TRAINING PROGRAMS.—

(1) PARTICIPATION BY EACH CONTRACTOR REQUIRED.—Each contractor and subcontractor that seeks to provide construction services on projects identified by the Secretaries pursuant to subsection (a) shall submit adequate assurances with its bid or proposal that it participates in a qualified apprenticeship or other training program, with a written arrangement with a qualified pre-apprenticeship program, for each craft or trade classification of worker that it intends to employ to perform work on the project.

(2) DEFINITION OF QUALIFIED APPRENTICESHIP OR OTHER TRAINING PROGRAM.—

(A) IN GENERAL.—For purposes of this section, the term ''qualified apprenticeship or

other training program'' means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(B) CERTIFICATION OF OTHER PROGRAMS IN CERTAIN LOCALITIES.—In the event that the Secretary of Labor certifies that a qualified apprenticeship or other training program (as defined in subparagraph (A)) for a craft or trade classification of workers that a prospective contractor or subcontractor intends to employ, is not operated in the locality where the project will be performed, an apprenticeship or other training program that is not an employee welfare benefit plan (as defined in such section) may be certified by the Secretary as a qualified apprenticeship or other training program provided it is registered with the Office of Apprenticeship of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship for Federal purposes.

(h) FACILITATING COMPLIANCE.—The Secretary may require Federal contracting agencies, recipients of Federal assistance, and any other entity established in accordance with this Act to require contractors to enter into an agreement in a manner comparable with the standards set forth in sections 3 and 4 of Executive Order 13502 in order to achieve the purposes of this section, including any requirements established by subsection (b).

(i) LIMITATION.—The requirements of this section shall not apply to any project funded under this Act in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the United States Virgin Islands, unless participation is requested by the governor of such territories within 1 year of the promulgation of rules under this Act.

PART 2—CLIMATE CHANGE WORKER ADJUSTMENT ASSISTANCE

SEC. 425. PETITIONS, ELIGIBILITY REQUIREMENTS, AND DETERMINATIONS.

(a) PETITIONS.—

(1) FILING.—A petition for certification of eligibility to apply for adjustment assistance for a group of workers under this part may be filed by any of the following:

(A) The group of workers.

(B) The certified or recognized union or other duly authorized representative of such workers.

(C) Employers of such workers, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), including State employment security agencies, or the State dislocated worker unit established under title I of such Act, on behalf of such workers.

The petition shall be filed simultaneously with the Secretary of Labor and with the Governor of the State in which such workers' employment site is located.

(2) ACTION BY GOVERNORS.—Upon receipt of a petition filed under paragraph (1), the Governor shall—

(A) ensure that rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and

(B) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.

(3) ACTION BY THE SECRETARY.—Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register and on the website of the Department of Labor that the Secretary has received the petition and initiated an investigation.

(4) HEARINGS.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under paragraph (3) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to a petition filed under subsection (a) if—

(A) the group of workers is employed in—

(i) energy producing and transforming industries;

(ii) industries dependent upon energy industries;

(iii) energy-intensive manufacturing industries;

(iv) consumer goods manufacturing; or

(v) other industries whose employment the Secretary determines has been adversely affected by any requirement of title VII of the Clean Air Act;

(B) the Secretary determines that a significant number or proportion of the workers in such workers' employment site have become totally or partially separated, or are threatened to become totally or partially separated from employment; and

(C) the sales, production, or delivery of goods or services have decreased as a result of any requirement of title VII of the Clean Air Act, including—

(i) the shift from reliance upon fossil fuels to other sources of energy, including renewable energy, that results in the closing of a facility or layoff of employees at a facility that mines, produces, processes, or utilizes fossil fuels to generate electricity;

(ii) a substantial increase in the cost of energy required for a manufacturing facility to produce items whose prices are competitive in the marketplace, to the extent the cost is not offset by allowance allocation to the facility pursuant to title VII of the Clean Air Act; or

(iii) other documented occurrences that the Secretary determines are indicators of an adverse impact on an industry described in subparagraph (A) as a result of any requirement of title VII of the Clean Air Act.

(2) WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for climate change adjustment assistance pursuant to a petition filed if the Secretary determines that a significant number or proportion of the workers in the public agency have become totally or partially separated from employment, or are threatened to become totally or partially separated as a result of any requirement of title VII of the Clean Air Act.

(3) ADVERSELY AFFECTED SERVICE WORKERS.—A group of workers shall be certified as eligible to apply for climate change adjustment assistance pursuant to a petition filed if the Secretary determines that—

(A) a significant number or proportion of the service workers at an employment site where a group of workers has been certified by the Secretary as eligible to apply for adjustment assistance under this part pursuant to paragraph (1) have become totally or partially separated from employment, or are threatened to become totally or partially separated; and

(B) a loss of business in the firm providing service workers to an employment site is directly attributable to one or more of the documented occurrences listed in paragraph (1)(C).

(c) AUTHORITY TO INVESTIGATE AND COLLECT INFORMATION.—

(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under subsection (d), obtain information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate from—

(A) the workers' employer;

(B) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

(C) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

(2) VERIFICATION OF INFORMATION.—The Secretary shall require an employer, union, or one-stop operator or partner to certify all information obtained under paragraph (1) from the employer, union, or one-stop operator or partner (as the case may be) on which the Secretary relies in making a determination under subsection (d), unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

(3) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the employer submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the employer subsequently consents to the release of the information. Nothing in this paragraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

(d) DETERMINATION BY THE SECRETARY OF LABOR.—

(1) IN GENERAL.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 40 days after that date, the Secretary, in consultation with the Secretary of Energy and the Administrator, as necessary, shall determine whether the petitioning group meets the requirements of subsection (b) and shall issue a certification of eligibility to apply for assistance under this part covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin. Upon reaching a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination.

(2) ONE YEAR LIMITATION.—A certification under this section shall not apply to any worker whose last total or partial separation from the employment site before the worker's application under section 426(a) occurred more than 1 year before the date of the petition on which such certification was granted.

(3) REVOCATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any certification of eligibility of the workers of an employment site, that total or partial separations from such site are no longer a result of the factors specified in subsection (b)(1), the Secretary shall terminate such certification and promptly have notice of such termination published in the Federal Register and on the website of the Department of Labor, together with the Secretary's reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary.

(e) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (d) with respect to a domestic industry the Secretary of Labor shall notify the representatives of the domestic industry affected by the determination, employers publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

(1) the adjustment allowances, training, and other benefits available under this part;

(2) the manner in which to file a petition and apply for such benefits; and

(3) the availability of assistance in filing such petitions;

(4) notify the Governor of each State in which one or more employers in such industry are located of the Secretary's determination and the identity of the employers; and

(5) upon request, provide any assistance that is necessary to file a petition under subsection (a).

(f) BENEFIT INFORMATION TO WORKERS, PROVIDERS OF TRAINING.—

(1) IN GENERAL.—The Secretary shall provide full information to workers about the adjustment allowances, training, and other benefits available under this part and about the petition and application procedures, and the appropriate filing dates, for such allowances, training and services. The Secretary shall provide whatever assistance is necessary to enable groups of workers to prepare petitions or applications for program benefits. The Secretary shall make every effort to insure that cooperating State agencies fully comply with the agreements entered into under section 426(a) and shall periodically review such compliance. The Secretary shall inform the State Board for Vocational Education or equivalent agency, the one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801), and other public or private agencies, institutions, and employers, as appropriate, of each certification issued under subsection (d) and of projections, if available, of the needs for training under as a result of such certification.

(2) NOTICE BY MAIL.—The Secretary shall provide written notice through the mail of the benefits available under this part to each worker whom the Secretary has reason to believe is covered by a certification made under subsection (d)—

(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment before such certification, or—

(B) at the time of the total or partial separation of the worker from the adversely affected employment, if subparagraph (A) does not apply.

(3) NEWSPAPERS; WEBSITE.—The Secretary shall publish notice of the benefits available under this part to workers covered by each certification made under subsection (d) in newspapers of general circulation in the areas in which such workers reside and shall make such information available on the website of the Department of Labor.

SEC. 426. PROGRAM BENEFITS.

(a) CLIMATE CHANGE ADJUSTMENT ALLOWANCE.—

(1) ELIGIBILITY.—Payment of a climate change adjustment allowance shall be made to an adversely affected worker covered by a certification under section 425(b) who files an application for such allowance for any week of unemployment which begins on or after the date of such certification, if the following conditions are met:

(A) Such worker's total or partial separation before the worker's application under this part occurred—

(i) on or after the date, as specified in the certification under which the worker is covered, on which total or partial separation began or threatened to begin in the adversely affected employment;

(ii) before the expiration of the 2-year period beginning on the date on which the determination under section 425(d) was made; and

(iii) before the termination date, if any, determined pursuant to section 425(d)(3).

(B) Such worker had, in the 52-week period ending with the week in which such total or partial separation occurred, at least 26 weeks of full-time employment or 1,040 hours of part time employment in adversely affected employment, or, if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary. For the purposes of this paragraph, any week in which such worker—

(i) is on employer-authorized leave for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training;

(ii) does not work because of a disability that is compensable under a workmen's compensation law or plan of a State or the United States;

(iii) had his employment interrupted in order to serve as a full-time representative of a labor organization in such firm; or

(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided such active duty is ''Federal service'' as defined in section 8521(a)(1) of title 5, United States Code, shall be treated as a week of employment.

(C) Such worker is enrolled in a training program approved by the Secretary under subsection (b)(2).

(2) INELIGIBILITY FOR CERTAIN OTHER BENEFITS.—An adversely affected worker receiving a payment under this section shall be ineligible to receive any other form of unemployment insurance for the period in which such worker is receiving a climate change adjustment allowance under this section.

(3) REVOCATION.—If—

(A) the Secretary determines that—

(i) the adversely affected worker—

(I) has failed to begin participation in the training program the enrollment in which meets the requirement of paragraph (1)(C); or

(II) has ceased to participate in such training program before completing such training program; and

(ii) there is no justifiable cause for such failure or cessation; or

(B) the certification made with respect to such worker under section 425(d) is revoked under paragraph (3) of such section,

no adjustment allowance may be paid to the adversely affected worker under this part for the week in which such failure, cessation, or revocation occurred, or any succeeding week, until the adversely affected worker begins or resumes participation in a training program approved by the Secretary under section (b)(2).

(4) WAIVERS OF TRAINING REQUIREMENTS.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (b)(2) if the Secretary determines that it is not feasible or appropriate for the worker, because of 1 or more of the following reasons:

(A) RECALL.—The worker has been notified that the worker will be recalled by the employer from which the separation occurred.

(B) MARKETABLE SKILLS.—

(i) IN GENERAL.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 303(j) of the Social Security Act (42 U.S.C. 503(j)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term ''marketable skills'' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.

(C) RETIREMENT.—The worker is within 2 years of meeting all requirements for entitlement to either—

(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefor); or

(ii) a private pension sponsored by an employer or labor organization.

(D) HEALTH.—The worker is unable to participate in training due to the health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.

(E) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the training of the worker is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

(F) TRAINING NOT AVAILABLE.—Training described in subsection (b)(2) is not reasonably available to the worker from either governmental agencies or private sources (which may include area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or no training funds are available.

(5) WEEKLY AMOUNTS.—The climate change adjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 70 percent of the average weekly wage of such worker, but in no case shall such amount exceed the average weekly wage for all workers in the State where the adversely affected worker resides.

(6) MAXIMUM DURATION OF BENEFITS.—An eligible worker may receive a climate change adjustment allowance under this subsection for a period of not longer than 156 weeks.

(b) EMPLOYMENT SERVICES AND TRAINING.—

(1) INFORMATION AND EMPLOYMENT SERVICES.—The Secretary shall make available, directly or through agreements with the States under section 427(a) to adversely affected workers covered by a certification under section 425(a) the following information and employment services:

(A) Comprehensive and specialized assessment of skill levels and service needs, including through—

(i) diagnostic testing and use of other assessment tools; and

(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(B) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(C) Information on training available in local and regional areas, information on individual counseling to determine which

training is suitable training, and information on how to apply for such training.

(D) Information on training programs and other services provided by a State pursuant to title I of the Workforce Investment Act of 1998 and available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

(E) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

(F) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(G) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a climate change adjustment allowance or training under this part, and after receiving such training for purposes of job placement.

(H) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in such labor market areas;

(ii) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

(iii) information relating to local occupations that are in demand and earnings potential of such occupations; and

(iv) skills requirements for local occupations described in subparagraph (C).

(I) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(2) TRAINING.—

(A) APPROVAL OF AND PAYMENT FOR TRAINING.—If the Secretary determines, with respect to an adversely affected worker that—

(i) there is no suitable employment (which may include technical and professional employment) available for an adversely affected worker;

(ii) the worker would benefit from appropriate training;

(iii) there is a reasonable expectation of employment following completion of such training;

(iv) training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (including area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006, and employers);

(v) the worker is qualified to undertake and complete such training; and

(vi) such training is suitable for the worker and available at a reasonable cost,

the Secretary shall approve such training for the worker. Upon such approval, the worker shall be entitled to have payment of the costs of such training (subject to the limitations imposed by this section) paid on the worker's behalf by the Secretary directly or through a voucher system.

(B) DISTRIBUTION.—The Secretary shall establish procedures for the distribution of the funds to States to carry out the training programs approved under this paragraph, and shall make an initial distribution of the funds made available as soon as practicable after the beginning of each fiscal year.

(C) ADDITIONAL RULES REGARDING APPROVAL OF AND PAYMENT FOR TRAINING.—

(i) For purposes of applying subparagraph (A)(iii), a reasonable expectation of employment does not require that employment opportunities for a worker be available, or offered, immediately upon the completion of training approved under such subparagraph.

(ii) If the costs of training an adversely affected worker are paid by the Secretary under subparagraph (A), no other payment for such costs may be made under any other provision of Federal law. No payment may be made under subparagraph (A) of the costs of training an adversely affected worker or an adversely affected incumbent worker if such costs—

(I) have already been paid under any other provision of Federal law; or

(II) are reimbursable under any other provision of Federal law and a portion of such costs have already been paid under such other provision of Federal law.

The provisions of this clause shall not apply to, or take into account, any funds provided under any other provision of Federal law which are used for any purpose other than the direct payment of the costs incurred in training a particular adversely affected worker, even if such use has the effect of indirectly paying or reducing any portion of the costs involved in training the adversely affected worker.

(D) TRAINING PROGRAMS.—The training programs that may be approved under subparagraph (A) include—

(i) employer-based training, including—

(I) on-the-job training if approved by the Secretary under subsection (c); and

(II) joint labor-management apprenticeship programs;

(ii) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998;

(iii) any training program approved by a private industry council established under section 102 of such Act;

(iv) any programs in career and technical education described in section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2006;

(v) any program of remedial education;

(vi) any program of prerequisite education or coursework required to enroll in training that may be approved under this paragraph;

(vii) any training program for which all, or any portion, of the costs of training the worker are paid—

(I) under any Federal or State program other than this part; or

(II) from any source other than this part;

(viii) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

(I) obtaining a degree or certification; or

(II) completing a degree or certification that the worker had previously begun at an accredited institution of higher education; and

(ix) any other training program approved by the Secretary.

(3) SUPPLEMENTAL ASSISTANCE.—The Secretary may, as appropriate, authorize supplemental assistance that is necessary to defray reasonable transportation and subsistence expenses for separate maintenance in a case in which training for a worker is provided in a facility that is not within commuting distance of the regular place of residence of the worker.

(c) ON-THE-JOB TRAINING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

(A) the Secretary determines that on-the-job training—

(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

(ii) is compatible with the skills of the worker;

(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

(B) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (A).

(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but may not exceed 156 weeks in any case.

(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

(A) continued, long-term employment as regular employees; and

(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

(d) ADMINISTRATIVE AND EMPLOYMENT SERVICES FUNDING.—

(1) ADMINISTRATIVE FUNDING.—In addition to any funds made available to a State to carry out this section for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds and shall—

(A) use not more than ⅔ of such payment for the administration of the climate change adjustment assistance for workers program under this part, including for—

(i) processing waivers of training requirements under subsection (a)(4);

(ii) collecting, validating, and reporting data required under this part; and

(iii) administering the Climate Change Adjustment Assistance Allowance payments; and

(B) use not less than ⅓ of such payment for information and employment services under subsection (b)(1).

(2) EMPLOYMENT SERVICES FUNDING.—

(A) IN GENERAL.—In addition to any funds made available to a State to carry out subsection (b)(2) and the payment under paragraph (1) for a fiscal year, the Secretary shall provide to the State for the fiscal year

a reasonable payment for the purpose of providing employment and services under subsection (b)(1).

(B) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under subparagraph (A) may decline or otherwise return such payment to the Secretary.

(e) JOB SEARCH ALLOWANCES.—The Secretary of Labor may provide adversely affected workers a one-time job search allowance in accordance with regulations prescribed by the Secretary. Any job search allowance provided shall be available only under the following circumstances and conditions:

(1) The worker is no longer eligible for the climate change adjustment allowance under subsection (a) and has completed the training program required by subsection (a)(1)(E).

(2) The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

(3) An allowance granted shall provide reimbursement to the worker of all necessary job search expenses as prescribed by the Secretary in regulations. Such reimbursement under this subsection may not exceed $1,500 for any worker.

(f) RELOCATION ALLOWANCE AUTHORIZED.—

(1) IN GENERAL.—Any adversely affected worker covered by a certification issued under section 425 may file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation allowance, subject to the terms and conditions of this subsection.

(2) CONDITIONS FOR GRANTING ALLOWANCE.—A relocation allowance may be granted if all of the following terms and conditions are met:

(A) ASSIST AN ADVERSELY AFFECTED WORKER.—The relocation allowance will assist an adversely affected worker in relocating within the United States.

(B) LOCAL EMPLOYMENT NOT AVAILABLE.—The Secretary determines that the worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

(C) TOTAL SEPARATION.—The worker is totally separated from employment at the time relocation commences.

(D) SUITABLE EMPLOYMENT OBTAINED.—The worker—

(i) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate; or

(ii) has obtained a bona fide offer of such employment.

(E) APPLICATION.—The worker filed an application with the Secretary at such time and in such manner as the Secretary shall specify by regulation.

(3) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under paragraph (1) includes—

(A) all reasonable and necessary expenses (including, subsistence and transportation expenses at levels not exceeding amounts prescribed by the Secretary in regulations) incurred in transporting the worker, the worker's family, and household effects; and

(B) a lump sum equivalent to 3 times the worker's average weekly wage, up to a maximum payment of $1,500.

(4) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—

(A) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

(B) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under subsection (b)(2).

(g) HEALTH INSURANCE CONTINUATION.—Not later than 1 year after the date of enactment of this part, the Secretary of Labor shall prescribe regulations to provide, for the period in which an adversely affected worker is participating in a training program described in subsection (b)(2), 80 percent of the monthly premium of any health insurance coverage that an adversely affected worker was receiving from such worker's employer prior to the separation from employment described in section 425(b), to be paid to any health care insurance plan designated by the adversely affected worker receiving an allowance under this section.

SEC. 427. GENERAL PROVISIONS.

(a) AGREEMENTS WITH STATES.—

(1) IN GENERAL.—The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this section as ''cooperating States'' and ''cooperating States agencies'' respectively). Under such an agreement, the cooperating State agency—

(A) as agent of the United States, shall receive applications for, and shall provide, payments on the basis provided in this part;

(B) in accordance with paragraph (6), shall make available to adversely affected workers covered by a certification under section 425(d) the employment services described in section 426(b)(1);

(C) shall make any certifications required under section 425(d);

(D) shall otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

Each agreement under this section shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(2) FORM AND MANNER OF DATA.—Each agreement under this section shall—

(A) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this part; and

(B) specify the form and manner in which any such data requested by the Secretary shall be reported.

(3) RELATIONSHIP TO UNEMPLOYMENT INSURANCE.—Each agreement under this section shall provide that an adversely affected worker receiving a climate change adjustment allowance under this part shall not be eligible for unemployment insurance otherwise payable to such worker under the laws of the State.

(4) REVIEW.—A determination by a cooperating State agency with respect to entitlement to program benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent.

(5) COORDINATION.—Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under section 426 and under title I of the Workforce Investment Act of 1998 upon such terms and conditions as are established by the Secretary in consultation with the States and set forth in such agreement. Any agency of the State jointly administering such provisions under such agreement shall be considered to be a cooperating State agency for purposes of this part.

(6) RESPONSIBILITIES OF COOPERATING AGENCIES.—Each cooperating State agency shall, in carrying out paragraph (1)(B)—

(A) advise each worker who applies for unemployment insurance of the benefits under this part and the procedures and deadlines for applying for such benefits;

(B) facilitate the early filing of petitions under section 425(a) for any workers that the agency considers are likely to be eligible for benefits under this part;

(C) advise each adversely affected worker to apply for training under section 426(b) before, or at the same time, the worker applies for climate change adjustment allowances under section 426(a);

(D) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under section 426(a) with respect to assistance and benefits available under this part;

(E) make employment services described in section 426(b)(1) available to adversely affected workers and adversely affected incumbent workers covered by a certification under section 425(d) and, if funds provided to carry out this part are insufficient to make such services available, make arrangements to make such services available through other Federal programs; and

(F) provide the benefits and reemployment services under this part in a manner that is necessary for the proper and efficient administration of this part, including the use of state agency personnel employed in accordance with a merit system of personnel administration standards, including—

(i) making determinations of eligibility for, and payment of, climate change readjustment allowances and health care benefit replacement amounts;

(ii) developing recommendations regarding payments as a bridge to retirement and lump sum payments to pension plans in accordance with this subsection; and

(iii) the provision of reemployment services to eligible workers, including referral to training services.

(7) In order to promote the coordination of workforce investment activities in each State with activities carried out under this part, any agreement entered into under this section shall provide that the State shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 221(a)(2)(A).

(8) CONTROL MEASURES.—

(A) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the climate change adjustment assistance program under this part, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

(B) DEFINITION.—For purposes of subparagraph (A), the term ''control measures'' means measures that—

(i) are internal to a system used by a State to collect data; and

(ii) are designed to ensure the accuracy and verifiability of such data.

(9) DATA REPORTING.—

(A) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

(i) the core indicators of performance described in subparagraph (B)(i);

(ii) the additional indicators of performance described in subparagraph (B)(ii), if any; and

(iii) a description of efforts made to improve outcomes for workers under the climate change adjustment assistance program.

(B) CORE INDICATORS DESCRIBED.—

(i) IN GENERAL.—The core indicators of performance described in this subparagraph are—

(I) the percentage of workers receiving benefits under this part who are employed

during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

(II) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

(III) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

(ii) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the climate change adjustment assistance program under this part, as appropriate.

(C) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by subparagraph (A), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.

(10) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

(A) IN GENERAL.—An agreement under this section shall provide that the State shall periodically redetermine that a worker receiving benefits under this part who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this part. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

(B) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this paragraph.

(b) ADMINISTRATION ABSENT STATE AGREEMENT.—

(1) In any State where there is no agreement in force between a State or its agency under subsection (a), the Secretary shall promulgate regulations for the performance of all necessary functions under section 426, including provision for a fair hearing for any worker whose application for payments is denied.

(2) A final determination under paragraph (1) with respect to entitlement to program benefits under section 426 is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

(c) PROHIBITION ON CONTRACTING WITH PRIVATE ENTITIES.—Neither the Secretary nor a State may contract with any private for-profit or nonprofit entity for the administration of the climate change adjustment assistance program under this part.

(d) PAYMENT TO THE STATES.—

(1) IN GENERAL.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to make payments provided for by this part.

(2) RESTRICTION.—All money paid a State under this subsection shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this section, to the Secretary of the Treasury.

(3) BONDS.—Any agreement under this section may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this part.

(e) LABOR STANDARDS.—

(1) PROHIBITION ON DISPLACEMENT.—An individual in an apprenticeship program or on-the-job training program under this part shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any employed employee.

(2) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An apprenticeship program or on-the-job raining program under this Act shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) ADDITIONAL STANDARDS.—The Secretary, or a State acting under an agreement described in subsection (a) may pay the costs of on-the-job training, notwithstanding any other provision of this section, only if—

(A) in the case of training which would be inconsistent with the terms of a collective bargaining agreement, the written concurrence of the labor organization concerned has been obtained;

(B) the job for which such adversely affected worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals;

(C) such training is not for the same occupation from which the worker was separated and with respect to which such worker's group was certified pursuant to section 425(d);

(D) the employer is provided reimbursement of not more than 50 percent of the wage rate of the participant, for the cost of providing the training and additional supervision related to the training; and

(E) the employer has not received payment under with respect to any other on-the-job training provided by such employer which failed to meet the requirements of subparagraphs (A) through (D).

(f) DEFINITIONS.—As used in this part the following definitions apply:

(1) The term ''adversely affected employment'' means employment at an employment site, if workers at such site are eligible to apply for adjustment assistance under this part.

(2) The term ''adversely affected worker'' means an individual who has been totally or partially separated from employment and is eligible to apply for adjustment assistance under this part.

(3) The term ''average weekly wage'' means 1/13 of the total wages paid to an individual in the quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(4) The term ''average weekly hours'' means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(5) The term ''benefit period'' means, with respect to an individual—

(A) the benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation; or

(B) the equivalent to such a benefit year or ensuing period provided for under the applicable Federal unemployment insurance law.

(6) The term ''consumer goods manufacturing'' means the electrical equipment, appliance, and component manufacturing industry and transportation equipment manufacturing.

(7) The term ''employment site'' means a single facility or site of employment.

(8) The term ''energy-intensive manufacturing industries'' means all industrial sectors, entities, or groups of entities that meet the energy or greenhouse gas intensity criteria in section 765(b)(2)(A)(i) of the Clean Air Act based on the most recent data available.

(9) The term ''energy producing and transforming industries'' means the coal mining industry, oil and gas extraction, electricity power generation, transmission and distribution, and natural gas distribution.

(10) The term ''industries dependent on energy industries'' means rail transportation and pipeline transportation.

(11) The term ''on-the-job training'' means training provided by an employer to an individual who is employed by the employer.

(12) The terms ''partial separation'' and ''partially separated'' refer, with respect to an individual who has not been totally separated, that such individual has had—

(A) his or her hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment; and

(B) his or her wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(13) The term ''public agency'' means a department or agency of a State or political subdivision of a State or of the Federal government.

(14) The term ''Secretary'' means the Secretary of Labor.

(15) The term ''service workers'' means workers supplying support or auxiliary services to an employment site.

(16) The term ''State agency'' means the agency of the State which administers the State law.

(17) The term ''State law'' means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(18) The terms ''total separation'' and ''totally separated'' refer to the layoff or severance of an individual from employment with an employer in which adversely affected employment exists.

(19) The term ''unemployment insurance'' means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act. The terms ''regular compensation'', ''additional compensation'', and ''extended compensation'' have the same respective meanings that are given them in section 205(2), (3), and (4) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note.)

(20) The term ''week'' means a week as defined in the applicable State law.

(21) The term ''week of unemployment'' means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

(g) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

(1) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may waive any requirement of this part that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a climate change adjustment allowance, training, and other benefits under this part in the same manner and to the same extent as if the worker had not served the period of duty.

(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under this part, the worker—

(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

(h) FRAUD AND RECOVERY OF OVERPAYMENTS.—

(1) RECOVERY OF PAYMENTS TO WHICH AN INDIVIDUAL WAS NOT ENTITLED.—If the Secretary or a court of competent jurisdiction determines that any person has received any payment under this part to which the individual was not entitled, such individual shall be liable to repay such amount to the Secretary, as the case may be, except that the Secretary shall waive such repayment if such agency or the Secretary determines that—

(A) the payment was made without fault on the part of such individual; and

(B) requiring such repayment would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household).

(2) MEANS OF RECOVERY.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this part, under any Federal unemployment compensation law or other Federal law administered by the Secretary which provides for the payment of assistance or an allowance with respect to unemployment. Any amount recovered under this section shall be returned to the Treasury of the United States.

(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part.

(j) STUDY ON OLDER WORKERS.—The Secretary shall conduct a study examine the circumstances of older adversely affected workers and the ability of such workers to access their retirement benefits. The Secretary shall transmit a report to Congress not later than 2 years after the date of enactment of this part on the findings of the study and the Secretary's recommendations on how to ensure that adversely affected workers within 2 years of retirement are able to access their retirement benefits.

[(k) SPENDING LIMIT.—For each fiscal year, the total amount of funds disbursed for the purposes described in section 426 shall not exceed the amount deposited in that fiscal year into the Climate Change Worker Assistance Fund established under section [782(j)] of the Clean Air Act. The annual spending limit for any succeeding year shall be increased by the difference, if any, between the amount of the prior year's disbursements and the spending limitation for that year. The Secretary shall promulgate rules to ensure that this spending limit is not exceeded. Such rules shall provide that workers who receive any of the benefits described in section 426 receive full benefits, and shall include the establishment of a waiting list for workers in the event that the requests for assistance exceed the spending limit.]

Subtitle C—Consumer Assistance

SEC. 431. ENERGY REFUND PROGRAM.

The Social Security Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXII—ENERGY REFUND PROGRAM

"SEC. 2201. ENERGY REFUND PROGRAM.

''(a) IN GENERAL.—The Secretary shall formulate and administer the program provided for in this section, which shall be known as the 'Energy Refund Program', and under which eligible low-income households are provided cash payments to reimburse the households for the estimated loss in their purchasing power resulting from the American Clean Energy and Security Act of 2009.

''(b) ENTITLEMENT OF ELIGIBLE HOUSEHOLDS TO CASH PAYMENTS.—At the request of the State agency of a State, each eligible low-income household in the State shall be entitled to receive monthly cash payments under this section in an amount equal to the monthly energy refund amount determined under subsection (d).

''(c) ELIGIBILITY.—

''(1) ELIGIBLE HOUSEHOLDS.—A household shall be considered to be an eligible low-income household for purposes of this section if—

''(A) the gross income of the household does not exceed the greater of—

''(i) 150 percent of the poverty line; or

''(ii) the greatest amount of household gross income in respect of which a benefit could be payable under subsection (d)(2)(B);

''(B) the State agency of the State in which the household is located determines that the household is participating in—

''(i) the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(ii) the Food Distribution Program on Indian Reservations authorized by section 4(b) of such Act (7 U.S.C. 2013(b)); or

''(iii) the program for nutrition assistance in Puerto Rico or American Samoa under section 19 of such Act (7 U.S.C. 2028);

''(C) the household consists of a single individual or a married couple, and—

''(i) receives the subsidy described in section 1860D–14 of this Act (42 U.S.C. 1395w–114); or

''(ii)(I) participates in the program under title XVIII of this Act; and

''(II) meets the income requirements described in section 1860D–14(a)(1) or (a)(2) of this Act (42 U.S.C. 1395w–114(a)(1) or (a)(2)); or

''(D) the household consists of a single individual or a married couple, and receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381–1383f).

''(2) STREAMLINED PARTICIPATION FOR CERTAIN BENEFICIARIES.—The Secretary shall—

''(A) periodically estimate the number of eligible beneficiaries and households, and the number of participating beneficiaries and households, for the Energy Refund Program; and

''(B) develop procedures, in consultation with the Commissioner of Social Security, the Railroad Retirement Board, the Secretary of Veterans Affairs, and the State agencies, to ensure that low-income beneficiaries of the benefit programs administered by such entities receive the energy refund for which the beneficiaries are eligible under the Energy Refund Program.

''(3) LIMITATION.—Notwithstanding any other provision of law, the Secretary shall provide refunds to United States citizens, United States nationals, and individuals lawfully residing in the United States who qualify for a refund under paragraph (1)(A), and shall establish procedures to ensure that other individuals do not receive refunds.

''(4) NATIONAL STANDARDS.—The Secretary shall consult with the Secretary of Agriculture and establish uniform national standards of eligibility ensuring that States may seamlessly co-administer the energy refund program with the Supplemental Nutrition Assistance Program in accordance with the provisions of this section. No State agency shall impose any other standard or requirement as a condition of eligibility or refund receipt under the program. Assistance in the Energy Refund Program shall be furnished promptly to all eligible households who make application for such participation or are already enrolled in any program referred to in paragraph (1).

''(d) MONTHLY ENERGY REFUND AMOUNT.—

''(1) ESTIMATED ANNUAL TOTAL LOSS IN PURCHASING POWER.—Not later than August 31 of each fiscal year, the Energy Information Administration shall estimate the annual total loss in purchasing power that will result from American Clean Energy and Security Act of 2009 in the next fiscal year for households of each size with gross income equal to 150 percent of the poverty line, based on the projected total market value of all compliance costs (including, but not limited to, the emissions allowances used to demonstrate compliance with title VII of the Clean Air Act in the next fiscal year, and excluding costs that are not projected to be incurred by households as a result of allowances freely allocated and intended for residential consumer assistance pursuant to sections 783 through 785 of the Clean Air Act), in a way generally recognized as suitable by experts.

''(2) MONTHLY ENERGY REFUND.—The monthly energy refund amount for an eligible household under this section shall be—

''(A) if the gross income of the household does not exceed 150 percent of the poverty line applicable to the household—

''(i) if the household has 1, 2, 3, or 4 members, 1/12 of the amount estimated under paragraph (1) for a household of the same size, rounded to the nearest whole dollar amount; or

''(ii) if the household has 5 or more members, 1/12 of the arithmetic mean value of the amounts estimated under paragraph (1) for households with 5 or more members, rounded to the nearest whole dollar amount; or

''(B) if the gross income of the household exceeds 150 percent of the poverty line applicable to the household, 1/12 of the amount (if any) by which—

''(i) the amount estimated under paragraph (1) for a household of the same size; exceeds

''(ii) 20 percent of the amount by which the gross income of the household exceeds 150 percent of the poverty line.

''(e) DELIVERY MECHANISM.—

''(1) Subject to standards and an implementation schedule set by the Secretary, the energy refund shall be provided in monthly installments via—

''(A) direct deposit into the eligible household's designated bank account;

''(B) the State's electronic benefit transfer system; or

''(C) another Federal or State mechanism, if such a mechanism is approved by the Secretary.

''(2) Such standards shall include—

''(A)(i) defining the required level of recipient protection regarding privacy;

''(ii) guidance on how recipients are offered choices, when relevant, about the delivery mechanism;

''(iii) guidance on ease of use and access to the refund, including the prohibition of fees charged to recipients for withdrawals or other services; and

''(iv) cost-effective protections against improper accessing of the energy refund;

''(B) operating standards that provide for interoperability between States and law enforcement monitoring; and

''(C) other standards, as determined by the Secretary or the Secretary's designee.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of refunds and the control and accountability thereof.

''(2) PROCEDURES.—Under standards established by the Secretary, the State agency shall establish procedures governing the administration of the Energy Refund Program that the State agency determines best serve households in the State, including households with special needs, such as households with elderly or disabled members, households in rural areas, homeless individuals, and households residing on reservations as defined in the Indian Child Welfare Act of 1978 and the Indian Financing Act of 1974. In carrying out this paragraph, a State agency—

''(A) shall provide timely, accurate, and fair service to applicants for, and participants in, the Energy Refund Program;

''(B) shall permit an applicant household to apply to participate in the program at the time that the household first contacts the State agency, and shall consider an application that contains the name, address, and signature of the applicant to be sufficient to constitute an application for participation;

''(C) shall screen any applicant household for the Supplemental Nutrition Assistance Program, the State's medical assistance program under section XIX of this Act, State Childrens Health Insurance Program under section XXI of this Act, and a State program that provides basic assistance under a State program funded under title IV of this Act or with qualified State expenditures as defined in section 409(a)(7) of this Act for eligibility for the Energy Refund Program and, if eligible, shall enroll such applicant household in the Energy Refund Program;

''(D) shall complete certification of and provide a refund to any eligible household not later than 30 days following its filing of an application;

''(E) shall use appropriate bilingual personnel and materials in the administration of the program in those portions of the State in which a substantial number of members of low-income households speak a language other than English; and

''(F) shall utilize State agency personnel who are employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed by the Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728) modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis to make all tentative and final determinations of eligibility and ineligibility.

''(3) REGULATIONS.—

''(A) Except as provided in subparagraph (B), the Secretary shall issue such regulations consistent with this section as the Secretary deems necessary or appropriate for the effective and efficient administration of the Energy Refund Program, and shall promulgate all such regulations in accordance with the procedures set forth in section 553 of title 5, United States Code.

''(B) Without regard to section 553 of title 5 of such Code, the Administrator may by rule promulgate as final, to be effective until no later than two years after the date of the enactment of the American Clean Energy and Security Act of 2009, any procedures that are substantially the same as the procedures governing the Supplemental Nutrition Assistance Program in section 273.2, 273.12, or 273.15 of title 7, Code of Federal Regulations.

''(C) Notwithstanding subsection (i)(4), the Secretary may promulgate regulations allowing for streamlined eligibility determinations for some or all households which include individuals receiving assistance under a State plan approved under title XIX or XXI of this Act. The regulations may institute procedures whereby the income and family size information used for determining eligibility under such title XIX or XXI may be the basis for determining eligibility for the Energy Refund Program.

''(D) Notwithstanding any other provision of this section, the Secretary may authorize States to provide benefits under this section on a quarterly basis if the Secretary determines that the amount of the benefits that would be provided on a monthly basis to households is insufficient to be efficiently paid on a monthly basis in light of the administrative expenses of the Energy Refund Program.

''(g) TREATMENT.—The value of the refund provided under this section shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to an income tax, or public assistance programs (including, but not limited to, health care, cash aid, child care, nutrition programs, and housing assistance) and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of a refund under this section.

''(h) PROGRAM INTEGRITY.—For purposes of ensuring program integrity and complying with the requirements of the Improper Payment Information Act of 2002, the Secretary shall, to the maximum extent possible, rely on and coordinate with the quality control sample and review procedures of paragraphs (2), (3), (4), and (5) of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)).

''(i) DEFINITIONS.—

''(1) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services or the head of another agency designated by the Secretary of Health and Human Services.

''(2) ELECTRONIC BENEFIT TRANSFER SYSTEM.—The term 'electronic benefit transfer system' means a system by which household benefits or refunds defined under subsection (e) are issued from and stored in a central databank via electronic benefit transfer cards.

''(3) GROSS INCOME.—The term 'gross income' means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) and its implementing regulations.

''(4) HOUSEHOLD.—

''(A) The term 'household' means—

''(i) in subparagraphs (A) and (B) of subsection (c)(1) of this section, except as provided in subparagraph (C) of this paragraph, an individual or a group of individuals who are a household under section 3(n) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n));

''(ii) in subsection (c)(1)(C) of this section, a single individual or married couple that receives benefits under section 1860D–14 of this Act (42 U.S.C. 1395w–114); and

''(iii) in subsection (c)(1)(D) of this section, a single individual or married couple that receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381–1383f).

''(B) The Secretary shall establish rules for providing the energy refund in an equitable and administratively simple manner to households where the group of individuals who live together includes members not all of whom are described in a single clause of subparagraph (A), or includes additional members not described in any such clause.

''(C) The Secretary shall establish rules regarding the eligibility and delivery of the energy refund to groups of individuals described in section 3(n)(4) or (5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n)).

''(5) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

''(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.

''(7) STATE AGENCY.—The term 'State agency' means an agency of State government, including the local offices thereof, that has responsibility for administration of the 1 or more federally aided public assistance programs within the State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs.

''(8) OTHER TERMS.—Other terms not defined in this title shall have the same meaning applied in the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless the Secretary finds for good cause that application of a particular definition would be detrimental to the purposes of the Energy Refund Program.''.

SEC. 432. MODIFICATION OF EARNED INCOME CREDIT AMOUNT FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN.

(a) IN GENERAL.—Subsection (b) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN WHO ARE AFFECTED BY THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009.—

''(A) IN GENERAL.—In the case of any household which the Secretary determines experienced a reduction in purchasing power as a result of the provisions of, or amendments made by, the American Clean Energy and Security Act of 2009 (determined without regard to this paragraph and section 2201 of the Social Security Act)—

''(i) INCREASE IN CREDIT PERCENTAGE AND PHASEOUT PERCENTAGE.—The table contained in paragraph (1)(A) shall be applied by substituting '15.3' for '7.65'.

''(ii) INCREASE IN BEGINNING PHASEOUT AMOUNT.—The table contained in paragraph (2)(A) shall be applied by substituting '$11,640' for '$5,280'.

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning after 2012, the $11,640 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (i) in the same manner as if such increase were under paragraph (1) of subsection (j).

''(iii) COORDINATION WITH OTHER INFLATION ADJUSTMENTS.—Paragraph (1) of subsection (j) shall not apply to the dollar amount substituted under subparagraph (A)(ii).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 433. PROTECTION OF SOCIAL SECURITY AND MEDICARE TRUST FUNDS.

(a) OASDI TRUST FUNDS.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

''(o) The Secretary of the Treasury shall transfer from time to time to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, from amounts in the general fund of the Treasury that are not otherwise appropriated, such sums as the Chief Actuary of the Social Security Administration calculates as necessary (and so certifies to such Secretary) for any fiscal year, on account of changes in benefit costs and changes in tax revenue attributable to the provisions of the American Clean Energy and Security Act of 2009 and the amendments made thereby, in order to place each of such Trust Funds in the same position at the end of such fiscal year as the position in which such Trust Fund would have been if such changes had not occurred.''.

(b) HI TRUST FUND.—Section 1817 of such Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

''(l) TRANSFERS TO ACCOUNT FOR CHANGES IN BENEFIT COSTS AND CHANGES IN TAX REVENUE ATTRIBUTABLE TO THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009.—The Secretary of the Treasury shall transfer from time to time to the Trust Fund, from amounts in the general fund of the Treasury that are not otherwise appropriated, such sums as the Chief Actuary of the Centers for Medicare & Medicaid Services calculates as necessary (and so certifies to such Secretary) for any fiscal year, on account of changes in benefit costs and changes in tax revenue attributable to the provisions of the American Clean Energy and Security Act of 2009 and the amendments made thereby, in order to place the Trust Fund in the same position at the end of such fiscal year as the position in which it would have been if such changes had not occurred.''.

Subtitle D—Exporting Clean Technology

SEC. 441. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Protecting Americans from the impacts of climate change requires global reductions in greenhouse gas emissions.

(2) Although developing countries are historically least responsible for the cumulative greenhouse gas emissions that are causing climate change and continue to have very low per capita greenhouse gas emissions, their overall greenhouse gas emissions are increasing as they seek to grow their economies and reduce energy poverty for their populations.

(3) Many developing countries lack the financial and technical resources to adopt clean energy technologies and absent assistance their greenhouse gas emissions will continue to increase.

(4) Investments in clean energy technology cooperation can substantially reduce global greenhouse gas emissions while providing developing countries with incentives to adopt policies that will address competitiveness concerns related to regulation of United States greenhouse gas emissions.

(5) Investments in clean technology in developing countries will increase demand for clean energy products, open up new markets for United States companies, spur innovation, and lower costs.

(6) Under Article 4 of the United Nations Framework Convention on Climate Change, developed country parties, including the United States, committed to ''take all practicable steps to promote, facilitate, and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other parties, particularly developing country parties, to enable them to implement the provisions of the Convention''.

(7) Under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to ''enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,'' including, inter alia, consideration of ''improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties''.

(8) Intellectual property rights are a key driver of investment and research and development in, and the global deployment of, clean technologies.

(9) Innovative clean technologies, including U.S. and multilateral financing mechanisms for their deployment, are critical to mitigating global warming pollution, preventing catastrophic changes to the climate, and developing robust economies around the world.

(10) Any weakening of intellectual property rights protection poses a substantial competitive risk to U.S. companies and the creation of high-quality U.S. jobs, inhibiting the creation of new ''green'' employment and the transformational shift to the ''Green Economy'' of the 21st Century.

(11) Any U.S. funding directed toward assisting developing countries with regard to exporting clean technology should promote the robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C.3511(d)(15) and in applicable intellectual property provisions of bilateral trade agreements.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide United States assistance and leverage private resources to encourage widespread implementation, in developing countries, of activities that reduce, sequester, or avoid greenhouse gas emissions; and

(2) to provide such assistance in a manner that—

(A) encourages such countries to adopt policies and measures, including sector-based and cross-sector policies and measures, that substantially reduce, sequester, or avoid greenhouse gas emissions;

(B) promotes the successful negotiation of a global agreement to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change; and

(C) promotes robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and in applicable intellectual property provisions of bilateral trade agreements.

SEC. 442. DEFINITIONS.

In this subtitle:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Energy and Commerce, Foreign Affairs, and Financial Services of the House of Representatives; and

(B) the Committees on Environment and Public Works, Energy and Natural Resources, and Foreign Relations of the Senate.

(3) CONVENTION.—The term ''Convention'' means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, and entered into force on March 21, 1994.

(4) DEVELOPING COUNTRY.—The term ''developing country'' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

(5) ELIGIBLE COUNTRY.—The term ''eligible country'' means a developing country that is determined by the interagency group under section 444 to be eligible to receive assistance under this subtitle.

(6) INTERAGENCY GROUP.—The term ''interagency group'' means the group established by the President under section 443 to administer the program established under this subtitle.

(7) LEAST DEVELOPED COUNTRY.—The term ''least developed country'' means a foreign country the United Nations has identified as among the least developed of developing countries.

(8) QUALIFYING ACTIVITY.—The term ''qualifying activity'' means an activity that meets the criteria in section 445.

(9) QUALIFYING ENTITY.—The term ''qualifying entity'' means a national, regional, or local government in, or a nongovernmental organization or private entity located or operating in, an eligible country.

SEC. 443. GOVERNANCE.

(a) OVERSIGHT.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the interagency group established under subsection (b), shall oversee distributions of allowances allocated under section 782(o) of the Clean Air Act (as added by section 321 of this Act) for distribution pursuant to this subtitle.

(b) INTERAGENCY GROUP.—The President shall establish an interagency group to administer the program established under this subtitle. The Members of the interagency group shall include—

(1) the Secretary of State;

(2) the Administrator of the Environmental Protection Agency;

(3) the Secretary of Energy;

(4) the Secretary of the Treasury;

(5) the Secretary of Commerce;

(6) the Administrator of the United States Agency for International Development; and

(7) any other head of a Federal agency or executive branch appointee that the President may designate.

(c) CHAIRPERSON.—The Secretary of State shall serve as the chairperson of the interagency group.

(d) SUPPLEMENT NOT SUPPLANT.—Allowances distributed pursuant to this subtitle

shall be used to supplement, and not to supplant, any other Federal, State, or local resources available to carry out activities that are qualifying activities under this subtitle.

SEC. 444. DETERMINATION OF ELIGIBLE COUNTRIES.

(a) IN GENERAL.—The interagency group shall determine a country to be an eligible country for the purposes of this subtitle if a country meets the following criteria:

(1) The country is a developing country that—

(A) has entered into an international agreement to which the United States is a party, under which such country agrees to take actions to produce measurable, reportable, and verifiable greenhouse gas emissions mitigation; or

(B) is determined by the interagency group to have in force national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emissions mitigation.

(2) The country has developed a nationally appropriate mitigation strategy that seeks to achieve substantial reductions, sequestration, or avoidance of greenhouse gas emissions, relative to business-as-usual levels.

(3) Subject to subsection (b)(1), such other criteria as the President determines will serve the purposes of this subtitle or other United States national security, foreign policy, environmental, or economic objectives including robust compliance with and enforcement of existing international legal requirements for the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and in applicable intellectual property provisions of bilateral trade agreements.

(b) EXCEPTIONS.—

(1) Subsection (a)(3) applies only to bilateral assistance under section 446(c)(4).

(2) The eligibility criteria in this section do not apply in the case of least developed countries receiving assistance under section 445(7) for the purpose of building capacity to meet such eligibility criteria.

SEC. 445. QUALIFYING ACTIVITIES.

Assistance under this subtitle may be provided only to qualifying entities for clean technology activities (including building relevant technical and institutional capacity) that contribute to substantial, measurable, reportable, and verifiable reductions, sequestration, or avoidance of greenhouse gas emissions including—

(1) deployment of technologies to capture and sequester carbon dioxide emissions from electric generating units or large industrial sources (except that assistance under this subtitle for such deployment shall be limited to the cost of retrofitting existing facilities with such technologies or the incremental cost of purchasing and installing such technologies at new facilities);

(2) deployment of renewable electricity generation from wind, solar, sustainably produced biomass, geothermal, marine, or hydrokinetic sources;

(3) substantial increases in the efficiency of electricity transmission, distribution, and consumption;

(4) deployment of low- or zero emissions technologies that are facing financial or other barriers to their widespread deployment which could be addressed through support under this subtitle in order to reduce, sequester, or avoid emission;

(5) reduction in transportation sector emissions through increased transportation system and vehicle efficiency or use of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives;

(6) reduction in black carbon emissions; or

(7) capacity building activities, including—

(A) developing and implementing methodologies and programs for measuring and quantifying greenhouse gas emissions and verifying emissions mitigation;

(B) assessing, developing, and implementing technology and policy options for greenhouse gas emissions mitigation and avoidance of future emissions, including sector and cross-sector mitigation strategies; and

(C) providing other forms of technical assistance to facilitate the qualification for, and receipt of, assistance under this Act.

SEC. 446. ASSISTANCE.

(a) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, is authorized to provide assistance, through the distribution of allowances, allocated for such purpose under section 782(o) of the Clean Air Act (as added by section 321 of this Act) for qualifying activities that take place in eligible countries, in accordance with the requirements of this subtitle.

(b) DEFINITION.—For the purposes of this section the term ''clean technology'' means any technology or service related to the qualifying activities identified in section 445.

(c) DISTRIBUTION OF ALLOWANCES.—

(1) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, after consultation with the interagency group, shall distribute allowances under this subtitle—

(A) in the form of bilateral assistance in accordance with paragraph (4);

(B) to multilateral funds or institutions pursuant to the Convention or an agreement negotiated under the Convention; or

(C) through some combination of the mechanisms identified in subparagraphs (A) and (B).

(2) GLOBAL ENVIRONMENT FACILITY.—For any allowances provided to the Global Environment Facility pursuant to paragraph (1)(B), the President shall designate the Secretary of the Treasury to distribute those allowances to the Global Environment Facility.

(3) DISTRIBUTION THROUGH INTERNATIONAL FUND OR INSTITUTION.—If allowances are distributed to a multilateral fund or institution, as authorized in paragraph (1), the Secretary of State, or such other Federal agency head as the President may designate, shall seek to ensure the establishment and implementation of adequate mechanisms to—

(A) apply and enforce the criteria for determination of eligible countries and qualifying activities under sections 444 and 445, respectively;

(B) require public reporting describing the process and methodology for selecting the ultimate recipients of assistance and a description of each activity that received assistance, including the amount of obligations and expenditures for assistance; and

(C) require that no funds be expended for the benefit of any qualifying activity where that activity or any activity relating to a qualifying activity under section 445 undermines the robust compliance with and enforcement of existing legal requirements for the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

(4) BILATERAL ASSISTANCE.—

(A) IN GENERAL.—Bilateral assistance under paragraph (1) shall be carried out by the Administrator of the United States Agency for International Development, in consultation with the interagency group.

(B) LIMITATIONS.—Not more than 15 percent of allowances made available to carry out bilateral assistance under this subtitle in any year shall be distributed to support activities in any single country.

(C) SELECTION CRITERIA.—Not later than 2 years after the date of enactment of this subtitle, the Administrator of the United States Agency for International Development, after consultation with the interagency group, shall develop and publish a set of criteria to be used in evaluating activities within eligible countries for bilateral assistance under this subtitle.

(D) CRITERIA REQUIREMENTS.—The criteria under subparagraph (C) shall require that—

(i) the activity is a qualifying activity;

(ii) the activity will be conducted as part of an eligible country's nationally appropriate mitigation strategy or as part of an eligible country's actions towards providing a nationally appropriate mitigation strategy to reduce, sequester, or avoid emissions being implemented by the eligible country;

(iii) the activity will not have adverse effects on human health, safety, or welfare, the environment, or natural resources;

(iv) any technologies deployed through bilateral assistance under this subtitle will be properly implemented and maintained;

(v) the activity will not cause any net loss of United States jobs or displacement of United States production;

(vi) costs of the activity will be shared by the host country government, private sector parties, or a multinational development bank, except that this clause does not apply to least developed countries;

(vii) the activity would not undermine the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and applicable intellectual property provisions of bilateral trade agreements; and

(viii) the activity meets such other requirements as the interagency group determines appropriate to further the purposes of this subtitle.

(E) CRITERIA PREFERENCES.—The criteria under subparagraph (C) shall give preference to activities that—

(i) promise to achieve large-scale greenhouse gas reductions, sequestration, or avoidance at a national, sectoral or cross-sectoral level;

(ii) have the potential to catalyze a shift within the host country towards widespread deployment of low- or zero-carbon energy technologies;

(iii) build technical and institutional capacity and other activities that are unlikely to be attractive to private sector funding; or

(iv) maximize opportunities to leverage other sources of assistance and catalyze private-sector investment.

(d) MONITORING, EVALUATION, AND ENFORCEMENT.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the interagency group, shall establish and implement a system to monitor and evaluate the performance of activities receiving assistance under this subtitle. The Secretary of State, or such other Federal agency head as the President may designate, shall have the authority to suspend or terminate assistance in whole or in part for an activity if it is determined that the activity is not operating in compliance with the approved proposal.

(e) COORDINATION WITH U.S. FOREIGN ASSISTANCE.—Subject to the direction of the President, the Secretary of State shall, to the extent practicable, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

(f) ANNUAL REPORTS.—Not later than March 1, 2012, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the assistance provided under this subtitle during the prior fiscal year. Such report shall include—

(1) a description of the amount and value of allowances distributed during the prior fiscal year;

(2) a description of each activity that received assistance during the prior fiscal year, and a description of the anticipated and actual outcomes;

(3) an assessment of any adverse effects to human health, safety, or welfare, the environment, or natural resources as a result of activities supported under this subtitle;

(4) an assessment of the success of the assistance provided under this subtitle to improving the technical and institutional capacity to implement substantial emissions reductions;

(5) an estimate of the greenhouse gas emissions reductions, sequestration, or avoidance achieved by assistance provided under this subtitle during the prior fiscal year; and

(6) an assessment whether any funds expended for the benefit of any qualifying activity undermined the protection of intellectual property rights for clean technology, as formulated in the Agreement on Trade-Related Aspects of Intellectual Property Rights, referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)) and applicable intellectual property provisions of bilateral trade agreements.

(g) NOT ELIGIBLE FOR OFFSET CREDIT.—Activities that receive support under this subtitle shall not be issued offset credits for the greenhouse gas emissions reductions or avoidance, or greenhouse gas sequestration, produced by such activities.

Subtitle E—Adapting to Climate Change

PART 1—DOMESTIC ADAPTATION

Subpart A—National Climate Change Adaptation Program

SEC. 451. GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Global Change Research and Data Management Act of 2009''.

(b) GLOBAL CHANGE RESEARCH.—

(1) PURPOSE.—The purpose of this subsection is to provide for the continuation and coordination of a comprehensive and integrated United States observation, research, and outreach program which will assist the Nation and the world to understand, assess, predict, and respond to the effects of human-induced and natural processes of global change.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''global change'' means human-induced or natural changes in the global environment (including alterations in climate, land productivity, oceans or other water resources, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of the Earth to sustain life;

(B) the term ''global change research'' means study, monitoring, assessment, prediction, and information management activities to describe and understand—

(i) the interactive physical, chemical, and biological processes that regulate the total Earth system;

(ii) the unique environment that the Earth provides for life;

(iii) changes that are occurring in the Earth system; and

(iv) the manner in which such system, environment, and changes are influenced by human actions;

(C) the term ''interagency committee'' means the interagency committee established under paragraph (3);

(D) the term ''Plan'' means the National Global Change Research and Assessment Plan developed under paragraph (5);

(E) the term ''Program'' means the United States Global Change Research Program established under paragraph (4); and

(F) the term ''regional climate change'' means the natural or human-induced changes manifested in the local or regional environment (including alterations in weather patterns, land productivity, water resources, sea level rise, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of a specific region to support current or future social and economic activity or natural ecosystems.

(3) INTERAGENCY COOPERATION AND COORDINATION.—

(A) ESTABLISHMENT.—The President shall establish or designate an interagency committee to ensure cooperation and coordination of all Federal research activities pertaining to processes of global change for the purpose of increasing the overall effectiveness and productivity of Federal global change research efforts. The interagency committee shall include research and program representatives of agencies conducting global change research, agencies with authority over resources likely to be affected by global change, and agencies with authority to mitigate human-induced global change.

(B) FUNCTIONS OF THE INTERAGENCY COMMITTEE.—The interagency committee shall—

(i) serve as the forum for developing the Plan and for overseeing its implementation;

(ii) serve as the forum for developing the vulnerability assessment under paragraph (7);

(iii) ensure cooperation among Federal agencies with respect to global change research activities;

(iv) work with academic, State, industry, and other groups conducting global change research, to provide for periodic public and peer review of the Program;

(v) cooperate with the Secretary of State in—

(I) providing representation at international meetings and conferences on global change research in which the United States participates; and

(II) coordinating the Federal activities of the United States with programs of other nations and with international global change research activities;

(vi) work with appropriate Federal, State, regional, and local authorities to ensure that the Program is designed to produce information needed to develop policies to mitigate human-induced global change and to reduce the vulnerability of the United States and other regions to global change;

(vii) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities; and

(viii) identify additional decisionmaking groups that may use information generated through the Program.

(4) UNITED STATES GLOBAL CHANGE RESEARCH PROGRAM.—

(A) ESTABLISHMENT.—The President shall establish an interagency United States Global Change Research Program to improve understanding of global change, to respond to the information needs of communities and decisionmakers, and to provide periodic assessments of the vulnerability of the United States and other regions to global and regional climate change. The Program shall be implemented in accordance with the Plan.

(B) LEAD AGENCY.—The lead agency for the United States Global Change Research Program shall be the Office of Science and Technology Policy.

(C) INTERAGENCY PROGRAM ACTIVITIES.—The Director of the Office of Science and Technology Policy, in consultation with the interagency committee, shall identify activities included in the Plan that involve participation by 2 or more agencies in the Program, and that do not fall within the current fiscal year budget allocations of those participating agencies, to fulfill the requirements of this section. The Director of the Office of Science and Technology Policy shall allocate funds to the agencies to conduct the identified interagency activities. Such activities may include—

(i) development of scenarios for climate, land-cover change, population growth, and socioeconomic development;

(ii) calibration and testing of alternative regional and global climate models;

(iii) identification of economic sectors and regional climatic zones; and

(iv) convening regional workshops to facilitate information exchange and involvement of regional, State, and local decisionmakers, non-Federal experts, and other stakeholder groups in the activities of the Program.

(D) WORKSHOPS.—The Director shall ensure that at least one workshop is held per year in each region identified by the Plan under paragraph (5)(B)(xi) to facilitate information exchange and outreach to regional, State, and local stakeholders as required by this section.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Science and Technology Policy for carrying out this paragraph $10,000,000 for each of the fiscal years 2009 through 2014.

(5) NATIONAL GLOBAL CHANGE RESEARCH AND ASSESSMENT PLAN.—

(A) IN GENERAL.—The President shall develop a National Global Change Research and Assessment Plan for implementation of the Program. The Plan shall contain recommendations for global change research and assessment. The President shall submit an outline for the development of the Plan to the Congress within 1 year after the date of enactment of this Act, and shall submit a completed Plan to the Congress within 3 years after the date of enactment of this Act. Revised Plans shall be submitted to the Congress at least once every 5 years thereafter. In the development of each Plan, the President shall conduct a formal assessment process under this paragraph to determine the needs of appropriate Federal, State, regional, and local authorities and other interested parties regarding the types of information needed by them in developing policies to mitigate human-induced global change and to reduce society's vulnerability to global change and shall utilize these assessments, including the reviews by the National Academy of Sciences and the National Governors Association under subparagraphs (E) and (F), in developing the Plan.

(B) CONTENTS OF THE PLAN.—The Plan shall—

(i) establish, for the 10-year period beginning in the year the Plan is submitted, the goals and priorities for Federal global change research which most effectively advance scientific understanding of global change and provide information of use to Federal, State, regional, and local authorities in the development of policies relating to global change;

(ii) describe specific activities, including efforts to determine user information needs, research activities, data collection, database development, and data analysis requirements, development of regional scenarios,

assessment of model predictability, assessment of climate change impacts, participation in international research efforts, and information management, required to achieve such goals and priorities;

(iii) identify relevant programs and activities of the Federal agencies that contribute to the Program directly and indirectly;

(iv) set forth the role of each Federal agency in implementing the Plan;

(v) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(vi) make recommendations for the coordination of the global change research and assessment activities of the United States with such activities of other nations and international organizations, including—

(I) a description of the extent and nature of international cooperative activities;

(II) bilateral and multilateral efforts to provide worldwide access to scientific data and information; and

(III) improving participation by developing nations in international global change research and environmental data collection;

(vii) detail budget requirements for Federal global change research and assessment activities to be conducted under the Plan;

(viii) catalog the type of information identified by appropriate Federal, State, regional, and local decisionmakers needed to develop policies to reduce society's vulnerability to global change and indicate how the planned research will meet these decisionmakers' information needs;

(ix) identify the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observation systems that may be needed to ensure adequate data collection and monitoring of global change;

(x) describe specific activities designed to facilitate outreach and data and information exchange with regional, State, and local governments and other user communities; and

(xi) identify and describe regions of the United States that are likely to experience similar impacts of global change or are likely to share similar vulnerabilities to global change.

(C) RESEARCH ELEMENTS.—The Plan shall include at a minimum the following research elements:

(i) Global measurements, establishing worldwide to regional scale observations prioritized to understand global change and to meet the information needs of decisionmakers on all relevant spatial and time scales.

(ii) Information on economic, demographic, and technological trends that contribute to changes in the Earth system and that influence society's vulnerability to global and regional climate change.

(iii) Development of indicators and baseline databases to document global change, including changes in species distribution and behavior, extent of glaciations, and changes in sea level.

(iv) Studies of historical changes in the Earth system, using evidence from the geological and fossil record.

(v) Assessments of predictability using quantitative models of the Earth system to simulate global and regional environmental processes and trends.

(vi) Focused research initiatives to understand the nature of and interaction among physical, chemical, biological, land use, and social processes related to global and regional climate change.

(vii) Focused research initiatives to determine and then meet the information needs of appropriate Federal, State, and regional decisionmakers.

(D) INFORMATION MANAGEMENT.—The Plan shall incorporate, to the extent practicable, the recommendations relating to data acquisition, management, integration, and archiving made by the interagency climate and other global change data management working group established under subsection (c)(3).

(E) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The President shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(i) evaluate the scientific content of the Plan; and

(ii) recommend priorities for future global and regional climate change research and assessment.

(F) NATIONAL GOVERNORS ASSOCIATION EVALUATION.—The President shall enter into an agreement with the National Governors Association Center for Best Practices under which that Center shall—

(i) evaluate the utility to State, local, and regional decisionmakers of each Plan and of the anticipated and actual information outputs of the Program for development of State, local, and regional policies to reduce vulnerability to global change; and

(ii) recommend priorities for future global and regional climate change research and assessment.

(G) PUBLIC PARTICIPATION.—In developing the Plan, the President shall consult with representatives of academic, State, industry, and environmental groups. Not later than 90 days before the President submits the Plan, or any revision thereof, to the Congress, a summary of the proposed Plan shall be published in the Federal Register for a public comment period of not less than 60 days.

(6) BUDGET COORDINATION.—

(A) IN GENERAL.—The President shall provide general guidance to each Federal agency participating in the Program with respect to the preparation of requests for appropriations for activities related to the Program.

(B) CONSIDERATION IN PRESIDENT'S BUDGET.—The President shall submit, at the time of his annual budget request to Congress, a description of those items in each agency's annual budget which are elements of the Program.

(7) VULNERABILITY ASSESSMENT.—

(A) REQUIREMENT.—Within 1 year after the date of enactment of this Act, and at least once every 5 years thereafter, the President shall submit to the Congress an assessment which—

(i) integrates, evaluates, and interprets the findings of the Program and discusses the scientific uncertainties associated with such findings;

(ii) analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years;

(iii) based on indicators and baselines developed under paragraph (5)(C)(iii), as well as other measurements, analyzes changes to the natural environment, land and water resources, and biological diversity in—

(I) major geographic regions of the United States; and

(II) other continents;

(iv) analyzes the effects of global change, including the changes described in clause (iii), on food and fiber production, energy production and use, transportation, human health and welfare, water availability and coastal infrastructure, and human social and economic systems, including providing information about the differential impacts on specific geographic regions within the United States, on people of different income levels within those regions, and for rural and urban areas within those regions; and

(v) summarizes the vulnerability of different geographic regions of the world to global change and analyzes the implications of global change for the United States, including international assistance, population displacement, food and resource availability, and national security.

(B) USE OF RELATED REPORTS.—To the extent appropriate, the assessment produced pursuant to this paragraph may coordinate with, consider, incorporate, or otherwise make use of related reports, assessments, or information produced by the United States Global Change Research Program, regional, State, and local entities, and international organizations, including the World Meteorological Organization and the Intergovernmental Panel on Climate Change.

(8) POLICY ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, and at least once every 4 years thereafter, the President shall enter into a joint agreement with the National Academy of Public Administration and the National Academy of Sciences under which the Academies shall—

(A) document current policy options being implemented by Federal, State, and local governments to mitigate or adapt to the effects of global and regional climate change;

(B) evaluate the realized and anticipated effectiveness of those current policy options in meeting mitigation and adaptation goals;

(C) identify and evaluate a range of additional policy options and infrastructure for mitigating or adapting to the effects of global and regional climate change;

(D) analyze the adoption rates of policies and technologies available to reduce the vulnerability of society to global change with an evaluation of the market and policy obstacles to their adoption in the United States; and

(E) evaluate the distribution of economic costs and benefits of these policy options across different United States economic sectors.

(9) ANNUAL REPORT.—Each year at the time of submission to the Congress of the President's budget request, the President shall submit to the Congress a report on the activities conducted pursuant to this subsection, including—

(A) a description of the activities of the Program during the past fiscal year;

(B) a description of the activities planned in the next fiscal year toward achieving the goals of the Plan; and

(C) a description of the groups or categories of State, local, and regional decisionmakers identified as potential users of the information generated through the Program and a description of the activities used to facilitate consultations with and outreach to these groups, coordinated through the work of the interagency committee.

(10) RELATION TO OTHER AUTHORITIES.—The President shall—

(A) ensure that relevant research, assessment, and outreach activities of the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global and regional climate change research and assessment efforts; and

(B) facilitate ongoing dialog and information exchange with regional, State, and local governments and other user communities through programs authorized in the National Climate Program Act (15 U.S.C. 2901 et seq.).

(11) REPEAL.—The Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.) is amended by striking titles I and III thereof.

(12) GLOBAL CHANGE RESEARCH INFORMATION.—The President shall establish or designate a Global Change Research Information Exchange to make scientific research and other information produced through or utilized by the Program which would be useful in preventing, mitigating, or adapting to the effects of global change accessible through electronic means.

(13) ICE SHEET STUDY AND REPORT.—

(A) STUDY.—

(i) REQUIREMENT.—The Director of the National Science Foundation and the Administrator of National Oceanic and Atmospheric Administration shall enter into an arrangement with the National Academy of Sciences to complete a study of the current status of ice sheet melt, as caused by climate change, with implications for global sea level rise.

(ii) CONTENTS.—The study shall take into consideration—

(I) the past research completed related to ice sheet melt as reviewed by Working Group I of the Intergovernmental Panel on Climate Change;

(II) additional research completed since the fall of 2005 that was not included in the Working Group I report due to time constraints; and

(III) the need for an accurate assessment of changes in ice sheet spreading, changes in ice sheet flow, self-lubrication, the corresponding effect on ice sheets, and current modeling capabilities.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subparagraph (A), along with recommendations for additional research related to ice sheet melt and corresponding sea level rise.

(14) HURRICANE FREQUENCY AND INTENSITY STUDY AND REPORT.—

(A) STUDY.—

(i) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration and the Director of the National Science Foundation shall enter into an arrangement with the National Academy of Sciences to complete a study of the current state of the science on the potential impacts of climate change on patterns of hurricane and typhoon development, including storm intensity, track, and frequency, and the implications for hurricane-prone and typhoon-prone coastal regions.

(ii) CONTENTS.—The study shall take into consideration—

(I) the past research completed related to hurricane and typhoon development, track, and intensity as reviewed by Working Groups I and II of the Intergovernmental Panel on Climate Change;

(II) additional research completed since the fall of 2005 that was not included in the Working Group I and II reports due to time constraints;

(III) the need for accurate assessment of potential changes in hurricane and typhoon intensity, track, and frequency and of the current modeling and forecasting capabilities and the need for improvements in forecasting of these parameters; and

(IV) the need for additional research and monitoring to improve forecasting of hurricanes and typhoons and to understand the relationship between climate change and hurricane and typhoon development.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the key findings of the study conducted under subparagraph (A).

(c) CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT.—

(1) PURPOSES.—The purposes of this subsection are to establish climate and other global change data management and archiving as Federal agency missions, and to establish Federal policies for managing and archiving climate and other global change data.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term ''metadata'' means information describing the content, quality, condition, and other characteristics of climate and other global change data, compiled, to the maximum extent possible, consistent with the requirements of the ''Content Standard for Digital Geospatial Metadata'' (FGDC–STD–001–1998) issued by the Federal Geographic Data Committee, or any successor standard approved by the working group; and

(B) the term ''working group'' means the interagency climate and other global change data management working group established under paragraph (3).

(3) INTERAGENCY CLIMATE AND OTHER GLOBAL CHANGE DATA MANAGEMENT WORKING GROUP.—

(A) ESTABLISHMENT.—The President shall establish or designate an interagency climate and other global change data management working group to make recommendations for coordinating Federal climate and other global change data management and archiving activities.

(B) MEMBERSHIP.—The working group shall include the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Director of the United States Geological Survey, the Archivist of the United States, the Administrator of the Environmental Protection Agency, the Secretary of the Smithsonian Institution, or their designees, and representatives of any other Federal agencies the President considers appropriate.

(C) REPORTS.—Not later than 1 year after the date of enactment of this Act, the working group shall transmit a report to the Congress containing the elements described in subparagraph (D). Not later than 4 years after the initial report under this subparagraph, and at least once every 4 years thereafter, the working group shall transmit reports updating the previous report. In preparing reports under this subparagraph, the working group shall consult with expected users of the data collected and archived by the Program.

(D) CONTENTS.—The reports and updates required under subparagraph (C) shall—

(i) include recommendations for the establishment, maintenance, and accessibility of a catalog identifying all available climate and other global change data sets;

(ii) identify climate and other global change data collections in danger of being lost and recommend actions to prevent such loss;

(iii) identify gaps in climate and other global change data and recommend actions to fill those gaps;

(iv) identify effective and compatible procedures for climate and other global change data collection, management, and retention and make recommendations for ensuring their use by Federal agencies and other appropriate entities;

(v) develop and propose a coordinated strategy for funding and allocating responsibilities among Federal agencies for climate and other global change data collection, management, and retention;

(vi) make recommendations for ensuring that particular attention is paid to the collection, management, and archiving of metadata;

(vii) make recommendations for ensuring a unified and coordinated Federal capital investment strategy with respect to climate and other global change data collection, management, and archiving;

(viii) evaluate the data record from each observing system and make recommendations to ensure that delivered data are free from time-dependent biases and random errors before they are transferred to long-term archives; and

(ix) evaluate optimal design of observation system components to ensure a cost-effective, adequate set of observations detecting and tracking global change.

SEC. 452. NATIONAL CLIMATE SERVICE.

(a) SHORT TITLE.—This section may be cited as the ''National Climate Service Act of 2009''.

(b) PURPOSE.—The purpose of this section is to establish a National Climate Service and to define the activities to be undertaken within the National Oceanic and Atmospheric Administration to—

(1) advance understanding of climate variability and change at the global, national, regional, and local levels;

(2) provide forecasts, warnings, and other information to the public on variability and change in weather and climate that affect geographic areas, natural resources, infrastructure, economic sectors, and communities; and

(3) support development of adaptation and response plans by Federal agencies, State, local, and tribal governments, the private sector, and the public.

(c) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Climate Service Advisory Committee established under subsection (f).

(2) DIRECTOR.—The term ''Director'' means the Director of the Climate Service Office.

(3) REPRESENTATIVE.—The term ''representative'' means an individual who is not a full-time or part-time employee of the Federal Government and who is appointed to an advisory committee to represent the views of an entity or entities outside the Federal Government.

(4) SPECIAL GOVERNMENT EMPLOYEE.—The term ''Special Government Employee'' has the same meaning as in section 202(a) of title 18, United States Code.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

(d) INTERAGENCY DEVELOPMENT OF A NATIONAL CLIMATE SERVICE.—

(1) IN GENERAL.—The President shall—

(A) initiate a process within 30 days after the date of enactment of this Act through the Committee on Environment and Natural Resources of the National Science and Technology Council and led by the Director of the Office of Science and Technology Policy, to evaluate alternative structures to support a collaborative, interagency research and operational program that will achieve the goal of meeting the needs of decisionmakers in—

(i) Federal agencies;

(ii) State, local, and tribal governments;

(iii) regional entities and other stakeholders and users,

for reliable, timely, and relevant information related to climate variability and change;

(B) within 1 year after the date of enactment of this Act complete pursuant to paragraph (2) a survey of the needs of current and future users of information related to climate variability and change;

(C) within 2 years after the date of enactment of this Act report to Congress under paragraph (3) the results of the evaluation described in subparagraph (A) and provide a plan to establish a collaborative, interagency research and operational program to deliver information related to climate variability and change to all users; and

(D) within 3 years after the date of enactment of this Act, and after delivery of the report to Congress required under subparagraph (C), establish a National Climate Service, based upon the information obtained through the process described in subparagraph (A), that meets the goal described in subparagraph (A).

(2) SURVEY OF NEED FOR CLIMATE SERVICES.—

(A) IN GENERAL.—The Director of the Office of Science and Technology Policy, through the Committee on Environment and Natural Resources, shall provide a report to Congress within 1 year after the date of enactment of this Act that compiles information on the current climate products being delivered by each Federal agency and its partner organizations to users and stakeholders, and on the needs of users and stakeholders for new climate products and services.

(B) CONTENTS OF THE REPORT.—The report shall identify—

(i) specific user groups and stakeholders that currently are served by each Federal agency and its partner organizations;

(ii) the type of climate products and services currently delivered to specific users groups and stakeholders, and the specific Federal agency office, program, or partner organization that delivers these products and services;

(iii) potential user groups and stakeholders that may be served by expanding climate products and services;

(iv) specific needs for new climate products and services to be delivered by each Federal agency and its partner organizations identified by user groups and stakeholders;

(v) a characterization of the different user and stakeholder groups that were surveyed by each Federal agency; and

(vi) a list of non-Federal entities that deliver climate products and services.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the President and the Congress on a proposal, prepared through the Committee on Environment and Natural Resources, to establish and operate a National Climate Service. The report shall include—

(i) a description of the alternative structures considered;

(ii) a description of the structure proposed for a National Climate Service, including a discussion of the benefits of this structure as compared to the alternatives considered;

(iii) designation of a specific office or agency that will lead the National Climate Service and that shall be accountable for the daily operation of the National Climate Service;

(iv) a description of the role and capability of each Federal agency, including a list of all entities within each agency or supported with agency funds that currently provide or may provide climate products or services;

(v) a description of the mechanisms that will be used to ensure ongoing communication and information exchange among the Federal agencies and between Federal agencies and their respective user and stakeholder communities including—

(I) mechanisms to facilitate ongoing dialogue with non-Federal organizations providing climate services;

(II) mechanisms to facilitate ongoing dialogue with regional, State, local, and tribal governments, the private sector, and other users and stakeholders on the development and delivery of climate services;

(III) mechanisms to collect information, observations, and other data relevant for improving climate products and services; and

(IV) designation of points of contact for each Federal agency with responsibilities to deliver climate services;

(vi) a detailed description of the processes and procedures that will be necessary to coordinate observations and information collection by different Federal agencies to ensure the compatibility of information and to facilitate data and information exchange among Federal agencies and with non-Federal entities, and a designation of the agency or agencies that would be responsible for ongoing oversight of these functions;

(vii) a detailed description of how research findings and climate impact assessments produced through the United States Global Change Research Program and the other activities undertaken within the United States Global Change Research Program would be integrated with the activities undertaken by a National Climate Service;

(viii) a list of the existing observation and monitoring systems or programs operated by each Federal agency that provide data, observations, and other information that may be used to develop or improve climate products and services;

(ix) a description of new infrastructure, equipment, personnel or other resources, by agency, that may be needed to achieve the goals of a National Climate Service, and the time period over which these new resources will be allocated;

(x) an identification of the activities that may be undertaken in cooperation with international partners;

(xi) the mechanisms established to provide quality assurance and quality control of climate service products and services, and the agency or agencies designated to conduct and oversee these mechanisms;

(xii) an identification of non-Federal entities that provide climate products and services, and a description of the relationship envisioned between a National Climate Service and the non-Federal entities providing climate services; and

(xiii) responses to the comments received during the public comment period.

(B) DRAFT REPORT.—Prior to the submission of the final report, the Director of the Office of Science and Technology Policy shall publish a draft report in the Federal Register with a comment period of at least 30 days.

(C) CONSULTATION.—In developing the report, the Director of the Office of Science and Technology Policy shall consult with State, local, and tribal governments, regional entities, the private sector, and other users and stakeholder groups, and Congress.

(4) ANNUAL REPORT.—The Director of the Office of Science and Technology Policy shall transmit to the Congress at the time of the President's fiscal year 2013 budget request, and annually thereafter, a report on the annual anticipated cost of carrying out the research and operational activities of the National Climate Service, with a description of the budget for each Federal agency's activities.

(e) CLIMATE SERVICE PROGRAM.—

(1) IN GENERAL.—The Under Secretary, building upon the resources of the National Weather Service and other weather and climate programs in the National Oceanic and Atmospheric Administration, shall establish a Climate Service Program.

(2) CLIMATE SERVICE OFFICE.—The Under Secretary shall establish a Climate Service Office and shall appoint a Director of the Office to collaborate with the leadership of the National Oceanic and Atmospheric Administration line offices to perform the duties assigned to the Office. The Climate Service Office shall—

(A) coordinate programs at the National Oceanic and Atmospheric Administration to ensure the timely production and distribution of data and information on global, national, regional, and local climate variability and change over all time scales relevant for planning and response, including intraseasonal, interannual, decadal, and multidecadal time periods;

(B) ensure exchange of information between the research and operational offices at the National Oceanic and Atmospheric Administration to identify research needs for improving climate products and services and ensure the timely and orderly transition of research findings, improved technologies, models, and other tools to the National Oceanic and Atmospheric Administration's operations;

(C) ensure operational quality control of all Climate Service Program products including a transparent and open accounting of all the assumptions built into the global, national, regional, and local weather and climate computer models upon which such products are based;

(D) ensure a continuous level of high-quality data collected through a national observation and monitoring infrastructure, including at a minimum performing regular maintenance and verification, and periodic upgrades;

(E) serve as liaison to and exchange information with other Federal agencies that provide climate services in order to—

(i) ensure the timely dissemination of data and information on weather and climate produced by the National Oceanic and Atmospheric Administration to other Federal agencies;

(ii) ensure that data and information collected by other Federal agencies relevant to improving climate services are made available to the National Oceanic and Atmospheric Administration;

(iii) facilitate the development and delivery of climate products and services to relevant stakeholders; and

(iv) obtain information from other Federal agencies to improve the development and dissemination by the National Oceanic and Atmospheric Administration of information on weather and climate to other Federal agencies for the development of climate service products by those agencies;

(F) ensure cooperation and collaboration, as appropriate, of the Climate Service Program with State, local, and tribal governments, regional entities, academic and nonprofit research organizations, and private sector entities, including weather information providers and other stakeholders; and

(G) ensure exchange of data, information, and research with the United States Global Change Research Program to support the development of assessments required under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(3) CLIMATE SERVICE PROGRAM.—

(A) IN GENERAL.—The Under Secretary shall operate the Climate Service Program through a national center, the Climate Service Office, and a network of regional and local facilities, including the established regional and local offices of the National Weather Service, 6 Regional Climate Centers, the offices of the Regional Integrated Sciences and Assessments program, the National Integrated Drought Information System, and any other National Oceanic and Atmospheric Administration or National Oceanic and Atmospheric Administration-supported regional and local entities, as appropriate.

(B) REGIONAL CLIMATE CENTERS PROGRAM.—The Under Secretary shall maintain a network of 6 Regional Climate Centers to work cooperatively with the State Climate Offices to—

(i) collect and exchange data and information needed to characterize, understand, and forecast regional and local weather and climate;

(ii) facilitate collection and exchange of data and information between the States and

Federal Government on weather and climate in conjunction with the National Climatic Data Center;

(iii) support research and observations;

(iv) obtain input on stakeholder needs for weather and climate information and products; and

(v) support State and local adaptation and response planning.

(C) REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS PROGRAM.—The Under Secretary shall maintain a network of offices as part of the Regional Integrated Sciences and Assessments Program. Such offices shall engage in cooperative research, development, and demonstration projects with the academic community, State Climate Offices, Regional Climate Offices, and other users and stakeholders on climate products, technologies, models, and other tools to improve understanding and forecasting of regional and local climate variability and change and the effects on economic activities, natural resources, and water availability, and other effects on communities, to facilitate development of regional and local adaptation plans to respond to climate variability and change, and any other needed research identified by the Under Secretary or the Advisory Committee.

(D) OTHER OFFICES.—In carrying out the functions of the Climate Service Program, the Under Secretary shall utilize the assets and expertise of—

(i) the National Weather Service to—

(I) deliver operational weather and climate forecasts, warnings, products, and information through the Climate Service Programs Division, Local Weather Forecast Offices, Weather Service Offices, and River Forecast Centers; and

(II) develop climate forecast models and tools through the National Centers for Environmental Prediction;

(ii) the National Environmental Satellite, Data, and Information Service to provide data services and support for product development and operations through the National Climatic Data Center and the Regional Climate Centers;

(iii) the Office of Oceanic and Atmospheric Research to—

(I) provide research on product development;

(II) improve weather and climate forecast models;

(III) provide new technologies and methods of observation; and

(IV) oversee the National Oceanic and Atmospheric Administration supported research performed by the Joint Cooperative Institutes, universities, and other non-Federal entities;

(iv) the National Integrated Drought Information System to—

(I) provide an effective drought warning system;

(II) coordinate and integrate Federal research on droughts;

(III) collect and integrate information on key indicators of drought;

(IV) make usable, reliable, and timely forecasts and assessments of drought, including assessments of the severity of drought conditions and effects;

(V) communicate drought forecasts, conditions, and effects to Federal, State, tribal, and local governments, regional entities, the private sector, and the public; and

(VI) coordinate with State Climate Offices and RISA teams to assess management practices and technologies, and the effects of both, used for drought mitigation at the local, State, and regional levels; and

(v) any other National Oceanic and Atmospheric Administration offices or programs, as appropriate.

(E) MISSION.—The Under Secretary shall ensure that the core functions and missions of the National Weather Service, the National Integrated Drought Information System, and any other programs within the National Oceanic and Atmospheric Administration are not diminished or neglected by the establishment of the Climate Service Program or the duties imposed on such offices or programs under this paragraph.

(F) PROGRAM ELEMENTS.—The Climate Service Program shall—

(i) conduct analyses of and studies relating to the effects of weather and climate on communities, including effects on agricultural production, natural resources, energy supply and demand, recreation, and other sectors of the economy;

(ii) carry out observations, data collection, and monitoring of atmospheric and oceanic conditions on a statewide, regional, national, and global basis;

(iii) provide information and technical support for Federal, regional, State, tribal, and local government efforts to assess and respond to climate variability and change;

(iv) develop systems for the management and dissemination of data, information, and assessments, including mechanisms for consultation with current and potential users and other stakeholders;

(v) conduct research to improve forecasting, characterization, and understanding of weather and climate variability and change and its effects on communities, including its effects on agricultural production, natural resources, energy supply and demand, recreation, and other sectors of the economy; and

(vi) develop tools to facilitate the use of climate information by local and regional stakeholders.

(f) CLIMATE SERVICE ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Under Secretary shall establish a Climate Service Advisory Committee to provide advice on—

(A) climate service product development;

(B) delivery of services to decisionmakers and other stakeholders;

(C) infrastructure to support observations and monitoring;

(D) computation and modeling needs, research needs, and other resources needed to develop, distribute, and ensure the utility of climate data, products, and services; and

(E) any other topics as may be requested by the Under Secretary or Congress.

(2) MEMBERS.—

(A) IN GENERAL.—The Advisory Committee shall be composed of at least 25 members appointed by the Under Secretary. Each member of the Advisory Committee shall be qualified either—

(i) by education, training, and experience to evaluate scientific and technical information on matters referred to the Advisory Committee under this subsection; or

(ii) to evaluate the utility and need for climate products by planners, decisionmakers, the private sector, and the public.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once, and shall serve at the discretion of the Under Secretary. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(C) CHAIRPERSON.—The Under Secretary shall designate a chairperson from among the members of the Advisory Committee. The designated Chairperson shall alternate between a member who is appointed as a representative and a member who is appointed as a Special Government Employee.

(D) SUBCOMMITTEES.—

(i) ESTABLISHMENT.—The Advisory Committee shall establish—

(I) a Subcommittee on Science and Technology to advise the Climate Service Program on needed research, technology development, and additional observations, and on any other scientific or technical issues as appropriate; and

(II) a Subcommittee on Product Development and Delivery composed primarily of representatives of the community of potential users of the products developed and delivered by the Climate Service Program.

The Advisory Committee may establish such additional subcommittees of its members as may be necessary.

(ii) APPOINTMENT.—

(I) FULL ADVISORY COMMITTEE.—At least 50 percent of the members of the Advisory Committee shall be appointed as Special Government Employees.

(II) SUBCOMMITTEES.—At least 75 percent of the members of the Subcommittee on Science and Technology shall be appointed as Special Government Employees. Not more than 25 percent of the members of the Subcommittee on Product Development and Delivery shall be appointed as Special Government Employees.

(3) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The Advisory Committee shall report to the Under Secretary and the appropriate requesting party.

(B) ADMINISTRATIVE SUPPORT.—The Under Secretary shall provide administrative support to the Advisory Committee.

(C) MEETINGS.—The Advisory Committee shall meet at least twice each year and at other times at the call of the Under Secretary or the Chairperson.

(D) COMPENSATION AND EXPENSES.—A member of the Advisory Committee shall not be compensated for service on the Advisory Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(4) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Climate Service Advisory Committee.

(g) REPEAL.—The National Climate Program Act (15 U.S.C. 2901 et seq.) is repealed.

(h) ESTABLISHMENT OF REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS TEAMS.—

(1) IN GENERAL.—In maintaining the network of Regional Integrated Sciences and Assessments (RISA) Teams under subsection (e)(3)(C), the Under Secretary shall utilize a competitive, peer-reviewed selection process. Teams shall conduct applied regional climate research and projects to address the needs of local and regional decisionmakers for information and tools to develop adaptation and response plans to climate variability and change. The awards shall be administered through a cooperative agreement between the National Oceanic and Atmospheric Administration and the RISA Team. Each award shall be for a period of five years.

(2) RISA TEAMS.—Teams shall be composed of multi-institutional partnerships whose individual members may include—

(A) institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(B) minority serving institutions, as defined in section 371(a) of the Higher Education Act of 1965; and

(C) nongovernmental research organizations, Federal agencies, State and local agencies, tribal organizations, and for-profit entities.

(3) CONSIDERATIONS.—In making awards under this subsection, the Under Secretary shall consider—

(A) the overall geographic distribution of RISA Teams and existing gaps in applied research to support local and regional decisionmakers;

(B) the team's ability to contribute to the National Oceanic and Atmospheric Administration's efforts to deliver climate services in the region; and

(C) the team's proposal to integrate social and physical sciences research to address the effects of climate variability and change on the ecology, economy, infrastructure, and communities in the region.

(i) SURVEY OF NEED FOR CLIMATE SERVICES.—

(1) IN GENERAL.—The Under Secretary shall provide a report to Congress within 9 months after the date of enactment of this Act that compiles information on the current climate products being delivered by the National Oceanic and Atmospheric Administration and its partner organizations to users and stakeholders and on the needs of users and stakeholders for new climate products and services.

(2) CONTENTS OF REPORT.—The report shall identify—

(A) specific user groups and stakeholders that currently are served by the National Oceanic and Atmospheric Administration and its partner organizations;

(B) the type of climate products and services currently delivered to specific user groups and stakeholders and the specific National Oceanic and Atmospheric Administration office or partner organization that delivers these products and services;

(C) potential user groups and stakeholders that may be served by expanding climate products and services; and

(D) specific needs for new climate products and services identified by user groups and stakeholders.

(3) CONSULTATION.—The Under Secretary shall consult with the Climate Service Advisory Committee in the preparation of this report.

(j) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Under Secretary shall prepare a plan for creating a Climate Service Program in the National Oceanic and Atmospheric Administration and delivering climate products and services to the National Oceanic and Atmospheric Administration users and stakeholders. The plan shall be submitted to the President and the Congress within 1 year after the date of enactment of this Act.

(2) DRAFT PLAN.—Prior to the submission of the final plan, the Under Secretary shall publish a draft plan in the Federal Register with a public comment period of at least 30 days.

(3) CONTENTS.—The plan shall—

(A) identify the current gaps in climate services and outline the process and resources the National Oceanic and Atmospheric Administration will use to fill these gaps;

(B) describe the roles of the National Oceanic and Atmospheric Administration line offices and the National Oceanic and Atmospheric Administration partner organizations in the development and delivery of climate products and services;

(C) describe the development and implementation of quality assurance and control mechanisms for climate products and services delivered by the National Oceanic and Atmospheric Administration and its partner organizations;

(D) identify the mechanisms and opportunities for determining user needs and engaging in a two-way dialogue with users that will inform climate product and service development and delivery of authoritative, timely, and useful information on climate variability and change and the effects on local, State, regional, national, and global scales;

(E) identify new responsibilities or tasks to be undertaken by existing National Oceanic and Atmospheric Administration line offices and partner organizations;

(F) identify new infrastructure, equipment, personnel, or other resources needed to implement the proposed plan; and

(G) include responses to the comments received during the public comment period.

(4) CONTINUITY OF SERVICE.—During the development of the implementation plan, the public comment period, and final plan, the National Oceanic and Atmospheric Administration shall continue to provide climate services to the user community.

(5) CONSULTATION.—In developing the plan, the Under Secretary shall consult with user groups and stakeholders, State Climate Offices, Regional Climate Centers, other Federal agencies, the Climate Service Advisory Committee, and Congress.

(6) COORDINATION WITH INTERAGENCY DEVELOPMENT OF A NATIONAL CLIMATE SERVICE.—In preparing the plan required under this subsection, the Under Secretary shall consult with the Director of the Office of Science and Technology Policy to ensure that the program developed by the Agency will serve the needs of a National Climate Service.

(k) SUMMER INSTITUTES PROGRAM AT THE REGIONAL CLIMATE CENTERS.—

(1) DEFINITIONS.—In this subsection:

(A) SUMMER INSTITUTE.—The term ''summer institute'' means an institute, operated during the summer, that—

(i) is hosted by a Regional Climate Center or an eligible partner;

(ii) is operated for a period of not less than 2 weeks; and

(iii) provides direct interaction of middle school and high school teacher and undergraduate student participants with personnel of the Regional Climate Centers or eligible partners who have scientific expertise in weather and climate.

(B) ELIGIBLE PARTNER.—The term ''eligible partner'' means—

(i) the science, engineering, or mathematics department at an institution of higher education; or

(ii) a nonprofit entity with expertise in providing educational enrichment experiences for students.

(2) SUMMER INSTITUTES PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Under Secretary shall establish a summer institutes program, to be conducted in cooperation with the Regional Climate Centers, which may include an eligible partner. The purpose of the program is to provide training and professional enrichment by providing opportunities for interaction between participants and climate scientists in a research and operational setting to—

(i) enable middle school and high school teachers to integrate weather and climate sciences into their curricula: and

(ii) encourage undergraduate students to pursue further study and careers in weather and climate sciences.

(B) REQUIRED ACTIVITIES.—Funds authorized under this subsection shall be used for—

(i) providing educational opportunities for middle school and high school teachers and undergraduate students not achievable inside the classroom;

(ii) exposing such teachers and students to researchers, scientists, or engineers who can demonstrate their daily activities to the teachers and students;

(iii) exposing teachers and students to scientific methods in a research discovery setting; and

(iv) assisting teachers with curriculum development in the areas of weather and climate science.

(3) PRIORITY.—The Under Secretary shall ensure that each summer institute program authorized under paragraph (2) includes students from groups underrepresented in the fields of science, technology, engineering, and mathematics teaching, including women and members of minority groups.

(4) REPORT TO CONGRESS.—The Under Secretary shall submit to Congress a biennial report on the activities conducted under this subsection, including the number of participants and the new curricula developed in atmospheric and climate sciences.

(l) CLEARINGHOUSE OF FEDERAL CLIMATE SERVICE PRODUCTS AND LINKS TO FEDERAL AGENCIES PROVIDING CLIMATE SERVICES.—

(1) IN GENERAL.—The Under Secretary shall establish and maintain a clearinghouse to inform State, local, and tribal governments and the public about the information and services available to—

(A) assess the impacts of climate variability and change at different geographic scales;

(B) characterize and forecast climate variability and change for specific regions, resources, and economic sectors; and

(C) develop and implement adaptation strategies to reduce vulnerabilities to climate variability and change.

(2) OTHER RESOURCES.—The clearinghouse shall include hyperlinks to Internet sites that describe the activities, information, and resources of—

(A) the Federal Government;

(B) State and local governments;

(C) the private sector;

(D) nongovernmental and nonprofit entities and organizations; and

(E) international organizations.

(m) FINANCIAL BURDEN.—Nothing in this section shall be construed as authorizing the National Climate Service or the Climate Service Program at the National Oceanic and Atmospheric Administration to require State, tribal, or local governments to develop adaptation or response plans or to take any other action in response to variations in climate that may result in an increased financial burden to such governments.

SEC. 453. STATE PROGRAMS TO BUILD RESILIENCE TO CLIMATE CHANGE IMPACTS.

(a) DEFINITIONS.—For purposes of this section:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act (as added by section 311 of this Act).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) VINTAGE YEAR.—The term ''vintage year'' has the meaning given that term under section 700 of the Clean Air Act (as added by section 312 of this Act).

(b) REGULATIONS; COORDINATION.—Not later than 2 years after the date of enactment of this Act, the Administrator, or such Federal agency head or heads as the President may designate, shall promulgate regulations to implement the requirements of this section. If the President designates more than 1 Federal agency to implement this section, the President shall require such agencies to establish a memorandum of understanding providing for coordination of rulemaking and other implementing activities, in accordance with the requirements of this section.

(c) DISTRIBUTION OF ALLOWANCES.—

(1) IN GENERAL.—Not later than September 30 of each of calendar years 2011 through 2049, the Administrator shall distribute, in accordance with this section, allowances allocated for the following vintage year pursuant to section 782(l) of the Clean Air Act (as added by section 321 of this Act). The Administrator shall reserve 1 percent of such allowances for distribution to Indian tribes in accordance with subsection (d). The remainder of such allowances shall be distributed ratably among the States based on the product of—

(A) each State's population; and

(B) each State's allocation factor as determined under paragraph (2).

(2) STATE ALLOCATION FACTORS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the allocation factor for a State shall be the quotient of—

(i) the per capita income of all individuals in the United States, divided by

(ii) the per capita income of all individuals in such State.

(B) LIMITATION.—If the allocation factor for a State as calculated under subparagraph (A) would exceed 1.2, then the allocation factor for such State shall be 1.2. If the allocation factor for a State as calculated under subparagraph (A) would be less than 0.8, then the allocation factor for such State shall be 0.8.

(C) PER CAPITA INCOME.—For purposes of this paragraph, per capita income shall be—

(i) determined at 2-year intervals; and

(ii) subject to subparagraph (D), equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

(D) REVENUE DIRECTLY RESULTING FROM A PRESIDENTIALLY DECLARED MAJOR DISASTER.—For purposes of this paragraph, per capita income from one or more of the following sources shall be reduced or excluded if the Secretary of Commerce (in consultation with the Administrator and the secretaries or administrators of the departments or agencies involved) determines that the income accrues to persons as the result of a Major Disaster (as declared by the President of the United States) and if the Secretary finds that the inclusion of one or more of these income sources, in whole or in part, results in a transitory, rather than a sustainable, increase in a State's per capita income level relative to the national average:

(i) Property and casualty insurance (including homeowners and renters insurance).

(ii) The National Flood Insurance Program of the Federal Emergency Management Agency.

(iii) The Individual and Family Grants Program of the Federal Emergency Management Agency.

(iv) The Disaster Housing Program of the Federal Emergency Management Agency.

(v) The Community Development Block Grant Program of the Department of Housing and Urban Development.

(vi) The Disaster Unemployment Assistance Program of the Department of Labor.

(vii) Any other source determined appropriate by the Administrator.

(d) DISTRIBUTION TO INDIAN TRIBES.—The Administrator, or such Federal agency head or heads as the President may designate, shall promulgate regulations establishing a program to distribute allowances on a competitive basis to Indian tribes, in accordance with the requirements of this section. Such allowances shall be used exclusively in accordance with the requirements of subsection (e). Beginning with vintage year 2015, Indian tribes with a tribal adaptation plan approved pursuant to subsection (f) shall be given priority in selection of programs or projects for receipt of emission allowances under this subsection.

(e) USE OF ALLOWANCES.—

(1) IN GENERAL.—States and Indian tribes shall use allowances distributed under this section exclusively for the implementation of projects, programs, or measures to build resilience to the impacts of climate change, including—

(A) extreme weather events such as flooding and tropical cyclones;

(B) more frequent heavy precipitation events;

(C) water scarcity and adverse impacts on water quality;

(D) stronger and longer heat waves;

(E) more frequent and severe droughts;

(F) rises in sea level;

(G) ecosystem disruption;

(H) increased air pollution; and

(I) effects on public health.

(2) PRIORITY IN PROJECTS TO REDUCE FLOOD EVENTS.—When implementing any project, program, or measure supported under this section and designed to reduce flood events, a State or Indian tribe should consider prioritizing projects that seek to—

(A) mitigate the destructive impacts of climate-related increases in the duration, frequency, or magnitude of rainfall or runoff, including snowmelt runoff, as well as hurricanes;

(B) improve flood protection for densely populated urban areas; and

(C) mitigate the destructive impact of ocean-related climate change effects, including effects on bays, estuaries, populated barrier islands and other ocean-related features, through a variety of means and measures, including the construction of jetties, levies, and other coastal structures in densely populated coastal areas impacted by climate change.

(3) STATE AND TRIBAL ADAPTATION PLANS.—Upon approval of a State or tribal climate adaptation plan under subsection (f), allowances received by a State under this section shall be used in accordance with such plan.

(4) SUPPLEMENT, NOT SUPPLANT.—It is the intent of the Congress that allowances distributed to carry out this section should be used to supplement, and not replace, existing sources of funding used to build resilience to the impacts of climate change identified in paragraph (1).

(5) RESEARCH ON HURRICANES.—The authorized uses of allowances under this section shall include establishment of projects or programs to conduct research and monitoring on the effect of ongoing climate change on the frequency and intensity of hurricanes.

(f) STATE AND TRIBAL CLIMATE ADAPTATION PLANS.—

(1) IN GENERAL.—The regulations promulgated pursuant to subsection (b) shall include requirements for submission and approval of State or tribal climate adaptation plans under this section. Beginning with vintage year 2015, distribution of allowances to a State pursuant to this section shall be contingent on approval of a State climate adaptation plan for such State that meets the requirements of such regulations. Requirements for tribal climate adaptation plans may vary from those of State adaptation plans to the extent necessary to account for the special circumstances of Indian tribes.

(2) REQUIREMENTS.—Regulations promulgated under this section shall require, at minimum, that State and tribal climate adaptation plans—

(A) assess and prioritize the State's or Indian tribe's vulnerability to a broad range of impacts of climate change, based on the best available science;

(B) include an assessment of potential for carbon reduction through changes to land management policies (including enhancement or protection of forest carbon sinks);

(C) identify and prioritize specific cost-effective projects, programs, and measures to build resilience to current and predicted impacts of climate change;

(D) ensure that the State or Indian tribe fully considers and undertakes, to the maximum extent practicable, initiatives that—

(i) protect or enhance natural ecosystem functions, including protection, maintenance, or restoration of natural infrastructure such as wetlands, reefs, and barrier islands to buffer communities from floodwaters or storms, watershed protection to maintain water quality and groundwater recharge, or floodplain restoration to improve natural flood control capacity; or

(ii) use non-structural approaches including practices that utilize, enhance, or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse;

(E) be revised and resubmitted for approval not less frequently than every 5 years; and

(F) be consistent with Federal conservation and environmental laws and, to the maximum extent practicable, avoid environmental degradation.

(3) COORDINATION WITH PRIOR PLANNING EFFORTS.—In implementing this subsection, the Administrator, or such Federal agency head or heads as the President may designate, shall—

(A) draw upon lessons learned and best practices from preexisting State and tribal climate adaptation planning efforts;

(B) seek to avoid duplication of such efforts; and

(C) ensure that the plans developed under this section reflect and are fully consistent with State natural resources adaptation plans developed under section 479 of this Act.

(g) REPORTING.—Each State or Indian tribe receiving allowances under this section shall submit to the Administrator, or such Federal agency head or heads as the President may designate, within 12 months after each receipt of such allowances and once every 2 years thereafter until the value of any allowances received under this section has been fully expended, a report that—

(1) provides a full accounting for the State's or Indian tribe's use of allowances distributed under this section, including a description of the projects, programs, or measures supported using such allowances;

(2) includes a report prepared by an independent third party, in accordance with such regulations as are promulgated by the Administrator or such other Federal agency head or heads as the President may designate, evaluating the performance of the projects, programs, or measures supported under this section; and

(3) identifies any use by the State or Indian tribe of allowances distributed under this section for the reduction of flood and storm damage and the effects of climate change on water and flood protection infrastructure.

(h) ENFORCEMENT.—If the Administrator, or such Federal agency head or heads as the President may designate, determines that a State or Indian tribe is not in compliance with this section, the Administrator or such other agency head may withhold a quantity of the allowances equal to up to twice the quantity of allowances that the State or Indian tribe failed to use in accordance with the requirements of this section, that such State or Indian tribe would otherwise be eligible to receive under this section in 1 or more later years. Allowances withheld pursuant to this subsection shall be distributed among the remaining States or Indian tribes ratably in accordance with the formula in subsection (c) in the case of allowances withheld from a State, or in accordance with subsection (d) in the case of allowances withheld from an Indian tribe.

Subpart B—Public Health and Climate Change

SEC. 461. SENSE OF CONGRESS ON PUBLIC HEALTH AND CLIMATE CHANGE.

It is the sense of the Congress that the Federal Government, in cooperation with international, State, tribal, and local governments, concerned public and private organizations, and citizens, should use all practicable means and measures—

(1) to assist the efforts of public health and health care professionals, first responders,

States, tribes, municipalities, and local communities to incorporate measures to prepare health systems to respond to the impacts of climate change;

(2) to ensure—

(A) that the Nation's health professionals have sufficient information to prepare for and respond to the adverse health impacts of climate change;

(B) the utility and value of scientific research in advancing understanding of—

(i) the health impacts of climate change; and

(ii) strategies to prepare for and respond to the health impacts of climate change;

(C) the identification of communities vulnerable to the health effects of climate change and the development of strategic response plans to be carried out by health professionals for those communities;

(D) the improvement of health status and health equity through efforts to prepare for and respond to climate change; and

(E) the inclusion of health policy in the development of climate change responses;

(3) to encourage further research, interdisciplinary partnership, and collaboration among stakeholders in order to—

(A) understand and monitor the health impacts of climate change; and

(B) improve public health knowledge and response strategies to climate change;

(4) to enhance preparedness activities, and public health infrastructure, relating to climate change and health;

(5) to encourage each and every American to learn about the impacts of climate change on health; and

(6) to assist the efforts of developing nations to incorporate measures to prepare health systems to respond to the impacts of climate change.

SEC. 462. RELATIONSHIP TO OTHER LAWS.

Nothing in this subpart in any manner limits the authority provided to or responsibility conferred on any Federal department or agency by any provision of any law (including regulations) or authorizes any violation of any provision of any law (including regulations), including any health, energy, environmental, transportation, or any other law or regulation.

SEC. 463. NATIONAL STRATEGIC ACTION PLAN.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, within 2 years after the date of the enactment of this Act, on the basis of the best available science, and in consultation pursuant to paragraph (2), shall publish a strategic action plan to assist health professionals in preparing for and responding to the impacts of climate change on public health in the United States and other nations, particularly developing nations.

(2) CONSULTATION.—In developing or making any revision to the national strategic action plan, the Secretary shall—

(A) consult with the Director of the Centers for Disease Control and Prevention, the Administrator of the Environmental Protection Agency, the Director of the National Institutes of Health, the Secretary of Energy, other appropriate Federal agencies, Indian tribes, State and local governments, public health organizations, scientists, and other interested stakeholders; and

(B) provide opportunity for public input.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and other appropriate Federal agencies, shall assist health professionals in preparing for and responding effectively and efficiently to the health effects of climate change through measures including—

(A) developing, improving, integrating, and maintaining domestic and international disease surveillance systems and monitoring capacity to respond to health-related effects of climate change, including on topics addressing—

(i) water, food, and vector borne infectious diseases and climate change;

(ii) pulmonary effects, including responses to aeroallergens;

(iii) cardiovascular effects, including impacts of temperature extremes;

(iv) air pollution health effects, including heightened sensitivity to air pollution;

(v) hazardous algal blooms;

(vi) mental and behavioral health impacts of climate change;

(vii) the health of refugees, displaced persons, and vulnerable communities;

(viii) the implications for communities vulnerable to health effects of climate change, as well as strategies for responding to climate change within these communities; and

(ix) local and community-based health interventions for climate-related health impacts;

(B) creating tools for predicting and monitoring the public health effects of climate change on the international, national, regional, State, and local levels, and providing technical support to assist in their implementation;

(C) developing public health communications strategies and interventions for extreme weather events and disaster response situations;

(D) identifying and prioritizing communities and populations vulnerable to the health effects of climate change, and determining actions and communication strategies that should be taken to inform and protect these communities and populations from the health effects of climate change;

(E) developing health communication, public education, and outreach programs aimed at public health and health care professionals, as well as the general public, to promote preparedness and response strategies relating to climate change and public health, including the identification of greenhouse gas reduction behaviors that are health-promoting; and

(F) developing academic and regional centers of excellence devoted to—

(i) researching relationships between climate change and health;

(ii) expanding and training the public health workforce to strengthen the capacity of such workforce to respond to and prepare for the health effects of climate change;

(iii) creating and supporting academic fellowships focusing on the health effects of climate change; and

(iv) training senior health ministry officials from developing nations to strengthen the capacity of such nations to—

(I) prepare for and respond to the health effects of climate change; and

(II) build an international network of public health professionals with the necessary climate change knowledge base;

(G) using techniques, including health impact assessments, to assess various climate change public health preparedness and response strategies on international, national, State, regional, tribal, and local levels, and make recommendations as to those strategies that best protect the public health;

(H)(i) assisting in the development, implementation, and support of State, regional, tribal, and local preparedness, communication, and response plans (including with respect to the health departments of such entities) to anticipate and reduce the health threats of climate change; and

(ii) pursuing collaborative efforts to develop, integrate, and implement such plans;

(I) creating a program to advance research as it relates to the effects of climate change on public health across Federal agencies, including research to—

(i) identify and assess climate change health effects preparedness and response strategies;

(ii) prioritize critical public health infrastructure projects related to potential climate change impacts that affect public health; and

(iii) coordinate preparedness for climate change health impacts, including the development of modeling and forecasting tools;

(J) providing technical assistance for the development, implementation, and support of preparedness and response plans to anticipate and reduce the health threats of climate change in developing nations; and

(K) carrying out other activities determined appropriate by the Secretary to plan for and respond to the impacts of climate change on public health.

(c) REVISION.—The Secretary shall revise the national strategic action plan not later than July 1, 2014, and every 4 years thereafter, to reflect new information collected pursuant to implementation of the national strategic action plan and otherwise, including information on—

(1) the status of critical environmental health parameters and related human health impacts;

(2) the impacts of climate change on public health; and

(3) advances in the development of strategies for preparing for and responding to the impacts of climate change on public health.

(d) IMPLEMENTATION.—

(1) IMPLEMENTATION THROUGH HHS.—The Secretary shall exercise the Secretary's authority under this subpart and other provisions of Federal law to achieve the goals and measures of the national strategic action plan.

(2) OTHER PUBLIC HEALTH PROGRAMS AND INITIATIVES.—The Secretary and Federal officials of other relevant Federal agencies shall administer public health programs and initiatives authorized by provisions of law other than this subpart, subject to the requirements of such statutes, in a manner designed to achieve the goals of the national strategic action plan.

(3) CDC.—In furtherance of the national strategic action plan, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the head of any other appropriate Federal agency, shall—

(A) conduct scientific research to assist health professionals in preparing for and responding to the impacts of climate change on public health; and

(B) provide funding for—

(i) research on the health effects of climate change; and

(ii) preparedness planning on the international, national, State, tribal, regional, and local levels to respond to or reduce the burden of health effects of climate change; and

(C) carry out other activities determined appropriate by the Director or the head of such agency to prepare for and respond to the impacts of climate change on public health.

SEC. 464. ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a permanent science advisory board comprised of not less than 10 and not more than 20 members.

(b) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the members of the science advisory board from among individuals—

(1) who have expertise in public health and human services, climate change, and other relevant disciplines; and

(2) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(c) FUNCTIONS.—The science advisory board shall—

(1) provide scientific and technical advice and recommendations to the Secretary on the domestic and international impacts of climate change on public health, populations and regions particularly vulnerable to the effects of climate change, and strategies and mechanisms to prepare for and respond to the impacts of climate change on public health; and

(2) advise the Secretary regarding the best science available for purposes of issuing the national strategic action plan.

SEC. 465. REPORTS.

(a) NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into, by not later than 6 months after the date of the enactment of this Act, an agreement with the National Research Council and the Institute of Medicine to complete a report that—

(A) assesses the needs for health professionals to prepare for and respond to climate change impacts on public health; and

(B) recommends programs to meet those needs.

(2) SUBMISSION.—The agreement under paragraph (1) shall require the completed report to be submitted to the Congress and the Secretary and made publicly available not later than 1 year after the date of the agreement.

(b) CLIMATE CHANGE HEALTH PROTECTION AND PROMOTION REPORTS.—

(1) IN GENERAL.—The Secretary, in consultation with the advisory board established under section 464, shall ensure the issuance of reports to aid health professionals in preparing for and responding to the adverse health effects of climate change that—

(A) review scientific developments on health impacts of climate change; and

(B) recommend changes to the national strategic action plan.

(2) SUBMISSION.—The Secretary shall submit the reports required by paragraph (1) to the Congress and make such reports publicly available not later than July 1, 2013, and every 4 years thereafter.

SEC. 466. DEFINITIONS.

In this subpart:

(1) HEALTH IMPACT ASSESSMENT.—The term ''health impact assessment'' means a combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

(2) NATIONAL STRATEGIC ACTION PLAN.—The term ''national strategic action plan'' means the plan issued and revised under section 463.

(3) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 467. CLIMATE CHANGE HEALTH PROTECTION AND PROMOTION FUND.

(a) ESTABLISHMENT OF FUND.—Subject to subtitle F of title IV, there is hereby established in the Treasury a separate account that shall be known as the Climate Change Health Protection and Promotion Fund.

(b) AVAILABILITY OF AMOUNTS.—Subject to Subtitle F of title IV, all amounts deposited into the Climate Change Health Protection and Promotion Fund shall be available to the Secretary to carry out this subpart subject to further appropriation.

(c) DISTRIBUTION OF FUNDS BY HHS.—In carrying out this subpart, the Secretary may make funds deposited in the Climate Change Health Protection and Promotion Fund available to—

(1) other departments, agencies, and offices of the Federal Government;

(2) foreign, State, tribal, and local governments; and

(3) such other entities as the Secretary determines appropriate.

(d) SUPPLEMENT, NOT REPLACE.—It is the intent of Congress that funds made available to carry out this subpart should be used to supplement, and not replace, existing sources of funding for public health.

Subpart C—Natural Resource Adaptation

SEC. 471. PURPOSES.

The purposes of this subpart are to—

(1) establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification; and

(2) provide financial support and incentives for programs, strategies, and activities that protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification.

SEC. 472. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION POLICY.

It is the policy of the Federal Government, in cooperation with State and local governments, Indian tribes, and other interested stakeholders to use all practicable means and measures to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

SEC. 473. DEFINITIONS.

In this subpart:

(1) COASTAL STATE.—The term ''coastal State'' has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(2) CORRIDORS.—The term ''corridors'' means areas that provide connectivity, over different time scales (including seasonal or longer), of habitat or potential habitat and that facilitate the ability of terrestrial, marine, estuarine, and freshwater fish, wildlife, or plants to move within a landscape as needed for migration, gene flow, or dispersal, or in response to the impacts of climate change and ocean acidification or other impacts.

(3) ECOLOGICAL PROCESSES.—The term ''ecological processes'' means biological, chemical, or physical interaction between the biotic and abiotic components of an ecosystem and includes—

(A) nutrient cycling;

(B) pollination;

(C) predator-prey relationships;

(D) soil formation;

(E) gene flow;

(F) disease epizootiology;

(G) larval dispersal and settlement;

(H) hydrological cycling;

(I) decomposition; and

(J) disturbance regimes such as fire and flooding.

(4) HABITAT.—The term ''habitat'' means the physical, chemical, and biological properties that are used by fish, wildlife, or plants for growth, reproduction, survival, food, water, and cover, on a tract of land, in a body of water, or in an area or region.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATURAL RESOURCES.—The term ''natural resources'' means the terrestrial, freshwater, estuarine, and marine fish, wildlife, plants, land, water, habitats, and ecosystems of the United States.

(7) NATURAL RESOURCES ADAPTATION.—The term ''natural resources adaptation'' means the protection, restoration, and conservation of natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

(8) RESILIENCE.—Each of the terms ''resilience'' and ''resilient'' means the ability to resist or recover from disturbance and preserve diversity, productivity, and sustainability.

(9) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa.

SEC. 474. COUNCIL ON ENVIRONMENTAL QUALITY.

The Chair of the Council on Environmental Quality shall—

(1) advise the President on implementation and development of—

(A) a Natural Resources Climate Change Adaptation Strategy required under section 476; and

(B) Federal natural resource agency adaptation plans required under section 478;

(2) serve as the Chair of the Natural Resources Climate Change Adaptation Panel established under section 475; and

(3) coordinate Federal agency strategies, plans, programs, and activities related to protecting, restoring, and maintaining natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification.

SEC. 475. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION PANEL.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subpart, the President shall establish a Natural Resources Climate Change Adaptation Panel, consisting of—

(1) the head, or their designee, of each of—

(A) the National Oceanic and Atmospheric Administration;

(B) the Forest Service;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service;

(E) the Bureau of Land Management;

(F) the United States Geological Survey;

(G) the Bureau of Reclamation;

(H) the Bureau of Indian Affairs;

(I) the Environmental Protection Agency; and

(J) the Army Corps of Engineers;

(2) the Chair of the Council on Environmental Quality; and

(3) the heads of such other Federal agencies or departments with jurisdiction over natural resources of the United States, as determined by the President.

(b) FUNCTIONS.—The Panel shall serve as a forum for interagency consultation on and the coordination of the development and implementation of a national Natural Resources Climate Change Adaptation Strategy required under section 476.

(c) CHAIR.—The Chair of the Council on Environmental Quality shall serve as the Chair of the Panel.

SEC. 476. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION STRATEGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this subpart, the President, through the Natural Resources Climate Change Adaptation Panel established under section 475, shall develop a Natural Resources Climate Change Adaptation Strategy to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification and to identify opportunities to mitigate those impacts.

(b) DEVELOPMENT AND REVISION.—In developing and revising the Strategy, the Panel shall—

(1) base the strategy on the best available science;

(2) develop the strategy in close cooperation with States and Indian tribes;

(3) coordinate with other Federal agencies as appropriate;

(4) consult with local governments, conservation organizations, scientists, and other interested stakeholders;

(5) provide public notice and opportunity for comment; and

(6) review and revise the Strategy every 5 years to incorporate new information regarding the impacts of climate change and ocean acidification on natural resources and advances in the development of strategies for becoming more resilient and adapting to those impacts.

(c) CONTENTS.—The National Resources Adaptation Strategy shall include—

(1) an assessment of the vulnerability of natural resources to climate change and ocean acidification, including the short-term, medium-term, long-term, cumulative, and synergistic impacts;

(2) a description of current research, observation, and monitoring activities at the Federal, State, tribal, and local level related to the impacts of climate change and ocean acidification on natural resources, as well as identification of research and data needs and priorities;

(3) identification of natural resources that are likely to have the greatest need for protection, restoration, and conservation because of the adverse effects of climate change and ocean acidification;

(4) specific protocols for integrating climate change and ocean acidification adaptation strategies and activities into the conservation and management of natural resources by Federal departments and agencies to ensure consistency across agency jurisdictions and resources;

(5) specific actions that Federal departments and agencies shall take to protect, conserve, and restore natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, including a timeline to implement those actions;

(6) specific mechanisms for ensuring communication and coordination among Federal departments and agencies, and between Federal departments and agencies and State natural resource agencies, United States territories, Indian tribes, private landowners, conservation organizations, and other nations that share jurisdiction over natural resources with the United States;

(7) specific actions to develop and implement consistent natural resources inventory and monitoring protocols through interagency coordination and collaboration; and

(8) a process for guiding the development of detailed agency- and department-specific adaptation plans required under section 478 to address the impacts of climate change and ocean acidification on the natural resources in the jurisdiction of each agency.

(d) IMPLEMENTATION.—Consistent with its authorities under other laws and with Federal trust responsibilities with respect to Indian lands, each Federal department or agency with representation on the National Resources Climate Change Adaptation Panel shall consider the impacts of climate change and ocean acidification and integrate the elements of the strategy into agency plans, environmental reviews, programs, and activities related to the conservation, restoration, and management of natural resources.

SEC. 477. NATURAL RESOURCES ADAPTATION SCIENCE AND INFORMATION.

(a) COORDINATION.—Not later than 90 days after the date of the enactment of this subpart, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall establish a coordinated process for developing and providing science and information needed to assess and address the impacts of climate change and ocean acidification on natural resources. The process shall be led by the National Climate Change and Wildlife Science Center established within the United States Geological Survey under subsection (d) and the National Climate Service of the National Oceanic and Atmospheric Administration.

(b) FUNCTIONS.—The Secretaries shall ensure that such process avoids duplication and that the National Oceanic and Atmospheric Administration and the United States Geological Survey shall—

(1) provide technical assistance to Federal departments and agencies, State and local governments, Indian tribes, and interested private landowners in their efforts to assess and address the impacts of climate change and ocean acidification on natural resources;

(2) conduct and sponsor research and provide Federal departments and agencies, State and local governments, Indian tribes, and interested private landowners with research products, decision and monitoring tools and information, to develop strategies for assisting natural resources to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification; and

(3) assist Federal departments and agencies in the development of the adaptation plans required under section 478.

(c) SURVEY.—Not later than one year after the date of enactment of this subpart and every 5 years thereafter, the Secretary of Commerce and the Secretary of the Interior shall undertake a climate change and ocean acidification impact survey that—

(1) identifies natural resources considered likely to be adversely affected by climate change and ocean acidification;

(2) includes baseline monitoring and ongoing trend analysis;

(3) uses a stakeholder process to identify and prioritize needed monitoring and research that is of greatest relevance to the ongoing needs of natural resource managers to address the impacts of climate change and ocean acidification; and

(4) identifies decision tools necessary to develop strategies for assisting natural resources to become more resilient and adapt to and withstand the impacts of climate change and ocean acidification.

(d) NATIONAL CLIMATE CHANGE AND WILDLIFE SCIENCE CENTER.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall establish the National Climate Change and Wildlife Science Center within the United States Geological Survey.

(2) FUNCTIONS.—The Center shall, in collaboration with Federal and State natural resources agencies and departments, Indian tribes, universities, and other partner organizations—

(A) assess and synthesize current physical and biological knowledge and prioritize scientific gaps in such knowledge in order to forecast the ecological impacts of climate change on fish and wildlife at the ecosystem, habitat, community, population, and species levels;

(B) develop and improve tools to identify, evaluate, and, where appropriate, link scientific approaches and models for forecasting the impacts of climate change and adaptation on fish, wildlife, plants, and their habitats, including monitoring, predictive models, vulnerability analyses, risk assessments, and decision support systems to help managers make informed decisions;

(C) develop and evaluate tools to adaptively manage and monitor the effects of climate change on fish and wildlife at national, regional, and local scales; and

(D) develop capacities for sharing standardized data and the synthesis of such data.

(e) SCIENCE ADVISORY BOARD.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subpart, the Secretary of Commerce and the Secretary of the Interior shall establish and appoint the members of a Science Advisory Board, to be comprised of not fewer than 10 and not more than 20 members—

(A) who have expertise in fish, wildlife, plant, aquatic, and coastal and marine biology, ecology, climate change, ocean acidification, and other relevant scientific disciplines;

(B) who represent a balanced membership among Federal, State, Indian tribes, and local representatives, universities, and conservation organizations; and

(C) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(2) DUTIES.—The Science Advisory Board shall—

(A) advise the Secretaries on the state-of-the-science regarding the impacts of climate change and ocean acidification on natural resources and scientific strategies and mechanisms for protecting, restoring, and conserving natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification; and

(B) identify and recommend priorities for ongoing research needs on such issues.

(3) COLLABORATION.—The Science Advisory Board shall collaborate with other climate change and ecosystem research entities in other Federal agencies and departments.

(4) AVAILABILITY TO THE PUBLIC.—The advice and recommendations of the Science Advisory Board shall be made available to the public.

SEC. 478. FEDERAL NATURAL RESOURCE AGENCY ADAPTATION PLANS.

(a) DEVELOPMENT.—Not later than 1 year after the date of the development of a Natural Resources Climate Change Adaptation Strategy under section 476, each department or agency that has a representative on the Natural Resources Climate Change Adaptation Panel established under section 475 shall—

(1) complete an adaptation plan for that department or agency, respectively, implementing the Natural Resources Climate Change Adaptation Strategy under section 476 and consistent with the Natural Resources Climate Change Adaptation Policy under section 472, detailing the department's or agency's current and projected efforts to address the potential impacts of climate change and ocean acidification on natural resources within the department's or agency's jurisdiction and necessary additional actions, including a timeline for implementation of those actions;

(2) provide opportunities for review and comment on that adaptation plan by the public, including in the case of a plan by the Bureau of Indian Affairs, review by Indian tribes; and

(3) submit such plan to the President for approval.

(b) REVIEW BY PRESIDENT AND SUBMISSION TO CONGRESS.—

(1) REVIEW BY PRESIDENT.—The President shall—

(A) approve an adaptation plan submitted under subsection (a)(3) if the plan meets the requirements of subsection (c) and is consistent with the strategy developed under section 476;

(B) decide whether to approve the plan within 60 days after submission; and

(C) if the President disapproves a plan, direct the department or agency to submit a revised plan to the President under subsection (a)(3) within 60 days after such disapproval.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the date of approval of such adaptation plan by the President, the department or agency shall submit the approved plan to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the committees of the House of Representatives and the Senate with principal jurisdiction over the department or agency.

(c) REQUIREMENTS.—Each adaptation plan shall—

(1) establish programs for assessing the current and future impacts of climate change and ocean acidification on natural resources within the department's or agency's, respectively, jurisdiction, including cumulative and synergistic effects, and for identifying and monitoring those natural resources that are likely to be adversely affected and that have need for conservation;

(2) identify and prioritize the department's or agency's strategies and specific conservation actions to address the current and future impacts of climate change and ocean acidification on natural resources within the scope of the department's or agency's jurisdiction and to develop and implement strategies to protect, restore, and conserve such resources to become more resilient, adapt to, and better withstand those impacts, including—

(A) the protection, restoration, and conservation of terrestrial, marine, estuarine, and freshwater habitats and ecosystems;

(B) the establishment of terrestrial, marine, estuarine, and freshwater habitat linkages and corridors;

(C) the restoration and conservation of ecological processes;

(D) the protection of a broad diversity of native species of fish, wildlife, and plant populations across their range; and

(E) the protection of fish, wildlife, and plant health, recognizing that climate can alter the distribution and ecology of parasites, pathogens, and vectors;

(3) describe how the department or agency will integrate such strategies and conservation activities into plans, programs, activities, and actions of the department or agency, related to the conservation and management of natural resources and establish new plans, programs, activities, and actions as necessary;

(4) establish methods for assessing the effectiveness of strategies and conservation actions taken to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, and for updating those strategies and actions to respond to new information and changing conditions;

(5) include a description of current and proposed mechanisms to enhance cooperation and coordination of natural resources adaptation efforts with other Federal agencies, State and local governments, Indian tribes, and nongovernmental stakeholders;

(6) include specific written guidance to resource managers to—

(A) explain how managers are expected to address the effects of climate change and ocean acidification;

(B) identify how managers are to obtain any site-specific information that may be necessary; and

(C) reflect best practices shared among relevant agencies, while also recognizing the unique missions, objectives, and responsibilities of each agency; and

(7) identify and assess data and information gaps necessary to develop natural resources adaptation plans and strategies.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Upon approval by the President, each department or agency that serves on the Natural Resources Climate Change Adaptation Panel shall implement its adaptation plan through existing and new plans, policies, programs, activities, and actions to the extent not inconsistent with existing authority.

(2) CONSIDERATION OF IMPACTS.—

(A) IN GENERAL.—To the maximum extent practicable and consistent with applicable law, every natural resource management decision made by the department or agency shall consider the impacts of climate change and ocean acidification on those natural resources.

(B) GUIDANCE.—The Council on Environmental Quality shall issue guidance for Federal departments and agencies for considering those impacts.

(e) REVISION AND REVIEW.—Not less than every 5 years, each adaptation plan under this section shall be reviewed and revised to incorporate the best available science and other information regarding the impacts of climate change and ocean acidification on natural resources.

SEC. 479. STATE NATURAL RESOURCES ADAPTATION PLANS.

(a) REQUIREMENT.—In order to be eligible for funds under section 480, not later than 1 year after the development of a Natural Resources Climate Change Adaptation Strategy required under section 476 each State shall prepare a State natural resources adaptation plan detailing the State's current and projected efforts to address the potential impacts of climate change and ocean acidification on natural resources and coastal areas within the State's jurisdiction.

(b) REVIEW OR APPROVAL.—

(1) IN GENERAL.—Each State adaptation plan shall be reviewed and approved or disapproved by the Secretary of the Interior and, as applicable, the Secretary of Commerce. Such approval shall be granted if the plan meets the requirements of subsection (c) and is consistent with the Natural Resources Climate Change Adaptation Strategy required under section 476.

(2) APPROVAL OR DISAPPROVAL.—Within 180 days after transmittal of such a plan, or a revision to such a plan, the Secretary of the Interior and, as applicable, the Secretary of Commerce shall approve or disapprove the plan by written notice.

(3) RESUBMITTAL.—Within 90 days after transmittal of a resubmitted adaptation plan as a result of disapproval under paragraph (3), the Secretary of the Interior and, as applicable, the Secretary of Commerce, shall approve or disapprove the plan by written notice.

(c) CONTENTS.—A State natural resources adaptation plan shall—

(1) include a strategy for addressing the impacts of climate change and ocean acidification on terrestrial, marine, estuarine, and freshwater fish, wildlife, plants, habitats, ecosystems, wildlife health, and ecological processes, that—

(A) describes the impacts of climate change and ocean acidification on the diversity and health of the fish, wildlife and plant populations, habitats, ecosystems, and associated ecological processes;

(B) establishes programs for monitoring the impacts of climate change and ocean acidification on fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes;

(C) describes and prioritizes proposed conservation actions to assist fish, wildlife, plant populations, habitats, ecosystems, and associated ecological processes in becoming more resilient, adapting to, and better withstanding those impacts;

(D) includes strategies, specific conservation actions, and a time frame for implementing conservation actions for fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes;

(E) establishes methods for assessing the effectiveness of strategies and conservation actions taken to assist fish, wildlife, and plant populations, habitats, ecosystems, and associated ecological processes in becoming more resilient, adapt to, and better withstand the impacts of climate changes and ocean acidification and for updating those strategies and actions to respond appropriately to new information or changing conditions;

(F) is incorporated into a revision of the State wildlife action plan (also known as the State comprehensive wildlife strategy)—

(i) that has been submitted to the United States Fish and Wildlife Service; and

(ii) that has been approved by the Service or on which a decision on approval is pending; and

(G) is developed—

(i) with the participation of the State fish and wildlife agency, the State coastal agency, the State agency responsible for administration of Land and Water Conservation Fund grants, the State Forest Legacy program coordinator, and other State agencies considered appropriate by the Governor of such State; and

(ii) in coordination with the Secretary of the Interior, and where applicable, the Secretary of Commerce and other States that share jurisdiction over natural resources with the State; and

(2) include, in the case of a coastal State, a strategy for addressing the impacts of climate change and ocean acidification on the coastal zone that—

(A) identifies natural resources that are likely to be impacted by climate change and ocean acidification and describes those impacts;

(B) identifies and prioritizes continuing research and data collection needed to address those impacts including—

(i) acquisition of high resolution coastal elevation and nearshore bathymetry data;

(ii) historic shoreline position maps, erosion rates, and inventories of shoreline features and structures;

(iii) measures and models of relative rates of sea level rise or lake level changes, including effects on flooding, storm surge, inundation, and coastal geological processes;

(iv) habitat loss, including projected losses of coastal wetlands and potentials for inland migration of natural shoreline habitats;

(v) ocean and coastal species and ecosystem migrations, and changes in species population dynamics;

(vi) changes in storm frequency, intensity, or rainfall patterns;

(vii) saltwater intrusion into coastal rivers and aquifers;

(viii) changes in chemical or physical characteristics of marine and estuarine systems;

(ix) increased harmful algal blooms; and

(x) spread of invasive species;

(C) identifies and prioritizes adaptation strategies to protect, restore, and conserve natural resources to enable them to become more resilient, adapt to, and withstand the impacts of climate change and ocean acidification, including—

(i) protection, maintenance, and restoration of ecologically important coastal lands, coastal and ocean ecosystems, and species biodiversity and the establishment of habitat buffer zones, migration corridors, and climate refugia; and

(ii) improved planning, siting policies, and hazard mitigation strategies;

(D) establishes programs for the long-term monitoring of the impacts of climate change and ocean acidification on the ocean and coastal zone and to assess and adjust, when necessary, such adaptive management strategies;

(E) establishes performance measures for assessing the effectiveness of adaptation strategies intended to improve resilience and the ability of natural resources in the coastal zone to adapt to and withstand the impacts of climate change and ocean acidification and of adaptation strategies intended to minimize those impacts on the coastal zone and to update those strategies to respond to new information or changing conditions; and

(F) is developed with the participation of the State coastal agency and other appropriate State agencies and in coordination with the Secretary of Commerce and other appropriate Federal agencies.

(d) PUBLIC INPUT.—States shall provide for solicitation and consideration of public and independent scientific input in the development of their plans.

(e) COORDINATION WITH OTHER PLANS.—The State plan shall take into consideration research and information contained in, and coordinate with and integrate the goals and measures identified in, as appropriate, other natural resources conservation strategies, including—

(1) the national fish habitat action plan;

(2) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(3) the Federal, State, and local partnership known as ''Partners in Flight'';

(4) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(5) federally approved regional fishery management plants and habitat conservation activities under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the national coral reef action plan;

(7) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(8) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(9) other Federal, State, and tribal plans for imperiled species;

(10) State or tribal hazard mitigation plans;

(11) State or tribal water management plans; and

(12) other State-based strategies that comprehensively implement adaptation activities to remediate the effects of climate change and ocean acidification on terrestrial, marine, and freshwater fish, wildlife, plants, and other natural resources.

(f) UPDATING.—Each State plan shall be updated not less than every 5 years.

(g) FUNDING.—

(1) IN GENERAL.—Funds allocated to States under section 480 shall be used only for activities that are consistent with a State natural resources adaptation plan that has been approved by the Secretaries of Interior and Commerce.

(2) FUNDING PRIOR TO THE APPROVAL OF A STATE PLAN.—Until the earlier of the date that is 3 years after the date of the enactment of this subpart or the date on which a State receives approval for the State strategy, a State shall be eligible to receive funding under section 480 for adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, where appropriate, other natural resources conservation strategies; and

(B) in accordance with a workplan developed in coordination with—

(i) the Secretary of the Interior; and

(ii) the Secretary of Commerce, for any coastal State subject to the condition that coordination with the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(3) PENDING APPROVAL.—During the period for which approval by the applicable Secretary of a State plan is pending, the State may continue receiving funds under section 480 pursuant to the workplan described in paragraph (2)(B).

SEC. 480. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION FUND.

(a) ALLOCATIONS TO STATES.—100 percent of the emission allowances made available for each year to carry out this subpart shall be provided to States to carry out natural resources adaptation activities in accordance with State natural resources adaptation plans approved under section 479. Specifically—

(1) 84.4 percent shall be available to State wildlife agencies in accordance with the apportionment formula established under the second subsection (c) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c), as added by section 902(e) of H.R. 5548 as introduced in the 106th Congress and enacted into law by section 1(a)(2) of Public Law 106–553 (114 Stat. 2762A–119); and

(2) 15.6 percent shall be available to State coastal agencies pursuant to the formula established by the Secretary of Commerce under section 306(c) of the Coastal Management Act of 1972 (16 U.S.C. 1455(c)).

(b) ESTABLISHMENT OF FUND.—

(1) ESTABLISHMENT.—Subject to Subtitle F of title IV, there is hereby established in the Treasury a separate account that shall be known as the Natural Resources Climate Change Adaptation Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to Subtitle F of this title IV, there are authorized to be appropriated for subsection (c) such sums as are deposited in the Natural Resources Climate Change Fund, and the amounts appropriated for subsection (c) shall be no less than the total estimated annual deposits in the Natural Resources Climate Change Adaptation Fund.

(c) ALLOCATIONS TO FEDERAL AGENCIES.—

(1) DEPARTMENT OF THE INTERIOR.—Of the amounts made available for each fiscal year to carry out this subpart—

(A) 27.6 percent shall be allocated to the Secretary of the Interior for use in funding—

(i) natural resources adaptation activities carried out—

(I) under endangered species, migratory species, and other fish and wildlife programs administered by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Land Management;

(II) on wildlife refuges, National Park Service land, and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, or the National Park Service; or

(III) within Federal water managed by the Bureau of Reclamation and the National Park Service; and

(ii) for the implementation of the National Fish and Wildlife Habitat and Corridors Identification Program pursuant to section 481;

(B) 8.1 percent shall be allocated to the Secretary of the Interior for natural resources adaptation activities carried out under cooperative grant programs, including—

(i) the cooperative endangered species conservation fund authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535);

(ii) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iii) the Neotropical Migratory Bird Conservation Fund established by section 478(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(iv) the Coastal Program of the United States Fish and Wildlife Service;

(v) the National Fish Habitat Action Plan;

(vi) the Partners for Fish and Wildlife Program;

(vii) the Landowner Incentive Program;

(viii) the Wildlife Without Borders Program of the United States Fish and Wildlife Service; and

(ix) the Migratory Species Program and Park Flight Migratory Bird Program of the National Park Service; and

(C) 4.9 percent shall be allocated to the Secretary of the Interior to provide financial assistance to Indian tribes to carry out natural resources adaptation activities through the Tribal Wildlife Grants Program of the United States Fish and Wildlife Service and in accordance with the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450(f).

(2) LAND AND WATER CONSERVATION FUND.—

(A) DEPOSITS.—

(i) IN GENERAL.—Of the amounts made available for each fiscal year to carry out this subpart, 19.5 percent shall be deposited into the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5).

(ii) USE OF DEPOSITS.— (I) Deposits into the Land and Water Conservation Fund under this paragraph shall be supplemental to authorizations provided under section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6), which shall remain available for nonadaptation needs.

(II) There are authorized to be appropriated for activities in this subpart such sums as are deposited in the Land and Water Conservation Fund pursuant to section 480(c)(3)(A)(ii), and the amounts appropriated for this paragraph shall be no less than the total estimated annual deposits in the Land and Water Conservation Fund.

(B) ALLOCATIONS.—Of the amounts deposited under this paragraph into the Land and Water Conservation Fund—

(i) ⅙ shall be allocated to the Secretary of the Interior and made available on a competitive basis to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8)—

(I) to States in accordance with their natural resources adaptation plans, and to Indian tribes;

(II) notwithstanding section 5 of that Act (16 U.S.C. 4601–7); and

(III) in addition to any funds provided pursuant to annual appropriations Acts, the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), or any other authorization for nonadaptation needs;

(ii) ⅓ shall be allocated to the Secretary of the Interior to carry out natural resources adaptation activities through the acquisition of lands and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9);

(iii) ⅙ shall be allocated to the Secretary of Agriculture and made available to the States and Indian tribes to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Forest Legacy Program under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c); and

(iv) ⅓ shall be allocated to the Secretary of Agriculture to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(C) EXPENDITURE OF FUNDS.—In allocating funds under subparagraph (B), the Secretary of the Interior and the Secretary of Agriculture shall take into consideration factors including—

(i) the availability of non-Federal contributions from State, local, or private sources;

(ii) opportunities to protect fish and wildlife corridors or otherwise to link or consolidate fragmented habitats;

(iii) opportunities to reduce the risk of catastrophic wildfires, drought, extreme flooding, or other climate-related events that are harmful to fish and wildlife and people; and

(iv) the potential for conservation of species or habitat types at serious risk due to climate change, ocean acidification, and other stressors.

(3) FOREST SERVICE.—Of the amounts made available for each fiscal year to carry out this subpart, 8.1 percent shall be allocated to the Secretary of Agriculture for use in funding natural resources adaptation activities carried out on national forests and national grasslands under the jurisdiction of the Forest Service and for natural resource adaptation activities on state and private lands carried out under the Cooperative Forestry Assistance Act of 1978.

(4) DEPARTMENT OF COMMERCE.—Of the amounts made available for each fiscal year to carry out this subpart, 11.5 percent shall be allocated to the Secretary of Commerce for use in funding natural resources adaptation activities to protect, maintain, and restore coastal, estuarine, and marine resources, habitats, and ecosystems, including such activities carried out under—

(A) the coastal and estuarine land conservation program;

(B) the community-based restoration program;

(C) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), that are specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of climate change and ocean acidification;

(D) the Open Rivers Initiative;

(E) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(H) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(I) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.); and

(J) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.).

(5) ENVIRONMENTAL PROTECTION AGENCY.—Of the amounts made available each fiscal year to carry out this section, 12.2 percent shall be allocated to the Administrator for use in natural resources adaptation activities restoring and protecting—

(A) large-scale freshwater aquatic ecosystems, such as the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, Chattahoochee, and Flint River System, the Connecticut River, and the Yellowstone River;

(B) large-scale estuarine ecosystems, such as Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, the San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound; and

(C) freshwater and estuarine ecosystems, watersheds, and basins identified as priorities by the Administrator, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners.

(6) CORPS OF ENGINEERS.—Of the amounts made available each fiscal year to carry out this section, 8.1 percent shall be available to the Secretary of the Army for use by the Corps of Engineers to carry out natural resources adaptation activities restoring—

(A) large-scale freshwater aquatic ecosystems, such as the ecosystems described in paragraph (5)(A);

(B) large-scale estuarine ecosystems, such as the ecosystems described in paragraph (5)(B);

(C) freshwater and estuarine ecosystems, watersheds, and basins identified as priorities by the Corps of Engineers, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners; and

(D) habitats and ecosystems through the implementation of estuary habitat restoration projects authorized by the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.), project modifications for improvement of the environment, aquatic restoration and protection projects authorized by section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), and other appropriate programs and activities.

(d) USE OF FUNDS BY FEDERAL DEPARTMENTS AND AGENCIES.—Funds allocated to Federal departments and agencies under this section shall only be used for natural resources adaptation activities that are consistent with an adaptation plan developed and approved by the President under section 478.

(e) STATE COST SHARING.—Notwithstanding any other provision of law, a State that receives a grant with amounts allocated under this section shall use funds from non-Federal sources to pay at least 10 percent of the costs of each activity carried out using amounts provided under the grant.

SEC. 481. NATIONAL WILDLIFE HABITAT AND CORRIDORS INFORMATION PROGRAM.

(a) ESTABLISHMENT.—Within 6 months of the date of enactment of this subpart, the Secretary of the Interior, in cooperation with the States and Indian tribes, shall establish a National Fish and Wildlife Habitat and Corridors Information Program in accordance with the requirements of this section.

(b) PURPOSE.—The purpose of this program is to—

(1) support States and Indian tribes in the development of a geographic information system database of fish and wildlife habitat and corridors that would inform planning and development decisions within each State and Indian tribe, enable each State and Indian tribe to model climate impacts and adaptation, and provide geographically specific enhancements of State and tribal wildlife action plans;

(2) ensure the collaborative development, with the States and Indian tribes, of a comprehensive, national geographic information system database of maps, models, data, surveys, informational products, and other geospatial information regarding fish and wildlife habitat and corridors, that—

(A) is based on consistent protocols for sampling and mapping across landscapes that take into account regional differences; and

(B) that utilizes—

(i) existing and planned State- and tribal-based geographic information system databases; and

(ii) existing databases, analytical tools, metadata activities, and other information products available through the National Biological Information Infrastructure maintained by the Secretary and nongovernmental organizations; and

(3) facilitate the use of such databases by Federal, State, local, and tribal decision-makers to incorporate qualitative information on fish and wildlife habitat and corridors at the earliest possible stage to—

(A) prioritize and target natural resources adaptation strategies and activities;

(B) avoid, minimize, and mitigate the impacts on fish and wildlife habitat and corridors in siting energy development, water, transmission, transportation, and other land use projects;

(C) assess the impacts of existing development on habitats and corridors; and

(D) develop management strategies to enhance the ability of fish, wildlife, and plant species to migrate or respond to shifting habitats within existing habitats and corridors.

(c) HABITAT AND CORRIDORS INFORMATION SYSTEM.—

(1) IN GENERAL.—The Secretary, in cooperation with the States and Indian tribes, shall develop a Habitat and Corridors Information System.

(2) CONTENTS.—The System shall—

(A) include maps, data, and descriptions of fish and wildlife habitat and corridors, that—

(i) have been developed by Federal agencies, State wildlife agencies and natural heritage programs, Indian tribes, local governments, nongovernmental organizations, and industry;

(ii) meet accepted Geospatial Interoperability Framework data and metadata protocols and standards;

(B) include maps and descriptions of projected shifts in habitats and corridors of fish and wildlife species in response to climate change;

(C) assure data quality and make the data, models, and analyses included in the System available at scales useful to decision-makers—

(i) to prioritize and target natural resources adaptation strategies and activities;

(ii) to assess the impacts of proposed energy development, water, transmission, transportation, and other land use projects and avoid, minimize, and mitigate those impacts on habitats and corridors;

(iii) to assess the impacts of existing development on habitats and corridors; and

(iv) to develop management strategies to enhance the ability of fish, wildlife, and plant species to migrate or respond to shifting habitats within existing habitats and corridors;

(D) establish a process for updating maps and other information as landscapes, habitats, corridors, and wildlife populations change or as other information becomes available;

(E) encourage the development of collaborative plans by Federal and State agencies and Indian tribes to monitor and evaluate the efficacy of the System to meet the needs of decisionmakers;

(F) identify gaps in habitat and corridor information, mapping, and research that should be addressed to fully understand and assess current data and metadata, and to prioritize research and future data collection activities for use in updating the System and provide support for those activities;

(G) include mechanisms to support collaborative research, mapping, and planning of habitats and corridors by Federal and State agencies, Indian tribes, and other interested stakeholders;

(H) incorporate biological and geospatial data on species and corridors found in energy development and transmission plans, including renewable energy initiatives, transportation, and other land use plans;

(I) be based on the best scientific information available; and

(J) identify, prioritize, and describe key parcels of non-Federal land located within the boundaries of units of the National Park System, National Wildlife Refuge System,

National Forest System, or National Grassland System that are critical to maintenance of wildlife habitat and migration corridors.

(d) FINANCIAL AND OTHER SUPPORT.—The Secretary may provide support to the States and Indian tribes, including financial and technical assistance, for activities that support the development and implementation of the System.

(e) COORDINATION.—The Secretary, in cooperation with the States and Indian tribes, shall make recommendations on how the information developed in the System may be incorporated into existing relevant State and Federal plans affecting fish and wildlife, including land management plans, the State Comprehensive Wildlife Conservation Strategies, and appropriate tribal conservation plans, to ensure that they—

(1) prevent unnecessary habitat fragmentation and disruption of corridors;

(2) promote the landscape connectivity necessary to allow wildlife to move as necessary to meet biological needs, adjust to shifts in habitat, and adapt to climate change; and

(3) minimize the impacts of energy, development, water, transportation, and transmission projects and other activities expected to impact habitat and corridors.

(f) DEFINITIONS.—In this section:

(1) GEOSPATIAL INTEROPERABILITY FRAMEWORK.—The term ''Geospatial Interoperability Framework'' means the strategy utilized by the National Biological Information Infrastructure that is based upon accepted standards, specifications, and protocols adopted through the International Standards Organization, the Open Geospatial Consortium, and the Federal Geographic Data Committee, to manage, archive, integrate, analyze, and make accessible geospatial and biological data and metadata.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 482. ADDITIONAL PROVISIONS REGARDING INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this subpart is intended to amend, alter, or give priority over the Federal trust responsibility to Indian tribes.

(b) EXEMPTION FROM FOIA.—Information received by a Federal agency pursuant to this Act relating to the location, character, or ownership of human remains of a person of Indian ancestry; or resources, cultural items, uses, or activities identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature to the Indian tribe; shall not be subject to disclosure under section 552 of title 5, United States Code, if the head of the agency, in consultation with the Secretary of the Interior and an affected Indian tribe, determines that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the human remains or resources, cultural items, uses, or activities; or

(3) impede the use of a traditional religious site by practitioners.

(c) APPLICATION OF OTHER LAW.—The Secretary of the Interior may apply the provisions of Public Law 93–638 where appropriate in the implementation of this subpart.

PART 2—INTERNATIONAL CLIMATE CHANGE ADAPTATION PROGRAM

SEC. 491. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Global climate change is a potentially significant national and global security threat multiplier and is likely to exacerbate competition and conflict over agricultural, vegetative, marine, and water resources and to result in increased displacement of people, poverty, and hunger within developing countries.

(2) The strategic, social, political, economic, cultural, and environmental consequences of global climate change are likely to have disproportionate adverse impacts on developing countries, which have less economic capacity to respond to such impacts.

(3) The countries most vulnerable to climate change, due both to greater exposure to harmful impacts and to lower capacity to adapt, are developing countries with very low industrial greenhouse gas emissions that have contributed less to climate change than more affluent countries.

(4) To a much greater degree than developed countries, developing countries rely on the natural and environmental systems likely to be affected by climate change for sustenance, livelihoods, and economic growth and stability.

(5) Within developing countries there may be varying climate change adaptation and resilience needs among different communities and populations, including impoverished communities, children, women, and indigenous peoples.

(6) The consequences of global climate change, including increases in poverty and destabilization of economies and societies, are likely to pose long-term challenges to the national security, foreign policy, and economic interests of the United States.

(7) It is in the national security, foreign policy, and economic interests of the United States to recognize, plan for, and mitigate the international strategic, social, political, cultural, environmental, health, and economic effects of climate change and to assist developing countries to increase their resilience to those effects.

(8) Under Article 4 of the United Nations Framework Convention on Climate Change, developed country parties, including the United States, committed to ''assist the developing country parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects''.

(9) Under the Bali Action Plan, developed country parties to the United Nations Framework Convention on Climate Change, including the United States, committed to ''enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation,'' including, inter alia, consideration of ''improved access to adequate, predictable, and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country parties''.

(b) PURPOSES.—The purposes of this part are—

(1) to provide new and additional assistance from the United States to the most vulnerable developing countries, including the most vulnerable communities and populations therein, in order to support the development and implementation of climate change adaptation programs and activities that reduce the vulnerability and increase the resilience of communities to climate change impacts, including impacts on water availability, agricultural productivity, flood risk, coastal resources, timing of seasons, biodiversity, economic livelihoods, health and diseases, and human migration; and

(2) to provide such assistance in a manner that protects and promotes the national security, foreign policy, environmental, and economic interests of the United States to the extent such interests may be advanced by minimizing, averting, or increasing resilience to climate change impacts.

SEC. 492. DEFINITIONS.

In this part:

(1) ALLOWANCE.—The term ''allowance'' means an emission allowance established under section 721 of the Clean Air Act.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Energy and Commerce, Financial Services, and Foreign Affairs of the House of Representatives; and

(B) the Committees on Environment and Public Works and Foreign Relations of the Senate.

(3) DEVELOPING COUNTRY.—The term ''developing country'' means a country eligible to receive official development assistance according to the income guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

(4) MOST VULNERABLE DEVELOPING COUNTRIES.—The term ''most vulnerable developing countries'' means, as determined by the Administrator of USAID, developing countries that are at risk of substantial adverse impacts of climate change and have limited capacity to respond to such impacts, considering the approaches included in any international treaties and agreements.

(5) MOST VULNERABLE COMMUNITIES AND POPULATIONS.—The term ''most vulnerable communities and populations'' means communities and populations that are at risk of substantial adverse impacts of climate change and have limited capacity to respond to such impacts, including impoverished communities, children, women, and indigenous peoples.

(6) PROGRAM.—The term ''Program'' means the International Climate Change Adaptation Program established under section 493.

(7) USAID.—The term ''USAID'' means the United States Agency for International Development.

(8) UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.—The term ''United Nations Framework Convention on Climate Change'' or ''Convention'' means the United Nations Framework Convention on Climate Change done at New York on May 9, 1992, and entered into force on March 21, 1994.

SEC. 493. INTERNATIONAL CLIMATE CHANGE ADAPTATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of State, in consultation with the Administrator of USAID, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency, shall establish an International Climate Change Adaptation Program in accordance with the requirements of this part.

(b) ALLOWANCE ACCOUNT.—Allowances allocated pursuant to section 782(n) of the Clean Air Act shall be available for distribution to carry out the Program established under subsection (a).

(c) SUPPLEMENT NOT SUPPLANT.—Assistance provided under this part shall be used to supplement, and not to supplant, any other Federal, State, or local resources available to carry out activities of the type carried out under the Program.

SEC. 494. DISTRIBUTION OF ALLOWANCES.

(a) IN GENERAL.—The Secretary of State, or such other Federal agency head as the President may designate, after consultation with the Secretary of the Treasury, the Administrator of USAID, and the Administrator of the Environmental Protection Agency, shall direct the distribution of allowances to carry out the Program—

(1) in the form of bilateral assistance pursuant to the requirements under section 495;

(2) to multilateral funds or international institutions pursuant to the Convention or an agreement negotiated under the Convention; or

(3) through a combination of the mechanisms identified under paragraphs (1) and (2).

(b) LIMITATION.—

(1) CONDITIONAL DISTRIBUTION TO MULTILATERAL FUNDS OR INTERNATIONAL INSTITUTIONS.—In any fiscal year, the Secretary of

State, or such other Federal agency head as the President may designate, in consultation with the Administrator of USAID, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency, shall distribute at least 40 percent and up to 60 percent of the allowances available to carry out the Program to one or more multilateral funds or international institutions that meet the requirements of paragraph (2), if any such fund or institution exists, and shall annually certify in a report to the appropriate congressional committees that any multilateral fund or international institution receiving allowances under this section meets the requirements of paragraph (2) or that no multilateral fund or international institution that meets the requirements of paragraph (2) exists, as the case may be. The Secretary of State shall notify the appropriate congressional committees not less than 15 days prior to any transfer of allowances to a multilateral fund or international institution pursuant to this section.

(2) MULTILATERAL FUND OR INTERNATIONAL INSTITUTION ELIGIBILITY.—A multilateral fund or international institution is eligible to receive allowances available to carry out the Program—

(A) if—

(i) such fund or institution is established pursuant to—

(I) the Convention; or

(II) an agreement negotiated under the Convention; or

(ii) the allowances are directed to one or more multilateral development banks or international development institutions, pursuant to an agreement negotiated under such Convention; and

(B) if such fund or institution—

(i) specifies the terms and conditions under which the United States is to provide allowances to the fund or institution, and under which the fund or institution is to provide assistance to recipient countries;

(ii) ensures that assistance from the United States to the fund or institution and the principal and income of the fund or institution are disbursed only for purposes that are consistent with those described in section 491(b)(1);

(iii) requires a regular meeting of a governing body of the fund or institution that includes representation from countries among the most vulnerable developing countries and provides public access;

(iv) requires that local communities and indigenous peoples in areas where any activities or programs are planned are engaged through adequate disclosure of information, public participation, and consultation; and

(v) prepares and makes public an annual report that—

(I) describes the process and methodology for selecting the recipients of assistance from the fund or institution, including assessments of vulnerability;

(II) describes specific programs and activities supported by the fund or institution and the extent to which the assistance is addressing the adaptation needs of the most vulnerable developing countries, and the most vulnerable communities and populations therein;

(III) describes the performance goals for assistance authorized under the fund or institution and expresses such goals in an objective and quantifiable form, to the extent practicable;

(IV) describes the performance indicators to be used in measuring or assessing the achievement of the performance goals described in subclause (III);

(V) provides a basis for recommendations for adjustments to assistance authorized under this part to enhance the impact of such assistance; and

(VI) describes the participation of other nations and international organizations in supporting and governing the fund or institution.

(c) OVERSIGHT.—

(1) DISTRIBUTION TO MULTILATERAL FUNDS OR INTERNATIONAL INSTITUTIONS.—The Secretary of State, or such other Federal agency head as the President may designate, in consultation with the Administrator of USAID, shall oversee the distribution of allowances available to carry out the Program to a multilateral fund or international institution under subsection (b).

(2) BILATERAL ASSISTANCE.—The Administrator of USAID, in consultation with the Secretary of State, shall oversee the distribution of allowances available to carry out the Program for bilateral assistance under section 495.

SEC. 495. BILATERAL ASSISTANCE.

(a) ACTIVITIES AND FOREIGN AID.—

(1) IN GENERAL.—In order to achieve the purposes of this part, the Administrator of USAID may carry out programs and activities and distribute allowances to any private or public group (including international organizations and faith-based organizations), association, or other entity engaged in peaceful activities to—

(A) provide assistance to the most vulnerable developing countries for—

(i) the development of national or regional climate change adaptation plans, including a systematic assessment of socioeconomic vulnerabilities in order to identify the most vulnerable communities and populations;

(ii) associated national policies; and

(iii) planning, financing, and execution of adaptation programs and activities;

(B) support investments, capacity-building activities, and other assistance, to reduce vulnerability and promote community-level resilience related to climate change and its impacts in the most vulnerable developing countries, including impacts on water availability, agricultural productivity, flood risk, coastal resources, timing of seasons, biodiversity, economic livelihoods, health, human migration, or other social, economic, political, cultural, or environmental matters;

(C) support climate change adaptation research in or for the most vulnerable developing countries;

(D) reduce vulnerability and provide increased resilience to climate change for local communities and livelihoods in the most vulnerable developing countries by encouraging—

(i) the protection and rehabilitation of natural systems;

(ii) the enhancement and diversification of agricultural, fishery, and other livelihoods; and

(iii) the reduction of disaster risks;

(E) support the deployment of technologies to help the most vulnerable developing countries respond to the destabilizing impacts of climate change and encourage the identification and adoption of appropriate renewable and efficient energy technologies that are beneficial in increasing community-level resilience to the impacts of global climate change in those countries; and

(F) encourage the engagement of local communities through disclosure of information, consultation, and the communities' informed participation relating to the development of plans, programs, and activities to increase community-level resilience to climate change impacts.

(2) LIMITATIONS.—Not more than 10 percent of the allowances made available to carry out bilateral assistance under this part in any year shall be distributed to support activities in any single country.

(3) PRIORITIZING ASSISTANCE.—In providing assistance under this section, the Administrator of USAID shall give priority to countries, including the most vulnerable communities and populations therein, that are most vulnerable to the adverse impacts of climate change, determined by the likelihood and severity of such impacts and the country's capacity to adapt to such impacts.

(b) COMMUNITY ENGAGEMENT.—

(1) IN GENERAL.—The Administrator of USAID shall ensure that local communities, including the most vulnerable communities and populations therein, in areas where any programs or activities are carried out pursuant to this section are engaged in, through disclosure of information, public participation, and consultation, the design, implementation, monitoring, and evaluation of such programs and activities.

(2) CONSULTATION AND DISCLOSURE.—For each country receiving assistance under this section, the Administrator of USAID shall establish a process for consultation with, and disclosure of information to, local, national, and international stakeholders regarding any programs and activities carried out pursuant to this section.

(c) COORDINATION.—

(1) ALIGNMENT OF ACTIVITIES.—Subject to the direction of the President and the Secretary of State, the Administrator of USAID shall, to the extent practicable, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

(2) COORDINATION OF ACTIVITIES.—The Administrator of USAID shall ensure that there is coordination among the activities under this section, subtitle D of this title, and part E of title VII of the Clean Air Act, in order to maximize the effectiveness of United States assistance to developing countries.

(d) REPORTING.—

(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this part, the Administrator of USAID, in consultation with the Secretary of State, shall submit to the President and the appropriate congressional committees an initial report that—

(A) based on the most recent information available from reliable public sources or knowledge obtained by USAID on a reliable basis, as determined by the Administrator of USAID, identifies the developing countries, including the most vulnerable communities and populations therein, that are most vulnerable to climate change impacts and in which assistance may have the greatest and most sustainable benefit in reducing vulnerability to climate change; and

(B) describes the process and methodology for selecting the recipients of assistance under subsection (a)(1).

(2) ANNUAL REPORTS.—Not later than 18 months after the date on which the initial report is submitted pursuant to paragraph (1), and annually thereafter, the Administrator of USAID, in consultation with the Secretary of State, shall submit to the President and the appropriate congressional committees a report that—

(A) describes the extent to which global climate change, through its potential negative impacts on sensitive populations and natural resources in the most vulnerable developing countries, may threaten, cause, or exacerbate political, economic, environmental, cultural, or social instability or international conflict in those regions;

(B) describes the ramifications of any potentially destabilizing impacts climate change may have on the national security, foreign policy, and economic interests of the United States, including—

(i) the creation of environmental migrants and internally displaced peoples;

(ii) international or internal armed conflicts over water, food, land, or other resources;

(iii) loss of agricultural and other livelihoods, cultural stability, and other causes of increased poverty and economic destabilization;

(iv) decline in availability of resources needed for survival, including water;

(v) increased impact of natural disasters (including droughts, flooding, and other severe weather events);

(vi) increased prevalence or virulence of climate-related diseases; and

(vii) intensified urban migration;

(C) describes how allowances available under this section were distributed during the previous fiscal year to enhance the national security, foreign policy, and economic interests of the United States and assist in avoiding the economically, politically, environmentally, culturally, and socially destabilizing impacts of climate change in most vulnerable developing countries;

(D) identifies and recommends the developing countries, including the most vulnerable communities and populations therein, that are most vulnerable to climate change impacts and in which assistance may have the greatest and most sustainable benefit in reducing vulnerability to climate change, including in the form of deploying technologies, investments, capacity-building activities, and other types of assistance for adaptation to climate change impacts and approaches to reduce greenhouse gases in ways that may also provide community-level resilience to climate change impacts; and

(E) describes cooperation undertaken with other nations and international organizations to carry out this part.

(e) MONITORING AND EVALUATION.—

(1) IN GENERAL.—The Administrator of USAID shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this section in order to maximize the long-term sustainable development impact of such assistance, including the extent to which such assistance is meeting the purposes of this part and addressing the adaptation needs of developing countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator of USAID shall—

(A) in consultation with national governments in recipient countries, establish performance goals for assistance authorized under this section and express such goals in an objective and quantifiable form, to the extent practicable;

(B) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in subparagraph (A), including an evaluation of—

(i) the extent to which assistance under this section provided for disclosure of information to, consultation with, and informed participation by local communities;

(ii) the extent to which local communities participated in the design, implementation, and evaluation of programs and activities implemented pursuant to this section; and

(iii) the impacts of such participation on the goals and objectives of the programs and activities implemented under this section;

(C) provide a basis for recommendations for adjustments to assistance authorized under this section to enhance the impact of such assistance; and

(D) include, in the annual report to the appropriate congressional committees and other relevant agencies required under subsection (d)(2), findings resulting from the monitoring and evaluation of programs and activities under this section.

Subtitle F—Deficit Neutral Budgetary Treatment

SEC. 496. DEFICIT NEUTRALITY.

(a) FUNDS ESTABLISHED.—Funds established under sections 422, 467, and 480 of this Act are to be treated as separate accounts in the Treasury and shall be known as ''the Funds''.

(b) AVAILABILITY.—Funds appropriated or made available pursuant to sections 422(b), 467(b), and 480(b)(2) are only available for the purposes set forth under this Act. Receipts in the Funds and appropriations therefrom shall not be available and are precluded from obligation for any other purpose.

(c) ESTIMATION OF BUDGETARY IMPACT.—For the purposes of estimating the revenue and spending effects of this Act;

(1) the revenue assumed to be deposited into the Funds established under sections 422, 467, and 480, shall be attributed to this Act; and

(2) the authorization or availability of appropriations from the Funds shall be treated as new direct spending and attributed to this Act.

(d) BUDGETARY TREATMENT.—For the purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Funds, and amounts subsequently appropriated or made available for the purposes for which such Funds were established, shall be deemed to be included on the list of appropriations referenced under section 250(c)(17) of that Act. Such appropriations from each Fund shall not be in excess of the amounts deposited into the respective Fund in the previous year.

TITLE V—AGRICULTURAL AND FORESTRY RELATED OFFSETS

Subtitle A—Offset Credit Program From Domestic Agricultural and Forestry Sources

SEC. 501. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) ADDITIONAL.—The term ''additional'', when used with respect to reductions or avoidance of greenhouse gas emissions, or to sequestration of greenhouse gases, means reductions, avoidance, or sequestration that result in a lower level of net greenhouse gas emissions or atmospheric concentrations than would occur in the absence of an offset project.

(2) ADDITIONALITY.—The term ''additionality'' means the extent to which reductions or avoidance of greenhouse gas emissions, or sequestration of greenhouse gases, are additional.

(3) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(4) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee established under section 1245(f) of the Food Security Act of 1985 (16 U.S.C. 3845).

(5) GREENHOUSE GAS.—The term ''greenhouse gas'' means any of the following:

(A) Carbon dioxide.

(B) Methane.

(C) Nitrous oxide.

(D) Sulfur hexafluoride.

(E) Hydrofluorocarbons from a chemical manufacturing process at an industrial stationary source.

(F) Any perfluorocarbon.

(G) Nitrogen trifluoride.

(H) Any other anthropogenic gas designated as a greenhouse gas by the Administrator.

(6) LEAKAGE.—The term ''leakage'' means a significant and quantifiable increase in greenhouse gas emissions, or a significant and quantifiable decrease in sequestration, which is caused by an offset practice and occurs outside the boundaries of the offset practice.

(7) OFFSET CREDIT.—The term ''offset credit'' means a tradeable compliance instrument that—

(A) represents the reduction, avoidance, or sequestration of 1 ton of carbon dioxide equivalent; and

(B) is issued pursuant to this title.

(8) OFFSET PRACTICE.—The term ''offset practice'' means an activity that reduces, avoids, or sequesters greenhouse gas emissions, and for which offset credits may be issued pursuant to this title.

(9) OFFSET PRODUCER.—The term ''offset producer'' means an owner, operator, landlord, tenant, or sharecropper who has or shares responsibility for ensuring that an offset practice is established and maintained during the crediting period for purposes of an offset credit.

(10) OFFSET PROJECT.—The term ''offset project'' means a practice or set of practices that reduce or avoid greenhouse gas emissions, or sequester greenhouse gases as implemented by an offset producer.

(11) OFFSET PROJECT DEVELOPER.—The term ''offset project developer'' means the offset producer or designee of the offset producer.

(12) PRACTICE TYPE.—The term ''practice type'' means a discrete category of offset practices for which the Secretary develops a standardized methodology to accurately estimate the amount of greenhouse gas emissions reduced or avoided or greenhouse gases sequestered.

(13) REVERSAL.—The term ''reversal'' means an intentional or unintentional loss of sequestered greenhouse gases to the atmosphere.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) SEQUESTRATION AND SEQUESTERED.—The terms ''sequestered'' and ''sequestration'' mean the separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Secretary. The terms include biological sequestration, but do not include ocean fertilization techniques.

(16) TERM OFFSET CREDIT.—The term ''term offset credit'' means a compliance instrument authorized under section 504(d).

(b) AGRICULTURAL AND FORESTRY EXCEPTION TO DEFINITION OF CAPPED SECTOR.—For purposes of this title and title III of this Act, and amendments made by such titles, the term ''capped sector'' means a sector of economic activity that directly emits capped emissions, including the industrial sector, the electricity generation sector, the transportation sector, and the residential and commercial sectors (to the extent they burn oil or natural gas), but not including the agricultural or forestry sectors.

SEC. 502. ESTABLISHMENT OF OFFSET CREDIT PROGRAM FROM DOMESTIC AGRICULTURAL AND FORESTRY SOURCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this title, the Secretary shall establish a program governing the generation of offset credits from domestic agricultural and forestry sources.

(b) REQUIREMENTS.—The program described in subsection (a) shall—

(1) ensure that offset credits represent verifiable and additional greenhouse gas emission reductions or avoidance, or increases in sequestration; and

(2) ensure that offset credits issued for sequestration offset projects are only issued for greenhouse gas reductions that result in a permanent net reduction in atmospheric greenhouse gases.

(c) DUTIES OF SECRETARY.—In addition to the duties described in subsection (a) and section 1245 of the Food Security Act of 1985 (16 U.S.C. 3845), the Secretary shall, with respect to practices relating to offset credits from agricultural and forestry sources—

(1) establish by rule methodologies by practice types for quantifying greenhouse gas benefits;

(2) establish by rule methodologies for each practice type for establishing activity baselines and determining additionality;

(3) establish by rule methodologies by practice types for accounting for and mitigating potential leakage;

(4) establish rules to account for and address reversals;

(5) establish rules to require third-party verification;

(6) provide technical assistance to offset project developers using funds appropriated to the Conservation Operations account;

(7) establish rules for approval of offset project plans;

(8) establish rules for certification of implementation of offset project plans;

(9) establish by rule requirements for reporting and record keeping; and

(10) conduct audits.

SEC. 503. LIST OF ELIGIBLE DOMESTIC AGRICULTURAL AND FORESTRY OFFSET PRACTICE TYPES.

(a) LIST REQUIRED.—

(1) PREPARATION AND PUBLICATION.—Not later than 1 year after the date of enactment of this title, the Secretary shall prepare and publish in the Federal Register a list of domestic agricultural and forestry practice types that are eligible to generate offset credits under this title because the practices avoid or reduce greenhouse gas emissions or sequester greenhouse gases.

(2) RECOMMENDATIONS.—In preparing the list under paragraph (1), the Secretary shall take into consideration the recommendations of the Advisory Committee.

(b) INITIAL LIST.—At a minimum, the list prepared under this section shall include those practices that avoid or reduce greenhouse gas emissions or sequester greenhouse gases, such as—

(1) agricultural, grassland, and rangeland sequestration and management practices, including—

(A) altered tillage practices;

(B) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(C) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(D) reduction in the frequency and duration of flooding of rice paddies;

(E) reduction in carbon emissions from organic soils;

(F) reduction in greenhouse gas emissions from manure and effluent; and

(G) reduction in greenhouse gas emissions due to changes in animal management practices, including dietary modifications;

(2) changes in carbon stocks attributed to land use change and forestry activities, including—

(A) afforestation or reforestation of acreage that is not forested;

(B) forest management resulting in an increase in forest carbon stores including but not limited to harvested wood products;

(C) management of peatland or wetland;

(D) conservation of grassland and forested land;

(E) improved forest management, including accounting for carbon stored in wood products;

(F) reduced deforestation or avoided forest conversion;

(G) urban tree-planting and maintenance;

(H) agroforestry; and

(I) adaptation of plant traits or new technologies that increase sequestration by forests; and

(3) manure management and disposal, including—

(A) waste aeration;

(B) biogas capture and combustion; and

(C) application to fields as a substitute for commercial fertilizer.

(c) ADDITIONS AND REVISIONS TO LIST.—

(1) PERIODIC REVISION.—Not later than 2 years after the date of enactment of this title, and every 2 years thereafter, the Secretary, after public notice and opportunity for comment, shall add to and revise the types of offset practices to the list established under subsection (a) if those types of practices meet the standards for environmental integrity that are consistent with the purposes of this title.

(2) CONSIDERATION OF PETITIONS.—The Secretary shall—

(A) consider petitions to add types of offset practices to the list established under subsection (a); and

(B) add those types of offset practices to the list if the types of offset practices meet standards for environmental integrity consistent with the purposes of this title.

(3) TIME FOR CONSIDERATION OF PETITIONS.—Not later than 1 year after the receipt of a petition under paragraph (2), the Secretary shall make a decision to either grant or deny the petition and publish a written explanation of the reasons for the Secretary's decision. The Secretary may not deny a petition under this subsection on the basis of inadequate Department of Agriculture resources at the time of the review.

SEC. 504. REQUIREMENTS FOR DOMESTIC AGRICULTURAL AND FORESTRY PRACTICES.

(a) METHODOLOGIES.—

(1) IN GENERAL; CONDITION.—In promulgating regulations under section 502, the Secretary shall establish methodologies for domestic agricultural and forestry practices listed under section 503, if the Secretary determines that methodologies can be established for such practices that meet each of the requirements of this section. The Secretary shall only issue offset credits under this title pursuant to promulgated methodologies applicable to the offset practice that avoided or reduced greenhouse gas emissions or sequestered greenhouse gases.

(2) SPECIFIED METHODOLOGIES.—The Secretary shall establish the following methodologies under this section:

(A) ACTIVITY BASELINES.—A standardized methodology for establishing activity baselines for an offset practice of that type. The Secretary shall set activity baselines to reflect a conservative estimate of performance or activities for the relevant type of practice (excluding changes in performance or activities due to the availability of offset credits) such that the baseline provides an adequate margin of safety to ensure the environmental integrity of offset credits calculated in reference to such baseline.

(B) ADDITIONALITY.—A standardized methodology for determining the additionality of greenhouse gas emissions reduction or avoidance, or greenhouse gas sequestration, achieved by an offset practice of that type. Such methodology shall ensure, at a minimum, that any greenhouse gas emission reduction or avoidance, or any greenhouse gas sequestration, is considered additional only to the extent that it results from activities that—

(i) are not required by existing government regulations, as determined by the Secretary;

(ii) were not commenced prior to January 1, 2009, except in the case of—

(I) offset project activities that commenced after January 1, 2001, and were registered as of the date of enactment of this title under an offset program with respect to which an affirmative determination has been made under section 740 of the Clean Air Act; or

(II) activities that are readily reversible, with respect to which the Secretary may set an alternative earlier date under this subparagraph that is not earlier than January 1, 2001, where the Secretary determines that setting such an alternative date may produce an environmental benefit by removing an incentive to cease and then reinitiate activities that began prior to January 1, 2009; and

(iii) exceed the applicable activity baseline established under paragraph (2).

(C) QUANTIFICATION METHODS.—A standardized methodology for determining the extent to which greenhouse gas emission reductions or avoidance, or greenhouse gas sequestration, achieved by an offset practice of that type exceeded a relevant activity baseline, including methods for monitoring and accounting for uncertainty.

(D) LEAKAGE.—A standardized methodology for accounting for and mitigating potential leakage, if any, from an offset practice of that type, taking uncertainty into account, excluding international indirect land use changes unless a positive determination is made under section 211(o)(13)(C)(iii) of the Clean Air Act.

(b) SPECIAL CONSIDERATIONS.—

(1) EXISTING OFFSET PRACTICES.—In establishing the methodologies under subsection (a), the Secretary shall give due consideration to methodologies for offset practices existing as of the date of the enactment of this title.

(2) CERTAIN FACTORS.—As part of the methodologies established under subsection (a), the Secretary shall establish a formula that takes into account the components of the practice, the characteristics of the land on which the practice is applied, the crop produced, and such other factors as determined appropriate by the Secretary.

(c) ACCOUNTING FOR REVERSALS.—

(1) IN GENERAL.—Except as provided in subsection (d) with respect to issuance of a term offset credit, for each type of practice listed under section 503, the Secretary shall establish requirements to account for and address reversals, including—

(A) a requirement to report any reversal with respect to an offset practice for which offset credits have been issued under this title;

(B) provisions to require emission allowances or offset credits to be held in amounts to fully compensate for greenhouse gas emissions attributable to reversals, and to assign responsibility for holding such emission allowances; and

(C) any other provisions that the Secretary determines to be necessary to account for and address reversals.

(2) MECHANISMS.—

(A) IN GENERAL.—The Secretary shall prescribe mechanisms to ensure that any sequestration of greenhouse gases, with respect to which an offset credit is issued under this title, results in a permanent net increase in sequestration of greenhouse gases, and that full account is taken of any actual or potential reversal of such sequestration, with an adequate margin of safety.

(B) SPECIFIC MECHANISMS.—The Secretary shall make available one or more of the following mechanisms to meet the requirements of this paragraph:

(i) An offsets reserve, pursuant to paragraph (3).

(ii) Insurance that provides for purchase and provision to the Secretary for retirement of a quantity of offset credits or emission allowances equal in number to the tons of carbon dioxide equivalents of greenhouse gas emissions released due to reversal.

(iii) Another mechanism if the Secretary determines it is necessary to satisfy the requirements of this title, taking into account whether the reversal was intentional or unintentional.

(3) OFFSETS RESERVE.—

(A) IN GENERAL.—An offsets reserve referred to in paragraph (2)(B)(i) is a program under which, before issuance of offset credits under this title, the Secretary shall—

(i) subtract and reserve from the quantity to be issued a quantity of offset credits based on the risk of reversal;

(ii) hold those reserved offset credits in the offsets reserve; and

(iii) register the holding of the reserved offset credits in an offset registry.

(B) PRACTICE REVERSAL.—

(i) IN GENERAL.—If a reversal has occurred with respect to an offset practice within an offset project, for which offset credits are reserved under this paragraph, the Secretary shall retire offset credits from the offsets reserve to fully account for the tons of carbon dioxide equivalent that are no longer sequestered.

(ii) INTENTIONAL REVERSALS.—If the Secretary determines that a reversal was intentional, the offset practice developer for the relevant offset practice shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to the number of reserve offset credits that were retired pursuant to clause (i).

(iii) UNINTENTIONAL REVERSALS.—If the Secretary determines that a reversal was unintentional, the offset project developer for the relevant offset project shall place into the offsets reserve a quantity of offset credits, or combination of offset credits and emission allowances, equal in number to half the number of offset credits that were reserved for that offset project, or half the number of reserve offset credits that were canceled due to the reversal pursuant to clause (i), whichever is less, except that the Secretary may lower this amount based on undue hardship in the event of a catastrophic occurrence.

(C) USE OF RESERVED OFFSET CREDITS.—Offset credits placed into the offsets reserve under this paragraph may not be used to comply with section 722 of the Clean Air Act.

(d) TERM OFFSET CREDITS.—

(1) APPLICABILITY.—With respect to a practice listed under section 503 that sequesters greenhouse gases and has a crediting period of no more than five years, the Secretary may address reversals pursuant to this subsection in lieu of permanently accounting for reversals pursuant to subsection (c).

(2) ACCOUNTING FOR REVERSALS.—For such practices or projects implementing such practices, the Secretary shall require only reversals that occur during the crediting period to be accounted for and addressed pursuant to subsection (c).

(3) CREDITS ISSUED.—For practices or projects regulated pursuant to paragraph (2), the Secretary shall issue under section 507 a term offset credit, in lieu of an offset credit, for each ton of carbon dioxide equivalent that has been sequestered.

(e) CREDITING PERIODS.—

(1) IN GENERAL.—For each offset practice type within an offset project, the Secretary shall specify a crediting period, and establish provisions for reenrollment for a subsequent crediting period, in accordance with this subsection.

(2) DURATION.—The crediting period shall have a term of up to—

(A) 5 years for agricultural sequestration practices;

(B) 20 years for forestry sequestration practices; and

(C) 10 years for other practice types that reduce or avoid greenhouse gas emissions or sequester greenhouse gases.

(3) ELIGIBILITY.—An offset practice, within an offset project, shall—

(A) be eligible to generate offset credits under this title only during the crediting period of the offset practice; and

(B) remain eligible to generate offset credits, only during the crediting period, subject to the methodologies and practice type eligibility list that applied as of the date of the project approval.

(4) REENROLLMENT FOR SUBSEQUENT CREDITING PERIOD.—

(A) REENROLLMENT AUTHORIZED; TIME FOR REENROLLMENT.—An offset project developer may reenroll for a subsequent crediting period, to commence after termination of the current crediting period, subject to the methodologies and practice type eligibility list in effect at the time of reenrollment. Reenrollment may not occur more than 18 months before the end of the crediting period then in effect.

(B) LIMITATION.—The Secretary may limit the number of subsequent crediting periods available for a particular practice type.

(f) ENVIRONMENTAL INTEGRITY.—In establishing the requirements under this section, the Secretary shall apply conservative assumptions or methods to ensure the environmental integrity of the cap established under section 703 of the Clean Air Act is not compromised.

SEC. 505. PROJECT PLAN SUBMISSION AND APPROVAL.

(a) PROJECT PLAN REQUIRED.—An offset project developer shall submit to the Secretary an offset project plan for approval.

(b) REQUIREMENTS.—As part of the regulations promulgated under this title, the Secretary shall include provisions for, and shall specify, the required components of an offset project plan, including—

(1) designation of an offset project developer;

(2) a list and schedule of the practices to be implemented;

(3) any other information that the Secretary considers to be necessary—

(A) to determine whether the offset practice, within the offset project, is eligible for issuance of offset credits under regulations promulgated under this title; and

(B) to achieve the purposes of this title.

(c) TIME FOR CONSIDERATION; NOTIFICATION.—Not later than 90 days after receiving a complete offset project plan under subsection (a), the Secretary shall—

(1) approve the plan in writing and include an estimate of the offset project credits that will be earned if the plan is implemented, subject to verification of all project-specific variables; or

(2) if the plan is denied, provide the reasons for denial in writing.

(d) APPEAL.—The Secretary shall establish procedures for appeal and review of determinations made under this section.

(e) RESUBMISSION.—After an offset project plan is approved, the offset project developer shall not be required to resubmit a project plan during the crediting period.

SEC. 506. VERIFICATION OF OFFSET PRACTICES.

(a) IN GENERAL.—As part of the regulations promulgated under this title, the Secretary shall establish requirements to verify—

(1) that offset practices in an approved offset project plan have been implemented; and

(2) the quantity of greenhouse gas emission reductions or avoidance, or sequestration of greenhouse gases, resulting from an offset practice and project.

(b) VERIFICATION REPORTS.—

(1) IN GENERAL.—The regulations described in subsection (a) shall require an offset project developer to submit a report, prepared by a third-party verifier accredited under subsection (c).

(2) REQUIREMENTS.—The Secretary shall specify the components of a verification report required under paragraph (1), including—

(A) the name and contact information for the offset project developer;

(B) a certification that the project plan has been implemented;

(C) the quantity of greenhouse gases reduced, avoided, or sequestered;

(D) a certification establishing that the conflict of interest requirements in the regulations promulgated under this title have been complied with;

(E) any other information that the Secretary requires to determine the quantity of greenhouse gas emission reduction or avoidance, or sequestration of greenhouse gases, resulting from the offset practice and project; and

(F) any other information that the Secretary considers to be necessary to achieve the purposes of this title.

(c) VERIFIER ACCREDITATION.—

(1) IN GENERAL.—As part of the regulations promulgated under this title, the Secretary shall establish a process and requirements for periodic accreditation of third-party verifiers for offset credits under this program to ensure that those verifiers are professionally qualified and have no conflicts of interest.

(2) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this subsection shall be listed in a publicly accessible database, which shall be maintained and updated by the Secretary.

SEC. 507. CERTIFICATION OF OFFSET CREDITS.

(a) DETERMINATION AND NOTIFICATION.—Not later than 90 days after receiving a complete verification report, the Secretary shall—

(1) make a determination of the quantity of greenhouse gas emissions that have been reduced or avoided, or greenhouse gases that have been sequestered, by the offset practice in an approved and verified offset project plan; and

(2) notify the offset project developer in writing of the determination.

(b) ISSUANCE OF OFFSET CREDITS.—The Secretary shall issue 1 offset credit to an offset project developer for each ton of carbon dioxide equivalent that the Secretary determines has been reduced, avoided, or sequestered during the crediting period. Offset credits may be issued only for greenhouse gas emissions reduced, avoided, or sequestered after January 1, 2009.

(c) APPEAL.—The Secretary shall establish procedures for appeal and review of determinations made under subsection (a).

(d) TIMING.—Offset credits meeting the criteria described in subsection (b) shall be issued by the Secretary not later than 14 days after the date on which the Secretary makes a determination under subsection (a).

(e) REGISTRATION.—The Secretary shall obtain from the Administrator a unique serial number to allow for the registration of each offset credit to be issued under this title.

SEC. 508. OWNERSHIP AND TRANSFER OF OFFSET CREDITS.

(a) OWNERSHIP.—Initial ownership of an offset credit shall lie with the offset project developer, unless otherwise specified in a legally binding contract or agreement.

(b) TRANSFERABILITY.—An offset credit issued under this title may be sold, traded, or transferred, unless the offset credit has expired or been retired.

SEC. 509. PROGRAM REVIEW AND REVISION.

At least once every 5 years, the Secretary shall review and, based on new or updated information and taking into consideration the recommendations of the Advisory Board, update and revise—

(1) the list of eligible practice types established under section 503;

(2) the methodologies established, including specific activity baselines, under section 504(a);

(3) the reversal requirements and mechanisms established or prescribed under subsections (c) and (d) of section 504;

(4) measures to improve the accountability of the offsets program; and

(5) any other requirements established under this title to ensure the environmental integrity and effective operation of this title.

SEC. 510. ENVIRONMENTAL CONSIDERATIONS.

If the Secretary lists forestry practices as eligible offset practice types under section 503, the Secretary, in consultation with appropriate Federal agencies, shall promulgate regulations for the selection and use of species in forestry and other relevant land management-related offset practices—

(1) to ensure that native species are given primary consideration in such practices;

(2) to encourage the conservation of biological diversity in such practices;

(3) to prohibit the use of federally designated or State-designated noxious weeds;

(4) to prohibit the use of a species listed by a regional or State invasive plant authority within the applicable region or State; and

(5) in accordance with widely accepted, environmentally sustainable forestry practices.

SEC. 511. AUDITS.

(a) AUDITS REQUIRED.—The Secretary shall conduct, on an annual basis, random audits of offset projects, offset credits, and the practices of third-party verifiers. At a minimum, the Secretary shall conduct audits each year for a representative sample of practice types and geographical areas.

(b) ADDITIONAL AUTHORITY.—Nothing in this section prevents the Secretary from conducting any audit the Secretary considers to be necessary.

Subtitle B—USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee

SEC. 531. ESTABLISHMENT OF USDA GREENHOUSE GAS EMISSION REDUCTION AND SEQUESTRATION ADVISORY COMMITTEE.

Section 1245 of the Food Security Act of 1985 (16 U.S.C. 3854), as added by section 2709 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1809), is amended by adding at the end the following new subsection:

''(f) USDA GREENHOUSE GAS EMISSION REDUCTION AND SEQUESTRATION ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of the American Clean Energy and Security Act of 2009, the Secretary shall establish an independent advisory committee, to be known as the 'USDA Greenhouse Gas Emission Reduction and Sequestration Advisory Committee', to provide scientific and technical advice on establishing, implementing, and ensuring the overall environmental integrity of an offset program for domestic agricultural and forestry practices that reduce or avoid greenhouse gas emissions, or sequester greenhouse gases.

''(2) MEMBERSHIP.—The Advisory Committee shall be comprised of nine members, including a chairperson and vice-chairperson, appointed by the Secretary. Each member shall be qualified by education, training, and experience to evaluate scientific and technical information for domestic agricultural and forestry offset practices that reduce or avoid greenhouse gas emissions or sequester greenhouse gases.

''(3) TERMS.—Terms shall be 3 years in length, except for the initial terms, which may be up to 5 years in length to allow staggered terms. Members may be reappointed only once for an additional 3-year term, and such term may follow directly after a first term.

''(4) DUTIES.—The Advisory Committee shall—

''(A) provide options and recommendations, not later than 180 days after the date of the enactment of the American Clean Energy and Security Act of 2009, to the Secretary regarding the establishment of methodologies as described in section 504 of such Act, taking into account relevant scientific information, including—

''(i) the availability of representative data for use in developing an activity baseline for a land area, forest, soil, industry sector, and facility type;

''(ii) the potential for accurate quanitification of greenhouse gas reduction, or sequestration for an offset practice type;

''(iii) the potential level of scientific and measurement uncertainty associated with an offset practice type; and

''(iv) the use of practice methodologies that account for common practice or other direct comparisons within a relevant land area, industry sector, forest, soil, or facility type;

''(B) make available to the Secretary options and recommendations for the program as a whole and on offset methodologies for each practice type that should be considered under regulations promulgated pursuant to section 504 of the American Clean Energy and Security Act of 2009, including methodologies to address the issues of additionality, activity baselines, measurement, leakage, including the application of sector specific leakage factors, uncertainty, permanence, and environmental integrity;

''(C) make available to the Secretary advice and comment on areas where further knowledge is required to appraise the adequacy of existing, revised, or proposed methodologies and describe the research efforts necessary to provide the required information;

''(D) make available to the Secretary advice and comments on other ways to improve or safeguard the environmental integrity of the offset practice types listed under section 503 of the American Clean Energy and Security Act of 2009; and

''(E) provide options and recommendations regarding new practice types.

''(5) SCIENTIFIC REVIEW OF OFFSET PROGRAM.—Not later than January 1, 2017, and at 5-year intervals thereafter, the Advisory Committee shall—

''(A) submit to the Secretary and make available to the public an analysis of relevant scientific and technical information regarding agricultural and forestry offset practices that reduce or avoid greenhouse gas emissions or sequester greenhouse gases;

''(B) review approved and potential practice types, methodologies, scientific studies, offset project monitoring, offset project verification reports, reporting of reversals, audits related to the offset program, and other relevant information needed to evaluate the offset program;

''(C) evaluate the net emission effects of implemented offset projects; and

''(D) recommend changes to offset methodologies, procedures, practice types, or the overall program to ensure that—

''(i) the offset practices result in reduced or avoided greenhouse gas emissions or sequestration of greenhouse gases;

''(ii) the offset credits issued by the Secretary do not compromise the integrity of the annual emissions reductions established under section 703 of the Clean Air Act; and

''(iii) the offset program avoids or minimizes adverse affects to human health and the environment.

''(6) COORDINATION.—To avoid duplication, the Advisory Committee shall coordinate its activities with those of any other Federal advisory committees working in related areas, and shall to the maximum extent possible use research data and services of the research, education, extension agencies of the Department of Agriculture.

''(7) CONSULTATION.—On a periodic basis, the Advisory Committee shall consult with, and be informed by the views of, the Offsets Integrity Advisory Board established under section 731 of the Clean Air Act.

''(8) MEETING.—The Advisory Committee shall meet on at least a quarterly basis each year.

''(9) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary may provide such administrative and funding support as necessary to enable the Advisory Committee to carry out its duties under this section.

''(10) REPORT.—For each fiscal year, the Secretary shall submit to Congress a report on—

''(A) the status and progress on the offset practices;

''(B) the general status of cooperation and research and development; and

''(C) the plans for addressing future issues and concerns.''.

Subtitle C—Miscellaneous

SEC. 551. INTERNATIONAL INDIRECT LAND USE CHANGES.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following

''(13) INTERNATIONAL INDIRECT LAND USE CHANGES.—

''(A) EXCLUSION FROM REGULATORY REQUIREMENTS REGARDING LIFECYCLE GREENHOUSE GAS EMISSIONS.—Notwithstanding the definition of 'lifecycle greenhouse gas emissions' in paragraph (1)(H), for purposes of determining whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i), the Administrator shall exclude emissions from indirect land use changes outside the renewable fuel's feedstock's country of origin.

''(B) NATIONAL ACADEMIES OF SCIENCE REPORT.—(i) Not later than 6 months after the date of enactment of this paragraph, the Administrator and the Secretary of Agriculture shall jointly arrange for the National Academies of Science to review and report on specified issues related to indirect greenhouse gas emissions related to transportation fuels.

''(ii) The report shall evaluate and report on whether there are economic and environmental models and methodologies that individually, or as a system, can project with reliability, predictability, and confidence—

''(I) for purposes of determining whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i), indirect land use changes that are related to the production of renewable fuels and that may occur outside the country in which the feedstocks are grown, and the impacts of these changes on greenhouse gas emissions; and

''(II) indirect effects, both domestic and international, related to the production and importation of non-renewable transportation fuels that have significant greenhouse gas emissions, and the impact of these effects on greenhouse gas emissions.

''(iii) The report shall include a review and assessment of all pertinent scientific studies, methodologies and data, shall evaluate potential methodologies for calculating such emissions (including an evaluation of methods for annualizing emissions associated with forest degradation or land conversion), and shall make appropriate recommendations. The recommendations shall address indirect effects, both domestic and international, related to the production and importation of non-renewable transportation fuels that have significant greenhouse gas emissions. The report shall use appropriate validation procedures, including sensitivity analyses, of how results change as assumptions change. The evaluation shall include for a model, a methodology, or a system of models—

''(I) an assessment of how reliably the models, methodologies, or systems track actual outcomes over historical periods using available historical data; and

''(II) an assessment of how reliably the models, methodologies or systems will project future outcomes.

''(iv) The report shall be publicly available and shall include sufficient information and data such that economists and other scientists with relevant expertise that are not on the National Academies of Science panel can fully evaluate the conclusions of the report.

''(v) The report shall be completed within three years of the date of enactment of this paragraph.

''(C) DETERMINATION.—(i) The Administrator and the Secretary of Agriculture shall, after notice and an opportunity for public comment, determine whether, for purposes of determining compliance with the percent reductions in lifecycle greenhouse gas emissions specified in paragraph (1) for various renewable fuels, scientifically valid models and methodologies exist to project indirect land use changes that are related to the production of renewable fuels and that occur outside the country in which the feedstocks are grown, and the impact of these changes on greenhouse gas emissions.

''(ii) The determination shall take into account the findings and recommendations of the report required under subparagraph (B), as well as other available scientific, economic, and other relevant information. The Administrator and the Secretary may also consider methods used by the Environmental Protection Agency, the Department of Agriculture, and other Federal agencies to assess or guide their related policies.

''(iii) The Administrator and the Secretary of Agriculture shall publish a proposed determination not later than 4 years after date of enactment of this paragraph, and shall publish a final determination not later than 5 years after date of enactment of this paragraph. An explanation and justification of the determination shall be included in the proposed and final actions, together with a response to comments received.

''(D) RESPONSE TO DETERMINATION.—(i) In the event of a positive determination under subparagraph (C), the Administrator and the Secretary of Agriculture shall, after notice and an opportunity for public comment, by the same date jointly establish a methodology (or methodologies) to calculate greenhouse gas emissions from indirect land use changes that are attributable to the production of renewable fuels and that occur outside the country in which feedstocks are grown for purposes of calculating a renewable fuel's lifecycle greenhouse gas emissions to determine whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i). The exclusion in subparagraph (A) shall end, and the Administrator shall issue a regulation by the same date that shall include emissions from indirect land use changes outside the renewable fuel's feedstock's country of origin for purposes of calculating a renewable fuel's lifecycle greenhouse gas emissions to determine whether the fuel meets a definition in paragraph (1) or complies with paragraph (2)(A)(i) for renewable fuels sold in the calendar year following the year of the positive determination. The effective date of the regulation shall be six years after the date of enactment of this paragraph.

''(ii) A negative determination under subparagraph (C) shall include a statement of the basis for the determination.

''(E) ACCOUNTABILITY.—The joint duties and actions of the Administrator and the Secretary of Agriculture shall be subject to sections 304 and 307 of this Act as if they were the duties and actions of the Administrator alone.''.

SEC. 552. BIOMASS-BASED DIESEL.

Section 211(o)(2)(A) of the Clean Air Act (42 U.S.C. 7545(o)(2)(A)) is amended by adding at the end the following new clause:

''(v) GRANDFATHERING BIOMASS-BASED DIESEL.—The Administrator shall promulgate regulations exempting from the lifecycle greenhouse gas requirements in subparagraphs (B) and (D) of paragraph (1) up to the greater of 1 billion gallons or the volume mandate adopted pursuant to subparagraph (B)(ii) of biomass-based diesel annually from facilities that commenced construction before the date of enactment of the Energy Independence and Security Act of 2007.''.

SEC. 553. MODIFICATION OF DEFINITION OF RENEWABLE BIOMASS.

(a) NATIONAL ACADEMY OF SCIENCES REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Federal Energy Regulatory Commission shall jointly arrange for the National Academy of Sciences to evaluate how sources of renewable biomass contribute to the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(b) MODIFICATION.—

(1) EPA MODIFICATION AUTHORITY.—After reviewing the report required by subsection (a), the Administrator of the Environmental Protection Agency, in concurrence with the Secretary of Agriculture, may, by regulation and after public notice and comment, modify the non-Federal lands portion of the definition of ''renewable biomass'' in sections 211(o)(1)(I) and 700 of the Clean Air Act in order to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(2) FERC MODIFICATION AUTHORITY.—After reviewing the report required by subsection (a), the Federal Energy Regulatory Commission, in concurrence with the Secretary of Agriculture, may, by regulation and after public notice and comment, modify the non-Federal lands portion of the definition of ''renewable biomass'' in section 610 of the Public Utility Regulatory Policies Act of 1978 in order to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(c) FEDERAL LANDS.—

(1) SCIENTIFIC REVIEW.—The Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall conduct a joint scientific review, within one year after the date of enactment of this Act, to evaluate how sources of biomass from Federal lands could contribute to the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

(2) MODIFICATION AUTHORITY.—Based on the scientific review, the agencies may, by rule, modify the definition of ''renewable biomass'' from Federal lands in sections 211(o)(1)(I) and 700 of the Clean Air Act and section 610 of the Public Utility Regulatory Policies Act of 1978 as appropriate to advance the goals of increasing America's energy independence, protecting the environment, and reducing global warming pollution.

Pursuant to House Resolution 587, the SPEAKER pro tempore, Mrs. TAUSCHER, recognized Messrs. WAXMAN and BARTON of Texas for one hour and 15 minutes each, and Messrs. RANGEL and CAMP for 15 minutes each.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 587, the following further amendment in the nature of a substitute, printed in Part B of House Report 111-185, was submitted by Mr. FORBES:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Manhattan Project for Energy Independence''.

SEC. 2. DEFINITIONS.

In this Act—

(1) COMMISSION.—The term ''Commission'' means the Commission established under section 7.

(2) RESEARCH.—The term ''research'' includes research on the technologies, materials, and manufacturing processes required to achieve the goals described in section 3.

SEC. 3. GOALS.

(a) IN GENERAL.—The purpose of this Act is to enable the achievement of each of the following goals:

(1) VEHICLE FUEL EFFICIENCIES AND ALTERNATIVE FUEL SOURCES.—Development and manufacturing of a plug-in hybrid vehicle, alternative fuel vehicle, electric vehicle, hydrogen fuel cell vehicle, or other alternative technology vehicle—

(A) that is not more than 10 percent more expensive than a comparable model vehicle of the same model year;

(B) with—

(i) equal acceleration, horsepower, and top speed performance; and

(ii) not more than 20 percent reduction in cargo space,

as compared to a comparable model vehicle of the same model year;

(C) that meets or exceeds Federal safety standards;

(D) that can travel at least 750 miles between refueling; and

(E) in the case of a gasoline powered vehicle, that can travel at least 70 miles per gallon of gasoline.

(2) GREEN BUILDINGS.—Develop and build an energy efficient residential or commercial building that—

(A) uses no more than 50 percent of the energy of the average new building of similar size and type;

(B) costs no more than 15 percent more to construct than the cost of a building of similar size and type; and

(C) can be effectively reproduced in a variety of climate environments found in the United States.

(3) SOLAR POWER.—Construction of a large scale solar thermal power plant or solar photovoltaic power plant capable of generating 300 megawatts or more at a cost of 10 cents or less per kilowatt-hour when all capital and operating expenses are calculated into the cost.

(4) BIOFUELS.—Development and production of a biofuel that, when mass produced, does not exceed 105 percent of the cost for the energy equivalent of unleaded gasoline when all capital and operating expenses are calculated into the cost of the biofuel.

(5) CARBON SEQUESTRATION.—Development and implementation of a carbon capture and storage system for a large scale coal-burning power plant that does not increase operating costs more than 15 percent compared to a baseline design without carbon capture and storage while providing an estimated chance of carbon dioxide escape no greater than 1 percent over 5,000 years.

(6) NUCLEAR WASTE.—Development of both—

(A) a validated process for remediation of the radioactive waste form so it is no longer

harmful to the health or welfare of the environment or individuals for a period to be determined by the Commission, which shall be not less than 5,000 years; and

(B) a model that accounts for all the effects of nuclear waste in that process.

(7) NUCLEAR FUSION.—Development of a sustainable nuclear fusion reaction capable of providing a large-scale (greater than 300 megawatts), sustainable source of electricity for residential, commercial, or government entities.

(b) AMENDMENT OF GOALS.—The Secretary of Energy may amend a goal described in subsection (a) pursuant to a recommendation from the Commission under section 7(b)(5), or on his own initiative, if such amendment serves the purpose of achieving the goal of United States energy independence through the development of technologies that lead to the widespread adoption of improvements that increase energy supply or energy efficiency.

SEC. 4. SUMMIT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall convene a summit that includes—

(1) the principal advisors and directors of all programs in the Federal Government related to the achievement of the goals described in section 3;

(2) the members of the Commission; and

(3) leading researchers at the Federal laboratories and representatives of private sector partners engaged in the production and manufacturing of technologies necessary to achieve the goals described in section 3.

(b) PURPOSE.—The summit shall be for the purpose of reviewing the progress and promise for each of these technologies, the interrelationship of these technologies to each other, and additional funding resources needed to accelerate the progress of these programs toward achieving the goals described in section 3.

SEC. 5. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other Federal agencies as appropriate, shall carry out a program consisting of a collaborative effort with industry, government, and academia to support research, development, demonstration, and commercial application activities related to achieving the goals described in section 3.

(b) GRANTS.—Such program shall consist of grants to researchers, large and small businesses, National Laboratories, institutions of higher education, or any other qualified applicant, including veterans.

(c) LIMITATION ON AMOUNT.—No grant shall be made under this section in an amount that exceeds 5 percent of the amount authorized under section 8(1) for prizes for the achievement of the same goal.

(d) COST SHARING.—The Federal share of the costs of a project for which a grant is made under this section shall not exceed 15 percent.

SEC. 6. PRIZE PROGRAM.

(a) PRIZE AUTHORITY.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to competitively award cash prizes in conformity with this section to advance the research, development, demonstration, and commercial application necessary to achieve the goals described in section 3.

(2) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(A) ADVERTISING.—The Secretary shall widely advertise prize competitions under this section to encourage broad participation by researchers, large and small businesses, institutions of higher education, and any other qualified applicants, including veterans.

(B) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this section by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, which shall include, at a minimum, the achievement of one of the goals described in section 3.

(3) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by paragraph (2)(B) until all the funds needed to pay out the announced amount of the prize have been appropriated.

(b) PRIZE CATEGORIES.—

(1) CATEGORIES.—The Secretary of Energy shall establish a single prize under this section for each of the goals described in paragraphs (1) through (7) of section 3.

(2) CRITERIA.—In establishing the criteria required by this section, the Secretary—

(A) shall consult with other Federal agencies, including the National Science Foundation; and

(B) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

(c) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under subsection (a)(2)(B);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(3) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

(d) AWARD SELECTION.—

(1) IN GENERAL.—The Secretary of Energy shall award prizes under this section on the basis of the criteria published in the notice required under subsection (a)(2)(B), after receiving the recommendations of the Commission under section 7(b)(3).

(2) CONGRESSIONAL NOTIFICATION.—If the Secretary awards a prize under paragraph (1) in a manner that does not conform to the recommendations of the Commission, the Secretary shall transmit a report to the Congress explaining the reasons for such action.

(e) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(f) LIABILITY.—

(1) WAIVER OF LIABILITY.—The Secretary of Energy may require registered participants to waive claims against the Federal Government (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this section. The Secretary shall give notice of any waiver required under this paragraph in the notice required by subsection (a)(2)(B).

(2) LIABILITY INSURANCE.—

(A) REQUIREMENTS.—Registered participants in a prize competition under this section shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(i) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this section; and

(ii) the Federal Government for damage or loss to Government property resulting from such an activity.

(B) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under subparagraph (A) with respect to claims described in clause (i) of that subparagraph, and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this section.

(g) NONSUBSTITUTION.—The programs created under this section shall not be considered a substitute for Federal research and development programs.

SEC. 7. COMMISSION.

(a) ESTABLISHMENT.—There shall be established the New Manhattan Project Commission on Energy Independence.

(b) FUNCTIONS.—The Commission shall—

(1) not later than 1 year after the date of enactment of this Act, submit to Congress and the President a report containing—

(A) recommendations on steps that must be taken in order for the United States to achieve 50 percent energy independence within 10 years and 100 percent energy independence within 20 years; and

(B) an assessment of the impact of foreign energy dependence on United States national security;

(2) advise the Secretary of Energy on the design and operation of the grant program established under section 5;

(3) make recommendations to the Secretary of Energy on the design and operation, including selection criteria, of the prize program carried out under section 6;

(4) make recommendations to the Secretary of Energy selecting participants who have achieved a goal for which a prize will be awarded under section 6; and

(5) submit recommendations to Congress for any amendments to make the goals described in section 3 more stringent, as appropriate because of changing circumstances, if such amendments serve the purpose of achieving the goal of United States energy independence through the development of technologies that lead to the widespread adoption of improvements that increase energy supply or energy efficiency.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members as follows:

(1) The Under Secretary for Science of the Department of Energy.

(2) The Administrator of the Research and Innovative Technology Administration.

(3) The Director of the National Science Foundation.

(4) The Chairman of the Federal Laboratory Consortium for Technology Transfer.

(5) The President of the National Academy of Sciences.

(6) 2 members appointed by the Speaker of the House of Representatives.

(7) 2 members appointed by the minority leader of the House of Representatives.

(8) 2 members appointed by the majority leader of the Senate.

(9) 2 members appointed by the minority leader of the Senate.

(d) TERMS OF MEMBERSHIP.—Each member of the Commission appointed under subsection (c)(6) through (9) shall be appointed for a term of two years, except that of the members first appointed, one under each of those paragraphs shall be appointed for a term of one year. A member of the Commission may serve after the expiration of the member's term until a successor has taken office.

(e) VACANCIES.—A vacancy in the Commission shall not affect its powers but, in the case of a member appointed under subsection (c)(6) through (9), shall be filled in the same manner as the original appointment was made. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term.

(f) QUORUM.—Seven members of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(h) COMPENSATION.—(1) Each member of the Commission shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(i) STAFF.—Subject to rules prescribed by the Commission, the Commission may appoint personnel as it considers appropriate.

(j) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(k) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(l) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(m) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(n) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Commission, the head of that department or agency shall furnish that information to the Commission.

(o) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(p) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy—

(1) for the period encompassing fiscal years 2010 through 2019—

(A) $500,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(1);

(B) $250,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(2);

(C) $250,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(3);

(D) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(4);

(E) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(5);

(F) $1,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(6);

(G) $10,000,000,000 for awarding the prize under section 6 for meeting the goal described in section 3(7); and

(H) $10,000,000,000 for carrying out the grant program under section 5; and

(2) such sums as may be necessary for carrying out this Act for subsequent fiscal years.

After debate,

Pursuant to House Resolution 587, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. FORBES demanded a recorded vote on agreeing to said further amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 172 / Nays 256

¶85.30 [Roll No. 476]

AYES—172

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—256

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Foxx
Frank (MA)
Fudge
Garrett (NJ)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa

Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—5

Flake
Hastings (FL)
Moran (VA)
Sullivan
Wu

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. WAXMAN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219 / Nays 212

¶85.31 [Roll No. 477]

AYES—219

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOES—212

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kucinich
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Flake
Hastings (FL)
Sullivan

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.32 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, June 25, 2009.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

So the Journal was approved.

¶85.33 STATE AND FOREIGN OPERATIONS APPROPRIATIONS FY 2010

Mrs. LOWEY submitted a privileged report (Rept. No. 111–187) on the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs, for the fiscal year ending September 30, 2010, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶85.34 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS FY 2010

Mr. EDWARDS of Texas, submitted a privileged report (Rept. No. 111–188) on the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶85.35 ADVERSE REPORT ON H. RES. 537

Mr. CONYERS, by direction of the Committee on the Judiciary, submitted a privileged adverse report (Rept. No. 111–189) on the resolution (H. Res. 537)

requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; referred to the House Calendar and ordered printed.

¶85.36 PRAGUE CONFERENCE

On motion of Mr. WEXLER, by unanimous consent, the Committee on Foreign Affairs was discharged from further consideration of the following concurrent resolution (H. Con. Res. 89):

Whereas the Government of the Czech Republic will host a Conference on Holocaust Era Assets in Prague from June 26, 2009, through June 30, 2009;

Whereas the Prague Conference will facilitate a review of the 1998 Washington Conference on Holocaust Era Assets, which had participation of 44 nations, 13 nongovernmental organizations, scholars, and Holocaust survivors;

Whereas a high level United States delegation participated in the Washington Conference on Holocaust Era Assets led by Undersecretary of State Stuart Eizenstat, Nobel Peace Laureate Elie Wiesel, Federal Judge Abner Mikva, senior diplomats, and a bipartisan group of Members of Congress;

Whereas then-Secretary of State Madeleine Albright delivered the key note address at the Washington Conference on Holocaust Era Assets, articulating the United States commitment to Holocaust survivors and urging conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims.'';

Whereas the Prague Conference is expected to take stock of issues agreed on at the Washington Conference, including financial assets, bank accounts, insurance issues, and other financial property;

Whereas the Prague Conference is expected to include a special session on social programs for Holocaust survivors and other victims of Nazi atrocities;

Whereas the Prague Conference is expected to include working groups on Holocaust education, remembrance and research, looted art, Judaica, Jewish cultural property, and immovable property, including both private, religious, and communal property;

Whereas United States participation and leadership at the highest level is critically important to ensure a successful outcome of the Prague Conference;

Whereas Congress supports further inclusion of Holocaust survivors and their advocates in the Prague Conference planning and proceedings;

Whereas the United States strongly supports an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes;

Whereas many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care;

Whereas the United States and the international community has a moral obligation to uphold and defend the plight and dignity of Holocaust survivors and to ensure their well-being;

Whereas for the Prague Conference is a critical forum to effectively address the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years;

Whereas President Barack Obama, during his visit to the Yad Vashem Holocaust Memorial in Israel in July 2008, stated ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''; and

Whereas the Prague Conference may represent the last opportunity for the international community to address outstanding Holocaust-era issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and objectives of the 2009 Prague Conference on Holocaust Era Assets;

(2) applauds the Government of the Czech Republic for its decision to host the Prague Conference and its unwavering commitment to address out standing Holocaust-era issues;

(3) expresses strong support for the decision to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference;

(4) urges the countries in Central and Eastern Europe, which have not already done so, to return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation to the rightful owners in accordance with principles of justice and in an expeditious manner that is just, transparent, and fair;

(5) calls on the President to send a high-level official, such as the Secretary of State, to represent the United States at the Prague Conference; and

(6) urges other invited nations to participate at a similarly high level.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶85.37 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. LUJAN, laid before the House the following communication, which was read as follows:

JUNE 26, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC,
OFFICE OF THE SPEAKER,
U.S. Capitol,
Washington, DC.

DEAR MADAM SPEAKER: This letter is to alert you that I have sent a letter to Governor Arnold Schwarzenegger of California informing him that I will be resigning as the United States Representative for the 10th Congressional District of California effective immediately.

In May, I had the distinguished honor of being nominated by President Obama to serve as Undersecretary of State for Arms Control and International Security. Keeping nuclear weapons out of the hands of terrorists, making sure other countries do not obtain them and, one day, I hope, ridding the world of these terrible weapons, has become my passion and, I hope, my life's work.

It has been an immense pleasure working with you Madam Speaker. I owe you, and my colleagues on both sides of the isle, a debt of gratitude for your leadership, guidance and dedication. I eagerly await the opportunity to work with you in my new role with the Obama Administration.

Sincerely,

ELLEN O. TAUSCHER.

JUNE 26, 2009.

CONGRESS OF THE UNITED STATES,
House of Representatives,
Washington, DC,
Governor ARNOLD SCHWARZENEGGER,
California State Capitol Building, Sacramento, CA.

DEAR GOVERNOR SCHWARZENEGGER: On May 5th, I was nominated by President Obama to serve as Undersecretary of State for Arms Control and International Security. Therefore I am resigning my position as the United States Representative for the 10th Congressional District of California effective immediately.

Thirteen years ago, the people of California's 10th Congressional district bestowed upon me the privilege of serving as their representative in Congress. It has been a remarkable period marked by tremendous challenges and remarkable achievements. I take great pride, along with my distinguished colleagues in the California delegation, in working to make our communities safer, California more prosperous and our nation more secure. No matter where I am serving in government, I always will remember those who sent me to Washington and I always will be grateful for their support and the trust they placed in me.

I also wanted to thank you for your leadership. It has been a pleasure to work with you and your staff and I look forward to continuing our productive relationship.

Sincerely,

ELLEN O. TAUSCHER.

¶85.38 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. LUJAN, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentlewoman from California [Mrs. TAUSCHER], the whole number of the House is adjusted to 433.

¶85.39 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on June 26, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 1777. An Act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

And then,

¶85.40 ADJOURNMENT

Mr. GOHMERT, pursuant to Senate Concurrent Resolution 31, One Hundred Eleventh Congress, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. LUJAN, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to Senate Concurrent Resolution 31, One Hundred Eleventh Congress, at 9 o'clock and 21 minutes p.m., the House stands adjourned until 2 p.m. on Tuesday, July 7, 2009.

¶85.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 2701. A bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 111–186). Referred to the Committee of the Whole House on the state of the Union.

Mrs. LOWEY: Committee on Appropriations. H.R. 3081. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–187). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDWARDS of Texas: Committee on Appropriations. H.R. 3082. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–188). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. House Resolution 537. Resolution requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; adversely (Rept. 111–189). Referred to the House Calendar.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2965. A bill to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; with an amendment (Ret. 111–190 Pt. 1). Ordered to be printed.

¶85.42 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2965. Referral to the Committee on Science and Technology extended for a period ending not later than July 7, 2009.

¶85.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, and Ms. KILPATRICK of Michigan:

H.R. 3065. A bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses; to the Committee on Energy and Commerce.

By Mr. CUMMINGS:

H.R. 3066. A bill to authorize the Secretary of Housing and Urban Development to make temporary mortgage assistance loans to save the homes of unemployed homeowners who are delinquent on their mortgage payments; to the Committee on Financial Services.

By Mr. LATHAM:

H.R. 3067. A bill to amend title XVIII of the Social Security Act to reform Medicare payments to physicians and certain other providers and improve Medicare benefits, to encourage the offering of health coverage by small businesses, to provide tax incentives for the purchase of health insurance by individuals, to increase access to health care for veterans, to address the nursing shortage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. CARDOZA, and Ms. VELÁZQUEZ):

H.R. 3068. A bill to use amounts made available under the Troubled Assets Relief Program of the Secretary of the Treasury for relief for homeowners and neighborhoods; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. GORDON of Tennessee, Mr. BURTON of Indiana, Mr. LANGEVIN, Ms. GINNY BROWN-WAITE of Florida, Mrs. NAPOLITANO, and Mr. KENNEDY):

H.R. 3069. A bill to direct the Secretary of Health and Human Services to conduct or support a comprehensive study comparing total health outcomes, including risk of autism, in vaccinated populations in the United States with such outcomes in unvaccinated populations in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATSON (for herself and Mr. BOOZMAN):

H.R. 3070. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLAY:

H.R. 3071. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself, Mr. BLUNT, Mr. AKIN, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, Mr. LUETKEMEYER, Mr. SKELTON, and Mr. CARNAHAN):

H.R. 3072. A bill to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. NYE (for himself and Mr. HUNTER):

H.R. 3073. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs establish a grant program to provide assistance to veterans who are at risk of becoming homeless; to the Committee on Veterans' Affairs.

By Mr. ELLISON:

H.R. 3074. A bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician hospital service and for inpatient hospital services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 3075. A bill to establish a National Parents Corps Program, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H.R. 3076. A bill to establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM (for herself, Mr. PAYNE, Mrs. EMERSON, Mr. JACKSON of Illinois, Mr. GRIJALVA, Ms. LEE of California, Mr. MCGOVERN, Mr. HONDA, and Ms. SCHAKOWSKY):

H.R. 3077. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security and agricultural development, to develop rural infrastructure and stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARE (for himself and Mr. LUETKEMEYER):

H.R. 3078. A bill to support after-school programs in rural areas of the United States by establishing a pilot program to assist communities establish, enhance, or expand rural after-school programs; to the Committee on Education and Labor.

By Ms. SPEIER (for herself, Mr. LEE of New York, Mr. DAVIS of Alabama, and Mr. THOMPSON of California):

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to allow loans from simplified employee pension accounts of small business owners for use in the small business; to the Committee on Ways and Means.

By Ms. SPEIER (for herself and Ms. SCHAKOWSKY):

H.R. 3080. A bill to prohibit the manufacture, sale, or distribution in commerce of any consumer product containing dimethylfumarate; to the Committee on Energy and Commerce.

By Mr. BOCCIERI (for himself, Mr. SPACE, Mr. DRIEHAUS, Mr. RYAN of Ohio, Ms. FUDGE, Ms. KAPTUR, Ms. KILROY, Ms. SUTTON, and Mr. PERRIELLO):

H.R. 3083. A bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes; to the Committee on Science and Technology.

By Mr. BAIRD:

H.R. 3084. A bill to restore Federal recognition to the Chinook Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. BLUMENAUER, Mr. HONDA, Mr. KILDEE, Mr. LUJÁN, Ms. MCCOLLUM, and Mr. OLVER):

H.R. 3085. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of determining the sources of support of charitable organizations; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 3086. A bill to coordinate authorities within the Department of the Interior and within the Federal Government to enhance the United States' ability to conserve global wildlife and biological diversity and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H.R. 3087. A bill to amend title 38, United States Code, to establish a deadline for decisions with respect to claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana (for himself and Mr. BRALEY of Iowa):

H.R. 3088. A bill to require an automobile manufacturer that the Federal Government has an ownership interest in or that has an outstanding loan from the Federal Government to purchase liability insurance from an insurance company; to the Committee on Financial Services.

By Ms. CASTOR of Florida (for herself and Ms. SCHAKOWSKY):

H.R. 3089. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare Prescription Drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare Prescription Drug program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. DAVIS of Illinois, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. CLYBURN, Mr. RANGEL, Ms. LEE of California, Mr. HONDA, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Ms. CLARKE, Mr. WATT, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. ELLISON, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. TOWNS, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. RICHARDSON, Ms. BALDWIN, Mr. FATTAH, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. PAYNE, Mr. MEEKS of New York, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. GRAYSON, Ms. EDWARDS of Maryland, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. HIRONO, Ms. DEGETTE, Mr. FALEOMAVAEGA, Ms. MATSUI, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. SABLAN, Mr. PIERLUISI, Mr. REYES, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. LUJÁN, Mr. HASTINGS of Florida, and Mr. CUELLAR):

H.R. 3090. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, Armed Services, Veterans' Affairs, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. HASTINGS of Florida, Ms. WATERS, and Mr. HINCHEY):

H.R. 3091. A bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. SCHWARTZ, Mrs. HALVORSON, Mr. KENNEDY, Mr. PLATTS, Mrs. CAPPS, and Mr. KIND):

H.R. 3092. A bill to amend title XIX of the Social Security Act to require States to cover medical nutritional therapy as part of Medicaid; to the Committee on Energy and Commerce.

By Mr. DENT (for himself, Mr. OLSON, Mr. EHLERS, Mr. MOORE of Kansas, Mr. PERLMUTTER, Mrs. MILLER of Michigan, Mr. PETRI, Mr. MICA, and Mr. CAMPBELL):

H.R. 3093. A bill to require the Transportation Security Administration to engage in a negotiated rulemaking process for the purposes of creating a security regiment for general aviation aircraft; to the Committee on Homeland Security.

By Ms. EDWARDS of Maryland:

H.R. 3094. A bill to strengthen the Occupational Safety and Health Act of 1970 by revising regulations to increase worker safety on construction sites and, consequently, to protect child trespassers from unforeseen dangers; to the Committee on Education and Labor.

By Mr. GRIFFITH:

H.R. 3095. A bill to improve the information in databases for individuals with cancer in the United States and to amend the Social Security Act to provide increased coverage for uninsured individuals upon first diagnosis of cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 3096. A bill to provide additional housing assistance for certain individuals and households adversely affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself and Mr. DICKS):

H.R. 3097. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Ms. KILPATRICK of Michigan:

H.R. 3098. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts:

H.R. 3099. A bill to require a site operator of an international travel Web site to provide information on its Web site to consumers regarding the potential health and safety risks associated with overseas vacation destinations marketed on its Web site; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. COHEN, Ms. FUDGE, Ms. NORTON, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Mr. CARSON of Indiana):

H.R. 3100. A bill to establish the Food Desert Oasis Pilot Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts:

H.R. 3101. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan (for herself, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. CAMP, Mr. MCCOTTER, and Mr. UPTON):

H.R. 3102. A bill to increase the Federal share for transportation projects for the State of Michigan; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas:

H.R. 3103. A bill to revise certain requirements relating to the Department of Veterans Affairs pilot program of enhanced contract care authority for health care needs of veterans in highly rural areas; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 3104. A bill to require public reporting of health care-associated infections data by hospitals and ambulatory surgical centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NUNES:

H.R. 3105. A bill to provide that operations of the Central Valley Project shall not be restricted pursuant to any biological opinion issued under the Endangered Species Act of 1973, if such restrictions would result in levels of export less than the historical maximum level of export; to the Committee on Natural Resources.

By Mr. PRICE of North Carolina:

H.R. 3106. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. POE of Texas):

H.R. 3107. A bill to prohibit the expenditure of United States taxpayer dollars on nuclear assistance to state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROSS:

H.R. 3108. A bill to amend part D of title XVIII of the Social Security Act to promote medication therapy management under the Medicare part D prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself, Mr. GENE GREEN of Texas, Mr. SPACE, and Mr. GONZALEZ):

H.R. 3109. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Veterans' Affairs, Education and Labor, Armed Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself and Mr. BOOZMAN):

H.R. 3110. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. JONES, Mr. COBLE, Ms. ROYBAL-ALLARD, Mr. DOYLE, Mr. BILBRAY, Mr. BUTTERFIELD, and Ms. LINDA T. SÁNCHEZ of California):

H. Con. Res. 160. Concurrent resolution honoring the American Kennel Club on its 125th anniversary; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself, Mr. WOLF, and Mr. WEXLER):

H. Res. 588. A resolution expressing the sense of the United States House of Representatives that the trial by the Government of the Russian Federation of Mikhail Khodorkovsky and Platon Lebedev constitutes a politically-motivated case of selective arrest and prosecution that serves as a test of the rule of law and independence of Russia's judicial system; to the Committee on Foreign Affairs.

By Mr. CLAY:

H. Res. 589. A resolution supporting the goals and ideals of National Minority Donor Awareness Day; to the Committee on Energy and Commerce.

By Mr. WU (for himself and Mr. WOLF):

H. Res. 590. A resolution expressing grave concerns about the sweeping censorship, privacy, and cybersecurity implications of China's Green Dam filtering software, and urging U.S. high-tech companies to promote the Internet as a tool for transparency, freedom of expression, and citizen empowerment around the world; to the Committee on Foreign Affairs.

By Mr. BOEHNER (for himself, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. TURNER, Mr. LATTA, Mr. AUSTRIA, Mr. JORDAN of Ohio, and Mr. TIBERI):

H. Res. 591. A resolution requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. MASSA, Ms. KILROY, Mr. TOWNS, and Mr. DAVIS of Illinois):

H. Res. 592. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 593. A resolution recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. BRALEY of Iowa, Mr. WILSON of Ohio, Mr. THOMPSON of Pennsylvania, Mr. MURTHA, Mr. KANJORSKI, Mr. CARNEY, Mr. HOLDEN, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. ROONEY, Mr. ALTMIRE, Mr. DENT, Mr. BOCCIERI, Mr. DONNELLY of Indiana, Mr. PASCRELL, Mr. KRATOVIL, Mr. STUPAK, and Mr. DINGELL):

H. Res. 594. A resolution congratulating the Pittsburgh Penguins for winning the 2009 Stanley Cup Hockey Championship; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. BUTTERFIELD, Mr. RANGEL, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. CLARKE, and Mr. JOHNSON of Georgia):

H. Res. 595. A resolution recognizing persons of African descent in Europe; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. BUTTERFIELD, Mr. RANGEL, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. RUSH, Ms. CLARKE, and Mr. JOHNSON of Georgia):

H. Res. 596. A resolution expressing support for the Black European Summit; to the Committee on Foreign Affairs.

By Mr. KING of Iowa:

H. Res. 597. A resolution amending the Rules of the House of Representatives to require the Committee on Rules to conduct its meetings and hearings in the Hall of the House, and for other purposes; to the Committee on Rules.

By Mr. LANGEVIN:

H. Res. 598. A resolution expressing the sense of the House of Representatives regarding the fire at the ABC Daycare Center in Hermosillo, Sonora, Mexico; to the Committee on Foreign Affairs.

By Mr. MARKEY of Massachusetts (for himself and Ms. TSONGAS):

H. Res. 599. A resolution honoring the Minute Man National Historical Park on the occasion of its 50th Anniversary; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself and Ms. WATSON):

H. Res. 600. A resolution honoring an American Legend and Musical Icon; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself, Mrs. LOWEY, and Mr. COURTNEY):

H. Res. 601. A resolution recognizing and honoring the Firefighter Cancer Support Network; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Res. 602. A resolution requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. MCDERMOTT, Mr. WILSON of South Carolina, Mr. BILIRAKIS, and Mr. MANZULLO):

H. Res. 603. A resolution recognizing the 140th anniversary of the birth of Mahatma Gandhi; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. ROYCE, and Mr. MCCAUL):

H. Res. 604. A resolution recognizing the vital role of the Proliferation Security Initiative in preventing the spread of weapons of mass destruction; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. POE of Texas, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, Mr. MINNICK, and Ms. WATERS):

H. Res. 605. A resolution recognizing the continued persecution of Falun Gong practitioners in China on the 10th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners; to the Committee on Foreign Affairs.

By Mr. ROTHMAN of New Jersey (for himself, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. SIRES, Mr. LIPINSKI, Mrs. MALONEY, Mrs. TAUSCHER, Mr. SESTAK, Mr. PIERLUISI, Mr. JOHNSON of Georgia, Mr. HOLT, Mr. GOHMERT, Mr. MITCHELL, Mr. DOYLE, Ms. KILROY, Mr. SMITH of Washington, Mr. REICHERT, and Mr. VAN HOLLEN):

H. Res. 606. A resolution congratulating the United States Men's National Soccer Team for its epic victory over Spain, for achieving one of the biggest upsets in the history of International Soccer, and for earning the first advancement to a FIFA tournament final in the history of United States Soccer; to the Committee on Oversight and Government Reform.

¶85.44 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CORRINE BROWN of Florida:

H.R. 3111. A bill for the relief of Walter Enrique Lara; to the Committee on the Judiciary.

By Mr. DELAHUNT:

H.R. 3112. A bill to authorize the Secretary of the Department in which the Coast Guard is operating to issue a certificate of documentation for operation in the coastwise trade for the vessel EQUULEUS; to the Committee on Transportation and Infrastructure.

¶85.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. HALVORSON and Mr. RAHALL.

H.R. 118: Mr. ADLER of New Jersey, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, and Mr. PALLONE.

H.R. 197: Mr. SMITH of Nebraska.

H.R. 211: Mr. MCINTYRE.

H.R. 235: Mr. TONKO.

H.R. 275: Mr. JONES, Mr. BARROW, Mr. AUSTRIA, and Mr. CULBERSON.

H.R. 391: Mr. PENCE.

H.R. 413: Mr. BOREN, Mr. KRATOVIL, Mr. BACA, Mr. GRAVES, Mr. POE of Texas, Ms. SCHWARTZ, Mr. WU, Mr. FARR, and Mr. CAMP.

H.R. 422: Mr. CUMMINGS and Mr. BLUMENAUER.

H.R. 476: Mr. FILNER and Mr. SABLAN.

H.R. 503: Mr. TIERNEY and Mrs. NAPOLITANO.

H.R. 510: Mr. HILL.

H.R. 525: Mr. PLATTS.

H.R. 571: Mr. GORDON of Tennessee and Mr. CONAWAY.

H.R. 574: Mr. MEEKS of New York.

H.R. 600: Mrs. MALONEY.

H.R. 690: Mr. WAMP and Mrs. LUMMIS.

H.R. 697: Mr. MASSA.

H.R. 731: Ms. SCHAKOWSKY.

H.R. 747: Mr. MASSA.

H.R. 775: Mr. SHIMKUS, Mr. POE of Texas, Mrs. MILLER of Michigan, and Mr. SCHOCK.

H.R. 795: Mr. NEAL of Massachusetts, Mr. ELLISON, and Mr. FILNER.

H.R. 836: Mr. HUNTER and Mr. CAMP.

H.R. 983: Mr. STEARNS.

H.R. 1020: Ms. SUTTON, Mr. GRIJALVA, Mr. MURTHA, Mr. JACKSON of Illinois, Mr. HALL of New York, Ms. CLARKE, and Mr. AL GREEN of Texas.

H.R. 1028: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. FILNER, and Mr. SNYDER.

H.R. 1033: Mr. STARK.

H.R. 1064: Mr. VISCLOSKY, Mr. NEAL of Massachusetts, and Ms. TSONGAS.

H.R. 1077: Mr. LUETKEMEYER and Mrs. CAPPS.

H.R. 1132: Mr. PETERSON and Mr. MOLLOHAN.

H.R. 1147: Mr. HARE, Mr. KILDEE, Mrs. NAPOLITANO, and Mr. TIERNEY.

H.R. 1179: Mr. LARSON of Connecticut, and Mr. THOMPSON of Pennsylvania.

H.R. 1182: Mr. PAULSEN, Mr. MITCHELL, Mr. LEWIS of Georgia, and Mr. CONNOLLY of Virginia.

H.R. 1205: Mr. TIM MURPHY of Pennsylvania, Mr. HERGER, Mr. SCHAUER, and Mr. SIRES.

H.R. 1207: Mr. DAVIS of Illinois.

H.R. 1236: Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MILLER of North Carolina, and Mr. DEFAZIO.

H.R. 1242: Mrs. MCMORRIS RODGERS.
H.R. 1245: Mr. DEAL of Georgia, Mr. BARROW, and Mr. FOSTER.
H.R. 1250: Mr. EHLERS.
H.R. 1283: Mr. HEINRICH.
H.R. 1327: Mr. MASSA and Mr. NADLER of New York.
H.R. 1339: Mr. LARSEN of Washington and Ms. BALDWIN.
H.R. 1346: Mr. HALL of New York.
H.R. 1361: Ms. SCHAKOWSKY.
H.R. 1402: Mr. BISHOP of Georgia, Ms. MATSUI, and Mr. LOEBSACK.
H.R. 1410: Ms. HERSETH SANDLIN.
H.R. 1412: Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mr. PASTOR of Arizona, Mr. HONDA, and Mr. GRAYSON.
H.R. 1441: Mr. BROUN of Georgia.
H.R. 1454: Mr. HASTINGS of Florida.
H.R. 1458: Mrs. MILLER of Michigan and Ms. BALDWIN.
H.R. 1479: Mr. BRALEY of Iowa.
H.R. 1490: Ms. SCHAKOWSKY, Ms. BERKLEY, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. MILLER of North Carolina, Mr. BACA, and Mr. SNYDER.
H.R. 1503: Mrs. BLACKBURN.
H.R. 1505: Mr. HOEKSTRA.
H.R. 1509: Mr. BRIGHT.
H.R. 1546: Mr. NYE and Ms. BORDALLO.
H.R. 1547: Mr. MCCOTTER.
H.R. 1548: Mr. BUYER.
H.R. 1551: Mr. HEINRICH.
H.R. 1557: Mr. CAMP.
H.R. 1558: Mr. SESTAK and Ms. KOSMAS.
H.R. 1570: Mr. LOEBSACK and Mr. TERRY.
H.R. 1612: Mr. GONZALEZ.
H.R. 1616: Mr. BISHOP of New York.
H.R. 1618: Mr. SERRANO.
H.R. 1622: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1625: Mr. CARNEY and Mr. BISHOP of New York.
H.R. 1633: Mr. GORDON of Tennessee and Ms. KOSMAS.
H.R. 1670: Mr. KANJORSKI and Mr. PASTOR of Arizona.
H.R. 1692: Mr. BRADY of Texas.
H.R. 1705: Mr. COHEN.
H.R. 1763: Mr. HASTINGS of Washington.
H.R. 1799: Mr. ROSS and Mr. JONES.
H.R. 1816: Ms. CLARKE.
H.R. 1880: Mr. MORAN of Virginia and Mr. MINNICK.
H.R. 1881: Mr. ELLISON and Mr. HIMES.
H.R. 1894: Mrs. MILLER of Michigan and Ms. JENKINS.
H.R. 1933: Mr. CARSON of Indiana.
H.R. 1970: Ms. MARKEY of Colorado and Mr. CARNAHAN.
H.R. 2000: Mr. POMEROY, Mr. ROHRABACHER, and Mr. ROYCE.
H.R. 2006: Ms. ZOE LOFGREN of California.
H.R. 2017: Mr. PRICE of North Carolina and Mr. WITTMAN.
H.R. 2026: Mr. PAUL, Mr. STEARNS, and Mr. ROONEY.
H.R. 2034: Mrs. CAPITO.
H.R. 2054: Mr. CLEAVER and Mr. WITTMAN.
H.R. 2057: Ms. LEE of California, Mr. PAYNE, and Mr. PRICE of North Carolina.
H.R. 2058: Ms. BORDALLO and Mr. MEEKS of New York.
H.R. 2064: Mrs. MILLER of Michigan.
H.R. 2070: Mr. GRIJALVA.
H.R. 2089: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HILL, and Mr. WAXMAN.
H.R. 2110: Ms. TITUS and Mr. CONAWAY.
H.R. 2119: Mr. PAUL.
H.R. 2137: Ms. SCHAKOWSKY.
H.R. 2139: Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. GERLACH, Mrs. MILLER of Michigan, and Mr. SCHIFF.
H.R. 2159: Mr. LANCE.
H.R. 2194: Mr. MCCAUL, Mr. CAMPBELL, Mr. DONNELLY of Indiana, Mr. FATTAH, Ms. FUDGE, and Mr. HOYER.
H.R. 2220: Mr. KILDEE and Mr. MCCOTTER.
H.R. 2227: Mr. MCINTYRE.
H.R. 2233: Ms. RICHARDSON.
H.R. 2245: Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. HINOJOSA, Mr. MICHAUD, Ms. ESHOO, Mr. WELCH, Mr. ROTHMAN of New Jersey, Mr. DAVIS of Alabama, Mr. MCCAUL, Mr. BRIGHT, and Ms. ROYBAL-ALLARD.
H.R. 2251: Mr. KILDEE and Mr. PAUL.
H.R. 2254: Mr. RANGEL and Mr. WITTMAN.
H.R. 2266: Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. RYAN of Ohio.
H.R. 2267: Mr. FOSTER, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. RYAN of Ohio, and Mr. NADLER of New York.
H.R. 2272: Mr. MCGOVERN.
H.R. 2287: Mr. CONAWAY and Ms. FOXX.
H.R. 2296: Mr. ROONEY.
H.R. 2303: Mr. MURPHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. TONKO and Mrs. MCCARTHY of New York.
H.R. 2308: Mr. FARR.
H.R. 2310: Mr. PERLMUTTER and Mr. FORTENBERRY.
H.R. 2314: Mr. MORAN OF VIRGINIA and Mr. YOUNG of Alaska.
H.R. 2329: Mr. GORDON of Tennessee.
H.R. 2350: Mr. LATOURETTE and Mr. PASTOR of Arizona.
H.R. 2363: Mr. CAO.
H.R. 2365: Mr. MURTHA.
H.R.2378: Mr. SPACE.
H.R. 2404: Ms. FUDGE.
H.R. 2409: Mrs. MCMORRIS RODGERS.
H.R. 2413: Mr. HOLDEN, Mr. BRALEY of Iowa, Mr. WOLF, Mr. MOORE of Kansas, and Mr. KIRK.
H.R. 2425: Mr. BOUCHER and Mr. DEFAZIO.
H.R. 2452: Mr. JORDAN of Ohio, Mr. RUPPERSBERGER, and Mr. BARTON of Texas.
H.R. 2456: Mr. HONDA.
H.R. 2460: Mr. CARNAHAN and Mr. SCHIFF.
H.R. 2478: Ms. SCHAKOWSKY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERS, Mr. SIRES, and Mr. CALVERT.
H.R. 2483: Mr. ISRAEL.
H.R. 2497: Mr. SERRANO.
H.R. 2499: Mr. CASSIDY.
H.R. 2502: Mr. INSLEE.
H.R. 2517: Mr. SIRES, Ms. LEE of California, Mr. MCMAHON, Mr. MURPHY of Connecticut, Mr. SCOTT of Virginia, and Mr. MAFFEI.
H.R. 2537: Mr. MCCAUL and Mr. GARY G. MILLER of California.
H.R. 2567: Mr. ALTMIRE.
H.R. 2578: Mr. EHLERS.
H.R. 2590: Mr. BOUCHER.
H.R. 2607: Ms. FOXX and Mr. GARRETT of New Jersey.
H.R. 2608: Ms. FOXX.
H.R. 2662: Mr. KRATOVIL.
H.R. 2676: Mr. PERRIELLO and Mr. WALZ.
H.R. 2692: Mr. WILSON of Ohio.
H.R. 2696: Mrs. LOWEY.
H.R. 2697: Ms. SPEIER, Mrs. MILLER OF MICHIGAN and, Ms. GRANGER.
H.R. 2698: Mrs. MCMORRIS RODGERS and Mr. GORDON of Tennessee.
H.R. 2699: Mrs. MCMORRIS RODGERS, Mr. SCHIFF, and Mr. GORDON of Tennessee.
H.R. 2715: Mr. ALEXANDER, Mr. STEARNS, and Mr. SHIMKUS.
H.R. 2730: Mr. RYAN of Ohio.
H.R. 2743: Mr. MELANCON, Mr. CONAWAY, Mr. PETERSON, Mr. HOLT, Mr. SPRATT, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. HILL, Mr. AKIN, Mr. PIERLUISI, Mr. ADERHOLT, Mr. CRENSHAW, and Mrs. LUMMIS.
H.R. 2745: Mr. HALL of Texas and Mr. JONES.
H.R. 2746: Ms. SUTTON and Mr. MCNERNEY.
H.R. 2778: Mr. HONDA, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. BACA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. CARDOZA, Mr. SALAZAR, Mr. CUELLAR, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. LUJAN, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. SIRES, and Mr. SABLAN.
H.R. 2785: Mr. YOUNG of Alaska.
H.R. 2796: Mr. GARY G. MILLER of California.
H.R. 2799: Mr. MOORE of Kansas, Mr. WOLF, Mr. PRICE of Georgia, Ms. CORRINE BROWN of Florida, and Mr. MCHUGH.
H.R. 2808: Mr. STEARNS and Mrs. LUMMIS.
H.R. 2817: Mr. SIRES.
H.R. 2844: Mr. BOSWELL.
H.R. 2846: Mr. BOOZMAN and Mr. DAVIS of Kentucky.
H.R. 2866: Mr. GRIFFITH and Mr. MCINTYRE.
H.R. 2882: Ms. CASTOR of Florida.
H.R. 2891: Ms. BORDALLO.
H.R. 2894: Mr. GRIJALVA, Mr. TIM MURPHY of Pennsylvania, and Mr. MURTHA.
H.R. 2900: Mr. STEARNS.
H.R. 2909: Ms. DELAURO.
H.R. 2923: Mr. BOOZMAN.
H.R. 2926: Ms. BORDALLO.
H.R. 2939: Mr. SESSIONS.
H.R. 2956: Mr. WAMP.
H.R. 2963: Mr. WILSON of Ohio.
H.R. 2965: Mr. LUJÁN, and Mrs. BIGGERT.
H.R. 3003: Mr. BOUCHER.
H.R. 3017: Mr. MCMAHON, Ms. GIFFORDS, and Mr. MILLER of North Carolina.
H.R. 3025: Ms. HERSETH SANDLIN, Mr. BARROW, Mr. SHULER, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. MOORE of Kansas, Mr. MELANCON, and Mr. CHILDERS.
H.R. 3039: Mrs. MALONEY.
H.R. 3040: Mr. MCGOVERN.
H.R. 3042: Mr. HARE.
H.J. Res. 42: Mr. WALDEN, Mr. BACHUS, Mr. BOUSTANY, and Mr. OLSON.
H.J. Res. 47: Mr. CARNEY and Mrs. MCCARTHY of New York.
H.J. Res. 54: Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. LUETKEMEYER, and Mr. BOOZMAN.
H.J. Res. 56: Mr. CAO.
H.J. Res. 57: Mr. CAMP.
H. Con. Res. 92: Mr. KUCINICH.
H. Con. Res. 121: Mr. MANZULLO and Mr. RADANOVICH.
H. Con. Res. 137: Ms. ROYBAL-ALLARD.
H. Con. Res. 144: Mr. BRALEY of Iowa, Mr. MEEK of Florida, and Ms. LEE of California.
H. Con. Res. 157: Mr. FLEMING and Mr. GORDON of Tennessee.
H. Res. 11: Mr. FILNER, Mr. MCNERNEY, Mr. KAGEN, and Ms. GRANGER.
H. Res. 57: Mr. DOYLE, Mr. STUPAK, and Mr. MCNERNEY.
H. Res. 69: Mr. BARROW, Mr. BARTON of Texas, Mr. BLUNT, Mrs. BONO MACK, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. BUYER, Mrs. CAPPS, Mr. MELANCON, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. RADANOVICH, Mr. ROSS, Mr. RUSH, Ms. CASTOR of Florida, Mr. DOYLE, Mr. ENGEL, Ms. Eshoo, Mr. GINGREY of Georgia, Mr. HALL of Texas, Mr. SARBANES, Mr. SCALISE, Mr. SHADEGG, Mr. SHIMKUS, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. MCNERNEY, Mr. MARKEY of Massachusetts, Mr. MATHESON, Ms. MATSUI, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Mr. ROSKAM, Mr. LOEBSACK, Mr. WAMP, Mr. GRAYSON, Mr. KRATOVIL, Ms. WATSON, Mr. RAHALL, Mr. HIGGINS, Mrs. DAVIS of California, Mr. NUNES, Mr. JACKSON of Illinois, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. CROWLEY, Mr. KISSELL, Mr. HONDA, Mr. CUELLAR, Mr. JOHNSON of Georgia, Ms. MARKEY of Colorado, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. MEEKS of New York, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. SALAZAR, Mr. RANGEL, Mr. SCOTT of Georgia, and Mr. WATT.
H. Res. 111: Mr. FILNER, Mr. MCNERNEY, Mr. KAGEN, and Ms. GRANGER.
H. Res. 156: Mr. MINNICK.
H. Res. 285: Mr. MANZULLO.
H. Res. 409: Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SMITH of Nebraska, Mr. GERLACH, Mr. PUTNAM, and Mrs. BLACKBURN.
H. Res. 416: Mr. RUSH, Mr. FILNER, and Mr. HINCHEY.

H. Res. 433: Mr. KUCINICH.

H. Res. 441: Mr. KANJORSKI, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. DOYLE, Ms. SHEA-PORTER, Mr. BISHOP of New York, Mr. CONNOLLY of Virginia, and Mr. HOLDEN.

H. Res. 458: Mr. GORDON of Tennessee and Mr. BLUMENAUER.

H. Res. 476: Mr. WAMP.

H. Res. 507: Mr. BROWN of South Carolina and Mr. MCNERNEY.

H. Res. 512: Mr. BONNER.

H. Res. 531: Mr. QUIGLEY and Mr. COSTELLO.

H. Res. 534: Mr. DRIEHAUS, Mr. TEAGUE, Mrs. CAPPS, Ms. CLARKE, Ms. PINGREE of Maine, Ms. BALDWIN, Ms. KILPATRICK of Michigan, Mr. WAXMAN, Mr. PASTOR of Arizona, Mr. BECERRA, Mrs. EMERSON, Mr. BROWN of South Carolina, Ms. FUDGE, Mr. HALL of Texas, Mr. HINCHEY, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. ELLISON, Mr. WELCH, Ms. WASSERMAN SCHULTZ, Ms. VELÁZQUEZ, Ms. CASTOR of Florida, Mr. KRATOVIL, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. CARDOZA, Ms. TSONGAS, Ms. MARKEY of Colorado, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. EHLERS, Mr. MANZULLO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. UPTON, Mr. MCHENRY, Mr. GERLACH, Mrs. BLACKBURN, Mrs. LUMMIS, Mr. FLEMING, Mr. KING of New York, Ms. FOXX, Mr. CARSON of Indiana, and Ms. CORRINE BROWN of Florida.

H. Res. 550: Mr. HONDA and Mr. CONYERS.

H. Res. 557: Mr. THORNBERRY and Mr. BOEHNER.

TUESDAY, JULY 7, 2009 (86)

¶86.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
July 7, 2009.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶86.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Friday, June 26, 2009.

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

¶86.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2486. A letter from the Secretary, Department of Defense, transmitting the Department's May 2009 Semi-Annual Report providing the progress toward destruction of the U.S. stockpile of lethal chemical agents and munitions by the Chemical Weapons Convention (CWC) deadline of April 29, 2012, but not later than December 31, 2017 pursuant to section 8119 of the Department of Defense (DoD) Appropriations Act, 2008, Pub. L. 110-116, and section 922 of the National Defense Authorization Act for FY 2008, Pub. L. 110-181; to the Committee on Armed Services.

2487. A letter from the Chairman, Joint Chiefs of Staff, Department of Defense, transmitting a copy of a report to Congress entitled, ''Reachback Distributed Decision Support'' recommended by the National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

2488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Uniform Resource Locators (URLs) for documents recently issued related to regulatory programs; to the Committee on Energy and Commerce.

2489. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 10, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2490. A letter from the Secretary of Defense, Department of Defense, transmitting the Department's report on Activities and Assistance under Cooperative Threat Reduction (CTR) Programs (FY 2010 CTR Annual Report), pursuant to Public Law 106-398, section 1308 (114 Stat. 1654A-341); to the Committee on Foreign Affairs.

2491. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

2492. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Determination Related to Serbia Under Section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8); to the Committee on Foreign Affairs.

2493. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2009 through March 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended , and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

2494. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete the mission in Iraq successfully, pursuant to Public Law 109-163, as amended by Public Law 110-181, section 1223 and Pub. L. 110-417, section 1213(c); to the Committee on Foreign Affairs.

2495. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No.: FAA-2009-0498; Directorate Identifier 2009-NM-065-AD; Amendment 39-15923; AD 2009-11-13] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2496. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes and Airbus Model A300-600 Airplanes [Docket No.: FAA-2009-0486; Directorate Identifier 2009-NM-064-AD; Amendment 39-15919; AD 2009-11-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2497. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-15904; AD 2009-10-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2498. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-0731; Directorate Identifier 2008-NM-058-AD; Amendment 39-15812; AD 2009-04-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2499. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No.: FAA-2009-0453; Directorate Identifier 2008-SW-63-AD; Amendment 39-15911; AD 2009-11-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2500. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP Models SA226-AT, SA226-T, SA226-TC, SA227-AC (C-26A), SA227-AT, SA227-BC (C-26A), SA227-CC, and SA227-DC (C-26B) Airplanes [Docket No.: FAA-2009-0119; Directorate Identifier 2008-CE-068-AD; Amendment 39-15916; AD 2009-11-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No.: FAA-2009-0478; Directorate Identifier 2008-NM-133-AD; Amendment 39-15917; AD 2009-11-07] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -223, -243, -301, -322, and -342 Airplanes [Docket No.: FAA-2009-0479; Directorate Identifier 2009-NM-006-AD; Amendment 39-15918; AD 2009-11-08] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2503. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No.: FAA-2009-0482; Directorate Identifier 2008-SW-54-AD; Amendment 39-15920; AD 2009-11-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No.: FAA-2009-0213; Directorate Identifier 2008-NM-224-AD; Amendment 39-15921; AD 2009-11-11] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2505. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc.

Model 47, 47B, 47B3, 47D, 47D1, 47E, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J-2, 47J-2A, and 47K Helicopters [Docket No.: FAA-2009-0484; Directorate Identifier 2008-SW-44-AD; Amendment 39-15924; AD 2009-12-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-Werke Model G120A Airplanes [Docket No.: FAA-2009-0531; Directorate Identifier 2009-CE-030-AD; Amendment 39-15938; AD 2009-12-15] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0530; Directorate Identifier 2009-NM-079-AD; Amendment 39-15936; AD 2009-12-13] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2508. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2008-0612; Directorate Identifier 2008-NM-059-AD; Amendment 39-15931; AD 2009-12-08] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, ATR42-300, ATR42-320, ATR42-500, ATR72-101, ATR72-201, ATR72-102, ATR72-202, ATR72-211, ATR72-212, and ATR72-212A Airplanes [Docket No.: FAA-2008-1237; Directorate Identifier 2008-NM-125-AD; Amendment 39-15932; AD 2009-12-09] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-0163; Directorate Identifier 2007-NM-046-AD; Amendment 39-15929; AD 2009-12-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1364; Directorate Identifier 2008-NM-103-AD; Amendment 39-15928; AD 2009-12-05] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No.: FAA-2007-29067; Directorate Identifier 2007-NM-148-AD; Amendment 39-15926; AD 2009-12-03] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, C-212-CE, C-212-CF, and C-212-DE Airplanes [Docket No.: FAA-2009-0005; Directorate Identifier 2008-NM-164-AD; Amendment 39-15927; AD 2009-12-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 2100D2, AE 2100D2A, AE 2100D3, and AE 2100J Turboprop Engines [Docket No.: FAA-2009-0082; Directorate Identifier 2008-NE-42-AD; Amendment 39-15914; AD 2009-11-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶86.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CUELLAR, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 7, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 7, 2009, at 10:37 a.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees, H.R. 2918.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶86.5 LAND EXCHANGE IN GRAND, SAN JUAN, AND UINTAH COUNTIES

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1275) to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 8, 2009.

The point of no quorum was considered as withdrawn.

¶86.6 IRON WORKING TRAINING PROGRAM FOR NATIVE AMERICANS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1129) to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶86.7 TULE RIVER WATER RECLAMATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1945) to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation on the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 8, 2009.

The point of no quorum was considered as withdrawn.

¶86.8 NATIONAL MEN'S HEALTH WEEK

Mr. LYNCH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 142):

Whereas despite the advances in medical technology and research, men continue to live an average of almost 6 fewer years than women and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between the ages of 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men between the

ages of 15 and 34, and when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men was almost 54,000 in 2008, and almost half of such men died from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer reached over 186,000 in 2008, and almost 29,000 of such men died from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 15 through 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. LYNCH and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HARPER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 8, 2009.

The point of no quorum was considered as withdrawn.

¶86.9 NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. LYNCH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 127):

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, ethnic, cultural, and religious backgrounds;

Whereas the independence movements throughout the Caribbean during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas many influential Caribbean-Americans have contributed to the rich history of the United States, including Jean Baptiste Pointe du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Celia Cruz, the world-renowned queen of Salsa music; and Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Al Roker, a meteorologist and television personality; and Roberto Clemente, the first Latino inducted into the baseball hall of fame;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to the fine arts, education, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other fields in the United States;

Whereas Caribbean-Americans share their culture through festivals, carnivals, music, dance, film, and literature, which enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States' third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas in June 2008, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. LYNCH and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HARPER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 8, 2009.

The point of no quorum was considered as withdrawn.

¶86.10 SLAVE LABOR IN THE CONSTRUCTION OF THE UNITED STATES CAPITOL MARKER

Mr. JOHNSON of Georgia, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 135):

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas the report of the Architect of the Capitol entitled ''History of Slave Laborers

in the Construction of the United States Capitol'' documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia;

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African-Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of the continuing evolution of our representative democracy; and

Whereas a marker dedicated to the enslaved African-Americans who helped to build the Capitol will reflect the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

SECTION 1. PLACEMENT OF MARKER IN CAPITOL VISITOR CENTER TO ACKNOWLEDGE ROLE OF SLAVE LABOR IN CONSTRUCTION OF CAPITOL.

(a) PROCUREMENT AND PLACEMENT OF MARKER.—The Architect of the Capitol, subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, shall design, procure, and place in a prominent location in Emancipation Hall in the Capitol Visitor Center a marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) CRITERIA FOR DESIGN OF MARKER.—In developing the design for the marker required under subsection (a), the Architect of the Capitol—

(1) shall take into consideration the recommendations developed by the Slave Labor Task Force Working Group;

(2) shall, to the greatest extent practicable, ensure that the marker includes stone which was quarried by slaves in the construction of the Capitol; and

(3) shall ensure that the marker includes a plaque or inscription which describes the purpose of the marker.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. JOHNSON of Georgia, and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶86.11 PLEDGE OF ALLEGIANCE AND ''IN GOD WE TRUST'' IN THE CAPITOL VISITORS CENTER

Mrs. CHRISTENSEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 131):

SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mrs. CHRISTENSEN and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HARPER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 8, 2009.

The point of no quorum was considered as withdrawn.

¶86.12 PATENT OPERATIONS FUNDING

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶86.13 RECESS—3:35 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶86.14 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶86.15 H. CON. RES. 135—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 135) directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 1

¶86.16 [Roll No. 478]

YEAS—399

Abercrombie	Brady (PA)	Connolly (VA)
Ackerman	Brady (TX)	Cooper
Adler (NJ)	Braley (IA)	Costa
Akin	Bright	Costello
Alexander	Brown (SC)	Courtney
Altmire	Brown, Corrine	Crenshaw
Andrews	Brown-Waite, Ginny	Crowley
Arcuri	Buchanan	Cuellar
Austria	Burgess	Culberson
Baca	Butterfield	Cummings
Bachmann	Buyer	Dahlkemper
Bachus	Calvert	Davis (AL)
Baird	Camp	Davis (CA)
Baldwin	Campbell	Davis (IL)
Barrow	Cantor	Davis (KY)
Bartlett	Cao	Davis (TN)
Barton (TX)	Capito	DeFazio
Becerra	Capps	DeGette
Berkley	Capuano	DeLauro
Berman	Cardoza	Dent
Berry	Carnahan	Diaz-Balart, L.
Biggert	Carney	Diaz-Balart, M.
Bilbray	Carson (IN)	Dicks
Bilirakis	Carter	Dingell
Bishop (GA)	Cassidy	Doggett
Bishop (NY)	Castle	Donnelly (IN)
Bishop (UT)	Castor (FL)	Doyle
Blackburn	Chaffetz	Dreier
Blumenauer	Chandler	Driehaus
Boccieri	Clarke	Duncan
Boehner	Clay	Edwards (MD)
Bonner	Cleaver	Edwards (TX)
Bono Mack	Clyburn	Ehlers
Boozman	Coble	Ellison
Boren	Coffman (CO)	Emerson
Boswell	Cohen	Engel
Boucher	Cole	Eshoo
Boustany	Conaway	Etheridge
Boyd		Farr

Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

King (IA)

NOT VOTING—32

Aderholt
Barrett (SC)
Bean
Blunt
Broun (GA)
Burton (IN)
Childers
Conyers
Deal (GA)
Delahunt
Ellsworth
Fallin
Garrett (NJ)
Gohmert
Grijalva
Gutierrez
Hall (NY)
Hensarling
Inglis
Jackson-Lee (TX)
Johnson, E. B.
Kissell
Melancon
Mica
Miller (NC)
Payne
Rogers (KY)
Rohrabacher
Sestak
Speier
Westmoreland
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶86.17 H.R. 3114—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.18 H.R. 1129—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1129) to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

Mr. CAMPBELL demanded a recorded vote on the motion to suspend the rules and pass said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 329 / Nays 75

¶86.19 [Roll No. 479]

AYES—329

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton

Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Akin
Bachmann
Barton (TX)
Bilirakis
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Harper
Hastings (WA)
Herger
Hoekstra
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McKeon
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Roskam
Royce
Scalise
Schmidt
Schock
Shadegg
Shimkus
Shuster
Souder
Stearns
Thompson (PA)
Thornberry
Tiberi

NOT VOTING—28

Aderholt
Barrett (SC)
Bean
Blunt
Broun (GA)
Burton (IN)
Childers
Deal (GA)
Delahunt
Ellsworth
Fallin
Grijalva
Gutierrez
Hall (NY)
Hensarling
Inglis
Jackson-Lee (TX)
Johnson, E. B.
Kissell
Melancon
Mica
Miller (NC)
Payne
Rogers (KY)
Rohrabacher
Sestak
Westmoreland
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.20 FIRST SPONSORS CHANGE—H.R. 1283

Mr. Patrick J. MURPHY of Pennsylvania, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 1283) to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation, (a bill originally introduced by Representative Tauscher); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶86.21 PROVIDING FOR CONSIDERATION OF H.R. 2997

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–191) the resolution (H. Res. 609) providing for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶86.22 PROVIDING FOR CONSIDERATION OF H.R. 2965

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–192) the resolution (H. Res. 610) providing for consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶86.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. FALLIN, for today;

To Ms. Eddie Bernice JOHNSON of Texas, for today; and

To Ms. JACKSON-LEE of Texas, for today.

And then,

¶86.24 ADJOURNMENT

On motion of Mr. KING of Iowa, at 8 o'clock and 59 minutes p.m., the House adjourned.

¶86.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2965. A bill to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; with an amendment (Rept. 111–190, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 609. Resolution providing for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–191). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes (Rept. 111–192). Referred to the House Calendar.

¶86.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL:

H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. JOHNSON of Georgia, and Mr. SHERMAN):

H.R. 3114. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes; to the Committee on the Judiciary; considered and passed.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H.R. 3115. A bill to amend the Internal Revenue Code of 1986 to provide credits to small businesses and their employees for health insurance coverage; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 3116. A bill to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. LYNCH:

H.R. 3117. A bill to provide enhanced voucher rental assistance for residents of certain federally assisted low-income housing, and for other purposes; to the Committee on Financial Services.

By Mr. MURPHY of New York:

H.R. 3118. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the making work pay credit; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. ISSA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3119. A bill to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H.R. 3120. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of Texas (for himself, Mr. GORDON of Tennessee, Ms. GIFFORDS, and Mr. OLSON):

H. Res. 607. A resolution celebrating the Fortieth Anniversary of the Apollo 11 Moon Landing; to the Committee on Science and Technology.

By Mr. CARSON of Indiana (for himself, Mr. HILL, Mr. BURTON of Indiana, Mr. BUYER, Mr. PENCE, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, and Mr. ELLSWORTH):

H. Res. 608. A resolution recognizing the 100th anniversary of the opening of the Indianapolis Motor Speedway; to the Committee on Oversight and Government Reform.

By Mr. HARE (for himself, Mr. DELAHUNT, Mr. HARPER, and Mr. BILBRAY):

H. Res. 611. A resolution supporting the goals and ideals of ''Fragile X Awareness Day''; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. CANTOR, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. SARBANES, Mr. GOODLATTE, Mr. KRATOVIL, Mr. NYE, Mr. PERRIELLO, Mr. RUPPERSBERGER, Mr. WOLF, Mr. WITTMAN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Ms. LEE of California, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. CARSON of Indiana, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mrs. SCHMIDT, Mr. RUSH, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. CONYERS, Mrs. CAPPS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. BECERRA, Mr. BACA, Mr. CARDOZA, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. FOSTER, and Mr. QUIGLEY):

H. Res. 612. A resolution expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates; to the Committee on Oversight and Government Reform.

By Mr. PLATTS:

H. Res. 613. A resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; to the Committee on Oversight and Government Reform.

By Mr. QUIGLEY (for himself, Mr. FLAKE, and Mr. KIRK):

H. Res. 614. A resolution amending the Rules of the House of Representatives to prohibit earmarks to for-profit entities; to the Committee on Rules.

¶86.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HOLDEN introduced a bill (H.R. 3121) to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; which was referred to the Committee on Armed Services.

¶86.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. REYES.

H.R. 39: Mr. SPRATT, Ms. WATSON, Ms. WOOLSEY, Mr. CLAY, Mr. MOORE of Kansas, Mr. CONNOLLY of Virginia, Ms. LEE of California, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mrs. DAVIS of California, Mr. WU, Mr. HODES, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Mr. HALL of New York, Mr. BERMAN, Mr. HOLT, and Mrs. CAPPS.

H.R. 82: Mr. MURPHY of Connecticut.

H.R. 137: Mr. POE of Texas.

H.R. 176: Ms. ZOE LOFGREN of California.

H.R. 179: Mr. BAIRD.

H.R. 265: Mr. PIERLUISI, Ms. RICHARDSON, and Mr. BLUMENAUER.

H.R. 333: Ms. KAPTUR and Mr. SIRES.

H.R. 389: Mr. BLUMENAUER.

H.R. 413: Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CAPPS, Mr. BOSWELL, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. PETERSON, Mrs. NAPOLITANO, Mr. RUSH, Mr. SARBANES, Mr. TURNER, Mr. FILNER, Mr. SHERMAN, Mr. OBERSTAR, Mr. TIERNEY, Mr. KUCINICH, Mr. RUPPERSBERGER, Mr. ACKERMAN, Mr. KIND, Mr. AL GREEN of Texas, and Mr. BLUMENAUER.

H.R. 426: Ms. JACKSON-LEE of Texas.

H.R. 430: Mr. WAMP and Mr. TURNER.

H.R. 442: Mr. SMITH of Nebraska, Mrs. MCMORRIS RODGERS, and Mr. BUCHANAN.

H.R. 468: Mr. MICHAUD.

H.R. 482: Mr. TAYLOR.

H.R. 528: Mr. LEVIN.

H.R. 614: Mr. TURNER.

H.R. 622: Mr. MCCOTTER.

H.R. 635: Mr. KUCINICH and Mr. CONNOLLY of Virginia.

H.R. 658: Mr. PERRIELLO.

H.R. 690: Mr. BLUNT and Mr. DOYLE.

H.R. 697: Mr. CONNOLLY of Virginia.

H.R. 856: Mr. DANIEL E. LUNGREN of California.

H.R. 868: Mr. HALL of New York.

H.R. 874: Ms. SPEIER.

H.R. 930: Mr. MARSHALL and Mr. BERMAN.

H.R. 936: Mr. ROE of Tennessee.

H.R. 949: Ms. LINDA T. SÁNCHEZ of California.

H.R. 950: Ms. ZOE LOFGREN of California.

H.R. 953: Mr. TURNER.

H.R. 981: Mr. BLUMENAUER.

H.R. 1030: Mr. ROTHMAN of New Jersey.

H.R. 1064: Mr. BOCCIERI and Mr. SPACE.

H.R. 1103: Mr. MEEK of Florida.

H.R. 1126: Mr. UPTON and Mr. THOMPSON of California.

H.R. 1135: Mr. PASTOR of Arizona.

H.R. 1142: Mr. OLVER.

H.R. 1150: Mr. COHEN.

H.R. 1177: Mr. WOLF.

H.R. 1197: Ms. CORRINE BROWN of Florida.

H.R. 1207: Ms. ZOE LOFGREN of California, Mr. CHANDLER, Ms. HARMAN, Mr. MURPHY of Connecticut, and Mr. GALLEGLY.

H.R. 1210: Mr. ROTHMAN of New Jersey.

H.R. 1213: Mr. ROTHMAN of New Jersey.

H.R. 1215: Mr. MCGOVERN and Ms. JACKSON-LEE of Texas.

H.R. 1255: Mr. Fleming, Mr. SESSIONS, Mr. CLAY, and Mr. CARNAHAN.

H.R. 1293: Mr. WALZ.

H.R. 1324: Mr. SHULER, Mr. MARSHALL, Ms. ZOE LOFGREN of California, and Mr. CAPUANO.

H.R. 1392: Mr. DENT.

H.R. 1428: Mr. GRIJALVA, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. MASSA, Mr. MCNERNEY, and Mr. ELLISON.

H.R. 1443: Mr. DOYLE.

H.R. 1454: Mr. SNYDER.

H.R. 1460: Ms. ROYBAL-ALLARD.

H.R. 1472: Mr. MCCOTTER.

H.R. 1485: Mr. BAIRD.

H.R. 1503: Mr. POE of Texas and Mr. BURTON of Indiana.

H.R. 1521: Mr. LINCOLN DIAZ-BALART of Florida, Mr. WAMP, Mr. BUYER, Mr. DOYLE, Mr. SULLIVAN, and Mr. INSLEE.

H.R. 1526: Mr. ROSS, Mr. EHLERS, Mr. DICKS, Mr. SIRES, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. LANCE, and Mr. ROTHMAN of New Jersey.

H.R. 1528: Ms. WATERS and Mr. TANNER.

H.R. 1530: Mr. RUSH, Ms. WATERS, and Mr. TANNER.

H.R. 1531: Mr. RUSH, Mr. TANNER, and Ms. WATERS.

H.R. 1546: Mrs. NAPOLITANO.

H.R. 1547: Mr. BARROW and Ms. ZOE LOFGREN of California.

H.R. 1548: Mr. BACA, Ms. RICHARDSON, Mr. ROSKAM, and Mr. GRIFFITH.

H.R. 1552: Mr. BRIGHT.

H.R. 1557: Mr. LANCE.

H.R. 1636: Mr. BLUMENAUER.

H.R. 1675: Ms. ZOE LOFGREN of California.

H.R. 1681: Mr. TANNER.

H.R. 1685: Ms. MATSUI.

H.R. 1691: Mr. MCMAHON.

H.R. 1707: Mr. WAMP.

H.R. 1708: Mr. MARSHALL.

H.R. 1775: Mr. COHEN.

H.R. 1816: Mr. KIRK.

H.R. 1835: Mr. KISSELL and Mr. DAVIS of Tennessee.

H.R. 1844: Ms. CLARKE and Mr. MCCOTTER.

H.R. 1866: Mr. KUCINICH.

H.R. 1881: Mr. CUELLAR and Ms. PINGREE of Maine.

H.R. 1894: Mr. MEEK of Florida.

H.R. 1928: Mr. MICHAUD.

H.R. 1933: Mr. POE of Texas.

H.R. 1956: Mr. CAPUANO.

H.R. 1969: Mr. GARRETT of New Jersey.

H.R. 1977: Mr. POE of Texas.

H.R. 1992: Mr. FILNER.

H.R. 2006: Mr. BLUMENAUER, Mr. FILNER, and Mr. CARSON of Indiana.

H.R. 2026: Mr. SCALISE.

H.R. 2035: Mr. LANGEVIN.

H.R. 2058: Mr. MCINTYRE.

H.R. 2061: Mr. HALL of Texas.

H.R. 2084: Mr. CRENSHAW, Mr. MASSA, and Mr. ROTHMAN of New Jersey.

H.R. 2113: Mr. AL GREEN of Texas.

H.R. 2139: Mrs. MYRICK, Mr. CARSON of Indiana, Mr. PETERSON, Mr. GEORGE MILLER of California, Mr. FOSTER, Mr. LEVIN, Mr. REICHERT, Mr. MASSA, Mr. CAPUANO, and Mr. CONYERS.

H.R. 2149: Mrs. CAPPS, Mr. HIMES, Ms. CLARKE, and Mr. BLUMENAUER.

H.R. 2160: Mr. HONDA, Mr. WELCH, Mr. ARCURI, Mr. AKIN, Mr. MCCOTTER, and Mr. MELANCON.

H.R. 2190: Mr. DOGGETT.

H.R. 2194: Mr. JOHNSON of Georgia, Mr. WELCH, Mr. MCCARTHY of California, Mr. CONAWAY, Mr. HENSARLING, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. SALAZAR, Mr. MARIO DIAZ-BALART of Florida, Mr. WOLF, Mr. SIMPSON, Mr. HERGER, Mr. WESTMORELAND, Mr. BILBRAY, Mrs. MALONEY, Mrs. HALVORSON, Mr. HASTINGS of Washington, Mr. COBLE, Mr. CARNAHAN, and Mr. POLIS.

H.R. 2209: Mr. BLUMENAUER.

H.R. 2222: Mr. RYAN of Ohio.

H.R. 2223: Mr. PAYNE.

H.R. 2239: Mr. JOHNSON of Georgia.

H.R. 2243: Mr. BILBRAY and Mr. WITTMAN.

H.R. 2246: Mr. KING of New York.

H.R. 2254: Mr. BONNER, Mr. MURPHY of New York, Mr. TONKO, Mr. BISHOP of New York, Mr. MITCHELL, Mr. MARIO DIAZ-BALART of Florida, Mr. TEAGUE, Mr. HARE, Mr. WOLF, Mr. BLUMENAUER, and Mr. JACKSON of Illinois.

H.R. 2266: Mr. HODES and Mr. TOWNS.

H.R. 2267: Mr. HODES and Mr. TOWNS.

H.R. 2268: Mr. BLUMENAUER.

H.R. 2269: Mr. CONNOLLY of Virginia.

H.R. 2296: Mr. BUCHANAN, Mr. PLATTS, Ms. FOXX, Mr. BLUNT, Mr. RAHALL, Mr. MURTHA, Mr. COLE, Mr. BARROW, and Mr. MARSHALL.

H.R. 2329: Mr. HONDA, Ms. JACKSON-LEE of Texas, and Mr. YOUNG of Alaska.

H.R. 2339: Ms. NORTON.

H.R. 2368: Mr. PETRI.

H.R. 2373: Mr. WAMP, Mrs. BLACKBURN, Mr. COHEN, Mr. POE of Texas, and Mr. LATOURETTE.

H.R. 2378: Mrs. DAHLKEMPER, Mr. BACA, Ms. RICHARDSON, and Mr. DOYLE.
H.R. 2381: Mrs. MCCARTHY of New York.
H.R. 2390: Mr. HOLT.
H.R. 2418: Mrs. NAPOLITANO, Mr. CUMMINGS, and Mr. GENE GREEN of Texas.
H.R. 2427: Mr. HOLT and Mr. KENNEDY.
H.R. 2452: Mr. GOODLATTE.
H.R. 2478: Mr. JACKSON of Illinois, Mrs. MYRICK, Mr. SHERMAN, Mr. CAPUANO, Mr. CONYERS, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. BLUMENAUER, Mr. HUNTER, Mrs. NAPOLITANO, and Mr. CONNOLLY of Virginia.
H.R. 2492: Mr. FILNER, Mr. PAUL, and Mr. MARSHALL.
H.R. 2499: Mr. THOMPSON of California, Mr. WAMP, Mr. KLINE of Minnesota, and Mr. SCHIFF.
H.R. 2516: Mr. LEE of New York.
H.R. 2517: Ms. GIFFORDS.
H.R. 2519: Mr. MCMAHON.
H.R. 2523: Mr. HONDA.
H.R. 2538: Mr. MASSA and Ms. CORRINE BROWN of Florida.
H.R. 2542: Mr. NUNES.
H.R. 2560: Mr. BLUMENAUER.
H.R. 2567: Mr. CARNAHAN.
H.R. 2570: Mr. KUCINICH.
H.R. 2596: Mr. BRALEY of Iowa.
H.R. 2597: Mr. SARBANES, Mrs. MCCARTHY of New York, and Mr. SESTAK.
H.R. 2625: Ms. ZOE LOFGREN of California, Mr. KUCINICH, and Mr. VAN HOLLEN.
H.R. 2632: Mr. PETERSON.
H.R. 2648: Ms. SCHAKOWSKY.
H.R. 2669: Mr. FILNER.
H.R. 2676: Ms. KOSMAS.
H.R. 2681: Mr. HONDA.
H.R. 2685: Mr. HOLT.
H.R. 2697: Mr. MICHAUD and Mr. TONKO.
H.R. 2702: Mr. POE of Texas.
H.R. 2724: Mr. AL GREEN of Texas.
H.R. 2738: Mr. RODRIGUEZ.
H.R. 2746: Mr. BARROW, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCGOVERN, and Ms. ZOE LOFGREN of California.
H.R. 2752: Mr. POE of Texas.
H.R. 2770: Mr. PETERSON.
H.R. 2777: Ms. KAPTUR.
H.R. 2799: Mr. HINCHEY.
H.R. 2801: Ms. JACKSON-LEE of Texas.
H.R. 2810: Mr. KISSELL.
H.R. 2828: Mr. WITTMAN.
H.R. 2845: Mr. OLSON, Mr. SOUDER, and Mr. CONAWAY.
H.R. 2846: Mr. YOUNG of Alaska.
H.R. 2859: Mr. BRADY of Pennsylvania.
H.R. 2861: Mr. HINCHEY.
H.R. 2866: Mr. HOLT, Mr. PALLONE, Ms. CORRINE BROWN of Florida, and Mr. BLUMENAUER.
H.R. 2876: Mr. WELCH.
H.R. 2900: Mr. CONAWAY, Mrs. BLACKBURN, Mr. AKIN, and Mr. RADANOVICH.
H.R. 2902: Ms. JACKSON-LEE of Texas.
H.R. 2909: Mr. KUCINICH and Mr. JOHNSON of Georgia.
H.R. 2914: Mr. PITTS, Mr. HOEKSTRA, Mr. BURTON of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. WEINER.
H.R. 2920: Mr. DEFAZIO, Mr. CAPUANO, Mr. HOLT, and Mr. YARMUTH.
H.R. 2941: Mr. TIERNEY and Mr. KENNEDY.
H.R. 2943: Mr. GEORGE MILLER of California and Mr. KUCINICH.
H.R. 2964: Mrs. LUMMIS, Mr. FLEMING, and Mr. MASSA.
H.R. 2980: Mr. MICHAUD.
H.R. 2995: Mr. ALEXANDER.
H.R. 2999: Ms. GIFFORDS.
H.R. 3001: Mr. SERRANO and Mr. HOLT.
H.R. 3006: Mr. BOUCHER.
H.R. 3011: Mr. GARRETT of New Jersey, Mr. COSTELLO, and Mr. DAVIS of Alabama.
H.R. 3012: Mr. FATTAH, Mr. BOUCHER, and Ms. VELÁZQUEZ.
H.R. 3017: Mr. GRAYSON, Mr. LUJÁN, Mr. OBERSTAR, Mr. CONNOLLY of Virginia, and Mr. KENNEDY.
H.R. 3020: Mr. MINNICK.
H.R. 3025: Mr. CHANDLER and Mr. MARSHALL.
H.R. 3042: Mr. HASTINGS of Florida, Mr. MICHAUD, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. SCHAUER, Mr. MASSA, Mr. FILNER, Mr. TIERNEY, Mr. KILDEE, Ms. SHEA-PORTER, and Mr. GUTIERREZ.
H.R. 3047: Ms. BALDWIN, Mr. DAVIS of Illinois, Ms. NORTON, and Mr. CONYERS.
H.R. 3050: Mr. WOLF and Mr. PERRIELLO.
H.R. 3053: Ms. LEE of California.
H.R. 3068: Mr. FATTAH.
H.R. 3074: Mr. WALZ, Mr. OBERSTAR, Mr. PETERSON, Mr. BRALEY of Iowa, and Mr. LOEBSACK.
H.R. 3086: Mr. FALEOMAVAEGA.
H.R. 3088: Mr. BISHOP of New York.
H.R. 3090: Mr. KENNEDY and Mrs. NAPOLITANO.
H.J. Res. 47: Mr. WITTMAN and Mrs. HALVORSON.
H. Con. Res. 16: Mr. POE of Texas.
H. Con. Res. 74: Mr. OLVER.
H. Con. Res. 94: Mr. JONES, Mr. FILNER, Mr. KIRK, Mr. GRIJALVA, Mr. REICHERT, Mr. HINCHEY, Mr. ROGERS of Kentucky, Mr. MORAN of Virginia, Mr. WHITFIELD, Ms. LEE of California, Mr. GUTHRIE, Mr. ELLISON, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. BOUSTANY, Mr. FATTAH, Mr. BRADY of Texas, Mr. MARKEY of Massachusetts, Mr. CAMP, Mr. KUCINICH, Mr. CONAWAY, Ms. JACKSON-LEE of Texas, Mr. CAO, Mr. MASSA, and Mr. WU.
H. Con. Res. 117: Mr. ADERHOLT, Mr. MCCAUL, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 144: Mr. ETHERIDGE, Mr. SERRANO, Mr. HODES, Mrs. MALONEY, Ms. NORTON, Mr. CHILDERS, Mr. HINCHEY, Mr. RANGEL, Mr. CASTLE, Mr. SALAZAR, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 152: Mr. AL GREEN of Texas.
H. Con. Res. 156: Mr. ROYCE, Mr. SMITH of New Jersey, Mr. COBLE, Mr. ROHRABACHER, and Mr. TOWNS.
H. Con. Res. 158: Ms. MATSUI, Mr. SESTAK, Mr. MINNICK, Mr. LEWIS of Georgia, Mr. MASSA, Mr. GUTIERREZ, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. CAO, Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. HINOJOSA, and Mr. SHULER.
H. Con. Res. 159: Mr. CAPUANO and Mr. HERGER.
H. Res. 69: Mr. SMITH of Texas.
H. Res. 90: Mr. KUCINICH.
H. Res. 111: Mr. CAMPBELL, Mrs. HALVORSON, Mr. OLVER, and Mr. WILSON of Ohio.
H. Res. 130: Mr. MCNERNEY.
H. Res. 271: Mr. HOLT.
H. Res. 278: Ms. KAPTUR.
H. Res. 362: Mr. PAYNE.
H. Res. 394: Mr. BONNER.
H. Res. 409: Ms. CORRINE BROWN of Florida.
H. Res. 416: Mr. STARK, Mr. CLAY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. CLARKE, and Mr. ELLISON.
H. Res. 461: Mr. STARK.
H. Res. 494: Mr. TANNER and Mr. DUNCAN.
H. Res. 496: Mr. ROHRABACHER.
H. Res. 507: Mr. RADANOVICH and Mr. SCALISE.
H. Res. 554: Mr. PAULSEN and Mr. WALDEN.
H. Res. 577: Mrs. BLACKBURN, Mr. FLEMING, and Mr. MORAN of Virginia.

WEDNESDAY, JULY 8, 2009 (87)

The House was called to order by the SPEAKER.

¶87.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, July 7, 2009.

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

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶87.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2515. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Bahrain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2516. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Norway pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2517. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Tapentadol into Schedule II [Docket No.: DEA-319P] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — E-911 Grant Program [Docket No.: NHTSA-2008-0142] (RIN: 2127-AK37) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2519. A letter from the Acting Division Chief, TAPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No.: 80-286] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2520. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels [WT Docket 02-55] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2521. A letter from the Acting Division Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Local Number Portability Porting Interval and Validation Requirements [WC Docket No.: 07-244]; Telephone Number Portability [CC Docket No.: 95-116] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2522. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2523. A letter from the Secretary, Department of Education, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2524. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report of the Office of Inspector General for the six-month period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2525. A letter from the Department of Transportation —— Federal Aviation Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2526. A letter from the Department of Transportation —— Federal Railroad Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2527. A letter from the Department of Transportation —— Federal Transit Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2528. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2529. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2530. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2531. A letter from the Department of Transportation —— Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2532. A letter from the Department of Transportation —— Research and Innovative Technology Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2533. A letter from the Department of Transportation —— Saint Lawrence Seaway Development Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2534. A letter from the Acting Director, Director of the Peace Corps, transmitting the semi-annual report of the Inspector General of the Peace Corps for the period beginning October 1, 2008 and ending March 31, 2009; to the Committee on Oversight and Government Reform.

2535. A letter from the Office of the Administrator, Small Business Administration, transmitting the Administration's semi-annual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2536. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Rockets Over the River; Bullhead City, Arizona [Docket No.: USCG-2009-0070] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2537. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI July Fireworks Display; Laughlin, Nevada [Docket No.: USCG-2008-1261] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2538. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ohio River mile 265.2 to 266.2 and from Kanawha River mile 0.0 to 0.5, Point Pleasant, WV [USCG-2009-0191] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2539. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments [Docket No.: USCG-2009-0416] (RIN: 1625-ZA23) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2540. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Buy America Requirements; Bi-Metallic Composite Conducting Rail [Docket No.: FTA-2008-0057] (RIN: 2132-AA99) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30669; Amdt. No. 481] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30670 Amdt. No. 3324] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Sterling, IL, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waverly, OH [Docket No.: FAA-2009-1236; Airspace Docket No. 08-AGL-16] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, OH [Docket No.: FAA-2009-0127; Airspace Docket No. 09-AGL-4] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶87.3 PROVIDING FOR CONSIDERATION OF H.R. 2965

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 610):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Science and Technology now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. During consideration of H.R. 2965, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 187

¶87.4 [Roll No. 480]

YEAS—236

Abercrombie
Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Courtney
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Herger
Hill
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (MA)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

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

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶87.5 H.R. 1275—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1275) to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Mr. PERLMUTTER demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶87.6 [Roll No. 481]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.7 H.R. 1945—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1945) to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation on the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 3

¶87.8 [Roll No. 482]

AYES—417

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

NOES—3

Coble
Paul
Sensenbrenner

NOT VOTING—12

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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.9 ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 610 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to Small Business Innovation Research Program and the Small Business Transfer Program, and for other purposes.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, by unanimous consent, designated Mr. ROSS as Chairman of the Committee of the Whole; and after some time spent therein,

¶87.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, as modified, printed in House Report 111-192, submitted by Ms. KOSMAS:

Page 14, after line 4, insert the following:

''(2) SPACE SHUTTLE PROGRAM.—Each agency required to establish a commercialization program under paragraph (1) and that carries out construction, assembly, or research and development activities with respect to the space shuttle program (also known as the space transportation system) shall include, as part of such commercialization program, activities to assist small business concerns affected by the termination of the space shuttle program to commercialize technologies through SBIR. Activities to assist such small business concerns may include activities described in paragraph (1) and other activities to assist small business concerns making the transition from work relating to the space shuttle program to work in related or unrelated industries.

Page 14, line 5, strike ''(2)'' and insert ''(3)''.

Page 14, line 23, strike ''(3)'' and insert ''(4)''.

Page 14, line 25, strike ''paragraphs (1) and (2)'' and insert ''this subsection''.

It was decided in the affirmative ..... { Yeas ..... 427 / Nays 4

¶87.11 [Roll No. 483]

AYES—427

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

NOES—4

Flake
Foxx
King (IA)
Price (GA)

NOT VOTING—7

Broun (GA)
Cardoza
Castor (FL)
Ellsworth
Faleomavaega
Mack
Sestak

So the amendment, as modified, was agreed to.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, assumed the Chair.

When Mr. ROSS, Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The question being put, viva voce,

Will the House agree to the amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 15

¶87.12 [Roll No. 484]

AYES—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—15

Chaffetz
Duncan
Flake
Foxx
Franks (AZ)
Manzullo
Marchant
McClintock
Miller (FL)
Paul
Petri
Poe (TX)
Ryan (WI)
Sensenbrenner
Shadegg

NOT VOTING—6

Broun (GA)
Castor (FL)
Ellsworth
Murtha
Sestak
Waxman

So the amendment in the nature of a substitute was agreed to.

The following amendment, reported from the Committee of the Whole House on the State of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

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

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

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

TITLE III—RURAL DEVELOPMENT AND OUTREACH

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

TITLE IV—SBIR AND STTR ENHANCEMENT

Sec. 401. Increased number of research topic solicitations annually and shortened period for final decisions on applications.
Sec. 402. Agencies should fund vital R&D projects with the potential for commercialization.
Sec. 403. Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.
Sec. 404. Funding for administrative, oversight, and contract processing costs.
Sec. 405. Comptroller general audit of how Federal agencies calculate extramural research budgets.
Sec. 406. Agency databases to support program evaluation.
Sec. 407. Agency databases to support technology utilization.
Sec. 408. Interagency Policy Committee.
Sec. 409. National Research Council SBIR Study.
Sec. 410. Express authority to ''fast-track'' Phase Two awards for promising Phase One research.
Sec. 411. Increased SBIR and STTR award levels.
Sec. 412. Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.
Sec. 413. First phase required.
Sec. 414. Involvement of Chief Counsel for Advocacy.
Sec. 415. Minority institution program.
Sec. 416. Areas that have lost a major source of employment.
Sec. 417. Enhancing veteran participation in SBIR.
Sec. 418. Veteran preference.
Sec. 419. Medical technology.

TITLE V—IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY

Sec. 501. Improving water use and transmission technology.

TITLE VI—GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

Sec. 601. GAO study with respect to venture capital operating company involvement.

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 101. EXTENSION OF TERMINATION DATES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) that—

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

''(ii) is an entity that—

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

''(II) is an investment company, as defined in subsection (a)(1) of section 3 of such Act (15 U.S.C. 80a–3), which is not registered under such Act because of an exemption under subsection (c)(1) or subsection (c)(7) of such section; and

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

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

SEC. 201. FOCUS ON COMMERCIALIZATION.

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

SEC. 203. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

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

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

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

(3) by adding at the end the following:

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

(4) by adding at the end the following:

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

SEC. 205. AGENCY RESEARCH GOALS.

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

''(h) AGENCY RESEARCH GOALS.—

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

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

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

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

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

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

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

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

SEC. 206. COMMERCIALIZATION PROGRAMS.

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

''(bb) COMMERCIALIZATION PROGRAMS.—

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

''(2) SPACE SHUTTLE PROGRAM.—Each agency required to establish a commercialization program under paragraph (1) and that carries out construction, assembly, or research and development activities with respect to the space shuttle program (also known as the space transportation system) shall include, as part of such commercialization program, activities to assist small business concerns affected by the termination of the space shuttle program to commercialize technologies through SBIR. Activities to assist such small business concerns may include activities described in paragraph (1) and other activities to assist small business concerns making the transition from work relating to the space shuttle program to work in related or unrelated industries.

''(3) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

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

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

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

''(4) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in this subsection, the head of an agency may use

not more than an amount equal to 1 percent of the funds set aside for the agency's Small Business Innovation Research program. Such funds—

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

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

TITLE III—RURAL DEVELOPMENT AND OUTREACH

SEC. 301. OUTREACH AND SUPPORT ACTIVITIES.

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

''(s) OUTREACH AND SUPPORT ACTIVITIES.—

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

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

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

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

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

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

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

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

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

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

''(C) Small business concerns owned and controlled by Native Americans.

''(D) Small business concerns located in geographic areas with an unemployment rate that exceeds the national unemployment rate.

''(5) ADVISORY BOARD.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) criteria designed to give preference: (i) to applicants serving underrepresented States and regions; and (ii) to applicants who are women-, service-disabled veterans-, or minority-owned.

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

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

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

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

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

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

''(8) PER-STATE LIMITATIONS.—

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

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

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

SEC. 302. PREFERENCES.

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

''(cc) PREFERENCES.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients that are from areas with an unemployment rate that exceeds the national unemployment rate, that are from rural areas, or that are small business concerns owned and controlled by Native Americans. The Administrator shall submit an annual report to Congress setting forth how many small business concerns owned and controlled by Native Americans were recipients of assistance under this section.''.

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

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

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

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

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

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

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

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

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

''(ee) INCREASED PARTNERSHIPS.—

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

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

TITLE IV—SBIR AND STTR ENHANCEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 406. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

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

(1) in paragraph (2)(A)—

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

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

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

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

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

''(3) UPDATING INFORMATION FOR DATABASE.—

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

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

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

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

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

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

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

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

SEC. 407. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

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

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

SEC. 408. INTERAGENCY POLICY COMMITTEE.

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

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

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

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

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

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

(4) Development and incorporation of a standard evaluation framework to enable

systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for individual agency programs.

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

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

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

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

SEC. 409. NATIONAL RESEARCH COUNCIL SBIR STUDY.

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

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

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

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

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

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

SEC. 411. INCREASED SBIR AND STTR AWARD LEVELS.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 413. FIRST PHASE REQUIRED.

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

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

SEC. 414. INVOLVEMENT OF CHIEF COUNSEL FOR ADVOCACY.

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

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

SEC. 415. MINORITY INSTITUTION PROGRAM.

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

''(nn) MINORITY INSTITUTION PROGRAM.—

''(1) ESTABLISHMENT.—From amounts made available to carry out this subsection, the Administrator shall establish and carry out a program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

''(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

''(3) MATCHING REQUIREMENT.—As a condition of a grant under paragraph (1), the Administrator shall require that a minority institution provide a matching amount from a source other than the Federal Government that is equal to the amount of the grant.

''(4) MINORITY INSTITUTION DEFINED.—In this subsection, the term 'minority institution' has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

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

SEC. 416. AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

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

''(oo) AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from geographic areas determined by the Administrator to have lost a major source of employment.''.

SEC. 417. ENHANCING VETERAN PARTICIPATION IN SBIR.

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

''(pp) ENHANCING VETERAN PARTICIPATION IN SBIR.—Notwithstanding any other provision of this section, a small business concern owned and controlled by veterans may—

''(1) receive an award in the amount of $300,000 in the first phase of an SBIR program and in the amount of $2,250,000 in the second phase of an SBIR program, with such amounts able to be exceeded if the Federal agency making the award notifies the Administrator of such excess; and

''(2) receive an award for the second phase of an SBIR program with respect to a project without having received a first phase award with respect to such project.''.

SEC. 418. VETERAN PREFERENCE.

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

''(qq) VETERAN PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients that are small business concerns owned and controlled by veterans.''.

SEC. 419. MEDICAL TECHNOLOGY.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended in the matter preceding subparagraph (A) by inserting after ''broad research topics'' the following: ''and research topics relating to medical technology''.

TITLE V—IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY

SEC. 501. IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY.

Not later than 1 year after the date of the enactment of this Act, Federal agencies with an SBIR program, as appropriate, shall jointly develop and issue a small business innovation research solicitation that requests research proposals with respect to improving the efficiency of water delivery systems and usage patterns in the United States and its territories through the use of technology.

TITLE VI—GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 601. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

The Comptroller General of the United States shall carry out a study of the impact of requirements relating to venture capital

operating company involvement under section 9(aa) of the Small Business Act, as added by section 102 of this Act. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SIMPSON moved to recommit the bill to the Committee on Small Business with instructions to report the bill back to the House forthwith with the following instructions:

At the end of the bill, insert the following new section:

SEC. . SENSE OF CONGRESS ON REGULAR ORDER ON APPROPRIATIONS BILLS.

Whereas it is the sense of the House that the statements regarding the appropriations process stated October 6, 2000, by the gentleman from Wisconsin, Mr. Obey, should be followed, when he stated:

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

Pending consideration of said motion,

¶87.13 POINT OF ORDER

Ms. VELAZQUEZ made a point of order against consideration of the motion, and said:

''Mr. Speaker, I insist on my point of order.

''Putting aside the gentleman's comments, let me just say that we spent almost 2 hours, 3 hours here debating the SBIR/STTR, and what we heard is people talking about the economic downturn and how can we grow this economy. This bill deals with title IX of the Small Business Act. As such, Mr. Speaker, under clause 7 of the House rule, the amendment is not in order and is not germane to the underlying bill.''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, sustained the point of order, and said:

''The motion proposes an amendment expressing a sense of Congress on a wholly unrelated topic. That amendment is not germane. The point of order is sustained. The motion is not in order.''.

Mr. SIMPSON appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Ms. VELAZQUEZ moved to lay the appeal on the table.

The question being stated,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the nays had it.

Ms. VELAZQUEZ demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 181

¶87.14 [Roll No. 485]

AYES—246

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Broun (GA)
Dicks
Harman
Melancon
Sestak

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Ms. VELAZQUEZ demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 / Nays 41

¶87.15 [Roll No. 486]

AYES—386

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett

Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Blackburn
Campbell
Chaffetz
Courtney
Duncan
Ellison
Flake
Foxx
Franks (AZ)
Fudge
Hensarling
Herseth Sandlin
Hodes
Hoekstra
Issa
Jordan (OH)
Kingston
Kucinich
Lee (NY)
Linder
Manzullo
Marchant
Markey (MA)
McClintock
Miller, Gary
Murphy (CT)
Paul
Petri
Poe (TX)
Posey
Rohrabacher
Royce
Schauer
Sensenbrenner
Sessions
Shadegg
Taylor
Teague
Thornberry
Tsongas
Welch

NOT VOTING—5

Broun (GA)
Conyers
Harman
Sestak
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.16 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶87.17 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, July 7, 2009.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. LAMBORN demanded a recorded vote on approving the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared ....
Yeas 237
Nays 184
Answered present 1

¶87.18 [Roll No. 487]

AYES—237

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Yarmuth

NOES—184

Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny

Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Duncan
Ellsworth
Etheridge
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Markey (MA)
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Pence
Peterson
Petri
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—10

Bright
Broun (GA)
Conyers
Emerson
Harman
McMahon
Ros-Lehtinen
Sestak
Watson
Wu

So the Journal was approved.

¶87.19 MOTION TO ADJOURN

Mr. WESTMORELAND moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. WESTMORELAND demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 36 / Nays 364

¶87.20 [Roll No. 488]

AYES—36

Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Campbell
Chaffetz
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gohmert
Halvorson
Hensarling
Inglis
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Lewis (CA)
Luetkemeyer
Mack
Marchant
Olson
Paul
Pence
Price (GA)
Shadegg
Souder
Thornberry
Tiahrt
Tiberi
Turner
Waters
Westmoreland

NOES—364

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Childers
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—32

Bilirakis
Broun (GA)
Brown-Waite, Ginny
Chandler
Clarke
Crowley
Cuellar
Delahunt
Edwards (TX)
Ellsworth
Engel
Frank (MA)
Grijalva
Herger
Honda
Jackson-Lee (TX)
Kennedy
Lamborn
Lee (CA)
Linder
Luján
Miller, George
Napolitano
Radanovich
Sanchez, Loretta
Sessions
Sestak
Shimkus
Smith (NJ)
Watson
Wexler
Wu

So the motion to adjourn was not agreed to.

¶87.21 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. PRICE of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

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

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

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

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

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

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee produced an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President"s budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit (New York Times/CBS News, Conducted June 12-16, 2009, Survey of 895 Adults Nationwide);

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled "Democratic Declaration: Honest Leadership and Open Government," page 2 states, "Our goal is to restore accountability, honesty and openness at all levels of government.";

Whereas according to a document by Congressional Democrats entitled "A New Direction for America," page 29 states, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas on November 21, 2006, The San Francisco Chronicle reported, "Speaker Pelosi pledged to restore 'minority rights' – including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" ("Pelosi's All Smiles through a Rough House Transition," The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, "[We] promised the American people that we would have the most honest and open government and we will.";

Whereas on December 17, 2006, The Washington Post reported, "After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era – 'where you debated ideas and listened to each others arguments.'" ("Pelosi's House Diplomacy," The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House." ("Hoyer Says Dems' Plans Unruffled by Approps Logjam," CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.";

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations

bills throughout the remainder of the 111th Congress.

The SPEAKER pro tempore, Mr. ALTMIRE, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Georgia [Mr. PRICE] will appear in the Record at this point.

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

¶87.22 PROVIDING FOR CONSIDERATION OF H.R. 2997

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 609):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed one of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B through E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 2997, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

Pending consideration of said resolution,

¶87.23 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against H. Res. 609 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. ALTMIRE, responded to the point of order, and said:

''The gentleman from Arizona [Mr. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of the Act, the gentleman from Arizona has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''

Mr. FLAKE was further recognized and said:

''Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in here. I raise a point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we are being denied the ability to actually offer the amendments that we would like to, to illuminate what's actually in this bill and how this is a break again from the hallmark and tradition of this House, which is to allow open debate on appropriation bills.

''We've heard a lot about the sweeping reforms, particularly on earmarks, since 2007. Some of these reforms are good. Some of them—like requiring Members to put their names next to earmarks, requiring them to sign a certification letter that they have no financial interest in the earmark—are good reforms. They are reforms that many of us in this body have wanted for a long time. But we haven't drained the swamp. All we've done is we now know the depth of the mud that we're wading in, and we're simply not able to hold those accountable who should be held accountable. We have the transparency that we need, some of it, most of it; but with that transparency should come accountability. When you're denied the ability to offer amendments on the floor or are restricted in the number that you can offer, then you aren't able to use that transparency to any good effect.

''In fiscal year 2007 during the appropriations process, I was able to offer 40 earmark limitation amendments. These were bipartisan, including eight to the Agriculture appropriations bill. In fiscal year 2008 I offered nearly 50 bipartisan amendments, including five to the Ag appropriations bill. Now last year only one appropriations bill even moved through the House under regular order, the Military Construction-VA appropriations bill. This bill was jammed together with a so-called minibus with the Homeland Security bill and the Defense bill. This came to the House under a closed rule. There were no amendments allowed at all. The remaining bills were jammed into a must-pass omnibus bill earlier this year. Only a handful of those were even reported out of committee. That meant that there were over 7,000 earmarks worth more than $8 billion air-dropped into this bill and not one limitation amendment, not one striking amendment, really not any amendments of any kind were even allowed on that bill. So we went through a whole year basically with virtually no amendments offered at all where these bills, these appropriations bills weren't even vetted.

''So now we come to this year, and we're told we're going to get back to regular order, we're going to move appropriations bills one at a time and give Members the opportunity to offer limitation amendments. And what do we do? We close them down. The Rules Committee says, Okay, you've offered 12 amendments, maybe you can offer three of those amendments—you choose—on the floor. That's not real accountability. That's not the tradition of this House. That's not an open rule.

''And when you see things like this—this is in Roll Call today—The Justice Department this week filed criminal charges against a defense contractor who has received millions of dollars worth of earmarks. Today's Roll Call. Today's Hill—Kickback charges against a defense contractor are putting people in this body, organizations here, in a hard position on whether to return campaign contributions back to

the contractor charged with accepting kickbacks in return for earmarked dollars. And yet we're going to be considering the Defense appropriation bill later this month that will contain probably more than 1,000 earmarks from this body, most of them earmarks to for-profit companies, most of which will have executives who turn around and make campaign contributions to the Members who secured the earmarks for them.

''Yet I would submit that the purpose of what we're going through now through these appropriation bills is to basically ready this body for the Defense appropriation bill, where people will be used to not offering amendments. Then where we would be able to illuminate a little bit on the floor at least where these earmarks are going, is it proper for this earmark to go to a for-profit company whose executives turn around and make campaign contributions to the Member who secured that earmark for them? Basically Members getting earmarks for their campaign contributors. Instead of being able to stand up and illuminate that, we'll likely be restricted to one or two amendments, or maybe none. That's what we're going through right now, and that's what it's going to lead to.

''Now people say that nobody pays attention to process outside of this body or outside of this town. That's largely true. It's tough to score political points saying, The majority party simply won't allow amendments offered on the floor. People typically don't pay attention to bad process. But bad process always begets bad results or bad policy. We learned it on this side. When you hold a vote open for 3 hours—like we did the prescription drug bill vote—and twist arms, you get a bad result. We added about $11 trillion in unfunded liabilities for future generations. We had several of those, which I think on this side we're probably not proud of. But I can tell you, we always held appropriation bills up, though, and allowed open rules and allowed Members to offer amendments even though it might have been uncomfortable for Members to hear what was being brought to the floor. A departure from that means that we're going to have bad results. We've seen that in the last year or so. When we've restricted the ability of Members to actually offer results, then we have Justice Department investigations because the proper vetting was not done.

''Now I would wish—I think all of us would wish—that some vetting would be done in the Appropriations Committee, but sadly it hasn't been done. The chairman of the committee has said many times that they simply don't have the time nor the resources to vet all of these earmark requests, and I believe them. But if that is the case, the answer isn't to shut the process down. The answer is, don't bring the bill to the floor with so many earmarks in it. But here instead of doing that, we're saying, 'All right, we can't vet these earmarks, so we're simply going to close our eyes and pretend that these earmarks aren't there and not allow anybody to tell anybody that they're there. Let's not allow anybody to come to the floor and offer them.' That is a bad process which leads to bad results.

''Now make no mistake, as I mentioned, what we're going through now—I don't think the majority party or the minority party is so much concerned about how many amendments are offered to the Agriculture bill as they are about setting a precedent for what might come later with the Defense appropriation bill. Remember, that is the important one with regard to earmarks for campaign contributors. If we allow a process to develop here where we shield Members and shield earmarks by not allowing Members to challenge them on the floor, then we will get more headlines like this one in the paper today, headlines that we see over and over and over again which have led to investigations by the Justice Department, which have led finally to our own Ethics Committee, finally, hopefully having launched its own investigation. It is unbelievable to me that we have this going on on the outside, and yet we will still go through a process where we allow Members of Congress here to earmark for their campaign contributors. And instead of allowing Members to come to the floor and actually challenge some of those, we shut down the process so they can't. We close the rule so very few earmark amendments, limitation amendments, are even allowed.''.

Mr. McGOVERN was recognized to speak to the point of order and said:

''Mr. Speaker, just so there's no confusion, I want to remind my colleagues that we are dealing with the Agriculture appropriations bill and not the Defense appropriations bill or any other appropriations bill. This is the Agriculture appropriations bill.

''Mr. Speaker, technically this point of order is about whether or not to consider this rule and ultimately the underlying bill. In reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

''Mr. Speaker, the underlying bill that we want to consider here is a bill that provides food and nutrition to some of the most desperate people in this country. It's a bill that will provide much-needed help to farmers in rural areas all across this country. This is an important bill for a number of reasons, and I think it's wrong to try to delay this bill or block this legislation from coming to the floor. I hope my colleagues will vote 'yes' so that we can consider this important legislation on its merits and not stop it on a procedural obstructionist motion.

''Those who oppose this bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today. Mr. Speaker, I have the right to close; but in the end I will urge my colleagues to vote 'yes' to consider the rule.''.

Mr. FLAKE was further recognized and said:

''I will talk specifically about the Ag appropriations bill. This bill has hundreds and hundreds of earmarks in it. I think there are maybe half a dozen total earmark limitation amendments that are allowed under this rule. That's simply not sufficient, Mr. Speaker. That's not sufficient. We should be allowing more. I understand the other side wants to hide the fact that 64 percent of the earmarks in this legislation are going to just 25 percent of the body, that the Appropriations Committee, which makes up just under 14 percent of this body, actually comes away with 56 percent of the earmarks.

''I understand that those who are in charge of this legislation don't want that to be known, but it's still not right to limit the number of amendments that can be offered and to limit the time. So I would plead to not go forward with consideration of this bill under this rule.''.

Mr. McGOVERN was further recognized and said:

''Mr. Speaker, I can appreciate the tactics that my friends on the other side of the aisle are employing right now to try to delay and obstruct this legislation from moving forward. But, as I said, this legislation is important. It's important to a lot of people. The food stamp program is funded in this bill, WIC, a lot of important nutrition programs, plus a lot of important aid to farmers who are struggling in this tough economy. This is an important piece of legislation.

''Again, I want to urge my colleagues to vote 'yes' on this motion to consider so we can debate and pass this important piece of legislation today. I would urge my colleagues to vote 'yes' and enough of these obstructionist tactics.''.

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244 / Nays 185

¶87.24 [Roll No. 489]

YEAS—244

Abercrombie	Becerra	Boyd
Ackerman	Berkley	Brady (PA)
Adler (NJ)	Berman	Braley (IA)
Altmire	Berry	Brown, Corrine
Andrews	Bishop (GA)	Butterfield
Arcuri	Bishop (NY)	Capps
Baca	Blumenauer	Capuano
Baird	Boccieri	Cardoza
Baldwin	Boren	Carnahan
Barrow	Boswell	Carney
Bean	Boucher	Carson (IN)

Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Napolitano
Sestak
Wittman

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

¶87.25 MOTION TO ADJOURN

Ms. FOXX moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 35 / Nays 368

¶87.26 [Roll No. 490]

YEAS—35

Bartlett
Boehner
Broun (GA)
Campbell
Chaffetz
Clay
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gutierrez
Halvorson
Hensarling
Inglis
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lamborn
Marchant
McHenry
Miller, Gary
Olson
Paul
Pence
Price (GA)
Rangel
Shadegg
Shimkus
Taylor
Thornberry
Tiahrt
Westmoreland
Young (AK)

NAYS—368

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Andrews
Barton (TX)
Bean
Bishop (GA)
Cassidy
Childers
Clarke
Cummings
Doyle
Franks (AZ)
Fudge
Gohmert
Granger
Hinojosa
Moran (VA)
Rush
Ryan (OH)
Sánchez, Linda T.
Schock
Sestak
Souder
Speier
Stearns
Sullivan
Sutton
Wasserman Schultz
Watt
Weiner

So the motion to adjourn was not agreed to.

After further debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 183

¶87.27 [Roll No. 491]

YEAS—239

Abercrombie
Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schwartz
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Andrews
Fudge
Hinojosa
Holden
Matheson
Miller, Gary
Moran (VA)
Price (NC)
Sánchez, Linda T.
Sestak

So the previous question on the resolution was ordered.

Mr. MICA moved to reconsider the vote whereby the previous question was ordered.

The question being put, viva voce,

Will the House agree to the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. MICA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 175 / Nays 251

¶87.28 [Roll No. 492]

AYES—175

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry

Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Andrews
Fudge
Granger
Hinojosa
Schwartz
Sestak

So the motion to reconsider the vote was not agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 / Nays 186

¶87.29 [Roll No. 493]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Fudge
Granger
Hinojosa
Jackson-Lee (TX)
Sestak
Stark
Towns

So the resolution was agreed to.

Mr. MICA moved to reconsider the vote whereby the resolution was agreed to.

The question being put, viva voce,

Will the House agree to the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. MICA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 170 / Nays 254

¶87.30 [Roll No. 494]

AYES—170

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—254

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Andrews
Fudge
Granger
Harman
Hinojosa
Meeks (NY)
Sestak
Waters

So the motion to reconsider the vote was not agreed to.

¶87.31 PROVIDING FOR CONSIDERATION OF H.R. 3081

Mr. McGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–193) the resolution (H. Res. 617) providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶87.32 PROVIDING FOR CONSIDERATION OF H.R. 2701

Mr. McGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–194) the resolution (H. Res. 618) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶87.33 H. CON. RES. 142—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) supporting National Men's Health Week.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of those present had voted in the affirmative.

Mr. CONAWAY demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 3

¶87.34 [Roll No. 495]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer

Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Flake
Kingston
Paul

NOT VOTING—12

Andrews
Cleaver
DeFazio
Fudge
Granger
Hinojosa
Melancon
Murtha
Sestak
Tanner
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶87.35 MOTION TO ADJOURN

Mr. MICA moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. MICA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 41 / Nays 369

¶87.36 [Roll No. 496]

AYES—41

Bartlett
Barton (TX)
Blackburn
Boccieri
Boehner
Broun (GA)
Campbell
Chaffetz
Coffman (CO)
Connolly (VA)
Flake
Foxx
Garrett (NJ)
Gingrey (GA)
Gohmert
Halvorson
Hensarling
Johnson (IL)
Johnson, Sam
Kilroy
King (IA)
Lamborn
LaTourette
McHenry
Mica
Miller, George
Olson
Paul
Pence
Price (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Thornberry
Tiahrt
Westmoreland
Young (AK)
Young (FL)

NOES—369

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth

NOT VOTING—22

Andrews
Berry
Buyer
Childers
Dicks
Fudge
Granger
Gutierrez
Hinojosa
Linder
Maloney
Matsui
Melancon
Murtha
Peterson
Sestak
Sires
Sullivan
Tanner
Tierney
Weiner
Woolsey

So the motion to adjourn was not agreed to.

¶87.37 AGRICULTURE APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to House Resolution 609 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2997) making appropriations for

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. ALTMIRE, by unanimous consent, designated Mr. SNYDER as Chairman of the Committee of the Whole.

The SPEAKER pro tempore, Ms. KOSMAS, assumed the Chair.

When Mr. SNYDER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶87.38 HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore, Ms. KOSMAS, pursuant to 2 United States Code 88b-3 and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the House of Representatives Page Board: Mr. KILDEE and Ms. DEGETTE.

¶87.39 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore, Ms. KOSMAS, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 2, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, I am pleased to re-appoint the Honorable Rob Bishop of Utah and the Honorable Virginia Foxx of North Carolina to the Page Board. Both Mr. Bishop and Mrs. Foxx have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

¶87.40 HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore, Ms. KOSMAS, pursuant to 2 United States Code 88b-3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 6, 2009, announced that the Speaker and Minority Leader jointly reappointed the following individuals to the House of Representatives Page Board for a term of one year, effective July 8, 2009: Ms. Lynn Silversmith Klein of Maryland, and Mr. Adam Jones of Michigan.

And then,

¶87.41 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 11 o'clock and 28 minutes p.m., the House adjourned.

¶87.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 617. Resolution providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–193). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 618. Resolution providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111–194). Referred to the House Calendar.

¶87.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARNAHAN (for himself and Mr. AKIN):

H.R. 3122. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 3123. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. FUDGE (for herself, Mr. MASSA, Ms. LEE of California, Mr. LOEBSACK, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. ELLISON, Mr. CLEAVER, Mr. PAYNE, Mr. JOHNSON of Georgia, Ms. WATSON, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. TOWNS, and Mr. GRAYSON):

H.R. 3124. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. BOUCHER, Mr. BARTON of Texas, Mr. STEARNS, Mr. DINGELL, Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. SPACE, Mr. MCNERNEY, Mr. INSLEE, Ms. ESHOO, Ms. MATSUI, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BUYER, Mr. WELCH, and Mr. UPTON):

H.R. 3125. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY, Mr. GUTIERREZ, Mr. WATT, Mr. ACKERMAN, Mr. SHERMAN, Mr. CAPUANO, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. ELLISON, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3126. A bill to establish the Consumer Financial Protection Agency, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself and Mr. RANGEL):

H.R. 3127. A bill to direct the Architect of the Capitol to acquire a statue of "The Unknown Slave" for permanent display in Emancipation Hall in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON:

H.R. 3128. A bill to amend the Federal Reserve Act to authorize Federal Reserve Banks to examine the methodologies of used by nationally recognized statistical rating organizations in analyzing and rating asset backed securities and structured finance products; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 3129. A bill to prohibit United States contributions to the Intergovernmental Panel on Climate Change; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. GEORGE MILLER of California):

H.R. 3130. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. POE of Texas (for himself and Mrs. BACHMANN):

H.R. 3131. A bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 3132. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security through fiscal year 2012; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3133. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

By Ms. SCHWARTZ:

H.R. 3134. A bill to direct the Secretary of Health and Human Services to establish a Healthcare Innovation Zone pilot program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to provide additional incentives for facilities producing electricity from wind; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3136. A bill to extend the program to provide grants for specified energy property in lieu of tax credits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. GOODLATTE):

H. Con. Res. 161. Concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National EMS Memorial honoring emergency medical services personnel who have died in the line of duty; to the Committee on Energy and Commerce.

By Mr. NYE:

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that any attempt at health care reform should ensure that patients have the right to choose their health care providers; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Ms. SHEA-PORTER, Mr. WHITFIELD, Mr. PAUL, Mr. DOYLE, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. SIRES, and Mr. LARSEN of Washington):

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as ''National Job Corps Day''; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. LINDER, Mr. GARRETT of New Jersey, Mr. BLUNT, Mr. SCALISE, Mr. ALEXANDER, Mr. BONNER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. AKIN, Mr. BISHOP of Utah, Ms. FALLIN, Mr. COLE, Mr. GOHMERT, Mr. PENCE, Mr. HENSARLING, Mr. PITTS, Mr. POSEY, Mr. MARCHANT, Mrs. LUMMIS, Mr. BRADY of Texas, Mr. BOOZMAN, Mr. ROGERS of Alabama, Mr. POE of Texas, and Mr. BOUSTANY):

H. Res. 615. A resolution expressing the sense of the House of Representatives that Members who vote in favor of the establishment of a public, federal government run health insurance option are urged to forgo their right to participate in the Federal Employees Health Benefits Program (FEHBP) and agree to enroll under that public option; to the Committee on House Administration.

By Mr. CASSIDY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, Mr. SCALISE, Mr. FLEMING, and Mr. CAO):

H. Res. 616. A resolution congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and Labor.

By Mr. MACK (for himself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. WAMP, and Mr. BILIRAKIS):

H. Res. 619. A resolution expressing the support of the House of Representatives for the people of Honduras; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Res. 620. A resolution condemning the violence in Honduras and calling for the return of the duly elected President; to the Committee on Foreign Affairs.

¶87.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. RUSH.

H.R. 24: Ms. SCHAKOWSKY and Mr. FOSTER.

H.R. 39: Mr. GEORGE MILLER of California, Mr. HARE, Mr. VAN HOLLEN, and Ms. ESHOO.

H.R. 52: Mr. HINCHEY.

H.R. 147: Mr. ALTMIRE, Mr. SNYDER, Mr. SIRES, Mr. LUJÁN, and Mr. KENNEDY.

H.R. 153: Mr. POSEY.

H.R. 154: Mr. POSEY.

H.R. 155: Mr. POSEY.

H.R. 197: Mr. HOLDEN, Mr. WALZ, and Mr. LATHAM.

H.R. 205: Mr. ROE of Tennessee.

H.R. 265: Mr. CONYERS.

H.R. 270: Mr. MASSA.

H.R. 275: Ms. MARKEY of Colorado, Mr. TURNER, Mrs. LUMMIS, Mr. ROE of Tennessee, Mrs. CAPITO, and Mr. DAVIS of Alabama.

H.R. 303: Mr. ROONEY and Mr. SHULER.

H.R. 420: Mr. OLSON.

H.R. 422: Mr. BLUNT.

H.R. 444: Mr. COURTNEY, Ms. CLARKE, and Ms. KAPTUR.

H.R. 513: Mr. MARIO DIAZ-BALART of Florida.

H.R. 560: Mr. MORAN of Kansas.

H.R. 568: Mr. CLAY.

H.R. 571: Mr. HODES and Mr. WESTMORELAND.

H.R. 621: Ms. HARMAN, Mr. PERRIELLO, Mr. ADERHOLT, Mr. MINNICK, Mr. BOOZMAN, Mr. SCALISE, Mr. MAFFEI, Ms. JACKSON-LEE of Texas, Mr. TURNER, and Ms. ZOE LOFGREN of California.

H.R. 644: Mr. BRALEY of Iowa.

H.R. 690: Ms. GINNY BROWN-WAITE of Florida, Mr. LEWIS of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 722: Ms. SCHAKOWSKY and Mr. DOYLE.

H.R. 745: Mr. MOLLOHAN.

H.R. 764: Mr. GINGREY of Georgia and Mr. INGLIS.

H.R. 815: Ms. FUDGE.

H.R. 930: Ms. NORTON.

H.R. 932: Mr. LATOURETTE.

H.R. 948: Mr. MAFFEI.

H.R. 953: Mr. HALL of Texas and Mr. TIAHRT.

H.R. 981: Mr. CONNOLLY of Virginia.

H.R. 1074: Mr. SPACE, Mr. BUCHANAN, and Mr. WALZ.

H.R. 1093: Mr. BUTTERFIELD and Ms. ZOE LOFGREN of California.

H.R. 1094: Mr. MILLER of North Carolina and Ms. BERKLEY.

H.R. 1147: Mr. STARK and Mr. FATTAH.

H.R. 1177: Mr. PLATTS.

H.R. 1205: Mr. BRALEY of Iowa, Mr. CAO, Mrs. NAPOLITANO, Mr. PAYNE, Mr. FLEMING, Mr. TURNER, and Ms. JACKSON-LEE of Texas.

H.R. 1207: Mr. SULLIVAN, Mr. COURTNEY, Ms. HIRONO, and Mr. FARR.

H.R. 1245: Mr. TIM MURPHY of Pennsylvania.

H.R. 1283: Mr. LEVIN and Mr. BACA.

H.R. 1310: Ms. FUDGE and Mr. DOGGETT.

H.R. 1322: Mr. KENNEDY and Mr. ROTHMAN of New Jersey.

H.R. 1339: Mr. SCHIFF, Mr. BLUNT, and Ms. DEGETTE.

H.R. 1362: Mr. TURNER, Mr. CRENSHAW, Ms. BERKLEY, and Ms. MATSUI.

H.R. 1410: Mr. HOLT.

H.R. 1454: Mr. UPTON and Mr. SCHOCK.

H.R. 1458: Mr. LEE of New York, Mr. MEEKS of New York, Mr. MASSA, Mr. BLUMENAUER, Ms. RICHARDSON, Mr. TOWNS, Mr. MEEK of Florida, and Mr. CUMMINGS.

H.R. 1499: Mr. RAHALL.

H.R. 1523: Mr. PAYNE, Mr. MURPHY of Connecticut, Mr. ISRAEL, and Ms. MOORE of Wisconsin.

H.R. 1546: Mr. ALTMIRE.

H.R. 1548: Mr. BARTLETT.

H.R. 1549: Ms. KAPTUR, Mr. MCGOVERN, and Mr. BAIRD.

H.R. 1557: Mr. MITCHELL.

H.R. 1585: Mr. PLATTS, Mr. KUCINICH, and Ms. TITUS.

H.R. 1596: Mr. FILNER.

H.R. 1612: Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. TONKO, Mr. CONNOLLY of Virginia, Ms. HERSETH SANDLIN, Ms. MOORE of Wisconsin, Mr. KISSELL, Ms. MCCOLLUM, and Ms. SHEA-PORTER.

H.R. 1625: Mr. MASSA, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Mr. BISHOP of Georgia, and Mr. KILDEE.

H.R. 1643: Mr. BLUMENAUER.

H.R. 1646: Mr. BISHOP of Utah and Mr. YARMUTH.

H.R. 1660: Mr. COURTNEY.

H.R. 1700: Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. WOLF, and Mr. LOBIONDO.

H.R. 1723: Mr. BLUMENAUER.

H.R. 1763: Mr. POSEY.

H.R. 1799: Mr. CONAWAY and Mr. BONNER.

H.R. 1806: Mr. ARCURI.

H.R. 1819: Mr. BONNER, Mr. FALEOMAVAEGA, Mr. HONDA, Mr. MARIO DIAZ-BALART of Florida, and Mr. REHBERG.

H.R. 1835: Mr. SAM JOHNSON of Texas.

H.R. 1836: Mr. CHILDERS.

H.R. 1881: Ms. RICHARDSON, Ms. HARMAN, and Mr. CLAY.

H.R. 1894: Mr. CROWLEY and Mr. HIGGINS.

H.R. 1925: Mr. JOHNSON of Georgia, Mr. EHLERS, Ms. KAPTUR, and Mr. PASCRELL.

H.R. 1955: Mr. EDWARDS of Texas.

H.R. 2000: Mr. STUPAK, Mrs. MYRICK, Mr. CARSON of Indiana, Mr. RYAN of Ohio, Mr. MITCHELL, Mr. FOSTER, and Mr. GENE GREEN of Texas.

H.R. 2017: Mr. Rooney, Mr. PRICE of Georgia, Mr. TIAHRT, Mr. ROSS, Mr. BERRY, Ms. MCCOLLUM, Mr. MASSA, and Mr. SNYDER.

H.R. 2030: Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. KENNEDY, and Mr. SCHIFF.

H.R. 2060: Mr. RYAN of Ohio, Mr. FILNER, and Mr. CONYERS.

H.R. 2061: Mr. GOODLATTE.

H.R. 2097: Mr. FILNER, Mr. SMITH of New Jersey, Mr. MURPHY of Connecticut, Mr. PLATTS, and Mr. SHULER.

H.R. 2109: Mr. HIMES, Mr. NADLER of New York, Ms. LEE of California, Ms. NORTON, and Mr. BISHOP of Georgia.

H.R. 2119: Mr. PAULSEN and Mr. CAMPBELL.

H.R. 2125: Mr. CONAWAY.

H.R. 2136: Mr. BUTTERFIELD, Ms. KAPTUR, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. ARCURI, Mr. CHANDLER, Mr. CUMMINGS, Ms. DELAURO, Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. KILPATRICK of Michigan, Mr. ORTIZ, Mr. RUSH, Mr. TAYLOR, Mr. CAPUANO, Mr. MARKEY of Massachusetts, Mr. AL GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. CUELLAR, Mr. BONNER, Mr. ABERCROMBIE, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. PASCRELL.

H.R. 2143: Mr. TIAHRT.

H.R. 2193: Mr. HEINRICH.

H.R. 2213: Mr. TIERNEY and Ms. LEE of California.

H.R. 2245: Mr. FLEMING, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. HONDA, Mr. CLAY, Mr. CHILDERS, Mr. MELANCON, Mr. DANIEL E. LUNGREN of California, Mr. KUCINICH, Mr. ORTIZ, Mr. POE of Texas, Mr. EDWARDS of Texas, Mr. HARPER, Mr. BOSWELL, Mr. MCCARTHY of California, Ms. KILROY, Mr. SMITH of Texas, Mr. WITTMAN, and Mr. PALLONE.

H.R. 2251: Mr. QUIGLEY, Mr. CRENSHAW, Ms. KOSMAS, Mr. BLUMENAUER, Mr. BISHOP of New York, and Mr. HINCHEY.

H.R. 2256: Mr. MICA.

H.R. 2262: Mr. BOUCHER, Mr. KUCINICH, Mr. FILNER, and Mr. ENGEL.

H.R. 2272: Mr. PETERSON.

H.R. 2287: Mrs. EMERSON.

H.R. 2298: Mr. HALL of New York and Ms. SCHWARTZ.

H.R. 2304: Ms. MARKEY of Colorado and Mr. WOLF.

H.R. 2305: Mr. LUETKEMEYER and Mr. TIAHRT.

H.R. 2319: Mr. RYAN of Wisconsin.
H.R. 2363: Mr. MCGOVERN, Mr. COURTNEY, and Mrs. MALONEY.
H.R. 2393: Mr. BURGESS.
H.R. 2406: Mr. YOUNG of Alaska, Mr. MILLER of Florida, and Mr. SHADEGG.
H.R. 2413: Mr. MORAN of Virginia, Mr. PAYNE, Mr. RANGEL, Mr. CHILDERS, MR. ROTHMAN of New Jersey, Mr. COSTELLO, Mrs. MCCARTHY of New York, Mr. MASSA, Mr. WAMP, and Ms. KAPTUR.
H.R. 2425: Mr. LATHAM.
H.R. 2438: Ms. JACKSON-LEE of Texas.
H.R. 2474: Ms. RICHARDSON.
H.R. 2476: Mr. LAMBORN and Mr. SALAZAR.
H.R. 2478: Mr. UPTON, Ms. VELÁZQUEZ, Mr. COURTNEY, and Mr. FARR.
H.R. 2497: Mr. CONNOLLY of Virginia.
H.R. 2499: Ms. TSONGAS.
H.R. 2502: Mr. CARDOZA.
H.R. 2516: Mr. ROONEY.
H.R. 2517: Ms. PINGREE of Maine.
H.R. 2521: Ms. JACKSON-LEE of Texas.
H.R. 2523: Mr. PALLONE, Mr. GRIJALVA, Mrs. BONO MACK, Mr. INSLEE, and Mr. BOREN.
H.R. 2525: Mr. BRALEY of Iowa and Ms. SHEA-PORTER.
H.R. 2527: Mr. MICHAUD.
H.R. 2537: Mr. STEARNS.
H.R. 2559: Mr. MCGOVERN.
H.R. 2562: Mr. YOUNG of Alaska.
H.R. 2574: Mr. MICHAUD.
H.R. 2580: Mr. CONNOLLY of Virginia.
H.R. 2590: Mr. MARSHALL.
H.R. 2626: Mr. NUNES.
H.R. 2632: Mr. GORDON of Tennessee, Mr. SESTAK, Mr. COHEN, Mr. INGLIS, Mr. BRADY of Pennsylvania, and Mr. MASSA.
H.R. 2653: Mr. SESTAK.
H.R. 2672: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2691: Mr. BERMAN and Mr. TOWNS.
H.R. 2702: Mr. WOLF.
H.R. 2732: Mr. PRICE of Georgia.
H.R. 2743: Mr. CASSIDY, Mr. AL GREEN of Texas, Mr. ROONEY, Mr. PASTOR of Arizona, Mr. SHADEGG, Mr. BUYER, Mr. LEWIS of Georgia, Mr. LUETKEMEYER, Mr. PUTNAM, Mr. WOLF, Mr. BOREN, Mr. GUTHRIE, Mr. NYE, Mr. KIND, Mr. LOBIONDO, Mr. SAM JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. MCINTYRE, and Mr. WAMP.
H.R. 2744: Mrs. NAPOLITANO and Ms. BALDWIN.
H.R. 2766: Mrs. MALONEY and Mrs. CAPPS.
H.R. 2773: Mr. WITTMAN.
H.R. 2786: Mr. HELLER.
H.R. 2794: Mr. DAVIS of Illinois, Mr. RANGEL, and Ms. LEE of California.
H.R. 2799: Mr. LATTA and Mr. POSEY.
H.R. 2801: Mr. JONES.
H.R. 2802: Mr. MCGOVERN.
H.R. 2818: Ms. BORDALLO.
H.R. 2828: Mr. TURNER.
H.R. 2835: Mr. FILNER.
H.R. 2842: Mr. SAM JOHNSON of Texas.
H.R. 2844: Ms. HERSETH SANDLIN.
H.R. 2846: Mr. KINGSTON, Mr. SULLIVAN, and Mr. POSEY.
H.R. 2852: Mr. RYAN of Ohio, Mr. ISRAEL, Mr. PAYNE, and Mr. MASSA.
H.R. 2857: Mr. WITTMAN.
H.R. 2881: Ms. FOXX.
H.R. 2891: Ms. NORTON and Mr. BOUCHER.
H.R. 2894: Mr. COURTNEY.
H.R. 2900: Mr. SHADEGG.
H.R. 2902: Ms. WOOLSEY.
H.R. 2913: Ms. KOSMAS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 2935: Mr. GEORGE MILLER of California, Mr. RODRIGUEZ, and Mr. UPTON.
H.R. 2939: Mr. KENNEDY and Mr. HIGGINS.
H.R. 2941: Mr. NEAL of Massachusetts and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2963: Mr. MURTHA, Mr. GRIFFITH, Mr. SHULER, Mr. KENNEDY, Mr. PALLONE, and Mr. WAMP.
H.R. 2969: Mr. HINCHEY.
H.R. 2987: Ms. ROYBAL-ALLARD, Mr. TONKO, Mr. SALAZAR, and Ms. NORTON.
H.R. 3017: Ms. PINGREE of Maine and Mr. FARR.
H.R. 3036: Mr. PAUL, Mr. COBLE, and Mr. LOEBSACK.
H.R. 3043: Mr. PAUL, Mr. GONZALEZ, Mr. SIRES, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.
H.R. 3047: Mr. HASTINGS of Florida.
H.R. 3074: Mr. BOSWELL.
H.R. 3091: Mr. RANGEL.
H.R. 3092: Mr. BLUMENAUER.
H.R. 3101: Ms. LINDA T. SÁNCHEZ of California and Ms. LEE of California.
H.R. 3105: Mr. CARDOZA, Mr. COSTA, Mr. RADANOVICH, and Mr. MCCARTHY of California.
H.R. 3119: Mrs. BONO MACK and Mr. BILBRAY.
H.J. Res. 47: Mr. MURTHA, Mr. MILLER of Florida, and Mr. TERRY.
H.J. Res. 50: Mr. JONES and Mr. GARY G. MILLER of California.
H.J. Res. 54: Mr. PENCE.
H. Con. Res. 74: Mr. COHEN.
H. Con. Res. 96: Mr. ROTHMAN of New Jersey.
H. Con. Res. 117: Mr. CARTER, Mr. SIMPSON, Mr. LATTA, and Mr. CHAFFETZ.
H. Con. Res. 121: Mr. SOUDER and Mr. CONAWAY.
H. Con. Res. 128: Mr. STARK, Mr. SNYDER, Mr. MORAN of Virginia, and Ms. FUDGE.
H. Con. Res. 151: Mr. WOLF and Ms. BORDALLO.
H. Con. Res. 156: Mr. GALLEGLY.
H. Con. Res. 160: Mr. NEAL of Massachusetts, Mr. SAM JOHNSON of Texas, Mr. SIMPSON, Ms. SCHWARTZ, and Mr. MCINTYRE.
H. Res. 175: Mrs. MYRICK and Mr. ROHRABACHER.
H. Res. 209: Mr. POE of Texas.
H. Res. 288: Mr. MCINTYRE, Mr. ELLISON, Mr. SNYDER, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H. Res. 314: Mr. POE of Texas.
H. Res. 397: Mr. GRAVES.
H. Res. 409: Mr. COSTA.
H. Res. 440: Mr. SCHOCK.
H. Res. 441: Mr. PAYNE, Mr. ARCURI, Mr. JONES, and Mr. MASSA.
H. Res. 468: Mr. PAYNE.
H. Res. 486: Mr. DUNCAN.
H. Res. 512: Ms. JACKSON-LEE of Texas and Ms. HIRONO.
H. Res. 549: Mr. ROONEY.
H. Res. 554: Mr. KLINE of Minnesota.
H. Res. 583: Mr. SKELTON.
H. Res. 601: Mr. KING of New York.
H. Res. 613: Mr. MAFFEI, Mr. INSLEE, Mr. DENT, Mr. MOORE of Kansas, and Mr. HOLDEN.

THURSDAY, JULY 9, 2009 (88)

¶88.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
July 9, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶88.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, July 8, 2009.

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

¶88.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2546. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Significant Price Discovery Contracts on Exempt Commercial Markets (RIN: 3038-AC76) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Butenedioic acid (2Z)—, monobutyl ester, Polymer with methoxyethene, sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0851; FRL-8418-7] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamide; Tolerance Exemption [EPA-HQ-OPP-2009-0047; FRL-8418-4] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2549. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetochlor; Pesticide Tolerances [EPA-HQ-OPP-2008-0384; FRL-8417-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Data Requirements for Antimicrobial Pesticides; Technical Amendment [EPA-HQ-OPP-2004-0387; FRL-8418-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2551. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerances [EPA-HQ-OPP-2009-0007; FRL-8417-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2552. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption [EPA-HQ-OPP-2008-0861; FRL-8420-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption [EPA-HQ-OPP-2008-0856; FRL-8418-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone [EPA-R05-OAR-2009-0219; FRL-8921-2] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection By-products Rule and Changes in References to

Analytical Methods [EPA-HQ-OW-2008-0644; FRL-8920-8] (RIN: 2040-AF00) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2556. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8920-7] (RIN: 2060-AP33) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2557. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [EPA-HQ-OAR-2008-0236; FRL-8920-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2008-0252; FRL-8417-6] (RIN: 2070-AB27) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2559. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2009 Revenue Estimate In Support of the Issuance of $300,000,000 in Public Utility Senior Lien Revenue Bonds (Series 2009A)'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2560. A letter from the Chairman, Federal Accounting Standards Advisory Board, transmitting the Board's Statement of Federal Financial Accounting Standard 35 entitled, ''Estimating the Historical Cost of General Property, Plant, and Equipment: Amending Statements of Federal Financial Accounting Standards 6 and 23'', pursuant to Section 307 of the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

2561. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Frenso and Stockton, CA, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL79) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2562. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through June 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—56); to the Committee on House Administration and ordered to be printed.

2563. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Upper Mississippi River Valley Viticultural Area (2007R-055P) [Docket No.: TTB-2008-0007; T.D. TTB-77; Re: Notice No. 88] (RIN: 1513-AB40) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2564. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco [Docket No.: TTB-2009-0002; T.D. TTB-78; Re: Notice No. 95] (RIN: 1513-AB72) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2565. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules [TD 9451] (RIN: 1545-BF25) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2566. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2009-51] received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2567. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Recovery Zone Bond Volume Cap Allocations [Notice 2009-50] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2568. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42.-Low-Income Housing Credit [Notice 2009-44] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2569. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Section 965 Foreign Earnings Repatriations Directives #3 [LMSB Control No: LMSB-4-0409-017] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2570. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100 [Notice 2009-47] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2571. A letter from the Office Manager, Department of Health and Human Service, transmitting the Department's final rule — Medicaid Program; Health Care-Related Taxes [CMS-2275-F2] (RIN: 0938-AP74) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2572. A letter from the Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: Rescission of School-Based Administration/Transportation Final Rule, Outpatient Hospital Services Final Rule, and Partial Rescission of Case Management Interim Final Rule [CMS-2287-F2; CMS-2213-F2; CMS 2237-F] (RIN: 0938-AP75) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2573. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 24th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2007, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

¶88.4 MOTION TO ADJOURN

Mrs. McMORRIS RODGERS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mrs. McMORRIS RODGERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative .....

Yeas	31
Nays	385
Answered present	1

¶88.5 [Roll No. 497]

YEAS—31

Bartlett	Gingrey (GA)	Paul
Barton (TX)	Gohmert	Price (GA)
Blackburn	Hensarling	Sessions
Broun (GA)	Johnson (IL)	Shadegg
Campbell	King (IA)	Souder
Chaffetz	Lamborn	Spratt
Coffman (CO)	Marchant	Thornberry
Connolly (VA)	McHenry	Tiahrt
Fleming	Murtha	Young (AK)
Foxx	Olson	
Garrett (NJ)	Pascrell	

NAYS—385

Abercrombie	Childers	Graves
Ackerman	Clarke	Grayson
Aderholt	Clay	Green, Al
Adler (NJ)	Cleaver	Green, Gene
Akin	Clyburn	Griffith
Alexander	Coble	Grijalva
Altmire	Cohen	Guthrie
Arcuri	Cole	Gutierrez
Austria	Conaway	Hall (NY)
Baca	Conyers	Hall (TX)
Bachmann	Cooper	Halvorson
Bachus	Costello	Hare
Baldwin	Courtney	Harman
Barrett (SC)	Crenshaw	Harper
Barrow	Crowley	Hastings (FL)
Bean	Cuellar	Hastings (WA)
Becerra	Culberson	Heinrich
Berkley	Cummings	Heller
Berman	Dahlkemper	Herger
Berry	Davis (AL)	Herseth Sandlin
Biggert	Davis (CA)	Higgins
Bilbray	Davis (IL)	Hill
Bilirakis	Davis (KY)	Himes
Bishop (GA)	Davis (TN)	Hinchey
Bishop (NY)	Deal (GA)	Hinojosa
Blumenauer	DeFazio	Hirono
Blunt	DeGette	Hodes
Boccieri	Delahunt	Hoekstra
Boehner	DeLauro	Holden
Bonner	Dent	Holt
Bono Mack	Diaz-Balart, L.	Honda
Boozman	Diaz-Balart, M.	Hoyer
Boren	Dicks	Hunter
Boswell	Dingell	Inglis
Boustany	Doggett	Inslee
Boyd	Donnelly (IN)	Israel
Brady (PA)	Dreier	Issa
Brady (TX)	Driehaus	Jackson (IL)
Braley (IA)	Duncan	Jackson-Lee (TX)
Bright	Edwards (MD)	Jenkins
Brown (SC)	Edwards (TX)	Johnson (GA)
Brown, Corrine	Ehlers	Johnson, E. B.
Brown-Waite, Ginny	Ellison	Johnson, Sam
Buchanan	Ellsworth	Jones
Burgess	Emerson	Jordan (OH)
Burton (IN)	Eshoo	Kagen
Butterfield	Etheridge	Kanjorski
Buyer	Fallin	Kaptur
Calvert	Farr	Kennedy
Camp	Fattah	Kildee
Cao	Filner	Kilpatrick (MI)
Capito	Flake	Kilroy
Capps	Forbes	Kind
Capuano	Fortenberry	King (NY)
Cardoza	Foster	Kingston
Carnahan	Frank (MA)	Kirk
Carney	Franks (AZ)	Kirkpatrick (AZ)
Carson (IN)	Frelinghuysen	Kissell
Carter	Gallegly	Klein (FL)
Cassidy	Gerlach	Kline (MN)
Castle	Giffords	Kosmas
Castor (FL)	Gonzalez	Kratovil
Chandler	Goodlatte	Kucinich
	Gordon (TN)	

Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—15

Andrews
Baird
Boucher
Cantor
Costa
Doyle
Engel
Fudge
Granger
Murphy (NY)
Murphy, Patrick
Ruppersberger
Shuler
Slaughter
Westmoreland

So the motion to adjourn was not agreed to.

¶88.6 AGRICULTURE APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 609 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Mr. SNYDER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶88.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part A of House Report 111-191, submitted by Ms. DeLAURO:

Page 3, line 19, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 5, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 5, line 5, after the dollar amount, insert ''(reduced by $500,000)''.

Page 6, line 9, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 8, line 1, after the dollar amount, insert ''(increased by $500,000)''.

Page 9, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 25, after the dollar amount, insert ''(increased by $3,519,000)''.

Page 11, line 8, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 11, line 23, after the dollar amount, insert ''(increased by $519,000)''.

Page 25, line 22, after each of the dollar amounts, insert ''(reduced by $519,000)''.

Page 57, line 8, after the dollar amount, insert ''(increased by $235,000,000)''.

Page 57, line 20, strike ''and''.

Page 57, line 23, insert before the colon the following: ''; and $235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31), and shall be credited to this account and remain available until expended''.

Page 57, line 25, strike ''and animal generic drug'' and insert ''animal generic drug, and tobacco product''.

Page 58, line 21, strike ''(7) not to exceed $115,882,000'' and insert the following: ''(7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $117,225,000''.

Page 58, line 25, strike ''(8) not to exceed $168,728,000'' and insert ''(9) not to exceed $171,526,000''.

Page 59, line 2, strike ''(9) not to exceed $185,793,000'' and insert ''(10) not to exceed $200,129,000''.

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

SEC. ____. There is appropriated, for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for ''Rural Development Salaries and Expenses'', $2,000,000.

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

It was decided in the affirmative ..... { Yeas ..... 266 / Nays ..... 161 }

¶88.8 [Roll No. 498]

AYES—266

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOES—161

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Posey
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Baird
Fudge
Granger
Inglis
McCarthy (NY)
Murphy (NY)
Schakowsky
Slaughter
Stupak
Tonko
Waxman

So the amendment was agreed to.

¶88.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 111-191, submitted by Mr. BRADY of Texas:

Page 3, line 4, after the dollar amount, insert ''(reduced by $50,000)''.

Page 8, line 20, after the dollar amount, insert ''(increased by $50,000)''.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 27

¶88.10 [Roll No. 499]

AYES—404

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—27

Blumenauer
Braley (IA)
Courtney
Davis (TN)
DeFazio
Halvorson
Hare
Hodes
Hoekstra
Jones
Kaptur
Kissell
Kucinich
Loebsack
Maffei
Marshall
McCotter
Michaud
Nadler (NY)
Nye
Pingree (ME)
Rogers (AL)
Schauer
Sherman
Sutton
Taylor
Teague

NOT VOTING—7

Bishop (UT)
Fudge
Granger
Murphy (NY)
Rush
Ryan (OH)
Schakowsky

So the amendment was agreed to.

¶88.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part B of House Report 111-191, submitted by Mrs. CAPITO:

Page 3, line 19, insert after the dollar amount the following: ''(reduced by $10,038,000)''.

Page 46, line 18, insert after the dollar amount the following: ''(increased by $10,038,000)''.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 3

¶88.12 [Roll No. 500]

AYES—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Connolly (VA) Lofgren, Zoe Moran (VA)

NOT VOTING—9

Christensen Granger Murphy (NY)
Farr Honda Reyes
Fudge McDermott Schakowsky

So the amendment was agreed to.

¶88.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 111-191, submitted by Mr. BROUN of Georgia:

Page 57, line 8, insert after the dollar amount the following: ''(reduced by $373,000,000)''.

It was decided in the negative ..... { Yeas ..... 135 / Nays 292

¶88.14 [Roll No. 501]

AYES—135

Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berkley
Bilbray
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Calvert
Campbell
Cantor
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOES—292

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rodriguez
Rogers (AL)
Rogers (MI)
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Aderholt Gutierrez Murphy (NY)
Christensen Jackson-Lee (TX) Reyes
Fudge Kosmas Richardson
Granger Towns

So the amendment was not agreed to.

¶88.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 111-191, submitted by Mrs. BLACKBURN:

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

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

It was decided in the negative ..... { Yeas ..... 185 / Nays 248

¶88.16 [Roll No. 502]

AYES—185

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—248

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—5

Bishop (UT)
Christensen
Fudge
Granger
Murphy (NY)

So the amendment was not agreed to.

¶88.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part E of House Report 111-191, submitted by Mr. HENSARLING:

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

SEC. ____. None of the funds provided in this Act under the heading ''Animal and Plant Health Inspection Service—Salaries and Expenses'' shall be available for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by $200,000.

It was decided in the negative ..... { Yeas ..... 122 / Nays 307

¶88.18 [Roll No. 503]

AYES—122

Akin
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Deal (GA)
Duncan
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Kucinich
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski

Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Brown-Waite, Ginny
Carnahan
Fudge
Granger
Gutierrez
Kosmas
Murphy (NY)
Speier
Waters

So the amendment was not agreed to.

¶88.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part C of House Report 111-191, submitted by Mr. CAMPBELL:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Institute of Food and Agriculture—Research and Education Activities'' shall be available for the special grant for Specialty Crops in Indiana, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $235,000.

It was decided in the negative { Yeas ..... 111 / Nays ..... 320 }

¶88.20 [Roll No. 504]

AYES—111

Akin
Austria
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—320

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frelinghuysen
Gallegly
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Delahunt
Frank (MA)
Fudge
Granger
Latham
Murphy (NY)
Speier

So the amendment was not agreed to.

¶88.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in Part D of House Report 111-191, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Agricultural Research Service—Salaries and Expenses'' shall be available for the Foundry Sand By-Products Utilization project in Beltsville, Maryland, and the aggregate amount otherwise provided under such heading is hereby reduced by $638,000.

It was decided in the negative { Yeas ..... 115 / Nays ..... 319 }

¶88.22 [Roll No. 505]

AYES—115

Akin
Austria
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer

Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—319

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Delahunt
Fudge
Granger
Murphy (NY)

So the amendment was not agreed to.

¶88.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part D of House Report 111-191, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Institute of Food and Agriculture—Research and Education Activities'' shall be available for the special grant for the Agriculture Energy Innovation Center in Georgia, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $1,000,000.

It was decided in the negative ..... { Yeas ..... 103 / Nays 328

¶88.24 [Roll No. 506]

AYES—103

Akin
Bachmann
Barrett (SC)
Bilbray
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Lance
Latta
Linder
Lofgren, Zoe
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Speier
Stearns
Sullivan
Thornberry
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—328

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak

Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Fudge
Granger
Kagen
Murphy (CT)
Murphy (NY)
Pascrell
Woolsey

So the amendment was not agreed to.

¶88.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in Part D of House Report 111-191, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''National Institute of Food and Agriculture—Research and Education Activities'' shall be available for special grants for Potato Research in Idaho, Oregon, and Washington, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by $1,037,000.

It was decided in the negative ..... { Yeas ..... 97 / Nays 333

¶88.26 [Roll No. 507]

AYES—97

Akin
Bachmann
Barrett (SC)
Bean
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hodes
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
Kline (MN)
Lamborn
Lance
Latta
Linder
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McKeon
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moore (WI)
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Pence
Petri
Pitts
Posey
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Souder
Speier
Stearns
Sullivan
Thornberry
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—333

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Buchanan
Costello
Fudge
Granger
King (IA)
Luetkemeyer
Murphy (NY)
Smith (NE)

So the amendment was not agreed to.

¶88.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part B of House Report 111-191, submitted by Mr. KINGSTON:

Page 74, after line 22, insert the following:

SEC. _____. None of the funds made available in this Act may be used to administer, or pay the salary or expenses of personnel for the administration of, the provision of broadband loans or loan guarantees made using authorities under this Act on or before September 15, 2010.

It was decided in the negative ..... { Yeas ..... 140 / Nays 292

¶88.28 [Roll No. 508]

AYES—140

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Posey
Price (GA)
Putnam
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (FL)

NOES—292

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn

Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Bordallo
Fudge
Granger
Murphy (NY)
Ryan (OH)
Sestak

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. ROSS, assumed the Chair.

When Mr. SNYDER, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 609, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 3, line 4, after the dollar amount, insert ''(reduced by $50,000)''.

Page 3, line 19, insert after the dollar amount the following: ''(reduced by $10,038,000)''.

Page 3, line 19, insert after the dollar amount the following: ''(reduced by $2,000,000)''.

Page 3, line 19, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 5, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 5, line 5, after the dollar amount, insert ''(reduced by $500,000)''.

Page 6, line 9, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 8, line 1, after the dollar amount, insert ''(increased by $500,000)''.

Page 8, line 20, after the dollar amount, insert ''(increased by $50,000)''.

Page 9, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 25, after the dollar amount, insert ''(increased by $3,519,000)''.

Page 11, line 8, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 11, line 23, after the dollar amount, insert ''(increased by $519,000)''.

Page 23, line 5, insert after the dollar amount the following: ''(reduced by $5,000,000)''.

Page 25, line 22, after each of the dollar amounts, insert ''(reduced by $519,000)''.

Page 29, line 7, insert after the dollar amount the following: ''(increased by $5,000,000)''.

Page 46, line 18, insert after the dollar amount the following: ''(increased by $10,038,000)''.

Page 46, line 5, insert after the dollar amount the following: ''(increased by $2,000,000)''.

Page 57, line 8, after the dollar amount, insert ''(increased by $235,000,000)''.

Page 57, line 20, strike ''and''.

Page 57, line 23, insert before the colon the following: ''; and $235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31), and shall be credited to this account and remain available until expended''.

Page 57, line 25, strike ''and animal generic drug'' and insert ''animal generic drug, and tobacco product''.

Page 58, line 21, strike ''(7) not to exceed $115,882,000'' and insert the following: ''(7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $117,225,000''.

Page 58, line 25, strike ''(8) not to exceed $168,728,000'' and insert ''(9) not to exceed $171,526,000''.

Page 59, line 2, strike ''(9) not to exceed $185,793,000'' and insert ''(10) not to exceed $200,129,000''.

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

SEC. ____. There is appropriated, for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for ''Rural Development Salaries and Expenses'', $2,000,000.

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. KINGSTON moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following new section:

SEC. __. REGULAR ORDER ON APPROPRIATIONS BILLS.

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: ''We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy'. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.''

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, ''I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here.''

(3) On July 8, 2009, the House adopted a rule governing consideration of this bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than 13 amendments and by specifically preventing 39 Members from offering amendments that they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;

The gentlewoman from Tennessee, Ms. Blackburn;

The gentleman from Texas, Mr. Brady;

The gentleman from Georgia, Mr. Broun;

The gentleman from North Carolina, Mr. Butterfield;

The gentleman from California, Mr. Campbell;

The gentleman from Pennsylvania, Mr. Carney;

The gentleman from Louisiana, Mr. Cassidy;

The gentleman from Utah, Mr. Chaffetz;

The gentleman from Texas, Mr. Conaway;

The gentleman from Connecticut, Mr. Courtney;

The gentleman from Oregon, Mr. DeFazio;

The gentleman from Arizona, Mr. Flake;

The gentleman from Georgia, Mr. Gingrey;

The gentleman from New York, Mr. Hall;

The gentleman from Texas, Mr. Hensarling;

The gentleman from New York, Mr. Higgins;
The gentleman from New Hampshire, Mr. Hodes;
The gentleman from Ohio, Mr. Jordan;
The gentleman from Georgia, Mr. Kingston;
The gentleman from Ohio, Mr. Kucinich;
The gentleman from New York, Mr. Lee;
The gentleman from Oklahoma, Mr. Lucas;
The gentlewoman from Wyoming, Ms. Lummis;
The gentleman from Florida, Mr. Mack;
The gentleman from Texas, Mr. McCaul;
The gentlewoman from Washington, Ms. McMorris Rodgers;
The gentleman from Florida, Mr. Mica;
The gentleman from Pennsylvania, Mr. Murphy;
The gentleman from Georgia, Mr. Price;
The gentleman from Florida, Mr. Putnam;
The gentlewoman from New Hampshire, Ms. Shea-Porter;
The gentleman from Florida, Mr. Stearns;
The gentleman from Michigan, Mr. Stupak;
The gentleman from Kansas, Mr. Tiahrt;
The gentleman from New York, Mr. Tonko;
The gentleman from New York, Mr. Weiner;
The gentleman from Vermont, Mr. Welch; and,
The gentleman from Virginia, Mr. Wittman.

(5) As each of these Members represents approximately 650,000 Americans, approximately 25,350,000 Americans were denied their right to be represented because the restrictive rule supported by the gentleman from Wisconsin, Mr. Obey, failed to follow the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr. Obey, was correct that a true representative democracy is impossible when 25,350,000 Americans have their representative to Congress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would reduce spending by 1 percent saving taxpayers $229,000,000;
An amendment to prohibit ineligible individual from receiving food stamps;
An amendment that would reduce the cost of construction projects in rural areas;
An amendment to end taxpayer subsidies for mohair producers;
An amendment to prevent Federal employees from being paid to do union activities during their official work hours;
An amendment to permit Federal agencies to purchase alternative fuels;
An amendment to terminate taxpayer funded marketing programs for private companies;
An amendment to reduce this bill and the deficit by $4,800,000,000;
An amendment to ensure that Federal contractors only hire legal workers;
An amendment to prohibit the provision of taxpayer funded rental housing to illegal aliens;
An amendment to support our dairy farmers in the northeast;
An amendment to assist farmers in Florida hit by a natural disaster;
An amendment to prohibit funds in the bill from being spent on projects named after sitting Members of Congress;
An amendment to ensure that the Federal government works with state agencies on food safety issues;
An amendment to protect whistleblower employees from retaliation for providing Congress or the public with information; and,
An amendment to terminate taxpayer subsidies for wool producers.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the ''greatest deliberative body left in the world'' if it refuses to even debate, let alone vote, on these issues.

(b) POLICY.—It is the policy of the U.S. House of Representatives that this bill should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

Pending consideration of said motion,

¶88.29 POINT OF ORDER

Ms. DELAURO made a point of order against consideration of the motion, and said:

''I make a point of order against the motion to recommit because it is in violation of clause 2, rule XXI, legislating.

''I ask for a ruling of the Chair.''.

Mr. KINGSTON was recognized to speak to the point of order and said:

''I thank my colleague from Connecticut for the opportunity to speak on this. And I want to talk to the Members of the House on why this motion to recommit is important to all of us.

''We are on the verge of voting on a $123.8 billion bill which represents a 14 percent increase over last year's spending level in the backdrop of a nation that has an $11 trillion national debt.

''Mr. Speaker, this administration has spent nearly $2 trillion in deficit spending. Now, what this motion to recommit does is says that we were not allowed to vote on 90 different amendments offered by Democrats and Republicans, representing nearly 650,000 people each. These amendments, had we had the opportunity to vote on them, would have improved the bill. One of them, for example, was a 1 percent savings——Mr. Speaker, this administration has spent nearly $2 trillion in deficit spending. Now, what this motion to recommit does is says that we were not allowed to vote on 90 different amendments offered by Democrats and Republicans, representing nearly 650,000 people each. These amendments, had we had the opportunity to vote on them, would have improved the bill. One of them, for example, was a 1 percent savings——

''Mr. Speaker, the motion does not change existing law; therefore, the gentlewoman's point of order is invalid.''.

Mr. MICA was recognized to speak to the point of order and said:

''Mr. Speaker, in order to properly address the point of order, I think it is important that we look at House Resolution 609, which was adopted by the Rules Committee to set the order and the consideration of the legislation that's before the House today. It also excluded a large number of amendments that were crafted, Mr. Speaker, to the objection—the same objection that's being raised here—that in fact those amendments were legislating on an appropriations bill, which in fact is out of order because of the way this was crafted.

''Now, the gentleman from Georgia has in fact offered a motion that does contain some provisions that would change the law, but only the appropriations which this part of the bill deals with. And this point has been raised against the motion to recommit.

''So, in fact, what I was denied was the opportunity, Mr. Speaker, to offer one of the amendments. And I believe the reading clerk—I couldn't hear, but I believe the reading clerk mentioned my name among the names of those who were denied an amendment that would legislate on appropriations.

''Again, I think the point of order is that the Rules Committee crafted a rule, and we adopted previous amendments—one by the gentlelady who is now objecting—that did in fact legislate on an appropriation matter, no different from what the gentleman from Georgia is now attempting to do. The precedence of the House—Mr. YOUNG, I talked to him earlier, he said he's been here 39 years and he has never seen appropriations handled in this unfair manner.

''So, again, I think the point is that the gentleman from Georgia is proceeding in good faith, in fact, in the order that has been presented by the Rules Committee on the order to proceed.''.

The SPEAKER pro tempore, Mr. ROSS sustained the point of order, and said:

''The motion to recommit offered by the gentleman from Georgia proposes an amendment addressing a policy regarding special orders of business for consideration of appropriation bills. That is not a matter of appropriation or limitation thereof; rather, it is wholly legislative in character. As such, it violates clause 2 of rule XXI.

''The point of order is sustained. The motion is not in order.''.

Mr. KINGSTON appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Ms. DELAURO moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. KINGSTON demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 246 / Nays ..... 179 }

¶88.30 [Roll No. 509]

AYES—246

Abercrombie	Becerra	Boyd
Ackerman	Berkley	Brady (PA)
Adler (NJ)	Berman	Braley (IA)
Altmire	Berry	Bright
Andrews	Bishop (GA)	Brown, Corrine
Arcuri	Bishop (NY)	Butterfield
Baca	Blumenauer	Capps
Baird	Boccieri	Capuano
Baldwin	Boren	Cardoza
Barrow	Boswell	Carnahan
Bean	Boucher	Carney

Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Boehner
Carter
Fudge
Gohmert
Granger
Murphy (NY)
Pingree (ME)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 266 / Nays 160

¶88.31 [Roll No. 510]

YEAS—266

Abercrombie
Ackerman
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—160

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)

Rohrabacher	Simpson	Upton
Roskam	Smith (NE)	Walden
Royce	Smith (TX)	Wamp
Ryan (WI)	Stearns	Westmoreland
Scalise	Sullivan	Whitfield
Schmidt	Taylor	Wilson (SC)
Sensenbrenner	Terry	Wittman
Sessions	Thornberry	Wolf
Shadegg	Tiahrt	Young (AK)
Shuster	Tiberi	Young (FL)

NOT VOTING—6

DeFazio	Granger	Markey (CO)
Fudge	Green, Gene	Murphy (NY)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.32 MOTION TO ADJOURN

Mr. MICA moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HASTINGS of Florida, announced that the nays had it.

So the motion to adjourn was not agreed to.

¶88.33 PROVIDING FOR CONSIDERATION OF H.R. 3081

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 617):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; and (2) the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3081, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶88.34 PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

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

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

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

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

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

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee produced an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President"s budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit (New York Times/CBS News, Conducted June 12–16, 2009, Survey of 895 Adults Nationwide);

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to

restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" (''Pelosi's All Smiles through a Rough House Transition,'' The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" (''Pelosi's House Diplomacy,'' The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (''Hoyer Says Dems' Plans Unruffled by Approps Logjam,'' CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

The SPEAKER pro tempore, Mr. SNYDER, spoke and said:

''Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?''.

Mr. PRICE of Georgia, was recognized to speak to the question of the privileges of the House and said:

''Mr. Speaker, rule IX regarding questions of the privilege of the House states that questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings. The integrity of its proceedings.

''Mr. Speaker, clearly, the unprecedented actions that have been taken by the Democrats in charge have disenfranchised every single Member of this House. Appropriations bills have been, by tradition and previously by rule, brought to the floor under what's called an ''open rule,'' which means that every single Member of the House has an opportunity to affect the bill, to represent his or her constituents.

''Each of us represents basically the same number of folks, 650,000, 675,000. When Members are not allowed to bring amendments to the floor on the spending of their constituents' tax money, that disenfranchises those Members. That is an affront to the House. It presents an indignity to the House.

''Mr. Speaker, I understand that the closed rule that was passed recently, yesterday, resulted in more closed rules on appropriations bills in this House of Representatives by this leadership, by these Democrats in charge, more than any in the history, not of this decade, not of this century, but in the history of this Republic. Mr. Speaker, in the history of this Republic.

''Now, I know my friend from California says that this is not the way we want things to operate, but, Mr. Speaker, they control the process. They control the process. They control this tyranny. Mr. Speaker, it is indeed tyranny. It's tyranny by the majority. It's what de Tocqueville warned about over 150 years ago when he said that the majority can indeed shut down the rights of the minority. And that's exactly what is happening, which is why this resolution ought to be a privileged resolution, because what it directs the Rules Committee to do is to return to regular order; return to a process that allows each and every one of us to represent our constituents; return to a process that Mr. Obey, then in the minority on the Appropriations Committee, said, 'We have gotten so far from the regular order that I fear that if this continues, the House will not

have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason we have stuck to regular order as long as we have in this Institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body in the world.

''Mr. Speaker, the tyranny of this majority, the tyranny of the folks in charge right now, have resulted in an affront on this House. Those actions, these actions have clearly violated the integrity of our proceedings. Therefore, I believe that this resolution qualifies as a privileged resolution of this House.''.

The SPEAKER pro tempore, Mr. SNYDER, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX and said:

''In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

''The Chair finds that the resolution offered by the gentleman from Georgia, by directing the Committee on Rules to report a certain kind of resolution, proposes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of June 25, 2009, such a resolution cannot qualify as a question of the privileges of the House.

''The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.''.

Mr. PRICE of Georgia, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. CARDOZA moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 240 / Nays ..... 179 }

¶88.35 [Roll No. 511]

AYES—240

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

DeLauro
Fudge
Gordon (TN)
Granger
Johnson (GA)
Moran (VA)
Murphy (NY)
Rangel
Schakowsky
Smith (NJ)
Taylor
Waxman
Woolsey

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶88.36 H. RES. 617—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 617) providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 217 / Nays ..... 187 }

¶88.37 [Roll No. 512]

YEAS—217

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hodes
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—28

Aderholt
Adler (NJ)
Boehner
Cantor
Cardoza
Cleaver
Costa
DeLauro
Dicks
Ellison
Eshoo
Fudge
Granger
Hirono
Honda
Kagen
Kanjorski
Miller, George
Murphy (NY)
Napolitano
Pomeroy
Rangel
Rogers (MI)
Salazar
Shadegg
Taylor
Thompson (CA)
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 200

¶88.38 [Roll No. 513]

YEAS—223

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell

Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOT VOTING—9

Becerra
DeLauro
Fudge
Granger
Larson (CT)
Murphy (NY)
Pomeroy
Tierney
Wolf

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶88.39 H. CON. RES. 127—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) recognizing the significance of National Caribbean-American Heritage Month.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of those present had voted in the affirmative.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423; Nays ..... 0 }

¶88.40 [Roll No. 514]

YEAS—423

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

NOT VOTING—9

Bachmann
DeLauro
Fattah
Fudge
Granger
Larson (CT)
Murphy (NY)
Murtha
Schrader

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶88.41 H. CON. RES. 131—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 131) directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of those present had voted in the affirmative.

Mr. KLINE of Minnesota, demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410; Nays ..... 8; Answered present 2 }

¶88.42 [Roll No. 515]

AYES—410

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess

Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—8

Conyers
Edwards (MD)
Hirono
Honda
McDermott
Paul
Scott (VA)
Stark

ANSWERED ''PRESENT''—2

Farr
Moran (VA)

NOT VOTING—12

Buyer
DeLauro
Fudge
Granger
Kaptur
Larson (CT)
Linder
McHenry
Murphy (NY)
Murtha
Sherman
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶88.43 STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. SNYDER, pursuant to House Resolution 617 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. SNYDER, by unanimous consent, designated Mr. CAPUANO as Chairman of the Committee of the Whole; and after some time spent therein,

¶88.44 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part A of House Report 111-193, submitted by Mrs. LOWEY:

Page 2, line 10, after the first dollar amount, insert ''(increased by $300,000)''.

Page 3, line 22, after the dollar amount, insert ''(increased by $300,000)''.

Page 7, line 15, after the dollar amount, insert ''(decreased by $25,300,000)''.

Page 7, line 21, after the dollar amount, insert ''(increased by $8,000,000)''.

Page 7, line 23, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 7, line 25, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 24, line 17, after the dollar amount, insert ''(decreased by $28,000,000)''.

Page 25, line 19, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 31, line 11, after the dollar amount, insert ''(increased by $25,000,000)''.

Page 32, line 1, after the dollar amount, insert ''(increased by $25,000,000)''.

Page 38, line 15, after the dollar amount, insert ''(increased by $10,000,000)''.

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

LIMITATION ON ASSISTANCE TO SRI LANKA

SEC. 70XX. None of the funds made available in this Act under the heading ''Foreign Military Financing Program'' may be available for assistance for the Government of Sri Lanka.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 70XX. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

It was decided in the affirmative ..... { Yeas ..... 261 / Nays ..... 168 }

¶88.45 [Roll No. 516]

AYES—261

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi

Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—168

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—9

DeLauro
Fudge
Granger
Heller
Hinojosa
Jordan (OH)
Larson (CT)
Murphy (NY)
Smith (NJ)

So the amendment was agreed to.

¶88.46 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 111-193, submitted by Mr. BUYER:

Page 2, line 10, after the first dollar amount, insert ''(reduced by $1,200,000,000)''.

Page 21, line 25, after the first dollar amount, insert ''(reduced by $330,000,000)''.

Page 25, line 19, after the dollar amount, insert ''(reduced by $670,000,000)''.

It was decided in the negative { Yeas ..... 156 / Nays ..... 271 }

¶88.47 [Roll No. 517]

AYES—156

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schwartz
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Cardoza
DeLauro
Fudge
Gohmert
Granger
Heller
Hill
Hinojosa
Larson (CT)
Murphy (NY)
Ross

So the amendment was not agreed to.

¶88.48 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part B of House Report 111-193, submitted by Mr. STEARNS:

Page 46, line 18, after the dollar amount, insert ''(reduced by $76,560,000)''.

It was decided in the negative { Yeas ..... 172 / Nays ..... 259 }

¶88.49 [Roll No. 518]

AYES—172

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright

Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ellsworth
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Upton
Walden
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Woolsey
Wu
Yarmuth

NOT VOTING—7

Barrow
DeLauro
Fudge
Granger
Heller
Larson (CT)
Murphy (NY)

So the amendment was not agreed to.

¶88.50 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part B of House Report 111-193, submitted by Mr. WEINER:

Page 126, beginning on line 23, strike ''unless the President certifies that Saudi Arabia is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts''.

It was decided in the affirmative { Yeas ..... 297 / Nays ..... 135 }

¶88.51 [Roll No. 519]

AYES—297

Abercrombie
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Bean
Berkley
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boucher
Boyd
Brady (PA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carney
Carter
Chaffetz
Chandler
Childers
Clarke
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costello
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Engel
Faleomavaega
Fallin
Farr
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Israel
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lamborn
Lance
Langevin
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schauer
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Visclosky
Walden
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—135

Ackerman
Aderholt
Baird
Baldwin
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bishop (UT)
Blumenauer
Blunt
Boehner
Bordallo
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown, Corrine
Capps
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Christensen
Clay
Cleaver
Clyburn
Conaway
Conyers
Costa
Courtney
Crenshaw
Cuellar
Dahlkemper
Davis (KY)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Duncan
Edwards (MD)
Ehlers
Ellison
Eshoo
Etheridge
Fattah
Fleming
Fortenberry
Frelinghuysen
Gonzalez
Grijalva
Harman
Hastings (FL)
Hinchey
Hirono
Honda
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kline (MN)
Kucinich
Larsen (WA)
Latham
Lee (CA)
Linder

Loebsack
Lofgren, Zoe
Mack
Marshall
Matsui
McCollum
McDermott
McGovern
McKeon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Moore (WI)
Moran (VA)
Napolitano
Norton
Oberstar
Obey
Olver
Pastor (AZ)
Payne
Peterson
Pierluisi
Pingree (ME)
Price (NC)
Rahall
Reichert
Rogers (MI)
Roybal-Allard
Ruppersberger
Ryan (WI)
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Scott (GA)
Serrano
Sestak
Shea-Porter
Skelton
Snyder
Spratt
Stark
Stupak
Thompson (MS)
Thornberry
Tsongas
Van Hollen
Velázquez
Walz
Watt
Welch
Wexler
Woolsey

NOT VOTING—6

DeLauro
Fudge
Granger
Heller
Larson (CT)
Murphy (NY)

So the amendment was agreed to.

¶88.52 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part B of House Report 111-193, submitted by Mr. CULBERSON:

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

SEC. 70XX. Appropriations made in title V of this Act are hereby reduced in the amount of $505,896,000.

It was decided in the negative ..... { Yeas ..... 174 / Nays 256

¶88.53 [Roll No. 520]

AYES—174

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Holden
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—256

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

DeLauro
Edwards (TX)
Fudge
Granger
Heller
Larson (CT)
Murphy (CT)
Murphy (NY)

So the amendment was not agreed to.

¶88.54 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part B of House Report 111-193, submitted by Mr. KIRK:

Page 198, after line 3, insert the following:

LIMITATION ON USE OF FUNDS TO NEGOTIATE AGREEMENT IN CONTRAVENTION OF CERTAIN LAWS

SEC. _____. None of the funds made available in this Act may be used by the Secretary of the Treasury to negotiate an agreement in contravention of section 1626 or 1627 of the International Financial Institutions Act, section 1112 or 1403 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), or the provision added to the end of title XVI of the International Financial Institutions Act by section 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

It was decided in the affirmative ..... { Yeas ..... 429 / Nays 2

¶88.55 [Roll No. 521]

AYES—429

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt

Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Kucinich
Stark

NOT VOTING—7

Becerra
DeLauro
Fudge
Granger
Heller
Larson (CT)
Murphy (NY)

So the amendment was agreed to.

¶88.56 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 111-193, submitted by Mr. FLAKE:

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

TERMINATION OF ONE-TIME SPECIAL EDUCATIONAL, PROFESSIONAL, AND CULTURAL EXCHANGE GRANTS PROGRAM

SEC. ____. None of the funds provided in this Act under the heading ''Department of State—Administration of Foreign Affairs—Educational and Cultural Exchange Programs'' shall be available for the one-time special educational, professional, and cultural exchange grants program, and the amount otherwise provided under such heading is hereby reduced by $8,000,000.

It was decided in the negative ..... { Yeas ..... 164 / Nays 268

¶88.57 [Roll No. 522]

AYES—164

Akin
Alexander
Altmire
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Titus
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOES—268

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—6

DeLauro
Fudge
Granger
Heller
Larson (CT)
Murphy (NY)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HOLDEN, assumed the Chair.

When Mr. CAPUANO, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 617, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 2, line 10, after the first dollar amount, insert ''(increased by $300,000)''.

Page 3, line 22, after the dollar amount, insert ''(increased by $300,000)''.

Page 7, line 15, after the dollar amount, insert ''(decreased by $25,300,000)''.

Page 7, line 21, after the dollar amount, insert ''(increased by $8,000,000)''.

Page 7, line 23, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 7, line 25, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 24, line 17, after the dollar amount, insert ''(decreased by $28,000,000)''.

Page 25, line 19, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 31, line 11, after the dollar amount, insert ''(increased by $25,000,000)''.

Page 32, line 1, after the dollar amount, insert ''(increased by $25,000,000)''.

Page 38, line 15, after the dollar amount, insert ''(increased by $10,000,000)''.

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

LIMITATION ON ASSISTANCE TO SRI LANKA

SEC. 70XX. None of the funds made available in this Act under the heading ''Foreign Military Financing Program'' may be available for assistance for the Government of Sri Lanka.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 70XX. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

Page 126, beginning on line 23, strike ''unless the President certifies that Saudi Arabia is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts''.

Page 198, after line 3, insert the following:

LIMITATION ON USE OF FUNDS TO NEGOTIATE AGREEMENT IN CONTRAVENTION OF CERTAIN LAWS

SEC. _____. None of the funds made available in this Act may be used by the Secretary of the Treasury to negotiate an agreement in contravention of section 1626 or 1627 of the International Financial Institutions Act, section 1112 or 1403 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), or the provision added to the end of title XVI of the International Financial Institutions Act by section 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. KIRK moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following new section:

SEC.__. REGULAR ORDER ON APPROPRIATIONS BILLS.

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: ''We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy'. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.''

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, ''I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here.''

(3) On July 9, 2009, the House adopted a rule governing consideration of this bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than eight amendments and by specifically preventing 39 Members from offering amendments that they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;

The gentleman from California, Mr. Bilbray;

The gentlewoman from Tennessee, Ms. Blackburn;

The gentleman from Missouri, Mr. Blunt;

The gentleman from Georgia, Mr. Broun;

The gentlewoman from Florida, Ms. Brown-Waite;

The gentleman from Indiana, Mr. Burton;

The gentleman from Delaware, Mr. Castle;

The gentleman from Texas, Mr. Conaway;

The gentleman from Oregon, Mr. DeFazio;

The gentleman from Pennsylvania, Mr. Dent;

The gentleman from Nebraska, Mr. Fortenberry;

The gentleman from New Jersey, Mr. Garrett;

The gentleman from Georgia, Mr. Gingrey;

The gentleman from Virginia, Mr. Goodlatte;

The gentleman from Arizona, Mr. Grijalva;

The gentleman from Nevada, Mr. Heller;

The gentleman from Texas, Mr. Hensarling;

The gentlewoman from South Dakota, Ms. Herseth Sandlin;

The gentleman from New Hampshire, Mr. Hodes;

The gentleman from Ohio, Mr. Jordan;

The gentleman from Iowa, Mr. King;

The gentleman from Missouri, Mr. Luetkemeyer;

The gentleman from Florida, Mr. Mack;

The gentleman from Georgia, Mr. Marshall;

The gentleman from Texas, Mr. McCaul;

The gentleman from Pennsylvania, Mr. Murphy;

The gentleman from Texas, Mr. Neugebauer;

The gentleman from New Jersey, Mr. Payne;

The gentleman from Georgia, Mr. Price;

The gentlewoman from Florida, Ms. Ros-Lehtinen;

The gentleman from Illinois, Mr. Roskam;

The gentleman from Wisconsin, Mr. Sensenbrenner;

The gentleman from New Jersey, Mr. Smith;

The gentleman from Florida, Mr. Stearns;

The gentleman from Michigan, Mr. Stupak;

The gentlewoman from California, Ms. Waters;

The gentleman from New York, Mr. Weiner; and

The gentleman from Virginia, Mr. Wittman.

(5) As each of these Members represents approximately 650,000 Americans, approximately 25,350,000 Americans were denied their right to be represented because the restrictive rule supported by the gentleman from Wisconsin, Mr. Obey, failed to follow the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr. Obey, was correct that a true representative democracy is impossible when 25,350,000 Americans have their representative to Congress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would prohibit funding for the Palestinian Authority until the ruling Fatah Party abandons the clauses in its Party Constitution that call for the destruction of Israel;

An amendment that would reduce subsidies for the Export-Import Bank;

An amendment to prohibit funding for a new international organization that proposes to tax American energy companies;

An amendment that would increase aid to Israel;

An amendment that would reduce spending by 15 percent from the 2009 levels, reducing the deficit by $17,700,000,000;

An amendment to permit Federal agencies to purchase alternative fuels;

An amendment to prevent U.S. funds from being used to pay for the legal expenses of United Nations employees who have been charged with malfeasance;

An amendment to prohibit funds from being used to establish commercial ties with Iran;

An amendment to prohibit diplomatic relations with Cuba unless they agree to extradite to the United States convicted cop killers;

An amendment to prohibit assistance to members of foreign terrorist organizations;

An amendment to prohibit the use of taxpayer funds to pay Federal employees to do union activities while on official time;

An amendment to rescind funding for the International Monetary Fund;

An amendment to prohibit funds from being used to promote abortions;

An amendment to terminate the visa lottery program;

An amendment to prohibit taxpayer funds from being used to employ illegal aliens;

An amendment to help eliminate waste, fraud and abuse of taxpayer funds by providing additional resources to the Inspectors General;

An amendment to prohibit funds from being used to fund projects named after sitting Members of Congress;

An amendment to reallocate funds from the Organization for American States to the National Endowment for Democracy;

An amendment to provide support for those advocating democracy in Iran;

An amendment to prohibit funding for international organizations headed by Iran;

An amendment to prohibit funding for organizations that perform abortions, and

Several amendments to reform the International Monetary Fund.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the ''greatest deliberative body left in the world'' if it refuses to even debate, let alone vote, on these issues.

(b) POLICY.—It is the policy of the U.S. House of Representatives that this bill

should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

During the reading of said motion,

¶88.58 POINT OF ORDER

Mrs. LOWEY made a point of order against consideration of the motion, and said:

''Mr. Speaker, I wish to insist on a point of order under clause 2 of rule XXI and believe that the Chair has heard enough of the reading to dispose of such a question.''.

Mr. KIRK was recognized to speak to the point of order and said:

''Mr. Speaker, the question I would ask is: How would the Chair know that a point of order lies if we haven't even read the underlying motion to recommit?

''I would worry that we would enter into a parliamentary procedure something like the election counting in Iran where we quickly find out a result before——

''On that I would think that due consideration would be to have the House hear the motion to recommit, and once you have understood its full import, we would then be able to hear from the Chair and have the body decide if it wanted to appeal the ruling or not.

''On that I would think that due consideration would be to have the House hear the motion to recommit, and once you have understood its full import, we would then be able to hear from the Chair and have the body decide if it wanted to appeal the ruling or not.''.

Mr. FRANK of Massachusetts, was recognized to speak to the point of order and said:

''Mr. Speaker, the logic of this point of order being in order now is that in the alternative, those Members who suffer from Senate envy could write a 700-page nongermane amendment.

''Let me amend what I said and refer to those thin-skinned Members with Senate envy.

''Mr. Speaker, the point is that the point of order is necessary to disallow filibuster by reading a nongermane amendment that could last for hours. That is why I speak in support of the point of order.''.

The SPEAKER pro tempore, Mr. HOLDEN, sustained the point of order, and said:

''For the reasons stated by the gentlewoman from New York, and as held in similar circumstances earlier today, the proposed amendment violates clause 2 of rule XXI. The point of order is sustained. The motion is not in order.''.

Mr. KIRK appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mrs. LOWEY moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. KIRK demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 238 / Nays ..... 180 }

¶88.59 [Roll No. 523]

AYES—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—180

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Andrews
Boehner
DeLauro
Fudge
Gordon (TN)
Granger
Heller
Hill
Larson (CT)
Miller, George
Rangel
Slaughter
Stark
Waxman

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. KIRK moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

Page 11, line 7, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 18, line 11, after the dollar amount, insert ''(increased by $15,000,000)''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. KIRK demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a

quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 192 / Nays 233

¶88.60 [Roll No. 524]

AYES—192

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Wasserman Schultz
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—233

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Boehner
DeLauro
Fudge
Granger
Graves
Heller
Larson (CT)

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 318 / Nays 106

¶88.61 [Roll No. 525]

YEAS—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—106

Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Campbell
Carter
Chaffetz
Coble
Conaway

Culberson
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Fallin
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hoekstra
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kucinich
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Peterson
Petri
Pitts
Poe (TX)
Posey
Radanovich
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stupak
Taylor
Teague
Thornberry
Upton
Walden
Wamp
Wittman
Wolf
Young (FL)

NOT VOTING—8

Akin
Boehner
DeLauro
Fudge
Granger
Graves
Heller
Larson (CT)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.62 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE JAMES F. MCNULTY

The SPEAKER pro tempore, Mr. HOLDEN, announced that all Members stand and observe a moment of silence in memory of the late Honorable James F. McNulty.

¶88.63 PROVIDING FOR CONSIDERATION OF H.R. 3082

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–195) the resolution (H. Res. 622) providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶88.64 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HELLER, for today after 5 p.m. and balance of the week; and

To Mr. MURPHY of New York, for today.

And then,

¶88.65 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 50 minutes p.m., the House adjourned.

¶88.66 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 622. Resolution providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–195). Referred to the House Calendar.

¶88.67 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3137. A bill to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques; to the Committee on Oversight and Government Reform.

By Mr. HILL:

H.R. 3138. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. CAPITO, Ms. MATSUI, Ms. SPEIER, Mr. JONES, Mr. BLUMENAUER, Mr. KANJORSKI, Mr. GERLACH, and Mr. HINOJOSA):

H.R. 3139. A bill to extend the authorization of the National Flood Insurance Program, and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of Georgia (for himself, Mr. JORDAN of Ohio, and Mr. GARRETT of New Jersey):

H.R. 3140. A bill to rescind unobligated appropriations and repeal certain provisions in the American Recovery and Reinvestment Act of 2009, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, Appropriations, Ways and Means, Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, and Mr. COLE):

H.R. 3141. A bill to amend title XIX of the Social Security Act to provide for a DSH redistribution pool from unexpended Medicaid DSH allotments in order to increase Medicaid DSH allotments for low DSH States and to provide grants for health access networks serving the uninsured; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 3142. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on home mortgages; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 3143. A bill to amend the Fort Peck Reservation Rural Water System Act of 2000, to extend the authorization of appropriations for that Act; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3144. A bill to amend the Public Health Service Act to promote obesity prevention, including proper nutrition and exercise; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3145. A bill to amend the securities laws to prohibit credit default swaps and to provide the Securities and Exchange Commission with the authority to regulate swap agreements; to the Committee on Financial Services.

By Mr. ADLER of New Jersey (for himself, Mr. LEE of New York, Mr. HIMES, and Mr. LANCE):

H.R. 3146. A bill to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CARSON of Indiana (for himself, Mrs. MCCARTHY of New York, Mr. SESTAK, Ms. KILPATRICK of Michigan, Ms. WATERS, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. REYES, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, and Mr. ELLISON):

H.R. 3147. A bill to establish a grant program in the Department of the Treasury to fund the establishment of centers of excellence to support research, development and planning, implementation, and evaluation of effective programs in financial literacy education for young adults and families ages 15-24 years old, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Ms. LEE of California, Mrs. CAPPS, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. WATT, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Alabama, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. BORDALLO, Mr. CONYERS, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Mr. RUSH, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. WEINER, Mr. AL GREEN of Texas, Ms. RICHARDSON, Ms. EDWARDS of Maryland, Mr. PALLONE, Ms. FUDGE, Ms. MATSUI, Ms. CORRINE BROWN of Florida, and Ms. ROYBAL-ALLARD):

H.R. 3148. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Mr. COHEN (for himself, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. AL GREEN of Texas, Ms. WATERS, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. WATSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. MCGOVERN, Mr. GRIJALVA, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. MEEKS of New York):

H.R. 3149. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and

current employees for the purposes of making adverse employment decisions; to the Committee on Financial Services.

By Mr. ETHERIDGE (for himself, Mr. ROSS, Mr. KISSELL, Mr. MCINTYRE, Mr. HOLDEN, and Mr. BISHOP of Georgia):

H.R. 3150. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. HARE (for himself and Mr. JOHNSON of Illinois):

H.R. 3151. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in ''Lugar counties'', and for on-call and standby costs for such services; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. DOGGETT):

H.R. 3152. A bill to amend titles XVIII of the Social Security Act to ensure that low-income beneficiaries have improved access to prescription drugs under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H.R. 3153. A bill to amend the Internal Revenue Code of 1986 to impose a tax on over-the-counter derivatives transactions, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, and Ms. FUDGE):

H.R. 3154. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. RODRIGUEZ, Mrs. HALVORSON, Mr. TEAGUE, and Mr. DONNELLY of Indiana):

H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAYNE (for himself, Mr. LEWIS of Georgia, Mr. BRADY of Texas, and Mr. MEEK of Florida):

H.R. 3156. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for expenses paid or incurred in non-clinical research for neglected diseases; to the Committee on Ways and Means.

By Mr. PETERSON:

H.R. 3157. A bill to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

H.R. 3158. A bill to reform health care delivery by providing incentives for place-based health care, which seeks to bring health services to the patient by locating community health centers, federally qualified health centers, and community integrated health centers in or near settings that already serve a particular target population, such as schools, workplaces, and senior services facilities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. KISSELL, and Mr. SHUSTER):

H.R. 3159. A bill to provide for the apportionment of funds to airports for fiscal years 2011 and 2012 based on passenger boardings during calendar year 2008 to prevent additional harm to airports already harmed by the financial crisis, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 3160. A bill making appropriations for foreign assistance to Israel for fiscal year 2010; to the Committee on Appropriations.

By Mr. STUPAK:

H.R. 3161. A bill to amend title 28, United States Code, to provide for an additional judgeship for the western district of Michigan; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 3162. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 3163. A bill to establish certain requirements relating to area mail processing studies; to the Committee on Oversight and Government Reform.

By Ms. TITUS (for herself, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. ROSS, Mr. SABLAN, and Ms. SHEA-PORTER):

H.R. 3164. A bill to amend the Internal Revenue Code of 1986 to increase, make permanent, and index for inflation the deduction for certain expenses of elementary and secondary school teachers and to modify the definition of eligible educator for purposes of such deduction to include preschool educators; to the Committee on Ways and Means.

By Mr. TONKO:

H.R. 3165. A bill to provide for a program of wind energy research, development, and demonstration, and for other purposes; to the Committee on Science and Technology.

By Mr. WELCH (for himself, Mr. CARNEY, Mr. HIGGINS, Mr. COURTNEY, Mr. ARCURI, Mr. LEE of New York, Ms. SHEA-PORTER, Mr. THOMPSON of Pennsylvania, and Mr. HODES):

H.R. 3166. A bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the Milk Income Loss Contract Program; to the Committee on Agriculture.

By Mr. STUPAK:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mrs. MCMORRIS RODGERS:

H. Res. 621. A resolution ensuring access to affordable and quality health care without increasing the Federal budget or contributing to market inflation while providing greater choices for patient-focused care for individuals and families; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Res. 623. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

¶88.68 MEMORIALS

Under clause 4 of Rule XXII,

102. The SPEAKER presented a memorial of the General Assembly of the State of Indiana, relative to SENATE RESOLUTION NO. 42 Urging the honorable Barack Obama, President of the United States, the President of the Senate, the Majority Leader of the Senate, and the Speaker of the House of Representatives of the United States in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power; to the Committee on the Judiciary.

¶88.69 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. TAYLOR.
H.R. 22: Mr. SCHOCK.
H.R. 39: Ms. HIRONO and Mr. KENNEDY.
H.R. 49: Mr. SHADEGG.
H.R. 147: Mr. CONYERS, Mr. AL GREEN of Texas, and Mr. KANJORSKI.
H.R. 197: Mr. LARSEN of Washington and Mr. THOMPSON of Pennsylvania.
H.R. 204: Mrs. MALONEY and Ms. CORRINE BROWN of Florida.
H.R. 211: Mr. CAPUANO, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. MURPHY of Connecticut.
H.R. 393: Mr. CAMP.
H.R. 413: Mr. RAHALL, Mr. MARIO DIAZ-BALART of Florida, Mr. REHBERG, Mr. RODRIGUEZ, and Mr. DELAHUNT.
H.R. 470: Mr. ALEXANDER.
H.R. 555: Ms. CORRINE BROWN of Florida, Mr. ELLISON, Mr. HOLT, Ms. NORTON, and Mr. STARK.
H.R. 571: Mr. TIERNEY.
H.R. 635: Mr. KILDEE.
H.R. 649: Mr. FORBES.
H.R. 676: Mr. MURTHA and Mr. WEINER.
H.R. 690: Mr. YOUNG of Alaska.
H.R. 750: Ms. ROS-LEHTINEN.
H.R. 775: Mr. SARBANES and Mr. MACK.
H.R. 836: Ms. KILROY.
H.R. 847: Mr. HODES and Ms. SCHWARTZ.
H.R. 873: Mr. PRICE of North Carolina.
H.R. 874: Mr. HALL of New York.
H.R. 876: Ms. BERKLEY.
H.R. 916: Mr. LUJÁN.
H.R. 930: Mr. GONZALEZ.
H.R. 1064: Mr. SCHRADER, Ms. MARKEY of Colorado, and Mr. PETERS.
H.R. 1067: Mr. BOOZMAN.
H.R. 1074: Mr. BURGESS and Mr. AKIN.
H.R. 1132: Mr. BOYD, Mr. CHILDERS, Mr. MCDERMOTT, Mrs. LUMMIS, Mr. SULLIVAN, and Mr. HOLDEN.
H.R. 1147: Mr. BACA and Mr. CONYERS.
H.R. 1177: Mr. CASSIDY and Mrs. BONO MACK.
H.R. 1179: Mr. MOLLOHAN and Mr. BARTLETT.
H.R. 1188: Mr. PAYNE, Mr. ROE of Tennessee, and Mr. PAULSEN.
H.R. 1203: Mr. ROSS, Mr. PAULSEN, Mr. MILLER of North Carolina, Ms. MARKEY of Colorado, and Ms. RICHARDSON.

H.R. 1207: Mr. MURPHY of New York and Ms. FUDGE.
H.R. 1250: Mr. BURTON of Indiana, Mr. MICHAUD, Mr. FILNER, Mr. JONES, Mr. WOLF, and Mr. ROE of Tennessee.
H.R. 1255: Mr. PAULSEN, Mr. MELANCON, and Mr. MARCHANT.
H.R. 1283: Mrs. DAHLKEMPER and Ms. CORRINE BROWN of Florida.
H.R. 1293: Mr. BROWN of South Carolina.
H.R. 1294: Mr. HENSARLING.
H.R. 1349: Mr. MELANCON.
H.R. 1352: Mr. SOUDER.
H.R. 1354: Mr. COFFMAN of Colorado.
H.R. 1392: Mr. BUTTERFIELD, Mr. COBLE, and Mr. UPTON.
H.R. 1398: Mr. ROTHMAN of New Jersey.
H.R. 1402: Mr. MICHAUD.
H.R. 1415: Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. LATOURETTE, Mr. PRICE of Georgia, Mr. SPACE, and Ms. BERKLEY.
H.R. 1454: Mr. FRANKS of Arizona and Mr. CAMP.
H.R. 1458: Mr. JACKSON of Illinois.
H.R. 1468: Mr. SESSIONS and Ms. GRANGER.
H.R. 1474: Mr. BLUMENAUER.
H.R. 1503: Mr. MARCHANT.
H.R. 1521: Mr. GARRETT of New Jersey, Mr. SHADEGG, and Mr. POSEY.
H.R. 1525: Mrs. CAPPS.
H.R. 1547: Mr. SESSIONS.
H.R. 1548: Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. AUSTRIA, Mr. CONYERS, Mr. WU, Mr. KENNEDY, Mr. CONNOLLY of Virginia, Ms. WATERS, Mr. REICHERT, Mr. MCHENRY, and Mr. BOUSTANY.
H.R. 1570: Mr. CRENSHAW.
H.R. 1588: Mr. CARNEY.
H.R. 1625: Mr. MATHESON and Ms. KILPATRICK of Michigan.
H.R. 1645: Mr. CARSON of Indiana.
H.R. 1670: Mr. RAHALL.
H.R. 1693: Mr. BLUMENAUER and Mr. ROTHMAN of New Jersey.
H.R. 1702: Mr. PAYNE and Mr. HONDA.
H.R. 1708: Mr. MOORE of Kansas.
H.R. 1751: Mr. TIERNEY, Mr. RANGEL, and Mr. PRICE of North Carolina.
H.R. 1766: Mr. BLUMENAUER and Ms. FUDGE.
H.R. 1776: Mr. ISRAEL, Mr. LOEBSACK, and Mr. MATHESON.
H.R. 1799: Mr. ARCURI and Mr. BOOZMAN.
H.R. 1829: Mr. ROTHMAN of New Jersey.
H.R. 1831: Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. FILNER, Mr. INGLIS, Mr. HILL, Mrs. MILLER of Michigan, Mr. EDWARDS of Texas, and Mr. TERRY.
H.R. 1833: Mr. SAM JOHNSON of Texas.
H.R. 1846: Mr. JOHNSON of Georgia.
H.R. 1881: Mr. STUPAK.
H.R. 1884: Mr. LATHAM, Mr. TONKO, and Mr. LARSON of Connecticut.
H.R. 1894: Mr. WELCH.
H.R. 1970: Mr. NEUGEBAUER.
H.R. 1977: Mr. POSEY.
H.R. 2006: Mrs. MALONEY and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2017: Mr. BRIGHT, Mr. MILLER of Florida, Mr. LEE OF New York, and Mr. KISSELL.
H.R. 2055: Mr. LARSEN of Washington and Mr. NADLER of New York.
H.R. 2060: Mr. PRICE of North Carolina.
H.R. 2062: Ms. ESHOO.
H.R. 2068: Mr. PAULSEN.
H.R. 2095: Mr. FILNER.
H.R. 2097: Mr. BOSWELL, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. ROONEY, Mrs. CHRISTENSEN, Ms. FALLIN, Mr. ORTIZ, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. HALL of Texas, Mr. RYAN of Ohio, Ms. HIRONO, Mr. SESSIONS, Ms. JACKSON-LEE of Texas, Ms. HARMAN, Mr. BARRETT of South Carolina, Mr. GONZALEZ, Mr. BACA, Mr. REYES, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Mr. SIRES, Mr. LUJÁN, Ms. MARKEY of Colorado, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. HILL, Mr. ETHERIDGE, Ms. BEAN, Mr. MCMAHON, Mr. GRIJALVA, Mr. SPRATT, Mr. MCINTYRE, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. SHERMAN, Mr. BAIRD, Ms. SHEA-PORTER, Mr. FOSTER, Ms. BALDWIN, Mr. KINGSTON, Mr. ELLSWORTH, Mr. BOREN, Mr. BOYD, Mr. DEFAZIO, Mr. MARSHALL, Mr. WOLF, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. COSTELLO, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY, Mr. DUNCAN, Ms. PELOSI, Mr. MURPHY of New York, Ms. HERSETH SANDLIN, Mr. COSTA, Ms. WATSON, Mr. CROWLEY, Mr. DRIEHAUS, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. SCHRADER, Mr. OBERSTAR, Mr. PASCRELL, Mrs. DAHLKEMPER, Mr. MCDERMOTT, Mr. COOPER, Mr. COHEN, Mr. GRIFFITH, Mr. LOEBSACK, Mr. PETERSON, Mr. NYE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts.
H.R. 2124: Mr. WITTMAN, Mr. CAPUANO, and Mr. FLEMING.
H.R. 2137: Mr. PAYNE.
H.R. 2139: Mr. COURTNEY, Mr. SCHRADER, and Mr. COSTA.
H.R. 2141: Mr. WEXLER.
H.R. 2142: Ms. KOSMAS.
H.R. 2189: Mr. POSEY.
H.R. 2203: Mr. LUETKEMEYER, Mr. MILLER of Florida, and Mr. BARRETT of South Carolina.
H.R. 2205: Mr. WU.
H.R. 2277: Mr. FILNER.
H.R. 2296: Mr. LATHAM, Mrs. LUMMIS, Mr. HILL, Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, Mr. GARRETT of New Jersey, Mr. MURPHY of New York, Mr. DINGELL, Mr. LINDER, Mr. KANJORSKI, Mr. ROGERS of Kentucky, Mr. ELLSWORTH, Mr. DONNELLY of Indiana, Mr. REHBERG, Mr. HELLER, Mr. PRICE of Georgia, and Mr. STEARNS.
H.R. 2302: Mr. BRADY of Pennsylvania.
H.R. 2304: Mr. BOOZMAN.
H.R. 2329: Mr. CONYERS, Mrs. MALONEY, and Mr. VAN HOLLEN.
H.R. 2345: Mr. MCHENRY, Mrs. LUMMIS, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. POSEY.
H.R. 2350: Mr. KILDEE.
H.R. 2373: Mr. RAHALL and Mr. TERRY.
H.R. 2400: Mr. GENE GREEN of Texas and Ms. BALDWIN.
H.R. 2413: Ms. CASTOR of Florida, Mr. YARMUTH, Mr. BOOZMAN, and Mr. MCCOTTER.
H.R. 2414: Mr. ROTHMAN of New Jersey and Mr. MCNERNEY.
H.R. 2425: Mr. SARBANES and Mr. WELCH.
H.R. 2443: Mr. KILDEE and Mr. GERLACH.
H.R. 2452: Mr. LATHAM and Ms. ZOE LOFGREN of California.
H.R. 2456: Mr. OBERSTAR and Mr. LANGEVIN.
H.R. 2478: Mr. MURPHY of Connecticut, Mr. KIRK, Mr. GINGREY of Georgia, and Mr. ISSA.
H.R. 2480: Mr. PETERS, Mr. WELCH, and Mr. GRIJALVA.
H.R. 2492: Mr. MCCOTTER.
H.R. 2523: Mr. BACA and Mrs. LUMMIS.
H.R. 2570: Mrs. MCCARTHY of New York.
H.R. 2575: Ms. CLARKE and Mr. KING of New York.
H.R. 2594: Mr. REHBERG.
H.R. 2597: Mr. HOLDEN.
H.R. 2662: Mr. BARTLETT, Mr. ELLSWORTH, and Mr. MARKEY of Massachusetts.
H.R. 2672: Mr. BOCCIERI.
H.R. 2688: Mr. PAYNE.
H.R. 2698: Mr. AKIN.
H.R. 2699: Mr. AKIN.
H.R. 2702: Mr. MASSA.
H.R. 2740: Mrs. MALONEY, Mrs. MCMORRIS RODGERS, Mr. MCGOVERN, Mr. SABLAN, and Mr. MEEK of Florida.
H.R. 2743: Mr. GARRETT of New Jersey, Mr. BILIRAKIS, Mr. RADANOVICH, Mr. PAYNE, Mr. PETRI, Mr. HARPER, Mr. KLEIN of Florida, Mr. FORBES, and Mr. YOUNG of Alaska.
H.R. 2796: Mr. JORDAN of Ohio.
H.R. 2804: Mr. EDWARDS of Texas and Mr. DOGGETT.
H.R. 2805: Mr. DOGGETT.
H.R. 2811: Mr. ROONEY.
H.R. 2828: Mr. CAMPBELL.
H.R. 2845: Mr. DANIEL E. LUNGREN of California.
H.R. 2852: Mr. JACKSON of Illinois and Mr. SCHAUER.
H.R. 2855: Mr. DEFAZIO and Ms. LEE of California.
H.R. 2866: Mr. KILDEE and Mr. BACHUS.
H.R. 2906: Mr. HARE, Mr. MCDERMOTT, and Mr. PLATTS.
H.R. 2932: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. FILNER, and Mr. HONDA.
H.R. 2935: Mr. BILBRAY.
H.R. 2936: Mr. RYAN of Ohio.
H.R. 2941: Mr. HOLDEN and Mr. SNYDER.
H.R. 2943: Mr. CAPUANO.
H.R. 2963: Mr. DELAHUNT and Mr. MICHAUD.
H.R. 3003: Mr. COURTNEY and Mr. COHEN.
H.R. 3006: Mr. BERMAN and Mr. PRICE of North Carolina.
H.R. 3012: Ms. LORETTA SANCHEZ of California.
H.R. 3017: Mr. HALL of New York and Mr. MICHAUD.
H.R. 3040: Mr. POE of Texas.
H.R. 3044: Mr. PAUL, Mr. MANZULLO, Mrs. BACHMANN, Mr. GALLEGLY, Mrs. LUMMIS, Mr. MINNICK, Mr. JONES, Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. GUTHRIE, Mr. SHULER, Mr. CASSIDY, and Mr. POSEY.
H.R. 3045: Ms. LEE of California.
H.R. 3085: Mr. COURTNEY.
H.R. 3088: Mr. MCMAHON.
H.R. 3092: Mr. RYAN of Ohio and Mr. PETERSON.
H.R. 3119: Ms. HIRONO, Mr. FALEOMAVAEGA, Mr. GALLEGLY, Mr. CAO, Mr. GARY G. MILLER of California, and Mr. CAMPBELL.
H.J. Res. 10: Mrs. MCMORRIS RODGERS.
H.J. Res. 47: Mrs. CAPITO.
H. Con. Res. 59: Mr. WELCH.
H. Con. Res. 74: Mr. MORAN of Virginia, Mr. MCGOVERN, and Mr. JACKSON of Illinois.
H. Con. Res. 158: Mr. KIND, Ms. ROS-LEHTINEN, and Mr. WOLF.
H. Con. Res. 161: Mr. WITTMAN.
H. Res. 89: Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. ELLISON, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. CAO, Mr. TAYLOR, Mr. DONNELLY of Indiana, and Mr. SKELTON.
H. Res. 111: Mr. SIMPSON, Mr. LARSEN of Washington, and Mr. CAMP.
H. Res. 175: Mr. MARCHANT and Ms. WOOLSEY.
H. Res. 191: Mr. MOORE of Kansas.
H. Res. 241: Mr. HOLT.
H. Res. 333: Mr. GRIJALVA.
H. Res. 363: Mr. GRIJALVA, Mr. FATTAH, and Mr. HINCHEY.
H. Res. 397: Mr. LATHAM.
H. Res. 414: Mr. ISSA.
H. Res. 440: Mrs. MCMORRIS RODGERS and Mr. CHAFFETZ.
H. Res. 441: Mr. LUJÁN, Mrs. MALONEY, Mr. MOORE of Kansas, Mr. LANGEVIN, Ms. FUDGE, Mr. PASCRELL, Mrs. KIRKPATRICK of Arizona, Mr. TAYLOR, Mr. CARNEY, Mr. HINOJOSA, Mr. SHERMAN, and Mr. BOCCIERI.
H. Res. 445: Mr. BRIGHT.
H. Res. 483: Mr. PETERSON.
H. Res. 494: Mr. GORDON of Tennessee.
H. Res. 533: Mr. MCGOVERN.
H. Res. 536: Mr. PITTS and Mr. BRALEY of Iowa.
H. Res. 550: Mr. BRADY of Pennsylvania.
H. Res. 592: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. MEEKS of New York, Mr. RANGEL, Mr. PAYNE, Ms. ROS-LEHTINEN, Ms. RICHARDSON, and Mr. SIRES.
H. Res. 600: Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. POLIS, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ELLISON, Ms. CLARKE, Mr. KUCINICH, and Mr. CUMMINGS.
H. Res. 605: Mr. PLATTS, Mr. GARRETT of New Jersey, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. WOLF, Mr. MCCOTTER, Mr.

MOORE of Kansas, Mr. LAMBORN, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. CLAY, Mr. SMITH of New Jersey, Mr. INGLIS, Mr. PAYNE, Mr. ROGERS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. BISHOP of Utah, and Mr. ROYCE.

H. Res. 615: Mr. WESTMORELAND, Mr. HELLER, and Mr. MORAN of Kansas.

H. Res. 616: Mr. SMITH of Nebraska, Mr. BONNER, Mr. FORTENBERRY, Mr. GRIFFITH, Mr. REHBERG, Mr. KRATOVIL, Mr. MINNICK, Mr. CHILDERS, Mr. TAYLOR, Mr. HENSARLING, Mr. GOHMERT, Mr. COLE, Mr. LUCAS, Mr. SULLIVAN, Mr. LEE of New York, Mr. ROE of Tennessee, Mrs. BIGGERT, and Mr. COFFMAN of Colorado.

FRIDAY, JULY 10, 2009 (89)

¶89.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WEINER, who laid before the House the following communication:

WASHINGTON, DC,
July 10, 2009.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶89.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WEINER, announced he had examined and approved the Journal of the proceedings of Thursday, July 9, 2009.

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

¶89.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8413-6] received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triallate; Pesticide Tolerances [EPA-HQ-OPP-2008-0386; FRL-8421-2] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2576. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2577. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2578. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Striving Readers — received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2579. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New York: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R02-RCRA-2009-0346; FRL-8916-7] received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2580. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2007-1131; FRL-8921-5] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion [EPA-R04-OAR-2008-0676-200820 (a); FRL-8903-6] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2582. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009 [EPA-HQ-OAR-2008-0503; FRL-8922-7] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2583. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulations of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [EPA-HQ-OAR-2005-0161; FRL-8922-6] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2584. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-31, pursuant to section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 09-31; to the Committee on Foreign Affairs.

2585. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2586. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2008; to the Committee on Oversight and Government Reform.

2587. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2588. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2008; to the Committee on Oversight and Government Reform.

2589. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the six-month period which ended on March 31, 2009, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

2590. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Required Fees for Mining Claims or Sites [LLWO3200000-L1999000.PP0000] (RIN: 1004-AE09) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2591. A letter from the Administrator, Office of Policy Development and Research, ETA, Department of Labor, transmitting the Department's final rule — Temporary Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received June 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2592. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a ''foreign terrorist organization'', pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

2593. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Civil Monetary Penalty Inflation Adjustment — received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2594. A letter from the Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — False Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1625-AA65) received June 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

2595. A letter from the Secretary of Energy, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(A)(3); jointly to the Committees on Armed Services and Energy and Commerce.

2596. A letter from the General Counsel, Office of Compliance, transmitting the Office's biennial report entitled ''Report on Occupational Safety and Health Act Inspections'' conducted during the 110th Congress and pursuant to the Congressional Accountability Act of 1995; jointly to the Committees on Education and Labor and House Administration.

¶89.4 PROVIDING FOR CONSIDERATION OF H.R. 3082

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 622):

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the house resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with

clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the house with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Pending consideration of said resolution,

¶89.5 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against H. Res. 622 because the resolution violates section 426(a) of the Congressional Budget Act.

''The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 125 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. WEINER, responded to the point of order, and said:

''The gentleman from Arizona [Mr. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of the Act, the gentleman from Arizona has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''

Mr. FLAKE was further recognized and said:

''Mr. Speaker, there may well be unfunded mandates in this bill, but that's not why I rise today. I rise because it's about the only mechanism we have to talk about the fact that we are bringing appropriation bills to the floor under closed or structured rules, which violates basically every precept we've had in this House about openness and transparency on appropriation bills.

''For years—and decades—appropriation bills have been brought to the floor under an open rule, allowing Members to offer amendments to various sections of the bill and not be precluded from that. But these bills are being brought to the floor all year under closed or structured rules, allowing very, very few amendments. Let me tell you why that's important.

''Here, in the past, when Republicans were in the majority, we were lacking a lot of transparency on earmarks. I would come to the floor and offer sometimes a dozen earmark amendments on the floor to strike earmarks, and I had no idea most times when I would come to the floor whose earmark I was challenging. I would simply come and challenge it. And sometimes the sponsor of the earmark would come down to the floor to defend it, sometimes they wouldn't; but at least I had the opportunity to come down and challenge the earmark and there was some type of back and forth and discussion of it. Now we have some transparency rules, which is good. Some of us have pushed for these transparency rules for a while. Now we know whose earmark we're challenging on the floor. Now we know because there is a name next to it, and Members are required to fill out a certification letter stating that they have no financial interest in the earmark that they are sponsoring.

''Those are good reforms; I'm glad we have them. The Speaker of the House said during the campaign a couple of years ago that we were going to drain the swamp, referring to some of the corruption that had gone on, much of it due to earmarking. And I am pleased that some of these transparency rules have come into being. It's a good thing. The problem is we have not drained the swamp; we simply know how deep the mud is. We know that we have a problem, but we have not done much to correct that problem. Let me give you an example. And this is the case here with this rule and the rules on other appropriation bills this year.

''Now we know whose earmarks are in the bills, and we know that some of them raise questions, particularly in the Defense bill that is upcoming later this month. There are numerous investigations going on by the Department of Justice right now examining the relationship between earmarks and campaign contributions. Our own Ethics Committee issues guidance that says if you receive a campaign contribution in close proximity to an earmark that you've sponsored, that doesn't necessarily constitute financial interest; in other words, go ahead and do it. And we have many examples of earmarks going out and campaign contributions flowing in to the sponsor of the earmark. We may not see that as a problem here, but clearly the Justice Department seems to see there is a problem with that.

''And so what do we do here in the House? Instead of allowing Members to come to the floor during debate and saying, what about this earmark, what about the campaign contributions that seem to have been received as soon as that earmark was sponsored, as soon as that report came to the floor saying that that earmark was in the bill, why did campaign contributions flow in response to that—instead of being able to examine those things, we've decided to cut off debate.

''And so we have transparency rules where we now know whose earmark is in the bill, but we've prohibited Members from actually coming to the floor to examine that. So you have some more transparency, but you've cut out accountability.

''Now, we've done a number of appropriation bills, and some amendments have been allowed—very few. I think in one bill there were more than 100 amendments that were prefiled and only maybe 20 or so were allowed. I myself have submitted, in one of the latest bills, about a dozen amendments and was only allowed to offer three on the floor. My guess is that these are going to be narrowed further and further until we get to the Defense bill later this month, which we have allowed only one day of debate for. Keep in mind, this is going to be a bill that will have, likely, if tradition holds, more than 1,000 House earmarks in it, several hundred of which will constitute no-bid contracts for private companies, nearly all of which there will be a pattern of campaign contributions flowing back to the Member who sponsored that earmark.

''Now, I am not a fan of public funding of campaigns. That's not the direction we should go. And campaign contributions typically flow to Members who share the philosophy of the person who is making the contribution. But when you have a pattern, as the press has duly noted, accurately noted, that as soon as an earmark is sponsored, often there are campaign checks that come directly to that Member who sponsored the earmarks. There is an appearance of impropriety that we simply have to take account of here in the House.

''Our role here in the House and the role of the Ethics Committee is to make sure that we uphold the dignity of this institution, and we simply can't do that when you have the appearance of impropriety. And when you give a no-bid contract to a private company whose executives turn around and make large campaign contributions back to that Member who sponsored the no-bid contract to them, you have the appearance of impropriety. And it is simply wrong for us now to shut down debate on that and to say, all right, now we used to allow Members to challenge these things on the floor, but now that we know that there's an appearance of impropriety, we're simply going to shut down debate, we're not going to talk about it, we're not going to allow that debate to occur on the House floor.

''Now, I would hope that these earmarks would be talked about and discussed and vetted in the Appropriations Committee, but clearly that is not the case. If it were the case, if these were properly vetted in the Appropriations Committee, we wouldn't see the scandals that we've seen. We wouldn't have Members of Congress behind bars right now for sponsoring earmarks and taking money for them.

''Now, I'm not saying that that's occurring now, but that has in the past. And when we clearly haven't vetted these properly—and we don't do this body any service by cutting off debate on the House floor and saying we're just going to turn a blind eye because there might be a problem, and if we

stand on the floor and debate these things, then people might see that there is a problem.

''So it's good to have transparency rules. That's wonderful. But once you do have transparency, you need accountability. And when you cut off debate and cut off amendments coming to the floor and bring appropriation bills under closed rules in violation of every tradition we've had in this House, then we've got a problem.

''It is said that people outside of the beltway don't care about process, and that may be true. It's tough to make political points about process because it's tough to understand the process of this institution. But bad process always yields bad results and bad policy. It happened when we were in the majority, when we held votes open for 3 hours to allow leadership and others to twist arms. That violated every tradition of the House where you're supposed to only hold votes open for 15 minutes or slightly longer. There's a problem with that. People may not understand that outside, but it leads to bad results. And I would submit that if you shut down appropriation bills, if you shut down the process allowing Members to offer amendments on the floor and just turn a blind eye to what might be occurring, then you're going to have a problem, and you're going to increase the cynicism, rightfully, that people have about this institution.

''I have served in the House of Representatives for 9 years. This is a wonderful institution, it really is; and we owe this body much more than we're giving it. And I would hope that the leadership here would exhibit maybe more of a vested interest in upholding the dignity of this institution instead of sweeping these things under the rug and saying let's just not have debate on the House floor because people might see what is occurring.

''Mr. Speaker, I hope that, particularly when we get to the Defense bill later, where there are going to be hundreds and hundreds of earmarks that represent no-bid contracts to private companies, that we allow amendments to come to the floor to examine some of these instead of sweeping the process under the rug and hoping that nobody pays attention.''.

Ms. PINGREE of Maine, was recognized to speak to the point of order and said:

''The gentleman from Arizona has made some eloquent points this morning. And I certainly hope if he really wants to resolve this issue, he will join me in supporting the bill that is in the House right now on public financing. Since both he and I come from States, Arizona and Maine, that have had great success with this system in removing some of the corruption from the process, I think that we could make a good team on that issue.

''But, Mr. Speaker, we know that this point of order is not about unfunded mandates, as he mentioned—or, in fact, even about earmarks. It's about delaying consideration of this bill and ultimately stopping it altogether.

''Since I do come from the State of Maine, where nearly one-fifth of our residents are veterans or active-duty members of our armed services, I know that this bill we are about to talk about today is extremely important, and passing this rule to allow for consideration of this bill and move forward on these issues around access to health care, making sure our veterans get the benefits that they deserve, is extremely important to the residents of my State and certainly people across this country.

''I hope my colleagues will see through this attempt and will vote 'yes' so that we can consider this legislation on its merits and not stop it with a procedural motion. The last thing that people want to see happening in the House of Representatives is endless conversation about things that have nothing to do with the issues before us but not moving forward with the things that we care about.

''Those who oppose this bill can vote against it on the final passage. We must consider this rule. We must pass this legislation today.

''I urge my colleagues to vote 'yes' to consider this rule.''.

Mr. FLAKE was further recognized and said:

''I'm not going to call a vote on this. I'm not trying to delay the process. We're just given so little time to speak because we're not allowed to bring amendments to the floor that we have to take every opportunity that we can.''.

Ms. PINGREE of Maine, was further recognized and said:

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

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Ms. PINGREE of Maine, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 244 / Nays 174

¶89.6 [Roll No. 526]

YEAS—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

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

Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett (SC)
Bishop (UT)
Boucher
Delahunt
Fudge
Granger
Graves
Heller
Hoekstra
Klein (FL)
Murphy, Patrick
Paul
Platts
Rohrabacher

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 179

¶89.7 [Roll No. 527]

AYES—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Barrett (SC)
Buyer
Farr
Fudge
Granger
Graves
Heller
Hoekstra
Klein (FL)
Murphy, Patrick
Paul
Rangel

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.8 MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. WEINER, pursuant to House Resolution 622 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes

The SPEAKER pro tempore, Mr. WEINER, by unanimous consent, designated Ms. BALDWIN as Chairman of the Committee of the Whole; and after some time spent therein,

¶89.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 111-195, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects:

Account	Location	Project	Amount
Army	Alabama: Anniston Depot	Industrial Area Electric System Upgrade.	$3,300,000
Army	Alabama: Fort Rucker	Water Survival Training Facility	$401,000
Army	Alabama: Redstone Arsenal	Gate 7 Access Control Point	$3,550,000
Air Force	Arkansas: Little Rock AFB	Security Forces Operations Facility	$1,400,000
Army NG	Arkansas: West Memphis	Readiness Center	$1,240,000
Army	Arizona: Fort Huachuca	Fire Station, Two Company	$6,700,000
Navy	California: Bridgeport MWTC	Commissary	$6,830,000
Air Force	California: Los Angeles AFB	Consolidated Parking Area Ph 1	$8,000,000
Air Reserve	California: March ARB	Small Arms Firing Range	$9,800,000
Navy	California: Monterey NSA	Marine Meterology Center	$10,240,000
Navy	California: Point Loma NB	Add/Alt Marine Mammal Surgical Center.	$2,330,000
Air Force	California: Travis AFB	Taxiway Mike Bypass Road	$6,000,000
Air Force	Colorado: Peterson AFB	East Gate Realignment	$7,200,000
Air NG	Connecticut: Bradley IAP	CNAF Beddown--Upgrade Facilities	$9,000,000
Navy	Connecticut: New London NSB	MK-48 Torpedo Magazine	$6,570,000
Air Force	Florida: Eglin AFB	Flight Test Operations Facility (413 FLTS).	$9,400,000
Air Force	Florida: MacDill AFB	Mission Support Facility	$384,000
Air Force	Florida: MacDill AFB	Consolidated Communications Facility	$21,000,000
Navy	Florida: Mayport NS	Fitness Center	$26,360,000
Navy	Florida: Panama City NSA	Joint Diver A-School Dormitory	$520,000
Navy	Georgia: Albany MCLB	Weapons Maintenance Hardstand Facility.	$4,870,000
Army NG	Georgia: Hunter AAF	Readiness Center	$8,967,000
Air Force	Georgia: Robins AFB	Hot Cargo Pad/Taxiway	$6,200,000
Air Force	Hawaii: Hickam AFB	Ground Control Tower	$4,000,000
Army NG	Hawaii: Kapolei	Readiness Center (JFHQ)	$5,446,000
Navy	Hawaii: Pearl Harbor NSY	Drydock 2 Starboard Waterfront Facility.	$850,000
Army NG	Iowa: Camp Dodge	Motor Vehicle Storage Buildings, Freedom Center.	$1,963,000
Army NG	Iowa: Davenport	Army Aviation Support Facility Add/Alt.	$2,000,000
Army NG	Iowa: Fairfield	Field Maintenance Shop Add/Alt	$2,000,000
Army NG	Iowa: Iowa Falls	Add/Alt Readiness Center	$2,000,000
Air Force	Idaho: Mountain Home AFB	Civil Engineer Maintenance Complex	$690,000
Air NG	Illinois: Lincoln Capital Airport	Relocate Base Entrance	$3,000,000
Air Force	Illinois: Scott AFB	Aeromedical Evacuation Facility	$7,400,000
Navy	Indiana: Crane NSWC	Strategic Weapons System Engineering Facility.	$510,000
Air NG	Kansas: McConnell AFB	Upgrade DCGS	$8,700,000
Army	Kentucky: Fort Campbell	Physical Fitness Complex	$900,000
Army	Kentucky: Fort Campbell	Chapel Complex	$14,400,000
Army NG	Kentucky: Frankfort	Joint Forces Headquarters	$334,000
Army NG	Kentucky: London	Phase IV Aviation Operations Facility	$1,805,000
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility	$600,000
Army	Louisiana: Fort Polk	Multipurpose Machine Gun Range	$6,400,000
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops	$2,000,000
Navy	Maine: Portsmouth NSY	Gate 2 Security Improvements	$7,090,000
Army	Maryland: Aberdeen Proving Ground	Information Processing Node, Ph 2	$956,000
Air Force	Maryland: Andrews AFB	Physical Fitness Facility	$930,000
Navy	Maryland: Carderock NSWC DET	RDTE Support Facility, Ph 2	$6,520,000
Army	Maryland: Fort Detrick	Auditorium and Training Center Expansion.	$7,400,000
Army	Maryland: Fort Meade	Intersection, Rockenbach Road & Cooper Avenue.	$2,350,000
Navy	Maryland: Indian Head NSWC	Advanced Energetics Research Lab Complex, Ph 2.	$16,460,000
Air NG	Massachusetts: Barnes ANGB	F-15 Aircraft Ready Shelters	$8,100,000
Air NG	Massachusetts: Hanscom AFB	Joint Forces Operations Center--ANG Share.	$1,500,000
Army NG	Michigan: Camp Grayling	Barracks Replacement, Ph 2	$440,000
Army NG	Michigan: Fort Custer (Augusta)	Organizational Maintenance Shop (ADRS).	$7,732,000
Air NG	Minnesota: Minneapolis-St.Paul IAP	Add/Alt Starbase Facility	$1,900,000
Air NG	Mississippi: Gulfport-Biloxi RAP	Relocate Base Entrance	$6,500,000
Army	Missouri: Fort Leonard Wood	Health Clinic	$7,800,000
Air Force	Missouri: Whiteman AFB	EOD Operations Complex	$7,400,000
Air Force	Missouri: Whiteman AFB	Land Acquisition North and South Boundaries.	$5,500,000
Army NG	Montana: Fort Harrison	Add/Alt Troop Medical Facility	$1,750,000
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building	$727,000
Air NG	New Jersey: Atlantic City IAP	Munitions Administration Facility	$1,700,000
Air Force	New Jersey: McGuire AFB	Warfighter and Family Support Center	$7,900,000
Army	New Jersey: Picatinny Arsenal	Ballistic Evaluation Facility, Ph 2	$10,200,000
Air Force	New Mexico: Cannon AFB	Dormitory (96 RM)	$450,000
Air Force	New Mexico: Holloman AFB	Fire/Crash Rescue Station	$10,400,000
Air Force	New Mexico: Kirtland AFB	Add to Space RDTE Operations Center	$5,800,000
Army	New York: Fort Drum	All Weather Marksmanship Facility	$8,200,000
Air NG	New York: Fort Drum	Reaper LRE Beddown (Wheeler Sack AAF).	$2,700,000
Air Reserve	New York: Niagara Falls ARS	Indoor Small Arms Range	$5,700,000
Army NG	North Carolina: East Flat Rock	Readiness Center Add/Alt	$2,516,000
Army	North Carolina: Fort Bragg	Field Support Brigade Headquarters	$720,000

Account	Location	Project	Amount
Army NG	North Carolina: Fort Bragg	Tactical UAS Support Facility	$6,038,000
Air Force	North Carolina: Seymour Johnson AFB	Radar Approach Control Complex, Ph 1	$6,900,000
Air Force	North Dakota: Minot AFB	Control Tower/Base Operations Facility	$1,710,000
Army NG	Ohio: Beightler Armory	Joint Forces Headquarters (JOC) Addition.	$2,000,000
Army NG	Ohio: Ravenna	Shoot House	$2,000,000
Air NG	Ohio: Toledo Express Airport	Multi-Use Instructional Facility	$2,000,000
Air Force	Ohio: Wright-Patterson AFB	Replace West Ramp, Ph 2	$10,600,000
Air NG	Ohio: Zanesville ANGS	New Supply Warehouse	$1,000,000
Air Force	Oklahoma: Tinker AFB	T-9 Noise Suppressor	$5,100,000
Army NG	Oregon: Camp Rilea	Water Supply System	$368,000
Army NG	Oregon: Polk County	Readiness Center	$12,100,000
Army NG	Pennsylvania: Luzerne	Readiness Center	$924,000
Navy	Rhode Island: Newport NS	Renovate Perry Hall	$8,530,000
Air NG	South Carolina: McEntire JRB	Joint Use Armed Forces Reserve Center	$1,300,000
Air Force	South Carolina: Shaw AFB	Add/Alter USAFCENT Headquarters	$21,183,000
Air NG	South Dakota: Joe Foss Field	Add to Munitions Maintenance Complex	$1,300,000
Army Reserve	Texas: Bryan	Army Reserve Center	$12,200,000
Army	Texas: Fort Bliss	Access Control Points	$6,500,000
Army	Texas: Fort Hood	Family Life Center	$8,500,000
Navy Reserve	Texas: Fort Worth NAS/JRB	Replace Joint Base Communications Building.	$6,170,000
Air NG	Texas: Kelly Field Annex	Add/Alt Aircraft Maintenance Shops	$7,900,000
Navy	Texas: Kingsville NAS	Solar Panel Array	$4,470,000
Army Reserve	Texas: Robstown	Tactical Equipment Maintenance Facility.	$10,200,000
Air Force	Utah: Hill AFB	PCC Apron NW End Taxiway A	$5,100,000
Army NG	Vermont: Ethan Allen Range	BOQ Add/Alt	$1,996,000
Navy	Virginia: Dahlgren NSWC	Electromagnetic Research & Engineering Fac Ph 2.	$3,660,000
Defense-Wide	Virginia: Dam Neck Annex	SOF Force Protection Improvements	$4,100,000
Army	Virginia: Fort Lee	Defense Access Roads	$5,000,000
Navy	Washington: Everett NS	Small Craft Launch	$3,810,000
Air Force	Washington: Fairchild AFB	Refueling Vehicle Maintenance Facility	$4,150,000
Army	Washington: Fort Lewis	Fort Lewis-McChord AFB Joint Access	$9,000,000
Navy	Washington: Indian Island NM	Ordnance Storage Pads with Covers	$13,130,000
Army NG	West Virginia: Logan/Mingo County	Readiness Center	$501,000
Army NG	West Virginia: Parkersburg	Readiness Center	$2,234,000
Army NG	West Virginia: Parkersburg	Field Maintenance Shop	$967,000
Air NG	Wisconsin: General Mitchell IAP	Add/Alt KC-135 Corrosion Control Hangar.	$5,000,000
Air Force	Guam: Andersen AFB	Postal Service Center	$3,500,000
Army NG	Puerto Rico: Camp Santiago	Urban Assault Course	$1,669,000

It was decided in the negative ..... { Yeas ..... 62 / Nays 358

¶89.10 [Roll No. 528]

AYES—62

Bachmann
Barton (TX)
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Hensarling
Inglis
Issa
Jenkins
Johnson (IL)
Kirk
Kline (MN)
Lamborn
Lance
Linder
Luetkemeyer
Lummis
Marchant
Marshall
McCaul
McClintock
McCotter
McHenry
Minnick
Myrick
Neugebauer
Nunes
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tiberi
Westmoreland
Wilson (SC)

NOES—358

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky

Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (UT)
Blunt
Engel
Faleomavaega
Fudge
Granger
Graves
Heller
Hoekstra
Jackson-Lee (TX)
Kaptur
Klein (FL)
Mack
McHugh
Norton
Paul
Payne

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Ms. BALDWIN, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 622, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 33, line 16, after the dollar amount insert the following: ''(increased by $1,000,000)''.

Page 35, line 4, after the dollar amount insert the following: ''(reduced by $3,500,000)''.

Page 37, line 14, after the dollar amount insert the following: ''(reduced by $1,000,000)''.

Page 37, line 14, after the dollar amount insert the following: ''(increased by $3,500,000)''.

Page 39, line 14, after the first dollar amount insert the following: ''(reduced by $1,000,000)''.

Page 42, line 5, after the dollar amount insert the following: ''(decreased by $4,000,000)''.

Page 43, line 6, after the dollar amount insert the following: ''(increased by $4,000,000)''.

Page 54, line 21, after each dollar amount insert the following: ''(increased by $1,000,000)''.

Page 58, after line 6, insert the following:

SEC. 409. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report detailing the current and planned use of Hyperbaric Oxygen Therapy (hereinafter in this section referred to as ''HBOT'') in Department of Veterans Affairs medical facilities. Such report shall include the number of veterans being treated with HBOT, the types of conditions being treated with HBOT and their respective success rates, and the current inventory of hyperbaric chambers.

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

SEC. ____. None of the funds made available in this Act may be used for the processing of new enhanced use leases in the three original National Homes for Disabled Volunteer Soldiers (soldier's home branches) established before 1868.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 3

¶89.11 [Roll No. 529]

YEAS—415

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

NAYS—3

Campbell
Flake
Stark

NOT VOTING—14

Aderholt
Barrett (SC)
Fudge
Granger
Graves
Heller
Hoekstra
Kaptur
Kilpatrick (MI)
Klein (FL)
Marchant
Marshall
McHugh
Paul

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.12 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 13, 2009, at 12:30 p.m. for morning-hour debate; and further, when the House adjourns on Monday, July 13, 2009, it adjourn to meet at 10:30 a.m. on Tuesday, July 14, 2009, for morning-hour debate.

¶89.13 FINANCIAL SERVICES APPROPRIATIONS FY 2010

Mr. SERRANO submitted a privileged report (Rept. No. 111–202) on the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶89.14 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to without amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 131. A concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God we trust'' in the Capitol Visitor Center.

H. Con. Res. 135. A concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1007. An Act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

S. 1289. An Act to improve title 18 of the United States Code.

¶89.15 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1107. An Act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

S. 1289. An Act to improve title 18 of the United States Code; to the Committee on the Judiciary.

And then,

¶89.16 ADJOURNMENT

On motion of Mr. BROUN of Georgia, pursuant to the previous order of the House, at 3 o'clock and 48 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 13, 2009.

¶89.17 REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 860. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; with an amendment (Rept. 111–196). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 129. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; with an amendment (Rept. 111–197). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1442. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; with an amendment (Rept. 111–198). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 409. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; with an amendment (Rept. 111–199). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 509. A bill to reauthorize the Marine Turtle Conservation Act of 2004; with an amendment (Rept. 111–200). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2188. A bill to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; with an amendment (Rept. 111–201). Referred to the Committee of the Whole House on the state of the Union.

Mr. SERRANO: Committee on Appropriations. H.R. 3170. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–202). Referred to the Committee of the Whole House on the state of the Union.

¶89.18 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. LYNCH):

H.R. 3167. A bill to allow mail carriers to serve in temporary enumerator positions in connection with the 2010 decennial census; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. WALDEN, Ms. TSONGAS, Mr. POLIS, Mr. ISSA, and Mr. MATHESON):

H.R. 3168. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 3169. A bill to require the Secretary of the Army to carry out a study to determine the most effective manner by which to carry out the Lake Pontchartrain flood control project, to authorize the Secretary of the Army to construct a new pumping station at Lake Pontchartrain, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 3171. A bill to help stabilize and restore the economy by providing for greater access to credit for the underbanked, the unbanked, and consumers with low credit scores through the establishment of bridging bank depository institutions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. TANNER):

H.R. 3172. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. EHLERS, Mr. DAVIS of Kentucky, Mrs. BONO MACK, Mr. MANZULLO, Mr. SCHOCK, Mr. DENT, Mr. SOUDER, Mr. LANCE, Mr. ROSKAM, Mr. SHIMKUS, Mrs. MILLER of Michigan, Mr. KIRK, Mr. LEE of New York, and Mr. CULBERSON):

H.R. 3173. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on the Judiciary.

By Mrs. BLACKBURN (for herself, Mrs. MYRICK, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, Mr. BILBRAY, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 3174. A bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 3175. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes; to the Committee on Agriculture.

By Mr. ENGEL (for himself and Mr. SULLIVAN):

H.R. 3176. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of professional medical services of optometrists; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself, Mr. INGLIS, Ms. BALDWIN, Mr. BILBRAY, Mr. CALVERT, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. FOSTER, Mr. GRAYSON, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. DANIEL E. LUNGREN of California, Mr. MCNERNEY, and Mr. OLVER):

H.R. 3177. A bill to promote the development of practical fusion energy, and for other purposes; to the Committee on Science and Technology.

By Ms. MARKEY of Colorado (for herself, Mr. LUETKEMEYER, Mr. GRAYSON, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BRIGHT, and Mrs. KIRKPATRICK of Arizona):

H.R. 3178. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Ways and Means.

By Mr. PAULSEN:

H.R. 3179. A bill to amend the Emergency Economic Stabilization Act of 2008 to require

the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes; to the Committee on Financial Services.

By Mr. PERRIELLO:

H.R. 3180. A bill to establish the National Advisory Committee on Rural Education in the Department of Education; to the Committee on Education and Labor.

By Mr. SABLAN (for himself, Mr. ABERCROMBIE, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. PIERLUISI, Mr. POLIS, Mr. SCOTT of Virginia, Ms. TITUS, Ms. WOOLSEY, and Mr. WU):

H.R. 3181. A bill to amend the Workforce Investment Act of 1998 to permit the establishment of Jobs Corps centers in territories of the United States; to the Committee on Education and Labor.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H. Con. Res. 164. Concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture; to the Committee on Agriculture.

By Mr. DELAHUNT (for himself and Mr. ROHRABACHER):

H. Res. 624. A resolution condemning all violent repression by the Government of the People's Republic of China of peaceful Uighur protests; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS (for herself, Mr. LARSEN of Washington, Mr. INSLEE, and Mr. REICHERT):

H. Res. 625. A resolution recognizing and commending the 2009 National Veterans Wheelchair Games, to be held in Spokane, Washington, July 13 through 18, 2009; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Alabama:

H. Res. 626. A resolution expressing the sense of the House of Representatives that Members of Congress who participate in the Federal Employees Health Benefits Program (FEHBP) should be automatically enrolled in the public plan; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. REICHERT, Mrs. MCMORRIS RODGERS, Mr. BAIRD, Mr. MCDERMOTT, Mr. HASTINGS of Washington, and Mr. INSLEE):

H. Res. 627. A resolution honoring the citizen-soldiers of the National Guard of the State of Washington, including the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard; to the Committee on Armed Services.

By Mr. DREIER (for himself and Mr. KUCINICH):

H. Res. 628. A resolution expressing the sense of the House of Representatives that the United States should pursue the global elimination of obstacles to the proliferation of technologies and services that science has proven are necessary to address the most pressing environmental problems of our time; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER:

H. Res. 629. A resolution recognizing the accomplishments of the U.S. General Services Administration since its creation in 1949 for providing policy leadership and expertly managed space, products, services, and solutions, at the best value, to enable Federal employees to accomplish their missions; to the Committee on Oversight and Government Reform.

By Mr. DELAHUNT (for himself, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Mr. SERRANO, Mr. FARR, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. CONYERS, Mr. HINCHEY, Mr. FILNER, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. GRIJALVA, and Ms. BALDWIN):

H. Res. 630. A resolution condemning the June 28, 2009, coup d'etat in Honduras, calling for the reinstatement of President Jose Manuel Zelaya Rosales, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. BRADY of Texas, Mr. EDWARDS of Texas, Mr. HINOJOSA, Mr. OLSON, and Mr. ROTHMAN of New Jersey):

H. Res. 631. A resolution congratulating Continental Airlines on its 75th Anniversary; to the Committee on Science and Technology.

By Mr. MELANCON:

H. Res. 632. A resolution congratulating Jockey Calvin Borel for his victory at the 135th Kentucky Derby; to the Committee on Oversight and Government Reform.

By Mr. SIRES (for himself, Mr. CROWLEY, Mr. DELAHUNT, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. CARNAHAN, Mr. MEEKS of New York, Mr. COSTA, Mr. ELLISON, and Mr. HARE):

H. Res. 633. A resolution supporting the goals and ideals of the United Nations Office on Sport for Development and Peace; to the Committee on Foreign Affairs.

¶89.19 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DUNCAN introduced a bill (H.R. 3182) for the relief of Hotaru Nakama Ferschke; which was referred to the Committee on the Judiciary.

¶89.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 155: Mr. SMITH of Texas and Mrs. BONO Mack.

H.R. 156: Mr. GRIFFITH.

H.R. 275: Mr. CARDOZA.

H.R. 276: Mr. MCCOTTER.

H.R. 442: Mr. ROGERS of Michigan.

H.R. 450: Mr. PRICE of Georgia and Mr. DEAL of Georgia.

H.R. 481: Mr. WALZ.

H.R. 621: Ms. MARKEY of Colorado, Ms. BALDWIN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. PALLONE, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. GRAYSON, Ms. WATSON, Mr. MOLLOHAN, Mr. KILDEE, Ms. DELAURO, Mr. LYNCH, Ms. WATERS, Mr. CONYERS, Mr. BLUMENAUER, Mr. KIND, Mr. DEFAZIO, Ms. CORRINE BROWN of Florida, Mr. TAYLOR, Mr. ALTMIRE, Mr. POMEROY, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. DONNELLY of Indiana, Mr. MATHESON, Mr. TANNER, Mr. BACA, Mr. DAVIS of Tennessee, Mr. HELLER, Mr. TERRY, Mr. CASSIDY, Mr. BARTON of Texas, Mr. CUELLAR, Mr. CHAFFETZ, Mr. MCHENRY, Mr. BUCHANAN, Mr. BAIRD, Mr. POSEY, Mr. PITTS, Ms. GINNY BROWN-WAITE of Florida, Mr. MICA, Mr. ENGEL, and Mr. INGLIS.

H.R. 622: Ms. KOSMAS and Mr. HASTINGS of Washington.

H.R. 678: Mr. ISRAEL.

H.R. 682: Mr. KUCINICH.

H.R. 734: Mr. FOSTER and Mr. CONYERS.

H.R. 897: Mr. PAULSEN and Mr. GOODLATTE.

H.R. 932: Ms. SCHWARTZ.

H.R. 936: Mr. RUSH.

H.R. 950: Mr. CONNOLLY of Virginia and Mr. SALAZAR.

H.R. 1017: Mr. ROONEY.

H.R. 1024: Mr. INSLEE.

H.R. 1064: Mr. LEVIN.

H.R. 1159: Mr. KING of New York.

H.R. 1173: Mr. COBLE.

H.R. 1177: Mr. BARRETT of South Carolina, Mr. MICHAUD, and Mr. BURTON of Indiana.

H.R. 1179: Ms. EDWARDS of Maryland, Mr. PRICE of North Carolina, and Mr. SCOTT of Virginia.

H.R. 1197: Mr. BROWN of South Carolina.

H.R. 1207: Mr. MELANCON, Mr. BAIRD, Mr. BISHOP of New York, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1215: Mr. MORAN of Virginia and Mr. JACKSON of Illinois.

H.R. 1255: Mr. ALEXANDER and Mr. NEUGEBAUER.

H.R. 1283: Ms. WATERS, Mr. MAFFEI, Mr. MOLLOHAN, and Mr. CLYBURN.

H.R. 1293: Mr. LAMBORN.

H.R. 1339: Ms. RICHARDSON.

H.R. 1347: Mr. HOLT.

H.R. 1361: Ms. ZOE LOFGREN of California and Mr. KUCINICH.

H.R. 1389: Mr. KING of New York.

H.R. 1392: Ms. ESHOO.

H.R. 1428: Mr. KENNEDY, Mr. SCHAUER, and Mr. GRIFFITH.

H.R. 1454: Mr. ROSKAM.

H.R. 1458: Mr. COHEN and Mr. RUSH.

H.R. 1485: Mr. HASTINGS of Florida.

H.R. 1547: Mr. DAVIS of Alabama and Mr. CARNEY.

H.R. 1548: Mr. REHBERG, and Mr. HIMES.

H.R. 1549: Mr. POLIS and Mr. KENNEDY.

H.R. 1557: Mr. PITTS and Mr. GERLACH.

H.R. 1612: Mr. DICKS, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. MILLER of North Carolina, and Mr. JACKSON of Illinois.

H.R. 1616: Mr. CAPUANO, Ms. VELÁZQUEZ, and Mr. WELCH.

H.R. 1618: Mr. FARR, Mr. COSTELLO, Mr. GALLEGLY, Mr. CONYERS, and Mr. AKIN.

H.R. 1633: Mr. REHBERG.

H.R. 1643: Mr. ORTIZ.

H.R. 1677: Mr. MARSHALL.

H.R. 1678: Mr. MICHAUD.

H.R. 1682: Mr. GERLACH.

H.R. 1708: Mr. HALL of New York.

H.R. 1744: Mr. BRADY of Pennsylvania, Mr. HARE, Mr. FORBES, and.Mr. SHUSTER.

H.R. 1751: Mr. DELAHUNT.

H.R. 1800: Mr. HONDA.

H.R. 1826: Mrs. MALONEY.

H.R. 1835: Mr. CARTER.

H.R. 1868: Mr. SHADEGG.

H.R. 1870: Mr. FILNER.

H.R. 1881: Mr. COSTELLO.

H.R. 1894: Mr. KISSELL.

H.R. 1981: Mr. FORBES.

H.R. 2000: Mr. CONNOLLY of Virginia, Mr. SCHOCK, Mr. PRICE of North Carolina, Mr. TIERNEY, Mr. PALLONE, and Mr. FARR.

H.R. 2017: Mr. MITCHELL, Mr. ROGERS of Kentucky, Mr. BILIRAKIS, Mr. THORNBERRY, Ms. SHEA-PORTER, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2057: Ms. ZOE LOFGREN of California and Mr. HINCHEY.

H.R. 2060: Mr. OLVER.

H.R. 2067: Mr. MEEKS of New York.

H.R. 2068: Mr. DENT.

H.R. 2097: Mr. ACKERMAN, Mr. KISSELL, Mr. TEAGUE, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. COURTNEY, Mr. CLAY, Mr. CLEAVER, Mr. MEEK of Florida, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. HODES, Mr. TOWNS, Ms. CLARKE, Mr. LANGEVIN, Mr. WALZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. PERLMUTTER, Mr. BECERRA, Mr. CLYBURN, Mr. DOYLE, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. MCNERNEY, Mr. CONYERS, Ms. SPEIER, Mr. SESTAK, Mr. BERMAN, Mr. LARSEN of

Washington, Mr. ALTMIRE, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mr. STUPAK, Mr. MURTHA, Mr. AL GREEN of Texas, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. ENGEL, Mr. QUIGLEY, Mr. DINGELL, Mr. PETRI, Mr. PENCE, Mr. CAMPBELL, Mr. WAMP, Mrs. EMERSON, Mr. FALEOMAVAEGA, Mr. HENSARLING, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. MCGOVERN, Ms. WATERS, Mr. SKELTON, Mr. CARNEY, Mr. PETERS, Mr. TONKO, Mr. HIMES, Mr. DOGGETT, Mr. WEXLER, Mr. VISCLOSKY, Mrs. DAVIS of California, Ms. KILROY, Mr. MAFFEI, Ms. SUTTON, Mr. DONNELLY of Indiana, Ms. MOORE of Wisconsin, Ms. KOSMAS, Mr. ISRAEL, Mr. TIM MURPHY of Pennsylvania, Ms. TSONGAS, Mrs. HALVORSON, Ms. TITUS, Mrs. MCCARTHY of New York, Mr. KANJORSKI, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. POLIS, Mr. ANDREWS, Mr. STEARNS, Mr. TIAHRT, Mr. SIMPSON, Mr. FRELINGHUYSEN, Mr. NUNES, Mr. MCCOTTER, Mr. TIBERI, Mr. MICA, Mr. CASTLE, Mr. MILLER of Florida, Mr. AKIN, Mr. FORBES, Ms. WOOLSEY, Mr. WHITFIELD, Mr. CULBERSON, Mr. JONES, Mr. FORTENBERRY, Mr. ALEXANDER, Mr. SCALISE, Mr. SCOTT of Virginia, Mr. COLE, Mr. JOHNSON of Illinois, Mr. KING of New York, Mr. DELAHUNT, Ms. SLAUGHTER, Mr. GINGREY of Georgia, Mr. KIND, Mr. DENT, Ms. GIFFORDS, Mr. SMITH of Washington, Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. TURNER, Mr. ISSA, Mr. GOHMERT, Mr. MCCLINTOCK, Mr. SHADEGG, Ms. FOXX, Mr. ROGERS of Michigan, Mr. WESTMORELAND, Mr. KING of Iowa, Mr. ROE of Tennessee, Mr. KLINE of Minnesota, Mr. CANTOR, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. REICHERT, Mr. SMITH of Texas, Mrs. BIGGERT, Mr. ROSKAM, Mrs. LUMMIS, and Mr. OLSON.

H.R. 2102: Mr. CARNAHAN, Mr. CLAY, and Mr. LANGEVIN.

H.R. 2105: Mr. MORAN of Kansas.

H.R. 2106: Mr. MORAN of Kansas.

H.R. 2119: Mr. WOLF.

H.R. 2139: Mr. YARMUTH.

H.R. 2160: Mr. WU.

H.R. 2178: Mr. CAPUANO, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PAUL, and Ms. CLARKE.

H.R. 2194: Mr. NUNES, Mr. MANZULLO, Mr. COURTNEY, Mr. POSEY, Mrs. EMERSON, Ms. JENKINS, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. LINDER, Mr. BARRETT of South Carolina, Ms. MARKEY of Colorado, and Ms. KOSMAS.

H.R. 2227: Mr. DAVIS of Alabama.

H.R. 2246: Mr. BOOZMAN.

H.R. 2254: Mr. SALAZAR and Mrs. EMERSON.

H.R. 2271: Mr. WU.

H.R. 2287: Mr. GOODLATTE.

H.R. 2296: Mr. ROGERS of Michigan, Mr. COFFMAN of Colorado, and Mr. GUTHRIE.

H.R. 2314: Mrs. CHRISTENSEN.

H.R. 2324: Mr. STARK, Mr. NADLER of New York, Ms. SCHWARTZ, Ms. MCCOLLUM, and Mr. ACKERMAN.

H.R. 2349: Mr. DRIEHAUS.

H.R. 2363: Mr. HOLT, Mr. OLVER, and Mr. ELLISON.

H.R. 2378: Mr. DONNELLY of Indiana.

H.R. 2448: Mr. HINCHEY.

H.R. 2518: Mr. INGLIS.

H.R. 2542: Mr. MICA.

H.R. 2567: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2575: Mr. MCGOVERN.

H.R. 2584: Mr. YOUNG of Alaska and Mr. CONAWAY.

H.R. 2605: Mr. MORAN of Kansas.

H.R. 2625: Mr. BLUMENAUER.

H.R. 2626: Mrs. MCMORRIS RODGERS.

H.R. 2632: Mr. ACKERMAN, Mr. ALTMIRE, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. CARNEY, Ms. FUDGE, Mr. CLEAVER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SMITH of Texas.

H.R. 2697: Mr. FILNER.

H.R. 2743: Mr. BARTON of Texas, Ms. EDWARDS of Maryland, Mr. MICA, Ms. BALDWIN, Ms. SCHWARTZ, Mr. LANCE, Mr. SCHIFF, and Mr. THOMPSON of Pennsylvania.

H.R. 2746: Mr. GUTIERREZ, Mr. MURTHA, Mr. PAYNE, Mr. CLEAVER, and Mr. SCOTT of Georgia.

H.R. 2770: Mr. COURTNEY and Mr. LAMBORN.

H.R. 2796: Mr. BARTON of Texas.

H.R. 2811: Ms. HIRONO.

H.R. 2852: Mr. PRICE of North Carolina.

H.R. 2882: Ms. WOOLSEY and Mr. PASTOR of Arizona.

H.R. 2910: Mr. PETRI.

H.R. 2920: Mr. DICKS and Mr. KILDEE.

H.R. 2963: Mr. NYE, Mr. BACA, Mr. DAVIS of Tennessee, and Mr. MILLER of North Carolina.

H.R. 2969: Mrs. CHRISTENSEN.

H.R. 2982: Mr. BARTLETT.

H.R. 3001: Mr. MORAN of Virginia.

H.R. 3006: Mrs. NAPOLITANO.

H.R. 3012: Mr. KENNEDY and Mrs. CHRISTENSEN.

H.R. 3015: Mr. CULBERSON.

H.R. 3017: Mr. PASTOR of Arizona and Mr. BISHOP of New York.

H.R. 3040: Mr. JOHNSON of Georgia.

H.R. 3042: Mr. NADLER of New York and Mr. FRANK of Massachusetts.

H.R. 3044: Mr. GENE GREEN of Texas, Mr. DAVIS of Tennessee, Mr. ROONEY, Mr. MCCARTHY of California, and Mr. GERLACH.

H.R. 3047: Mr. JACKSON of Illinois and Mr. BRADY of Pennsylvania.

H.R. 3109: Mr. FILNER, Mr. ORTIZ, and Mr. REYES.

H.R. 3119: Mr. DANIEL E. LUNGREN of California.

H.R. 3141: Ms. FALLIN.

H.R. 3147: Mr. CARNAHAN.

H. Con. Res. 16: Mr. FLEMING.

H. Con. Res. 87: Mr. OLVER and Mr. POE of Texas.

H. Con. Res. 121: Mr. DEAL of Georgia.

H. Con. Res. 144: Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Ms. WOOLSEY, Mr. TEAGUE, Mr. MCNERNEY, Mr. NADLER of New York, Mr. TIBERI, Ms. PINGREE of Maine, and Mr. ABERCROMBIE.

H. Con. Res. 156: Mr. BERMAN.

H. Con. Res. 163: Mr. CONYERS, Mr. ETHERIDGE, Mr. BOOZMAN, Mr. FILNER, and Mr. KANJORSKI.

H. Res. 93: Mr. MINNICK and Ms. LORETTA SANCHEZ of California.

H. Res. 175: Mr. KILDEE.

H. Res. 402: Mr. FORTENBERRY.

H. Res. 409: Mrs. MYRICK.

H. Res. 433: Mr. KENNEDY.

H. Res. 441: Mr. REYES, Mr. RANGEL, Mr. OBERSTAR, Mr. TONKO, Ms. FOXX, and Mr. LATHAM.

H. Res. 487: Mr. DINGELL, Mr. EHLERS, Mr. MCCAUL, Mr. CAMP, Mr. CONYERS, and Mrs. MILLER of Michigan.

H. Res. 496: Mr. GALLEGLY.

H. Res. 531: Mr. KIRK.

H. Res. 555: Ms. HARMAN, Mr. BERMAN, Mr. FALEOMAVAEGA, Ms. JACKSON-LEE of Texas, Mr. POE of Texas, Mr. ROSS, Mr. CROWLEY, Mr. MCMAHON, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. GUTIERREZ, Mr. KINGSTON, Mr. MANZULLO, Mr. DANIEL E. LUNGREN of California, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. SHERMAN, Mr. COSTA, Mr. CARDOZA, Mr. ELLISON, Ms. LEE of California, Mr. PAYNE, Mr. SCOTT of Georgia, Mrs. DAVIS of California, Mr. SNYDER, Mr. GRAYSON, Ms. WATSON, Mr. TANNER, Mr. ABERCROMBIE, Mr. INSLEE, Ms. WOOLSEY, Mr. WEXLER, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Mr. INGLIS, Mr. TOWNS, and Mr. PASCRELL.

H. Res. 558: Mr. HONDA.

H. Res. 561: Mr. HIGGINS, Mr. TOWNS, Mr. ARCURI, Mr. ACKERMAN, Mr. KING of New York, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. TONKO, Ms. WASSERMAN SCHULTZ, Mr. LEE of New York, and Mr. HIMES.

H. Res. 562: Mr. DENT, Mrs. MALONEY, Mr. TOWNS, Mr. ARCURI, Mr. LEE of New York, Mr. ACKERMAN, Mr. KING of New York, Mr. HIGGINS, Mr. TONKO, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, and Mr. HIMES.

H. Res. 563: Mr. HIGGINS, Mr. TOWNS, Mr. ARCURI, Mr. LEE of New York, Mr. ACKERMAN, Mr. KING of New York, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. TONKO, Ms. WASSERMAN SCHULTZ, and Mr. HIMES.

H. Res. 574: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H. Res. 577: Mr. RADANOVICH and Mr. HILL.

H. Res. 590: Mr. SMITH of New Jersey.

H. Res. 613: Mr. WOLF, Mr. LARSON of Connecticut, and Mrs. MCMORRIS RODGERS.

H. Res. 615: Mr. GINGREY of Georgia, Mr. MILLER of Florida, and Mr. CANTOR.

H. Res. 619: Mr. HOEKSTRA.

MONDAY, JULY 13, 2009 (90)

¶90.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
July 13, 2009.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶90.2 RECESS—12:40 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 40 minutes p.m., until 2 p.m.

¶90.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, called the House to order.

¶90.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Friday, July 10, 2009.

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

¶90.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2597. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1052] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2598. A letter from the Regulatory Specialist, LRAD, Department of Treasury, transmitting the Department's final rule — Assessment of Fees [Docket No.: OCC-2008-0001] (RIN: 1557-AD06) received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2599. A letter from the Chief Operating Officer, Community Development Financial Institutions Fund, Department of Treasury,

transmitting the Department's final rule — Bank Enterprise Award Program (RIN: 1505-AA91) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2600. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines-Money Market Mutual Funds [Docket ID: OCC-2008-0015] (RIN: 1557-AD15) received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2601. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Prior Approval for Enterprise Products (RIN: 2590-AA17) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2602. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2603. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2604. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2605. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2606. A letter from the Inspector General, transmitting the Office's final report on the Member Centralized Servers project (Report No. 09-CAO-12); to the Committee on House Administration.

2607. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a special report pertaining to the Department's most comprehensive study of stalking to date confirming that stalking is pervasive, women are at higher risk being stalked, and there is a dangerous intersection between stalking and more violent crimes; to the Committee on the Judiciary.

2608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Calculation of Noise Levels Published in Advisory Circular 36-3 — received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Emission Standards for Turbine Engine Powered Airplanes; Correction [Docket No.: FAA-2009-0112; Amendment No. 34-4] (RIN: 2120-AJ41) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E Airspace; Bunnell, FL [Docket No.: FAA-2009-0327; Airspace Docket 09-ASO-014] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Sterling, IL [Docket No.: FAA-2009-0115; Airspace Docket No. 09-AGL-3] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, OH [Docket No.: FAA-2009-0127; Airspace Docket No. 09-AGL-4] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waverly, OH [Docket No.: FAA-2009-1236; Airspace Docket No. 08-AGL-16] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30671; Amdt. No. 3325] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No.: FAA-2008-1082; Directorate Identifier 2007-NM-337-AD; Amendment 39-15925; AD 2009-12-02] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes [Docket No.: FAA-2009-0262; Directorate Identifier 2008-NM-208-AD; Amendment 39-15946; AD 2009-13-07] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0133; Directorate Identifier 2008-NM-107-AD; Amendment 39-15933; AD 2009-12-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes [Docket No.: FAA-2009-0261 Directorate Identifier 2009-CE-017-AD; Amendment 39-15943; AD 2009-13-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. PA-23, PA-31, and PA-42 Series Airplanes [Docket No.: FAA-2009-0218; Directorate Identifier 2009-CE-006-AD; Amendment 39-15944; AD 2009-13-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0557; Directorate Identifier 2009-CE-031-AD; Amendment 39-15944; AD 2009-13-05] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0133; Directorate Identifier 2008-NM-107-AD; Amendment 39-15933; AD 2009-12-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No.: FAA-2008-1082; Directorate Identifier 2007-NM-337-AD; Amendment 39-15925; AD 2009-12-02] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts — III'', pursuant to Pub. L. 109-59, Sec. 5204(g)(1); to the Committee on Transportation and Infrastructure.

2625. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years, pursuant to Public Law 110-53, section 1821(b); jointly to the Committees on Foreign Affairs and Armed Services.

2626. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2008; jointly to the Committees on the Judiciary and House Administration.

¶90.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CUELLAR, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 13, 2009, at 9:14 a.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees H.R. 2892.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶90.7 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FY 2010

Mr. OBEY submitted a privileged report (Rept. No. 111–203) on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶90.8 RECESS—2:20 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 20 minutes p.m., subject to the call of the Chair.

¶90.9 AFTER RECESS—6:02 P.M.

The SPEAKER pro tempore, Mrs. CAPPS, called the House to order.

¶90.10 STAFF RESIGNATION—LEGISLATIVE COUNSEL OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mrs. CAPPS, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, July 6, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives, effective at the close of business July 13, 2009.

It has been a great honor and privilege to serve as Legislative Counsel.

Sincerely,

M. POPE BARROW.

¶90.11 LEGISLATIVE COUNSEL OF HOUSE REPRESENTATIVES

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to section 521 of the Legislative Reorganization Act of 1970 (2 United States Code 282), announced that the Speaker appointed the following individual as Legislative Counsel of the United States House of Representatives to succeed M. Pope Barrow, Jr., resigned: Sandra L. Strokoff.

¶90.12 M. POPE BARROW, JR.

Mr. DINGELL, by unanimous consent, submitted the following resolution (H. Res. 635):

Whereas M. Pope Barrow, Jr., was appointed to the Office of the Legislative Counsel of the House of Representatives in 1968;

Whereas M. Pope Barrow, Jr., has provided 40 years of service to the House as a member of the Office of the Legislative Counsel under eight successive Speakers;

Whereas M. Pope Barrow, Jr., has served as the Legislative Counsel for 12 years, following his service as the Deputy Legislative Counsel for 4 years;

Whereas M. Pope Barrow, Jr., has been the principal drafter over the past 30 years of Federal laws that protect the environment, preserve public lands and waterways, and promote the production and efficient use of energy resources;

Whereas M. Pope Barrow, Jr., has provided exemplary leadership in undertaking significant programs to modernize the operations of the Office of the Legislative Counsel and the House; and

Whereas M. Pope Barrow, Jr., has provided steady guidance in continuing the professional, nonpartisan service to which the Office of the Legislative Counsel is dedicated: Now, therefore, be it

Resolved, That the House of Representatives expresses its gratitude to—

(1) M. Pope Barrow, Jr., for his 40 years of service to the House; and

(2) the Office of the Legislative Counsel for its more than 90 years of assistance in the drafting of legislation considered by the House.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.13 MOTION TO ADJOURN

Mr. HASTINGS of Florida, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. CAPPS, announced that the yeas had it.

Mr. LUNGREN of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 208 / Nays ..... 172 }

¶90.14 [Roll No. 530]

YEAS—208

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Burton (IN)
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Melancon
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Richardson
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—172

Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carney
Carter
Cassidy
Castle
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Myrick
Nunes
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tanner
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—52

Akin	Graves	Neugebauer
Barrett (SC)	Grijalva	Reyes
Barton (TX)	Gutierrez	Rohrabacher
Bono Mack	Herseth Sandlin	Ross
Brown, Corrine	Hill	Rothman (NJ)
Brown-Waite, Ginny	Hinchey	Schauer
Butterfield	Hoekstra	Schrader
Cantor	Johnson (IL)	Scott (VA)
Coble	Linder	Sestak
Conyers	Lipinski	Sires
Costello	Luetkemeyer	Stearns
Davis (IL)	Mack	Tierney
Deal (GA)	Maloney	Upton
Engel	Matheson	Waters
Frank (MA)	Meeks (NY)	Watson
Gerlach	Mollohan	Weiner
Gordon (TN)	Murphy (NY)	Young (FL)
	Murtha	

So the motion to adjourn was agreed to.

Accordingly,

At 7 o'clock and 2 minutes p.m., the House adjourned.

¶90.15 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PASTOR of Arizona: Committee on Appropriations. H.R. 3183. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–203). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111–204). Referred to the Committee of the Whole House on the state of the Union.

¶90.16 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 31, 2009.

¶90.17 REPORTED BILLS SUBSEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2868. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; with an amendment (Rept. 111–205 Pt. 1); referred to the Committee on Judiciary for a period ending not later than July 31, 2009, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶90.18 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANGEVIN (for himself, Mr. YOUNG of Alaska, Mr. KUCINICH, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. SMITH of New Jersey, Mr. FARR, Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. HOLT, Mr. CARSON of Indiana, Mr. OLVER, and Mr. CARNAHAN):

H.R. 3184. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 3185. A bill to amend title XVIII of the Social Security Act to provide payment to hospitals for costs of expanded advanced practice nurse training programs; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia:

H.R. 3186. A bill to provide for the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY (for himself and Mrs. BONO MACK):

H.R. 3187. A bill to reduce and eliminate the tax credit for alcohol fuel mixtures and the tariff on imported ethanol; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia (for himself, Mrs. BLACKBURN, Mr. LATTA, Mr. MARCHANT, Mr. AKIN, Mr. BARTLETT, Mr. PITTS, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. POSEY, Mr. HENSARLING, and Mr. BRADY of Texas):

H.R. 3188. A bill to prohibit Federal funding or other assistance for mandatory human papillomavirus (HPV) vaccination programs; to the Committee on Energy and Commerce.

By Mr. HELLER (for himself, Mr. TIBERI, Mr. CHAFFETZ, Mr. LATTA, Mrs. LUMMIS, and Mr. ROSKAM):

H.R. 3189. A bill to prohibit any increase in the amount established for the Members' Representational Allowance during a period of high unemployment and public debt; to the Committee on House Administration.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 3190. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Ms. ROS-LEHTINEN, and Mr. DAVIS of Illinois):

H.R. 3191. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. HERGER, Mr. CROWLEY, and Mr. BRADY of Texas):

H.R. 3192. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. ROONEY (for himself, Ms. ROS-LEHTINEN, Mr. MACK, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, and Mr. HASTINGS of Florida):

H.R. 3193. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself (by request) and Ms. ROS-LEHTINEN):

H.J. Res. 60. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and the United Arab Emirates pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. CROWLEY (for himself, Mrs. MALONEY, Mr. ACKERMAN, Mr. ISRAEL, Mr. ENGEL, Mr. ARCURI, Mr. MASSA, Mr. HINCHEY, Mr. HALL of New York, Mr. MCMAHON, Mrs. MCCARTHY of New York, Mr. SERRANO, Mr. FILNER, Mr. MURPHY of New York, and Mr. NADLER of New York):

H. Res. 634. A resolution acknowledging the 25th anniversary of the nomination of Representative Geraldine A. Ferraro as the first woman selected by a major political party as its candidate for Vice President; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 635. A resolution expressing the gratitude of the House of Representatives for the service of M. Pope Barrow, Jr.; considered and agreed to.

By Mr. WOLF:

H. Res. 636. A resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States; to the Committee on the Judiciary.

By Mr. BILBRAY (for himself, Mr. ROYCE, Mr. HUNTER, Mr. FILNER, Mrs. DAVIS of California, Mr. LEWIS of California, Mr. DREIER, Mr. ROHRABACHER, Mr. CAMPBELL, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO MACK, and Mr. ISSA):

H. Res. 637. A resolution honoring the life and accomplishments of Herbert Klein and expressing condolences on his passing; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. SNYDER, Mr. COHEN, Mr. HASTINGS of Florida, Mr. WHITFIELD, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SCHMIDT, Mr. LATTA, Mr. CASSIDY, Ms. JACKSON-LEE of Texas, and Mr. WILSON of South Carolina):

H. Res. 638. A resolution congratulating the government and people of Turkey as they celebrate Republic Day, and for other purposes; to the Committee on Foreign Affairs.

By Mr. INGLIS:

H. Res. 639. A resolution expressing the sense of the House of Representatives that any interest or dividends repaid to the government through the Troubled Asset Relief Program should be used solely for debt reduction, consistent with the authorizing legislation and Article One, Section Nine of the United States Constitution; to the Committee on Financial Services.

¶90.19 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced a bill (H.R. 3194) for the relief of Sainey H. Fatty; which was referred to the Committee on the Judiciary.

¶90.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mrs. KIRKPATRICK of Arizona.

H.R. 39: Mr. POLIS of Colorado, Mr. MORAN of Virginia, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.
H.R. 43: Mr. MARKEY of Massachusetts, Mr. BLUMENAUER, and Mr. CARSON of Indiana.
H.R. 147: Mr. ABERCROMBIE, Mr. TONKO, and Mr. CARDOZA.
H.R. 155: Ms. FUDGE.
H.R. 235: Mr. HUNTER.
H.R. 327: Mr. CRENSHAW.
H.R. 362: Mr. FILNER.
H.R. 468: Mr. PAYNE.
H.R. 503: Mr. CRENSHAW.
H.R. 510: Mr. JORDAN of Ohio.
H.R. 517: Ms. KILROY.
H.R. 571: Mr. BILBRAY and Mr. COHEN.
H.R. 593: Mrs. KIRKPATRICK of Arizona.
H.R. 621: Mr. LANCE, Mr. CARTER, Mr. CHANDLER, Mr. PAULSEN, Mr. TIM MURPHY of Pennsylvania, and Mr. KAGEN.
H.R. 653: Ms. CORRINE BROWN of Florida and Ms. JACKSON-LEE of Texas.
H.R. 678: Mr. KIND.
H.R. 690: Mr. BLUMENAUER.
H.R. 716: Mr. BAIRD.
H.R. 764: Mr. BROUN of Georgia.
H.R. 848: Mrs. MALONEY.
H.R. 878: Mr. BAIRD.
H.R. 881: Mr. BOUSTANY, Mr. POE of Texas, Mr. JONES, and Mr. TIM MURPHY of Pennsylvania.
H.R. 936: Ms. DEGETTE.
H.R. 953: Mr. THOMPSON of Pennsylvania.
H.R. 1074: Mr. SIMPSON, Mrs. MILLER of Michigan, and Mr. BOUSTANY.
H.R. 1166: Mr. COBLE.
H.R. 1173: Mr. DELAHUNT.
H.R. 1177: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1207: Mr. WU.
H.R. 1210: Ms. KILROY.
H.R. 1213: Mr. BOUSTANY.
H.R. 1215: Mrs. MALONEY.
H.R. 1255: Mr. SCALISE and Mr. FILNER.
H.R. 1293: Mr. BUCHANAN and Mr. MICHAUD.
H.R. 1326: Mr. RUSH, Mr. MCNERNEY, and Mr. WELCH.
H.R. 1327: Mr. SHIMKUS and Mr. STUPAK.
H.R. 1392: Mr. AUSTRIA and Mr. DEAL of Georgia.
H.R. 1427: Mr. CONYERS.
H.R. 1454: Mr. MOORE of Kansas.
H.R. 1458: Mr. ABERCROMBIE.
H.R. 1470: Mr. COFFMAN of Colorado.
H.R. 1476: Mr. JOHNSON of Georgia and Mr. COHEN.
H.R. 1546: Mr. MICHAUD.
H.R. 1548: Mr. OLSON, Mr. RODRIGUEZ, Mr. MURPHY of New York, and Mr. TANNER.
H.R. 1600: Mr. HINCHEY.
H.R. 1615: Mr. ROTHMAN of New Jersey.
H.R. 1618: Mr. MORAN of Virginia and Mr. PALLONE.
H.R. 1670: Ms. KILROY, Mr. LATHAM, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.
H.R. 1721: Ms. KILROY and Ms. DEGETTE.
H.R. 1722: Mr. WITTMAN and Mr. HIMES.
H.R. 1828: Mr. FILNER and Mr. SPACE.
H.R. 1831: Mr. HOEKSTRA and Mr. MEEK of Florida.
H.R. 1927: Mr. MCINTYRE.
H.R. 1933: Mr. MEEK of Florida.
H.R. 1941: Mr. ROYCE and Mr. SCHIFF.
H.R. 2000: Mr. QUIGLEY, Mr. LIPINSKI, and Mr. GRIJALVA.
H.R. 2002: Mr. TIBERI.
H.R. 2016: Mr. ROTHMAN of New Jersey.
H.R. 2017: Mr. MILLER of North Carolina, Mrs. BONO MACK, Mr. TIM MURPHY of Pennsylvania, and Mrs. MCMORRIS RODGERS.
H.R. 2060: Mr. TONKO.
H.R. 2136: Mr. ETHERIDGE and Mr. BISHOP of Georgia.
H.R. 2139: Mr. CARNAHAN.
H.R. 2149: Mr. MCINTYRE.
H.R. 2160: Mr. MOORE of Kansas, Mr. BOOZMAN, and Mr. FILNER.
H.R. 2178: Mr. PAYNE and Mr. BRADY of Pennsylvania.
H.R. 2190: Mr. HALL of New York, Ms. SPEIER, and Mrs. CAPPS.
H.R. 2203: Mr. BOOZMAN.
H.R. 2245: Mr. HOLT, Mr. THOMPSON of California, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. BOCCIERI, Ms. SCHAKOWSKY, Ms. WATSON, Ms. BERKLEY, Mrs. HALVORSON, Ms. HIRONO, Ms. WOOLSEY, Ms. TITUS, Mr. BARROW, Ms. BALDWIN, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mrs. DAVIS of California, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, Mr. SPRATT, Mr. HIGGINS, Mr. SCHAUER, Mr. NADLER of New York, Mr. KISSELL, Mr. GRIJALVA, Mrs. DAHLKEMPER, Mr. CROWLEY, Mr. ALTMIRE, Mr. ADLER of New Jersey, Mr. PERRIELLO, Mr. KRATOVIL, Mr. FILNER, Ms. VELÁZQUEZ, Mr. BACA, Mr. SARBANES, Mr. SALAZAR, Mr. POLIS of Colorado, Mr. SESTAK, Mr. YARMUTH, Mr. COHEN, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. WATT, Mr. MARKEY of Massachusetts, Mr. WEINER, Mr. MCNERNEY, Mr. CARNAHAN, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. ARCURI, Mr. MCKEON, Mr. HEINRICH, Mr. POMEROY, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. MURTHA, Mr. FATTAH, Mr. RAHALL, Mr. DAVIS of Tennessee, Ms. TSONGAS, Mrs. MCCARTHY of New York, Mr. FOSTER, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Mr. PETERS, Mr. BERRY, Mr. PERLMUTTER, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, Mr. TEAGUE, Mr. LOEBSACK, Mr. STUPAK, Mr. CARNEY, Mr. SHULER, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. LANCE, Mr. BECERRA, Mr. DONNELLY of Indiana, Mr. CUELLAR, Mr. STARK, Mr. GONZALEZ, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. KILDEE, Mr. BLUMENAUER, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. LYNCH, Mr. BERMAN, Mr. MINNICK, Mr. TAYLOR, Mr. SMITH of Washington, Mr. LEVIN, Mrs. CAPPS, Ms. ZOE LOFGREN of California, Mr. LARSEN of Washington, Mr. BOREN, Mr. CHANDLER, Mr. ELLSWORTH, Mr. OBEY, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. MCMAHON, Mr. SNYDER, Mr. CLYBURN, Mr. COOPER, Mr. CARDOZA, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HOYER, Mr. KAGEN, Mr. MURPHY of Connecticut, Ms. PINGREE of Maine, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. INSLEE, Mr. GARRETT of New Jersey, Mr. ADERHOLT, Mr. MOLLOHAN, Mrs. NAPOLITANO, Mr. DELAHUNT, Mrs. EMERSON, Mr. TURNER, Mr. PITTS, Mr. BAIRD, and Ms. SUTTON.
H.R. 2254: Mr. BOREN.
H.R. 2259: Ms. SUTTON and Mrs. HALVORSON.
H.R. 2296: Mr. WHITFIELD, Mr. HOEKSTRA, Mr. BISHOP of Georgia, Mr. NEUGEBAUER, and Mr. LEE of New York.
H.R. 2298: Mr. MILLER of North Carolina.
H.R. 2329: Mr. PASTOR of Arizona and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2350: Mr. HALL of New York.
H.R. 2360: Mr. TEAGUE.
H.R. 2393: Mr. WALDEN.
H.R. 2404: Mr. BISHOP of New York.
H.R. 2450: Mr. MOORE of Kansas.
H.R. 2456: Ms. JACKSON-LEE of Texas.
H.R. 2478: Mr. FRANK of Massachusetts, Ms. TSONGAS, Ms. WATERS, Mr. TIM MURPHY of Pennsylvania, and Mr. GORDON of Tennessee.
H.R. 2539: Mr. TERRY.
H.R. 2546: Mr. PAULSEN.
H.R. 2560: Mr. SCHRADER.
H.R. 2567: Mr. DEFAZIO.
H.R. 2570: Mr. TONKO and Mr. NADLER of New York.
H.R. 2632: Mr. FOSTER, Mr. GALLEGLY, Mr. REHBERG, Mr. RYAN of Ohio, Mr. COBLE, Mr. SOUDER, Mr. BOREN, Mr. TIM MURPHY of Pennsylvania, Mr. MCGOVERN, Mr. REICHERT, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. MINNICK, and Mr. MARCHANT.
H.R. 2648: Mr. CALVERT and Mr. YARMUTH.
H.R. 2652: Mr. DELAHUNT.
H.R. 2659: Mr. SABLAN.
H.R. 2690: Mr. CONYERS and Mr. RUSH.
H.R. 2692: Mr. SOUDER.
H.R. 2695: Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. SCHRADER, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2709: Mr. FARR.
H.R. 2716: Ms. SCHAKOWSKY and Mr. PAYNE.
H.R. 2729: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2740: Mr. SHERMAN and Ms. BORDALLO.
H.R. 2743: Mr. BRADY of Pennsylvania, Mr. KENNEDY, Ms. MARKEY of Colorado, and Mr. LIPINSKI.
H.R. 2759: Mr. UPTON, Mr. FOSTER, Mr. HINCHEY, and Mr. OBERSTAR.
H.R. 2802: Mr. OLVER.
H.R. 2835: Mr. KUCINICH.
H.R. 2852: Mr. SULLIVAN.
H.R. 2866: Mrs. BONO MACK.
H.R. 2882: Ms. KILROY.
H.R. 2935: Mr. STEARNS and Mr. MCMAHON.
H.R. 2941: Ms. SHEA-PORTER, Mrs. CHRISTENSEN, Mr. SESSIONS, and Mr. MURPHY of New York.
H.R. 2963: Mr. LEE of New York.
H.R. 2969: Ms. ESHOO.
H.R. 3006: Mr. PLATTS.
H.R. 3012: Mr. DAVIS of Illinois and Mr. MILLER of North Carolina.
H.R. 3017: Ms. JACKSON-LEE of Texas, Mr. KIND, Ms. WATERS, Mr. COHEN, and Mr. ACKERMAN.
H.R. 3025: Mr. NYE, Mr. ROSS, Mr. DONNELLY of Indiana, and Mr. BISHOP of Georgia.
H.R. 3040: Mr. BERMAN and Mr. NADLER of New York.
H.R. 3042: Mr. BISHOP of New York, Ms. DELAURO, Mr. WILSON of Ohio, and Mr. HINCHEY.
H.R. 3050: Mr. BISHOP of New York.
H.R. 3060: Mr. FORBES.
H.R. 3083: Ms. DELAURO and Mr. LIPINSKI.
H.R. 3104: Mr. SMITH of New Jersey and Mr. HOLT.
H.R. 3119: Mr. ABERCROMBIE and Mr. SABLAN.
H.R. 3154: Ms. JACKSON-LEE of Texas.
H.R. 3165: Mr. LUJÁN.
H.R. 3168: Mr. AKIN.
H.R. 3173: Mrs. CAPITO, Mr. BARTLETT, Mr. HARE, and Mr. QUIGLEY.
H. Con. Res. 156: Mr. WEINER.
H. Con. Res. 163: Ms. JACKSON-LEE of Texas, Ms. BALDWIN, and Mr. CARNEY.
H. Res. 111: Mr. LUCAS.
H. Res. 285: Mr. LIPINSKI.
H. Res. 440: Mr. SOUDER.
H. Res. 465: Mr. HASTINGS of Florida.
H. Res. 480: Mrs. MALONEY.
H. Res. 494: Mr. ABERCROMBIE, Mr. SHULER, Mr. MCINTYRE, and Mr. ETHERIDGE.
H. Res. 533: Mr. SABLAN, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. FILNER, and Ms. MATSUI.
H. Res. 557: Mr. LAMBORN, Mr. GERLACH, Mrs. BACHMANN, and Mrs. MCMORRIS RODGERS.
H. Res. 558: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 598: Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. GUTIERREZ, and Mr. GRIJALVA.
H. Res. 600: Mr. SERRANO.
H. Res. 607: Mr. BRADY of Texas, Mr. ROHRABACHER, Mr. POE of Texas, Mr. CONAWAY, Mr. CULBERSON, Mr. SMITH of Texas, Mr. EHLERS, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. POSEY, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. SIMPSON, Mr. CAMPBELL, Mr. SESTAK, Mr. MINNICK, Mr. BOCCIERI, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. INSLEE, Mr. TAYLOR, Mr. WOLF, Mr. MCCOTTER, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. GRIFFITH, Mr. MASSA, Ms. KOSMAS, Mr. WAXMAN, Ms. HARMAN, Mr. WU, Mr. WILSON of Ohio, Mr. MORAN of Virginia, Mr. BRIGHT, Mr. ADERHOLT, Ms. FUDGE, Ms. ESHOO, Mr. GRAYSON, Mr. PAUL, Mr. TERRY, and Mr. POLIS of Colorado.

H. Res. 615: Mr. BOEHNER, Mr. WITTMAN, Mr. BURGESS, and Mr. SAM JOHNSON of Texas.

H. Res. 630: Ms. JACKSON-LEE of Texas.

H. Res. 631: Ms. BORDALLO, Mr. MCCAUL, Mr. CULBERSON, Mr. PAUL, Mr. TIBERI, Mr. PAYNE, Mr. PALLONE, Mr. LANCE, Mr. BURGESS, Mr. EHLERS, Mr. DUNCAN, Mr. CARTER, Mr. LOBIONDO, Mr. SIRES, and Mr. PASCRELL.

H. Res. 633: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

TUESDAY, JULY 14, 2009 (91)

The House was called to order at 10:30 a.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶91.1 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2965. An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

¶91.2 RECESS—11 A.M.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock a.m., until noon.

¶91.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. HOLDEN, called the House to order.

¶91.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Monday, July 13, 2009.

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

¶91.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2627. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0461; FRL-8422-5] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2628. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2008-0271; FRL-8424-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2629. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerances [EPA-HQ-OPP-2008-0589; FRL-8421-3] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2630. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic acid, 2-methyl-, polymers with Bu acrylate, Et acrylate, Me methacrylate and polyethylene glycol methacrylateC16-18-alkyl ethers; Tolerance Exemption [EPA-HQ-OPP-2009-0256; FRL-8422-3] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2008-0731; FRL-8423-5] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — d-Phenothrin; Pesticide Tolerances [EPA-HQ-OPP-2008-0140; FRL-8417-4] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dodecanedioic acid, 1, 12-dihydrazide and Thiophene, 2,5-dibromo-3-hexyl-; Significant New Use Rules [EPA-HQ-OPPT-2006-0898; FRL-8398-5] (RIN: 2070-AB27) received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0888; FRL-8423-1] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrimethanil; Pesticide Tolerances [EPA-HQ-OPP-2008-0478; FRL-8423-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0739; FRL-8423-2] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1044] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2638. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2639. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Egypt pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2640. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AB71) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County, Continuous Opacity Monitor Regulation [EPA-R03-OAR-2009-0352; FRL-8929-2] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the 1-Hour Ozone Plan for the Beaumont/Port Arthur Area: Control of Air Pollution from Volatile Organic Compounds, Nitrogen Compounds, and Reasonably Available Control Technology [EPA-R06-OAR-2005-TX-0005; FRL-8928-6] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA201-5202; FRL-8923-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — American Recovery and Reinvestment Act of 2009 (Recovery Act) Clarification of April 30, 2009, Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8925-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2645. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2646. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2647. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2648. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2649. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2008 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2650. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2009; to the Committee on Oversight and Government Reform.

2651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — 2009 Monkfish Research

Set-Aside Program [Docket No.: 080626787-8788-01] (RIN: 0648-XP54) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2652. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2008 report to Congress on the ''The Status of U.S. Fisheries,'' pursuant to Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2653. A letter from the Secretary, Department of Transportation, transmitting the first of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

2654. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2009-22, waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402; (H. Doc. No. 111–57); to the Committee on Ways and Means and ordered to be printed.

¶91.6 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 640):

Resolved, that the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. Harper.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.7 WORK-STUDY ACTIVITIES

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 1037) to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FILNER and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.8 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 640

On motion of the SPEAKER pro tempore, Mr. HOLDEN, by unanimous consent,

Ordered, That it may be in order that the operation of House Resolution 640 was stayed pending the House's acceptance of a resignation creating a vacancy on the committee concerned.

¶91.9 WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 402) to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FILNER and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.10 METRORAIL ACCIDENT ON JUNE 22, 2009

Ms. NORTON moved to suspend the rules and agree to the resolution (H. Res. 612):

Whereas late in the afternoon on Monday, June 22, 2009, two 6-car trains on the Metrorail Red Line, Train 112 and Train 214, were on the same track headed toward the Shady Grove Station;

Whereas at 4:59 p.m., Train 112 crashed into Train 214, which was waiting for another train boarding at the Fort Totten Station;

Whereas 9 people died in this accident, including train operator Jeanice McMillan, 42, of Springfield, Virginia, who loved her job and was filled with pride when her son Jordan enrolled in college; Ana Fernandez, 40, originally from El Salvador, who lived in Hyattsville, Maryland, with her husband and 6 children and was on her way to one of her two jobs when she died in the collision; and 7 residents of the District of Columbia: Mary Doolittle, 59, of Northwest, who was the face of the American Nurses Association internationally and who was helping with global accreditation for nurses; Veronica Dubose, 29, of Northwest, who was headed to her first day of school for classes to become a certified nurse; Dennis Hawkins, 64, of Southeast, who worked as a non-instructional aide and a data entry clerk for Whittier Education Center and taught vacation Bible school at Bethesda Baptist Church; LaVonda (''Nikki'') King, 23, of Northeast, a mother of 2 sons who was engaged to be married and who had just bought the hair salon LaVonda's House of Beauty; General David Wherley, 62, of Southeast, the recently retired commander of the D.C. Army and Air National Guard, a command pilot who converted the D.C. National Guard from weekend warriors to Army troops performing the duties of enlisted soldiers in fields of battle in both Iraq and Afghanistan while working tirelessly to improve conditions at home for the people of the District of Columbia, especially the children, and who decided to make the city his home; his wife, Ann Wherley, 62, who retired as a mortgage banker but did not retire as a mother, grandmother, and loving wife of General Wherley ever since they were high school sweethearts at York Catholic High School; and Cameron Williams, 37, of Northwest, who grew up in Takoma Park and who worked a night job in maintenance as a contract laborer;

Whereas according to emergency first responders, 76 people reported injuries and 51 people were taken to hospitals for treatment as a result of this accident; and

Whereas the Board of Directors of the Washington Metropolitan Area Transit Authority voted on June 23 to establish an emergency hardship relief fund of $250,000 from a reserve fund to provide financial help for the victims of the accident, including assistance with funeral, medical, and other expenses: Now, therefore, be it

Resolved, That the House of Representatives expresses its profound sympathies for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. NORTON and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.11 WAYMAN LAWRENCE TISDALE

Ms. NORTON moved to suspend the rules and agree to the resolution (H. Res. 469):

Whereas Wayman Lawrence Tisdale was born and raised in Tulsa, Oklahoma, and became a outstanding athlete as a student at Booker T. Washington High School;

Whereas in 1982 Mr. Tisdale was named Oklahoma's only McDonald's All American and was named Converse National High School Player of the Year;

Whereas Mr. Tisdale's 3-year career at the University of Oklahoma, from 1982 to 1985, has left a legacy of excellence and respect for the program and the sport of basketball;

Whereas Mr. Tisdale in 1983, 1984, and 1985 received the honor of being named Big Eight Player of the year for the University of Oklahoma;

Whereas Mr. Tisdale was named to the All-American team 3 times in 3 years while at the University of Oklahoma;

Whereas Mr. Tisdale played on the U.S. Olympic team in 1984 and received a gold medal;

Whereas Mr. Tisdale was named the Most Valuable Player for the Big Eight Tournament Championship in 1985;

Whereas Mr. Tisdale and was selected as the No. 2 overall draft pick in the National Basketball Association in 1986;

Whereas Mr. Tisdale left his mark on the sport of professional basketball with the Indiana Pacers, Sacramento Kings, and Phoenix Suns, scoring more than 12,800 points and pulling down more than 5,000 rebounds in a 12-year career;

Whereas Mr. Tisdale subsequently released 8 albums of jazz music following his extraordinary basketball career;

Whereas in 1995 Mr. Tisdale's jazz album Power Forward reached No. 4 on Billboard's Contemporary Jazz chart, and Mr. Tisdale's album Way Up reached No. 1 on Billboard's Top 10;

Whereas Mr. Tisdale has been an inspiration to those in the Jazz community;

Whereas Mr. Tisdale served as a testament and example to the power of perseverance and positive thinking in the midst of personal trial; and

Whereas Mr. Tisdale's admirable character has served as a strong example to thousands of Americans to persevere and not be bound by one calling in life, but to achieve all which they hope and aspire to for themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wayman Lawrence Tisdale for his exceptional character and for the example that he served as a testament to the powers of positive thinking; and

(2) profound sorrow at the death of Mr. Tisdale and condolences to his family, friends, and colleagues, and to the State of Oklahoma that he represented so well.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. NORTON and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶91.12 30TH ANNIVERSARY OF BLACK MUSIC MONTH

Ms. WATSON moved to suspend the rules and agree to the resolution (H. Res. 476); as amended:

Whereas in 1979, the month of June was proclaimed ''Black Music Month'' and all people in the United States were encouraged to learn more about the important role that African-American artists have played in shaping history and culture;

Whereas America's rich heritage is influenced by the diversity of its people and the important contributions of Black culture;

Whereas America's cultural story is heavily influenced by the celebration and struggle of Black people through their musical expression;

Whereas many genres of music, such as gospel, jazz, blues, rock and roll, rhythm and blues, and soul that were an integral part of American culture, trace their roots back to the banks of the Mississippi River in cities like Memphis, St. Louis, New Orleans, and other cities like Kansas City and Chicago;

Whereas the amount of musical talent and skill that came from the Mississippi Delta and the myriad of towns in this region is undeniable;

Whereas these genres of music illustrate the complexities of the African-American experience and they give a voice to many social movements and inspiration to countless generations of people in the United States;

Whereas as early as the 1860s, the ragtime artist Scott Joplin broadened the operatic and classical worlds and Black traveling brass bands trekked to Beale Street in Memphis, ''Home of the Blues and Birthplace of Rock and Roll'', to perform;

Whereas gospel music and its artists like Thomas Dorsey, Lucy Campbell, Dr. Herbert Brewster, Mahalia Jackson, Aretha Franklin, Shirley Caesar, and Kirk Franklin are a special part of the American tradition that spawned future musical genres;

Whereas the mid-20th Century saw the emergence of groundbreaking jazz and blues artists such as W.C. Handy, Bessie Smith, Lena Horne, Charlie Parker, Lionel Hampton, Max Roach, Billie Holiday, Count Basie, Ella Fitzgerald, Nat King Cole, Miles Davis, Etta James, John Coltrane, Charles Mingus, Thelonious Monk, Wynton Marsalis, Louis Armstrong, Professor Longhair, James Booker, the Neville Brothers, Muddy Waters, Albert King and B.B. King;

Whereas conductor and producer Quincy Jones was heavily influenced by the improvisational nature of jazz performed in Harlem by Sarah Vaughn, Duke Ellington, and Dizzy Gillespie;

Whereas multifaceted Harry Belafonte expanded the African Diaspora's music by introducing calypso to America; Odetta, known as the voice of the Civil Rights Movement, had a powerful musical repertoire; Sammy Davis, Jr. impressed the world as crooner and a renowned entertainer; and Ray Charles, ''The Genius'', consolidated gospel, country, and blues music to influence rock and roll music and help to create soul music;

Whereas legends like James Brown, Bo Diddley, and Little Richard helped the transition from blues to rock & roll music with ease, Tina Turner riveted sold out audiences domestically and abroad, and Jimi Hendrix created a new musical form;

Whereas Jackie Brentson, Howlin' Wolf, The Staple Singers, Otis Redding, Rufus and Carla Thomas, Al Green, Willie Mitchell, Johnny Taylor, Isaac Hayes, and songwriter David Porter combined to place more than 167 hit songs in the Billboard Top 10 Pop charts and a staggering 243 hits in the Top 100 R&B charts at Sun Studios, Hi Records, and Stax Records in Memphis;

Whereas Stax, dubbed ''Soulsville USA'', had a revolutionary sound that earned eight Grammys and an Oscar;

Whereas the Motown empire attracted creative individuals such as Smokey Robinson, The Four Tops, Holland Dozier Holland, Martha Reeves, The Temptations, The Supremes, Marvin Gaye, The Jacksons, and Stevie Wonder to Detroit;

Whereas Hitsville USA produced an astonishing amount of Top 100 hits that spanned over three decades and by the 1970s was the largest independent record company in the world;

Whereas by the 1970s and 80s, new genres of music emerged in the form of funk, rhythm and blues, hip hop, and rap in cities across the country including Los Angeles, Philadelphia, New York City, and Atlanta;

Whereas African-American music illustrates exceptional musicianship;

Whereas African-American composers, writers, singers, instrumentalists, and producers are at the top of many charts and in the Gospel Music Hall of Fame, the Blues Hall of Fame, and the Rock and Roll Hall of Fame;

Whereas African-American music embodies an original expression of the human experience by entertaining, inspiring, and stirring countless people in the United States and around the world; and

Whereas June 2009 marks the 30th anniversary of ''Black Music Month'': Now, therefore, be it

Resolved, That the House of Representatives celebrates the goals and ideals of ''Black Music Month''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.13 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. HOLDEN, laid before the House the following communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Standards of Official Conduct, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶91.14 MOTION TO ADJOURN

Mr. BROUN of Georgia, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 22 / Nays 380

¶91.15 [Roll No. 531]

YEAS—22

Bartlett
Barton (TX)
Blackburn
Broun (GA)
Camp
Campbell
Chaffetz
Crenshaw
Flake
Garrett (NJ)
Gohmert
Hensarling
Johnson (IL)
Johnson, Sam
King (IA)
Olson
Paul
Pence
Price (GA)
Souder
Tiahrt
Young (AK)

NAYS—380

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—30

Barrett (SC)
Bishop (GA)
Bishop (UT)
Bono Mack
Boucher
Calvert
Cantor
Carnahan
Clay
Conyers
Culberson
Dingell
Doyle
Edwards (TX)
Filner
Grijalva
Mack
Meeks (NY)
Olver
Rothman (NJ)
Sarbanes
Schrader
Sestak
Shea-Porter
Stearns
Sullivan
Sutton
Towns
Wittman
Young (FL)

So the motion to adjourn was not agreed to.

¶91.16 PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1044) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.17 NORTHERN MARIANA ISLANDS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 934) to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.18 PATENT NUMBER 27-2005-0081

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 762) to validate final patent number 27-2005-0081, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.19 MOUNT OLIVET CEMETERY ASSOCIATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1442) to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.20 MIGRATORY BIRD POPULATIONS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2188) to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.21 LOS PADRES NATIONAL FOREST

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 129) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. BORDALLO and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.22 MOTION TO ADJOURN

Mr. BROUN of Georgia, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 23 / Nays ..... 377 }

¶91.23 [Roll No. 532]

YEAS—23

Bachus
Bartlett
Barton (TX)
Blackburn
Broun (GA)
Campbell
Chaffetz
Flake
Hensarling
Johnson (IL)
King (IA)
Olson
Paul
Pence
Price (GA)
Sessions
Shadegg
Shea-Porter
Souder
Stark
Sullivan
Tiahrt
Westmoreland

NAYS—377

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McClintock
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—32

Baird
Barrett (SC)
Berman
Bishop (UT)
Carnahan
Clay
Conyers
Davis (IL)
Filner
Gerlach
Gohmert
Grijalva
Gutierrez
Hastings (WA)
LaTourette
Linder
Marchant
McCarthy (NY)
McCaul
McCollum
Miller (NC)
Moran (VA)
Perriello
Rangel
Schakowsky
Schrader
Sestak
Smith (TX)
Speier
Sutton
Young (AK)
Young (FL)

So the motion to adjourn was not agreed to.

¶91.24 LAS VEGAS MOTOR SPEEDWAY

Mr. BACA moved to suspend the rules and pass the bill (H.R. 409) to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BACA

and Mr. BROWN of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.25 HOME SAFETY MONTH

Mrs. HALVORSON moved to suspend the rules and agree to the resolution (H. Res. 543):

Whereas unintentional injuries in the home result in nearly 20,000 deaths and 21,000,000 medical visits on average each year;

Whereas the top 5 causes of unintentional home injury deaths are falls, poisoning, fires/burns, choking/suffocation, and drowning/submersion;

Whereas falls are the leading cause of home injury death among older adults in the United States, and the total direct costs associated with both fatal and non-fatal falls is more than $19,000,000,000 annually for hospitalization, emergency department visits, and outpatient care;

Whereas poisonings are the second leading cause of home injury death in the United States, resulting in nearly 5,000 deaths per year;

Whereas fire and burn injuries are the third leading cause of home injury death and almost two-thirds (65 percent) of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms;

Whereas deaths due to unintentional choking and suffocation injuries are the fourth leading cause of home injury death in the United States and nearly 25 percent of all choking and suffocation deaths occur in the home;

Whereas deaths due to drowning are the fifth leading cause of home injury death in the United States and an average of more than 10,000 events occur in the home each year that require medical care, emergency department treatment, and result in days away from work or school;

Whereas children and older adults have increased rates of unintentional home injury, compared with all other age groups;

Whereas citizens are encouraged to take a hands-on approach to home safety and become aware of the simple and inexpensive steps they can take to reduce the risk of injury in each area of the home; and

Whereas June would be an appropriate month to designate as ''Home Safety Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''Home Safety Month'';

(2) recognizes the contributions of home safety related nonprofit organizations for their ongoing commitment to ensuring families remain safe in their homes;

(3) recognizes the contributions made by the Home Safety Council to the efforts of ''Home Safety Month'' for recently introducing a new and innovative online tool to help adults identify the dangers present in and around the home, designated as www.MySafeHome.org, and for promoting the Hands on Home Safety Campaign, whose goal is to educate and empower both families and businesses to take simple actions that will make homes safe and minimize their risk for potential injuries, or even death;

(4) encourages adults, parents, and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety, for themselves and their loved ones;

(5) encourages manufacturers to develop innovative safety products and features to help lessen the number of home injuries and accidents; and

(6) encourages local and national government leaders to support funding for critical home safety education programs to reduce the risks from home injuries.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mrs. HALVORSON and Mr. SHIMKUS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. LEE of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 15, 2009.

¶91.26 H. RES. 612—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 612) expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶91.27 [Roll No. 533]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky

Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—11

Barrett (SC)
Carnahan
Clay
Conyers
Cummings
Filner
Johnson (GA)
McKeon
Schrader
Sestak
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.28 H. RES. 469—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 469) honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays ..... 0 }

¶91.29 [Roll No. 534]

YEAS—418

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

NOT VOTING—14

Barrett (SC)
Carnahan
Clay
Conyers
Delahunt
Filner
Hinojosa
Hoyer
McCarthy (NY)
Pence
Schrader
Sestak
Turner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.30 H.R. 1037—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1037) to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶91.31 [Roll No. 535]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers

Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—10

Barrett (SC)
Carnahan
Clay
Conyers
Filner
Hoyer
Kirk
Schrader
Sestak
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.32 H.R. 402—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 402) to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the ''William C. Tallent Department of Veterans Affairs Outpatient Clinic''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶91.33 [Roll No. 536]

YEAS—419

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

NOT VOTING—13

Barrett (SC)
Carnahan
Clay
Conyers
Filner
Hoyer
Kosmas

Ruppersberger	Scott (GA)	Wilson (SC)
Schrader	Sestak	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.34 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore, Ms. KOSMAS, laid before the House the following communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 4 of the Ronald Reagan Centennial Commission Act, (Public Law 111–25), I am pleased to appoint Mr. Elton Gallegly of California as a member of the Commission.

Mr. Gallegly has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶91.35 PROVIDING FOR CONSIDERATION OF H.R. 3170

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–208) the resolution (H. Res. 644) providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶91.36 PROVIDING FOR CONSIDERATION OF H.R. 3183

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–209) the resolution (H. Res. 645) providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶91.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for July 13;

To Mr. DAVIS of Illinois, for July 13;

To Mr. UPTON, for July 13; and

To Mr. YOUNG of Florida, for today.

And then,

¶91.38 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 10 o'clock p.m., the House adjourned.

¶91.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1622. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; with an amendment (Rept. 111–206). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2729. A bill to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; with an amendment (Rept. 111–207). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERLMUTTER: Committee on Rules. House Resolution 644. Resolution providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–208). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–209). Referred to the House Calendar.

¶91.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TURNER (for himself and Mr. MILLER of North Carolina):

H.R. 3195. A bill to create a National Home Mortgage and Loan Performance Registry to maintain an inventory of the supply and performance of home mortgage loans in the United States to show market trends and dynamics in the mortgage lending industry and provide detailed information on national mortgage foreclosure rates; to the Committee on Financial Services.

By Mr. TURNER:

H.R. 3196. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS:

H.R. 3197. A bill to direct the Secretary of Education to provide grants to local educational agencies to conduct demonstration projects to screen the blood pressure of children in kindergarten through grade 6; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 3198. A bill to authorize the Secretary of the Interior to provide international wildlife management and conservation programs through the Wildlife Without Borders Program in the United States Fish and Wildlife Service, and for other purposes; to the Committee on Natural Resources.

By Ms. HARMAN (for herself, Ms. BEAN, and Ms. HERSETH SANDLIN):

H.R. 3199. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3201. A bill to amend the General Mining Law to provide for a fair return to the public, security of tenure to holders of mining claims and mill sites, and cleanup of abandoned mine lands, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. LATOURETTE, Mr. SIMPSON, Mr. DICKS, and Mr. PETRI):

H.R. 3202. A bill to establish a Water Protection and Reinvestment Fund to support investments in clean water and drinking water infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3203. A bill to promote remediation of inactive and abandoned mines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER:

H.R. 3204. A bill to authorize States and localities receiving assistance under the Neighborhood Stabilization Program of the Department of Housing and Urban Development to use such amounts for renovating owner-occupied housing of low-income families; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 3205. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for advertising health insurance; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. BALDWIN, Mr. BUTTERFIELD, Mr. BERMAN, Mr. SHERMAN, Mr. SCHIFF, Mr. INSLEE, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. NADLER of New York, Mr. HONDA, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. WEINER, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mrs. MALONEY, Mr. HINCHEY, Mr. BLUMENAUER, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. LEE of California, Mr. GRIJALVA, Ms. MATSUI, and Mr. MILLER of North Carolina):

H.R. 3206. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 3207. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of certain residential leased-fee interests to holders of the leasehold rights; to the Committee on Ways and Means.

By Mr. ARCURI (for himself and Mr. MCHUGH):

H.R. 3208. A bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Natural Resources.

By Mr. GERLACH:

H.R. 3209. A bill to amend title 18, United States Code, to make the killing of a law enforcement officer, firefighter, or other first responder an aggravating factor for the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 3210. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. KAGEN:

H.R. 3211. A bill to amend title II of the Social Security Act to provide that the percentage increase applied to benefits each year as a cost-of-living increase under such title shall in no case be less than the percentage increase in compensation of Members of Congress specified for such year under section 31 of title 2, United States Code; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3212. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3213. A bill to amend the Internal Revenue Code of 1986 to expand and make permanent the standard deduction for real property taxes; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 3214. A bill to provide for credit rating reforms, and for other purposes; to the Committee on Financial Services.

By Mr. ROONEY:

H.R. 3215. A bill to authorize the Secretary of the Interior, acting through the National Park Service Superintendent of the Everglades National Park, to allow individuals to hunt and kill Burmese pythons within the boundaries of that Park; to the Committee on Natural Resources.

By Mr. ROSS (for himself, Mr. FRANK of Massachusetts, Mrs. LUMMIS, Mr. HERGER, Mr. BOREN, Mr. TANNER, Mr. CHILDERS, Mr. SMITH of Nebraska, Mr. BERRY, Mr. MCGOVERN, and Mr. HILL):

H.R. 3216. A bill to amend the Communications Act of 1934 to permit the retransmission of signals of local television broadcast stations in an adjacent underserved county, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. GARRETT of New Jersey, and Mrs. BACHMANN):

H.R. 3217. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. BUYER, and Mr. BURGESS):

H.R. 3218. A bill to provide a refundable tax credit for medical costs, to expand access to health insurance coverage through individual membership associations (IMAs), and to assist in the establishment of high risk pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H. Res. 640. A resolution electing a Minority Member to a standing committee; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. INGLIS, Mr. MCCOTTER, Mr. POE of Texas, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. BILIRAKIS):

H. Res. 641. A resolution recognizing the 60th anniversary of the founding of Radio Free Europe/Radio Liberty; to the Committee on Foreign Affairs.

By Mr. GRIFFITH:

H. Res. 642. A resolution expressing the sense of the House of Representatives with respect to legislation relating to changes in our Nation's health care system; to the Committee on House Administration.

By Mr. GRIFFITH:

H. Res. 643. A resolution expressing the sense of the House of Representatives that any major health care reform bill considered on the floor should be available for viewing; to the Committee on Rules.

By Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, Mr. BONNER, Mr. CAPUANO, Mr. DOYLE, Mr. DREIER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, and Mr. MICA):

H. Res. 646. A resolution honoring the memory and lasting legacy of Sally Crowe; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 647. A resolution supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Financial Services.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. STARK, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. YARMUTH, Mr. COHEN, Mr. PALLONE, Mr. HIGGINS, Mr. CUELLAR, Mr. KUCINICH, Mrs. NAPOLITANO, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. BACA, Ms. WOOLSEY, Ms. HIRONO, Ms. KAPTUR, Mr. DOGGETT, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. POE of Texas, Mr. WESTMORELAND, Mrs. BIGGERT, and Mr. KAGEN):

H. Res. 648. A resolution expressing the need for enhanced public awareness of potential health effects posed by mercury; to the Committee on Energy and Commerce.

¶91.41 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

103. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

104. Also, a memorial of the Legislature of the State of Minnesota, relative to Chapter 171. An Act memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; to the Committee on Natural Resources.

¶91.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. CONNOLLY of Virginia.

H.R. 108: Mr. PLATTS.

H.R. 197: Mr. LEE of New York, Mr. BRIGHT, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. TIBERI.

H.R. 433: Ms. MARKEY of Colorado.

H.R. 442: Mr. BRIGHT, Mr. HOEKSTRA, and Mr. SPACE.

H.R. 468: Ms. BALDWIN.

H.R. 482: Mr. MCINTYRE.

H.R. 503: Mr. ANDREWS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 616: Mr. AKIN.

H.R. 621: Mr. HEINRICH, Mr. ANDREWS, and Mrs. CAPPS.

H.R. 669: Mr. ROONEY.

H.R. 684: Mr. TAYLOR.

H.R. 690: Mr. LUETKEMEYER.

H.R. 745: Mr. AKIN.

H.R. 777: Mr. PLATTS.

H.R. 804: Mr. PAYNE and Mr. DAVIS of Illinois.

H.R. 819: Mrs. KIRKPATRICK of Arizona.

H.R. 953: Mr. MINNICK.

H.R. 983: Mr. WITTMAN.

H.R. 988: Mr. CARSON of Indiana, Mr. WALZ, Mr. REHBERG, Mrs. KIRKPATRICK of Arizona, Mr. MCCOTTER, Mr. MARKEY of Massachusetts, and Mr. BARROW.

H.R. 1036: Mrs. KIRKPATRICK of Arizona.

H.R. 1051: Mr. FILNER.

H.R. 1067: Mr. HIMES.

H.R. 1074: Mr. MCHENRY, Mr. REHBERG, and Mr. TIBERI.

H.R. 1179: Mr. BAIRD.

H.R. 1182: Mr. TANNER, Mr. WALDEN, Mr. DAVIS of Alabama, Mr. HINCHEY, and Mr. BARROW.

H.R. 1207: Mr. YARMUTH, Ms. TITUS, Mrs. KIRKPATRICK of Arizona, Mr. SCHIFF, Mr. ROGERS of Kentucky, and Mr. BOYD.

H.R. 1215: Mr. OLVER.

H.R. 1220: Ms. MARKEY of Colorado.

H.R. 1237: Mr. SCHIFF, Ms. KILROY, Mr. BLUMENAUER, and Mr. CARSON of Indiana.

H.R. 1255: Mr. BERRY.

H.R. 1283: Mr. CONNOLLY of Virginia, Ms. FUDGE, and Mr. HIMES.

H.R. 1298: Mr. DEFAZIO.

H.R. 1314: Mrs. BONO MACK, Mr. BOSWELL, Ms. ESHOO, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. FARR, Ms. HARMAN, Mr. HONDA, Mr. HOLDEN, Mr. MITCHELL, Mr. SCHIFF, Mr. WAXMAN, and Mr. WEINER.

H.R. 1327: Ms. WOOLSEY, Mr. CALVERT, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mr. WOLF, Mr. JOHNSON of Georgia, and Mr. KLINE of Minnesota.

H.R. 1346: Mr. COURTNEY and Mr. MICHAUD.
H.R. 1362: Mr. DRIEHAUS.
H.R. 1389: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1441: Mrs. BIGGERT.
H.R. 1454: Mrs. MILLER of Michigan.
H.R. 1458: Mr. CARSON of Indiana.
H.R. 1526: Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. MATHESON, and Ms. ROS-LEHTINEN.
H.R. 1584: Mr. MICA.
H.R. 1589: Mr. PIERLUISI and Mr. LIPINSKI.
H.R. 1608: Mr. SERRANO and Ms. KAPTUR.
H.R. 1618: Mr. ADLER of New Jersey, Mr. SHIMKUS, and Mr. STEARNS.
H.R. 1670: Ms. CORRINE BROWN of Florida and Mr. ENGEL.
H.R. 1685: Mr. RYAN of Ohio.
H.R. 1719: Mr. GONZALEZ and Mrs. DAVIS of California.
H.R. 1751: Mr. NEAL of Massachusetts.
H.R. 1776: Mr. CONNOLLY of Virginia and Mr. KIND.
H.R. 1826: Mr. ELLISON and Mr. REYES.
H.R. 1831: Mr. BOSWELL, Mr. CASTLE, and Mr. BARTLETT.
H.R. 1835: Mr. HARPER.
H.R. 1868: Mr. MORAN of Kansas.
H.R. 1925: Mr. LARSON of Connecticut.
H.R. 1941: Mr. HUNTER.
H.R. 1956: Ms. MCCOLLUM.
H.R. 1977: Mr. WOLF.
H.R. 2016: Mr. NADLER of New York.
H.R. 2017: Mr. TURNER, Mr. GONZALEZ, Mr. LUETKEMEYER, Mr. KANJORSKI, Mr. FORTENBERRY, and Mr. CRENSHAW.
H.R. 2026: Mr. WITTMAN.
H.R. 2135: Mr. YOUNG of Alaska.
H.R. 2139: Mr. MINNICK and Mr. TIM MURPHY of Pennsylvania.
H.R. 2190: Mrs. BIGGERT.
H.R. 2204: Mr. SESTAK.
H.R. 2215: Mr. ROGERS of Michigan, Mr. UPTON, and Mrs. MILLER of Michigan.
H.R. 2245: Mr. BUCHANAN, Mr. GUTHRIE, Mr. MARIO DIAZ-BALART of Florida, Mr. MCHUGH, Mr. PLATTS, Mr. CARTER, Mr. BOUSTANY, Mr. BONNER, Ms. BEAN, Mr. PENCE, Mr. MAFFEI, Mr. EHLERS, Mr. NYE, Mr. SPACE, Mr. COFFMAN of Colorado, Ms. LEE of California, Mr. JACKSON of Illinois, Mr. SCALISE, Mr. BARTLETT, Mr. LUCAS, Mrs. MCMORRIS RODGERS, Mr. CLEAVER, Mr. MEEK of Florida, Mr. KENNEDY, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. ENGEL, Mr. ACKERMAN, Mr. BOYD, Mr. DEFAZIO, Mr. DICKS, Mr. DRIEHAUS, Mr. HALL of New York, Mr. MARSHALL, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. PETERSON, Mr. MEEKS of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. FORTENBERRY, Mr. SHADEGG, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HIMES, and Ms. SPEIER.
H.R. 2251: Mr. FARR, Mr. TIBERI, and Mr. PUTNAM.
H.R. 2254: Mr. ABERCROMBIE, Mr. ROGERS of Alabama, and Mr. LARSON of Connecticut.
H.R. 2262: Mr. NEAL of Massachusetts, Mr. PRICE of North Carolina, Mr. ELLISON, Mr. SABLAN, Mrs. MALONEY, Mr. PIERLUISI, and Ms. KILROY.
H.R. 2269: Mr. KILDEE.
H.R. 2293: Mr. BLUMENAUER.
H.R. 2329: Mrs. KIRKPATRICK of Arizona and Mr. FORTENBERRY.
H.R. 2365: Mr. KENNEDY.
H.R. 2382: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2406: Mr. REHBERG.
H.R. 2478: Ms. BALDWIN.
H.R. 2492: Ms. SHEA-PORTER.
H.R. 2499: Mrs. MCMORRIS RODGERS.
H.R. 2514: Mr. MCGOVERN, Mr. RANGEL, and Ms. SCHAKOWSKY.
H.R. 2517: Mr. PETERS and Ms. TSONGAS.
H.R. 2542: Mr. ROSKAM.
H.R. 2558: Mr. KILDEE.
H.R. 2560: Mr. BERRY.
H.R. 2594: Mr. ADLER of New Jersey.
H.R. 2607: Mr. LEE of New York.
H.R. 2632: Ms. KOSMAS, Ms. NORTON, Ms. MARKEY of Colorado, Mr. SNYDER, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ORTIZ, and Mr. HARE.
H.R. 2639: Mr. MCDERMOTT, Mr. REICHERT, Ms. MCCOLLUM, and Mr. SNYDER.
H.R. 2676: Ms. KILROY.
H.R. 2697: Mr. FARR and Mr. GUTHRIE.
H.R. 2702: Mr. GARRETT of New Jersey.
H.R. 2720: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2733: Mr. SMITH of Texas.
H.R. 2753: Mr. SIMPSON, Mr. GUTHRIE, and Mr. PERRIELLO.
H.R. 2766: Mr. HODES and Mr. COHEN.
H.R. 2776: Mr. CONNOLLY of Virginia and Ms. DEGETTE.
H.R. 2807: Mr. MICHAUD.
H.R. 2811: Mr. LEWIS of Georgia.
H.R. 2846: Mr. GARRETT of New Jersey.
H.R. 2866: Ms. BALDWIN.
H.R. 2896: Mr. PAULSEN.
H.R. 2941: Ms. WOOLSEY, Ms. SLAUGHTER, Mr. JOHNSON of Georgia, and Mr. COHEN
H.R. 2946: Mr. REYES.
H.R. 2969: Ms. WOOLSEY.
H.R. 2987: Mr. BISHOP of New York.
H.R. 2989: Mr. MCDERMOTT.
H.R. 2992: Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. MARCHANT, Mrs. BLACKBURN, Mr. LATTA, Mr. FLEMING, Mr. BROWN of South Carolina, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. CAMPBELL, Ms. FALLIN, and Mr. THOMPSON of Pennsylvania.
H.R. 2993: Mr. GOHMERT, Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, and Mr. CAMPBELL.
H.R. 3006: Mr. KENNEDY.
H.R. 3017: Mr. MARKEY of Massachusetts.
H.R. 3025: Mr. CUELLAR.
H.R. 3034: Ms. KAPTUR.
H.R. 3042: Mr. CARSON of Indiana, Mr. DINGELL, Mr. BOCCIERI, Ms. FUDGE, and Mr. FATTAH.
H.R. 3043: Mr. PAYNE.
H.R. 3093: Mr. GRAVES and Mr. SCHOCK.
H.R. 3119: Mr. AL GREEN of Texas.
H.R. 3144: Mr. MEEK of Florida.
H.R. 3147: Mr. BLUMENAUER, Ms. TITUS, and Mr. SCHIFF.
H.R. 3149: Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, and Mr. CLAY.
H.R. 3164: Mr. LIPINSKI.
H.R. 3166: Mr. MURPHY of New York.
H.R. 3173: Mrs. HALVORSON, Mr. COSTELLO, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. UPTON, Mr. DAVIS of Illinois, Mr. FOSTER, Mr. PETRI, Ms. GRANGER, Mr. TERRY, and Mr. BURTON of Indiana.
H.R. 3174: Mr. ROYCE, Mr. DEAL of Georgia, Mr. BOOZMAN, Mr. GOODLATTE, and Mr. KING of New York.
H.J. Res. 47: Mr. SMITH of Washington, Mr. REHBERG, and Ms. FOXX.
H. Con. Res. 51: Mr. BAIRD.
H. Con. Res. 74: Mr. MILLER of North Carolina, Mr. ENGEL, and Mr. CROWLEY.
H. Con. Res. 91: Mr. TOWNS, Mr. RUSH, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, and Mr. AL GREEN of Texas.
H. Con. Res. 117: Mr. MARCHANT, Mr. POE of Texas, and Mr. TURNER.
H. Con. Res. 157: Mr. MORAN of Kansas.
H. Con. Res. 158: Mr. BURTON of Indiana, Ms. BORDALLO, and Mr. BISHOP of Georgia.
H. Con. Res. 163: Mr. LUCAS, Mr. GENE GREEN of Texas, Mr. SKELTON, Mr. MOORE of Kansas, and Mr. CUELLAR.
H. Res. 346: Mr. BISHOP of New York.
H. Res. 397: Mr. ROE of Tennessee.
H. Res. 455: Mr. MOORE of Kansas and Mr. MORAN of Kansas.
H. Res. 458: Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Mr. TERRY.
H. Res. 467: Ms. FUDGE and Ms. KILROY.
H. Res. 494: Mr. JONES, Mr. MASSA, and Mr. BRIGHT.
H. Res. 496: Mr. QUIGLEY.
H. Res. 517: Mrs. MALONEY, Ms. ESHOO, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. RANGEL, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. FALEOMAVAEGA, Mr. SOUDER, Mr. KIND, Mr. SIRES, Mr. GRAYSON, Ms. LINDA T. SÁNCHEZ of California, Ms. BORDALLO, and Ms. HIRONO.
H. Res. 554: Mr. SMITH of Washington and Mr. POSEY.
H. Res. 558: Ms. ZOE LOFGREN of California and Mr. REYES.
H. Res. 577: Mr. DONNELLY of Indiana and Mr. TIM MURPHY of Pennsylvania.
H. Res. 591: Mr. LEE of New York.
H. Res. 593: Mr. HONDA, Mr. YOUNG of Alaska, Mr. WU, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. SABLAN, Mr. GRIJALVA, Mr. FILNER, Mr. AL GREEN of Texas, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. MANZULLO, Mr. THOMPSON of Mississippi, Mr. BERRY, Mrs. EMERSON, Mr. WATT, Mr. BURTON of Indiana, Mr. NADLER of New York, Mr. SKELTON, Mr. HALL of Texas, Mr. REYES, Mr. DELAHUNT, Mr. SERRANO, Mr. FRELINGHUYSEN, Mr. BARROW, Mr. GRIFFITH, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. PASTOR of Arizona, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. HINCHEY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. INSLEE, Ms. SCHWARTZ, Mr. FATTAH, Mr. MCDERMOTT, Ms. KAPTUR, Mr. COURTNEY, Mr. HIGGINS, Mr. KRATOVIL, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. POMEROY, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 607: Ms. WASSERMAN SCHULTZ and Mr. COFFMAN of Colorado.
H. Res. 613: Mr. MCCOTTER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. ARCURI.
H. Res. 615: Mr. CARTER.
H. Res. 619: Mrs. MYRICK, Mr. MCCAUL, and Mr. MILLER of Florida.
H. Res. 630: Mr. RUSH and Mr. MASSA.
H. Res. 631: Mr. GONZALEZ, Mr. CUELLAR, Mr. ORTIZ, Mr. LATOURETTE, and Mr. AL GREEN of Texas.
H. Res. 634: Mr. BISHOP of New York and Mr. MCGOVERN.

¶91.43 PETITIONS

Under clause 1 of rule XXII.

60. The SPEAKER presented a petition of Family and the Aging Services Foundation, Inc. (Formerly Filial Piety Society), relative to a request for funding; which was referred to the Committee on Education and Labor.

WEDNESDAY, JULY 15, 2009 (92)

¶92.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ALTMIRE, who laid before the House the following communication:

WASHINGTON, DC,
July 15, 2009.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶92.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ALTMIRE, announced he had examined and approved the Journal of the proceedings of Tuesday, July 14, 2009.

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

¶92.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2655. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2656. A letter from the Chief Executive Officer, Anti-Doping Agency, transmitting the Agency's 2008 Annual Report and Financial Audit, pursuant to 21 U.S.C. 2002 36 U.S.C. 10101; to the Committee on Energy and Commerce.

2657. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mount Enterprise, Texas) [MB Docket No.: 08-226 RM-11494] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

2659. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User (VEU): List of Approved End-Users and Respective Eligible Items for India [Docket No.: 0906151047-91048-01] (RIN: 0694-AE65] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2660. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the 2008 Australia Group (AG) Intersessional Decisions; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No.: 090113021-9025-01] (RIN: 0694-AE55) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2661. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-123, ''Processing Sales Tax Clarification Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2662. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 18-124, ''National Law Enforcement Museum Sales and Use Tax Credit Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2663. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-125, ''Records Access Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2664. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-126, ''Raze Permit Community Notification Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2665. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-127, ''Citizen-Service Programs Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2666. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-128, ''Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2667. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-133, ''Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2668. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-134, ''Anacostia River Clean Up and Protection Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2669. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-135, ''Clean and Affordable Energy Fund Balance Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2670. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-136, ''Neighborhood Development Tax Deferral Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2671. A letter from the Director, Office of Congressional Relations, Federal Trade Commission, transmitting notification that the Commission recently began the audit of financial statements for the fiscal year 2009; to the Committee on Oversight and Government Reform.

2672. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program (RIN: 3245-AF96) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2673. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program-Duty to Assist (RIN: 2900-AM91) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶92.4 MOTION TO ADJOURN

Mr. GINGREY moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 23 / Nays ..... 361 }

¶92.5 [Roll No. 537]

YEAS—23

Bartlett
Barton (TX)
Blackburn
Broun (GA)
Campbell
Chaffetz
Flake
Garrett (NJ)
Gingrey (GA)
Gohmert
Hensarling
Johnson (IL)
King (IA)
Olson
Pence
Price (GA)
Shadegg
Souder
Spratt
Thornberry
Tiahrt
Westmoreland
Young (AK)

NAYS—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick

Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—48

Andrews
Bishop (GA)
Bono Mack
Butterfield
Cardoza
Cassidy
Childers
Conyers
Cummings
Davis (TN)
Dicks
Doyle
Ehlers
Engel
Gordon (TN)
Grijalva
Gutierrez
Higgins
Inslee
Israel
Jackson-Lee (TX)
Kirk
Larsen (WA)
Lowey
Mack
Marchant
McCaul
McDermott
McGovern
McHugh
Mollohan
Paul
Platts
Rogers (AL)
Ross
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Schock
Schrader
Serrano
Sestak
Smith (NJ)
Stark
Sutton
Wasserman Schultz
Young (FL)

So the motion to adjourn was not agreed to.

¶92.6 PROVIDING FOR CONSIDERATION OF H.R. 3183

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 645):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed one of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (3) not to exceed six of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3183, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 5. House Resolution 618 is laid on the table.

Pending consideration of said resolution.

¶92.7 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

''The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. ALTMIRE, responded to the point of order, and said:

''The gentleman from Arizona [Mr. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

''After debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, we are going through an appropriations process. We will do two bills this week. Traditionally, appropriations bills have been open rules. They come to the floor. Members are allowed to offer as many amendments as they wish—striking funding, moving funding around, making a policy point. That has been the tradition of this House.

''It is sometimes pointed out that it hasn't always been this way, that the appropriations bills haven't always been open, and that there is no reason why they should be. Yet I would remind the House, Mr. Speaker, that, over the past 20 years, we've gotten into a practice of loading up and larding up these appropriations bills with all kinds of congressionally directed spending.

''The chairman of the Appropriations Committee likes to say that, when he chaired the Appropriations Committee in 1992, when the Labor-HHS bill came through, there was not one congressional earmark, not one. That's less than 20 years ago. There was not one congressional earmark. I think, in the past couple of years, there have been upwards of 2,500 earmarks in that bill. In the bill that we'll address today, the energy and water bill, there are literally hundreds of earmarks.

''Now, one would like to think that the Appropriations Committee would vet these earmarks, would actually check them out to see if they're meeting Federal purpose, if money is being wasted, if it, maybe, looks bad and looks like it's tied to campaign contributions or whatever, but they don't. They don't have the time or the resources or, perhaps, the inclination to do so, so all we have is this forum here on the floor. When you bring an appropriations bill to the floor under a closed rule or a restricted rule—a structured rule—and deny Members the ability to offer amendments, then you've shut down this place in a way that is simply not right.

''For this bill, there were 103 amendments submitted. Now, because you have to pre-file your amendments, a lot of Members will submit more amendments than they intend to offer on the floor just to protect their place. So the majority party knows that we would never have offered 103 amendments on the floor. We won't have time to do it. We have done it in years past, but only 21 of these remained in order—78 Republican amendments were submitted, and only 14 were made in order.''.

Mr. GINGREY was recognized to speak to the point of order and said:

''Mr. Speaker, as my colleagues on both sides of the aisle know, I just

called previously for a motion to adjourn this body. I don't typically do dilatory motions. I think my colleagues on both sides of the aisle know that. What, Mr. Speaker, I am trying to say to those who are now in charge of this body—Speaker PELOSI, Majority Leader HOYER, the chairman of the Rules Committee—is, look, as the gentleman from Arizona has pointed out, you have taken away so many opportunities—not, indeed, all of the opportunities—for the minority to represent their constituencies. Those constituencies are close to 700,000 people in all of our districts across this country, and we don't have this opportunity, particularly on these very important appropriations bills—on these 12 spending bills—which, after all, are probably one of the two most important things that we as Members of the legislative branch are charged constitutionally to do year after year after year.

''I commend the majority for wanting to get the work done and for wanting to have all of that done by the end of the fiscal year. It's insanity not to do that, but we can do it in an open way, as the gentleman from Arizona has pointed out. Going back to the fairness that you all called for when you were campaigning so hard in the fall of 2006, you gained the majority, to a large extent, on that kind of a platform and on that kind of a pledge. So this is wrong, and this is why we're making these points.''.

Ms. MATSUI was recognized to speak to the point of order and said:

''Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself.

''I think that is wrong, and I hope my colleagues will vote to consider this important legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

''I have the right to close, but in the end, I will urge my colleagues to vote 'yes' so that we can consider the rule and get down to doing the business of the American people.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, I realize that this is an unfunded mandates point of order that has been raised. This is not unfunded mandates we're talking about here. Unfortunately, this is about the only way we can get time to actually talk about this rule at sufficient length.

''As to the way that these appropriations bills are being shut down for Members and when the gentlelady said that this bill should be voted on according to its merits, the problem is there were dozens and dozens of meritorious amendments that were submitted to the Rules Committee. The fact that they actually had to be submitted tells us we've got some problems here because, as I mentioned, appropriations bills have traditionally been open, but meritorious amendments have been submitted, and only a few have been allowed.

''Now, I happen to have six, I believe, allowed in this bill, and I know full well the game here. I offer limitation amendments on earmarks. The majority party knows full well that earmarking is a bipartisan addiction and that the process of logrolling takes effect and that my amendments are defeated routinely. So they can throw me a bone here and there, and that's fine. I understand that. Still, we need to raise these issues. Let me tell you why.

''This was in the Washington Post today, and you can look yesterday in Roll Call or in The Hill from the day before. Virtually every day there is a news story about earmarks having gone awry. This one in particular talks about defense earmarks, that there are some individuals in the lobbying community and in the defense community who have pled guilty to taking earmarks from this body and to spreading them around to several contractors who didn't do the work that they promised to do. Some actually took kickbacks for the earmark money they distributed. These were earmarks that were supposedly vetted by the Appropriations Committee, but we know that the Appropriations Committee doesn't have the time or resources to vet these earmarks.

''We're going to be doing a defense appropriations bill in just a couple of weeks. We've allowed one day for that bill to be on the floor, and if history holds, only a couple of amendments will be allowed, particularly amendments to strike earmarks. If on this floor we are not going challenge these earmarks, where are we going to do it?

''They're not doing it in the Appropriations Committee. From sad experience, we know that. Over the past several years, the chairman of the Appropriations Committee has said they don't have the time or the resources to adequately vet these earmarks, so we have two choices. We ought to have two choices. Either strike the earmarks and not bring the bill to the floor with congressional earmarks in there or have proper time to vet them on the floor. Or simply say that we're not going to allow them at all until we get this process fixed. Instead, what we've chosen to do is to cover up the process and to pretend that there is no problem here and to simply limit the number of amendments that can be offered on the floor and hope that nobody notices, that nobody sees.

''What happens when nobody sees—last year, for example, we weren't allowed to offer any amendments on the floor. The defense appropriations bill was offered as part of a 'minibus', and no amendments were offered at all. Then we get stories like this. Let me just quote one paragraph from this story:

''It really puts a fine point on the murky unaccountable web that exists around earmarks, said Steve Ellis of the watchdog group Taxpayers for Common Sense. These earmarks, because there is very little accountability, provide a petri dish for corruption.

''Certainly, that is what we've seen over the past several years, but we are not allowing adequate time on the floor to vet what will be likely over 1,000 earmarks or close to it—if there are not 1,000, there will be several hundred—in the defense bill that's going to be coming up.

''What is worse is that hundreds of these earmarks that will be in the defense bill will be given to companies whose executives will turn around and will write large campaign contributions to the sponsor of the earmark in the bill. So, essentially, we are earmarking for our campaign contributors.

''I think we should all agree that, if there are earmarks in this body, they certainly shouldn't be going to those who can turn around and can then make a campaign contribution directly back to them. To give a Federal appropriation a no-bid contract—and that's what earmarks are, particularly in the defense bill, no-bid contracts—to somebody who can turn around and write a campaign contribution right back to you is wrong.

''What makes it doubly wrong is that now, in the House, we are going to tell Members you can't even challenge those earmarks on the floor because we're going to limit you to three or four amendments. Choose them. That's it. That, Mr. Speaker, is wrong. We can't continue to do that. People say that, outside of the Beltway, nobody cares about process. That may be true, but take it from somebody who was in the majority and who is now in the minority, who is squarely in the minority: Bad process yields bad results, and it will catch up to you sooner or later. What is worse is that what we're doing, particularly with earmarks in the defense bill, reflects poorly on this House.

''The cloud that hangs over this body rains on Republicans and Democrats alike; and we ought to stand up to the institution and say, We think more of this institution than that to have this cloud out there. So I would plead with everyone, Mr. Speaker, to not proceed with bills like this which don't allow Members to offer amendments on the floor, the amendments that are meritorious, that are not trying to slow down the process. They are simply trying to improve the bill.''.

Ms. MATSUI was further recognized and said:

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

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 177

¶92.8 [Roll No. 538]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—18

Bachus
Cassidy
Conyers
Engel
Gerlach
Gordon (TN)
Green, Al
Higgins
Hinojosa
Issa
Levin
Lynch
McGovern
McIntyre
Schrader
Sestak
Waxman
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 / Nays 185

¶92.9 [Roll No. 539]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—9

Cassidy
Conyers
Cuellar
Engel
Gordon (TN)
Levin
Schrader
Sestak
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.10 H.R. 1044—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1044) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 3

¶92.11 [Roll No. 540]

YEAS—415

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

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—14

Capps
Cassidy
Conyers
Engel
Gordon (TN)
Inslee
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Schrader
Sestak
Taylor
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.12 H.R. 934—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 934) to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶92.13 [Roll No. 541]

YEAS—416

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

NOT VOTING—16

Berkley
Berman
Capps
Conyers
Engel
Gordon (TN)
Honda
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Ryan (OH)
Schrader
Sestak
Taylor
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.14 H.R. 762—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 762) to validate final patent number 27-2005-0081, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶92.15 [Roll No. 542]

YEAS—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert

Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—19

Brown-Waite, Ginny
Capps
Conyers
Crenshaw
Davis (IL)
Delahunt
Engel
Gordon (TN)
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Miller, George
Pitts
Roybal-Allard
Schrader
Sestak
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.16 ENERGY AND WATER APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to House Resolution 645 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. ALTMIRE, by unanimous consent, designated Mr. TIERNEY as Chairman of the Committee of the Whole; and after some time spent therein,

¶92.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part A of House Report 111-209, submitted by Mr. PASTOR of Arizona:

Page 6, line 25, after the dollar amount, insert ''(increased by $1,800,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $10,800,000)''.

Page 23, line 2, after the dollar amount, insert ''(increased by $45,000,000)''.

Page 24, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 40, line 7, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 60, line 4, after the dollar amount, insert ''(increased by $2,500,000)''.

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

SEC. 503. LIGHT BULB RESTRICTION.—None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

It was decided in the affirmative ..... { Yeas ..... 261 / Nays 172

¶92.18 [Roll No. 543]

AYES—261

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dreier
Ellsworth
Emerson
Eshoo
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Honda
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lofgren, Zoe
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—5

Bordallo
Faleomavaega
Schrader
Sestak
Young (FL)

So the amendment was agreed to.

¶92.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part A of House Report 111-209, submitted by Mr. CONNOLLY of Virginia:

Page 3, line 24, after the dollar amount, insert ''(increased by $7,000,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $7,000,000)''.

It was decided in the affirmative { Yeas ..... 362 / Nays 69

¶92.20 [Roll No. 544]

AYES—362

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOES—69

Akin
Bachmann
Barrett (SC)
Bishop (UT)
Bonner
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gohmert
Hastings (WA)
Heller
Hensarling
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lungren, Daniel E.
McClintock
McKeon
Melancon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Price (GA)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schauer
Sensenbrenner
Sessions
Shadegg
Shuler
Souder
Space
Stearns
Sullivan
Teague
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—7

Faleomavaega
Herseth Sandlin
Meek (FL)
Pastor (AZ)
Schrader
Sestak
Young (FL)

So the amendment was agreed to.

¶92.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part A of House Report 111-209, submitted by Mr. HASTINGS of Washington:

Page 17, line 17, strike the period and insert the following: ''; *Provided further*, That $5,000,000 of the funds appropriated under this heading shall be available for the 'Power Program Services' to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.''.

It was decided in the affirmative { Yeas ..... 432 / Nays 0

¶92.22 [Roll No. 545]

AYES—432

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes

Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Faleomavaega
Moore (WI)
Platts
Schrader
Sestak
Young (FL)

So the amendment was agreed to.

¶92.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part A of House Report 111-209, submitted by Mr. BOREN:

Page 23, line 2, after the dollar amount insert ''(increased by $5,000,000)''.

Page 35, line 15, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 36, line 9, after the dollar amount insert ''(reduced by $5,000,000)''.

It was decided in the affirmative ..... { Yeas ..... 429 / Nays 4

¶92.24 [Roll No. 546]

AYES—429

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

NOES—4

Campbell
Ehlers
Flake
McClintock

NOT VOTING—5

Faleomavaega
Sablan
Schrader
Sestak
Young (FL)

So the amendment was agreed to.

¶92.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in Part A of House Report 111-209, submitted by Mrs. MILLER of Michigan:

Page 23, line 2, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $10,000,000)''.

It was decided in the affirmative ..... { Yeas ..... 431 / Nays 1

¶92.26 [Roll No. 547]

AYES—431

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Baird

NOT VOTING—6

Faleomavaega
Farr
Johnson (GA)
Schrader
Sestak
Young (FL)

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. NYE, assumed the Chair.

When Mr. CUELLAR, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶92.27 UNITED STATES AIR FORCE ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. NYE, pursuant to 10 United States Code 9355 (a), amended by Public Law 108-375, and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the Board of Visitors to the United States Air Force Academy: Mr. POLIS, Ms. Loretta SANCHEZ of California, and Mr. LAMBORN .

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶92.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today.

And then,

¶92.29 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 20 minutes p.m., the House adjourned.

¶92.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. MICHAUD, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Mr. MITCHELL, Mr. BOOZMAN, Mr. HALL of New York, Mr. BILBRAY, Mrs. HALVORSON, Mr. LAMBORN, Mr. PERRIELLO, Mr. BILIRAKIS, Mr. TEAGUE, Mr. BUCHANAN, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. SPACE, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, and Mr. NYE):

H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSS (for himself and Mr. MEEK of Florida):

H.R. 3220. A bill to amend title XVIII of the Social Security Act to reform Medicare coverage and reimbursement for home oxygen therapy services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. HINOJOSA, Mr. BISHOP of New York, Mr. PAYNE, Mr. HOLT, Mr. COURTNEY, Ms. HIRONO, Mr. ANDREWS, Mr. KILDEE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LOEBSACK, Ms. FUDGE, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. TIERNEY, Mr. SABLAN, Mr. WU, Mr. KUCINICH, Mr. HARE, Mr. SESTAK, Ms. WOOLSEY, and Mrs. DAVIS of California):

H.R. 3221. A bill to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON):

H.R. 3222. A bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. BOOZMAN):

H.R. 3223. A bill to amend title 38, United States Code, to improve the Department of Veterans Affairs contracting goals and preferences for small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. BECERRA (for himself, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Ms. NORTON, Mr. BLUMENAUER, Ms. MATSUI, Mr. MORAN of Virginia, Mr. CONYERS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. MOORE of Kansas, Mr. ENGEL, Ms. KAPTUR, Mrs. MALONEY, Mr. MCGOVERN, Mr. CARSON of Indiana, Mr. GRIJALVA, Ms. LEE of California, Ms. EDWARDS of Maryland, Ms. WOOLSEY, and Mr. CLEAVER):

H.R. 3225. A bill to help provide funds for community gardens, and for other purposes; to the Committee on Agriculture.

By Mr. KINGSTON (for himself, Mr. CARTER, Mr. ALEXANDER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. LATTA, Mrs. BACHMANN, Mr. POE of Texas, Mr. PITTS, Mr. FLEMING, Mr. LINDER, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. KING of Iowa, Mr. HOEKSTRA, Ms. FALLIN, Mr. SHADEGG, and Mr. LAMBORN):

H.R. 3226. A bill to provide that appropriated funds may not be used to pay for any salaries or expenses of any task force, council, or similar office which is established by or at the direction of the President and headed by an individual who has been inappropriately appointed to such position (on other than an interim basis), without the advice and consent of the Senate; to the Committee on Oversight and Government Reform.

By Mr. LEVIN (for himself and Mr. DAVIS of Kentucky):

H.R. 3227. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut:

H.R. 3228. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects in the Town of Canton, Connecticut; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3229. A bill to amend the Alaska Native Claims Settlement Act to recognize Alexander Creek as a Native village, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. INSLEE, and Ms. NORTON):

H. Res. 649. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H. Res. 650. A resolution recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form; to the Committee on Education and Labor.

¶92.31 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

105. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 141 urging the United States Department of Defense to renew and increase its supply of essential excess and donation surplus equipment to Illinois public safety officers through the 1033 Program, the LESO Program, and the U.S. General Services Administration's Donation Program (Federal Surplus); to the Committee on Armed Services.

106. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 86 memorializing the Congress of the United States to take such actions as are necessary to create a national catastrophe fund; to the Committee on Financial Services.

107. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 91 memorializing the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness; to the Committee on Energy and Commerce.

108. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 86 urging the Congress to honor the contributions of African-American slaves in the United States by declaring that every February 28th shall be designated as Honor the Contributions of African-American Slaves in the United States Day; to the Committee on Oversight and Government Reform.

109. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 101 memorializing the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

110. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 68 encouraging Congress and President Barack Obama to support H.R. 693, the Reaching the Star Act, creating a Suburban Transit Access of STAR line inter-suburban commuter rail to ease road traffic congestion in 100 communities from Joliet to O'Hare International Airport, providing safe and reliable transportation options for the more than 1.6 million area residents living in high-congestion areas; to the Committee on Transportation and Infrastructure.

111. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 44 urging the members of Congress to introduce and give full consideration to a bill comparable to the Patriot Employers Act in order to ensure that American firms contribute their fair share to our society's social welfare; to the Committee on Ways and Means.

112. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 82 memorializing the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Homeland Security.

113. Also, a memorial of the House of Representatives of the State of Oklahoma, relative to House Resolution No. 1043 disapproving the United States Department of Homeland Security's assessment report concerning Rightwing Extremism; to the Committee on Homeland Security.

114. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 233 urging the United States Congress and the President of the United States to enact H.R. 676, pending in the 110th Congress, which provides universal health insurance coverage for all individuals residing in the United States and its territories; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

115. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 55 calling upon federal policy makers to ensure that goods sold domestically meet U.S. food and product safety standards; jointly to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

¶92.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. ACKERMAN, Mrs. MALONEY, Ms. SHEA-PORTER, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Mr. SCHIFF, and Ms. KILPATRICK of Michigan.

H.R. 40: Mr. RANGEL and Ms. WATERS.

H.R. 173: Mr. COFFMAN of Colorado.

H.R. 207: Mr. WALDEN.

H.R. 208: Mr. RYAN of Ohio, Mr. PAULSEN, Mr. MCNERNEY, and Mr. WALDEN.

H.R. 211: Ms. FUDGE, Mr. EDWARDS of Texas, and Mr. HALL of New York.

H.R. 213: Mr. SESTAK.

H.R. 235: Mr. WALDEN and Mr. ELLISON.

H.R. 275: Mr. MORAN of Virginia.

H.R. 406: Mr. HIMES and Ms. BALDWIN.

H.R. 426: Mr. POSEY.

H.R. 442: Mr. BURGESS, Mr. AUSTRIA, and Mr. TIBERI.

H.R. 503: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 510: Mr. MOORE of Kansas, Mr. CARDOZA, Mr. CHANDLER, Ms. HERSETH SANDLIN, Mr. WITTMAN, and Mr. ELLSWORTH.

H.R. 571: Ms. SUTTON.

H.R. 690: Mr. MILLER of Florida and Mr. YOUNG of Florida.

H.R. 691: Mr. PAUL.

H.R. 702: Mr. SIRES.

H.R. 734: Ms. PINGREE of Maine.

H.R. 795: Mr. JACKSON of Illinois.

H.R. 804: Mr. PASTOR of Arizona.

H.R. 847: Mr. MURPHY of New York.

H.R. 848: Mr. TIERNEY.

H.R. 936: Mr. TEAGUE.

H.R. 939: Mr. HIMES.

H.R. 953: Mr. ORTIZ, Mrs. MCMORRIS RODGERS, and Mr. HOEKSTRA.

H.R. 982: Mr. AUSTRIA.

H.R. 1020: Mr. HONDA and Mr. VAN HOLLEN.

H.R. 1064: Mr. LIPINSKI and Mr. MCNERNEY.

H.R. 1137: Mr. MEEK of Florida.

H.R. 1156: Mrs. MCMORRIS RODGERS.

H.R. 1166: Mr. DAVIS of Illinois.

H.R. 1173: Mr. ARCURI and Mr. SHULER.

H.R. 1177: Mr. GONZALEZ, Mr. CAMPBELL, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1190: Mr. HASTINGS of Washington.

H.R. 1207: Mr. SALAZAR, Mr. KIRK, and Mrs. EMERSON.

H.R. 1240: Mr. MAFFEI.

H.R. 1245: Mr. WITTMAN and Mr. KIRK.

H.R. 1283: Mr. GRAYSON.

H.R. 1293: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, and Mr. SNYDER.

H.R. 1346: Ms. LEE of California.

H.R. 1382: Mr. SHADEGG.

H.R. 1410: Mr. MILLER of North Carolina.

H.R. 1441: Ms. BALDWIN.

H.R. 1470: Mrs. CAPITO.

H.R. 1509: Mr. HALL of New York.

H.R. 1548: Mr. MURPHY of Connecticut and Mr. STEARNS.

H.R. 1558: Ms. TITUS and Mr. HIMES.

H.R. 1618: Mr. WILSON of Ohio.

H.R. 1625: Mr. OBERSTAR.

H.R. 1684: Mr. TIBERI and Mr. BURGESS.

H.R. 1700: Ms. ZOE LOFGREN of California.

H.R. 1751: Ms. CORRINE BROWN of Florida and Mr. SARBANES.

H.R. 1761: Mr. GRIJALVA.

H.R. 1776: Mr. HIMES.

H.R. 1826: Mr. ROTHMAN of New Jersey and Mr. FATTAH.

H.R. 1831: Mr. UPTON, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. BERMAN, Mr. ROGERS of Michigan, Mr. MORAN of Kansas, Mr. TONKO, and Mrs. MYRICK.

H.R. 1835: Mr. MATHESON.

H.R. 1941: Mrs. DAVIS of California.

H.R. 2006: Mr. DONNELLY of Indiana.

H.R. 2017: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, and Mr. LATTA.

H.R. 2060: Ms. ESHOO.

H.R. 2097: Mrs. KIRKPATRICK of Arizona.

H.R. 2122: Mr. JONES.

H.R. 2149: Mr. HIGGINS, Mr. PUTNAM, and Mr. THOMPSON of Mississippi.

H.R. 2184: Mr. SIRES.

H.R. 2193: Mr. PAULSEN.

H.R. 2194: Mr. MILLER of North Carolina, Mr. GOHMERT, Mr. BISHOP of Georgia, Mr. STUPAK, Mr. CAO, Mr. LANGEVIN, Mr. FARR, Mr. ALTMIRE, Mr. CALVERT, Mrs. BLACKBURN, Mr. TERRY, Mr. MINNICK, Mr. BARTLETT, Mr. KLINE of Minnesota, Ms. CORRINE BROWN of Florida, Ms. SUTTON, and Mr. HOEKSTRA.

H.R. 2215: Mr. DINGELL, Mr. KILDEE, and Mr. PETERS.

H.R. 2220: Ms. KOSMAS, and Ms. PINGREE of Maine.

H.R. 2245: Ms. WATERS, Ms. RICHARDSON, Mr. CAMPBELL, Mr. WALZ, and Mr. SIMPSON.

H.R. 2261: Mr. LATHAM.

H.R. 2293: Mr. LANGEVIN.

H.R. 2296: Mr. DENT, Mr. SMITH of Nebraska, Mr. BRIGHT, Mr. TIBERI, Mrs. EMERSON, Mr. CULBERSON, Mr. MCCAUL, Mr. PERRIELLO, and Mr. GRIFFITH.

H.R. 2329: Mrs. DAHLKEMPER and Mr. PETERSON.

H.R. 2363: Mr. FATTAH, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2365: Ms. MCCOLLUM.

H.R. 2373: Mr. PERRIELLO, Mr. BUTTERFIELD, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KRATOVIL, Ms. GIFFORDS, and Mr. PAULSEN.

H.R. 2381: Mr. HARE and Mr. GRIJALVA.

H.R. 2425: Mr. FARR and Mr. WOLF.

H.R. 2440: Mr. LAMBORN.

H.R. 2452: Mr. RYAN of Ohio, Mr. YARMUTH, Mr. KIRK, and Mr. THOMPSON of California.

H.R. 2469: Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.

H.R. 2478: Mr. PLATTS, Mr. CUMMINGS, and Mr. FORBES.

H.R. 2480: Mr. FRANK of Massachusetts, Mr. LIPINSKI, and Mr. MILLER of North Carolina.

H.R. 2497: Mr. BLUMENAUER.

H.R. 2499: Mr. ROGERS of Alabama.

H.R. 2548: Mr. CONNOLLY of Virginia.

H.R. 2561: Mr. CAO.

H.R. 2563: Mr. HILL, Mr. POSEY, Mr. MARCHANT, Mr. TIBERI, and Mr. CONAWAY.

H.R. 2590: Mr. PAUL.

H.R. 2625: Ms. BALDWIN.

H.R. 2626: Mr. MCCOTTER.
H.R. 2642: Mr. WILSON of Ohio.
H.R. 2648: Ms. MOORE of Wisconsin, Mr. FALEOMAVAEGA, Mr. COHEN, and Ms. DELAURO.
H.R. 2669: Mr. RAHALL.
H.R. 2681: Mrs. NAPOLITANO.
H.R. 2695: Mr. PLATTS.
H.R. 2709: Ms. HARMAN.
H.R. 2724: Mr. HODES.
H.R. 2740: Mr. SOUDER, Mr. MEEKS of New York, and Mr. MCCOTTER.
H.R. 2759: Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. WELCH, and Mr. GERLACH.
H.R. 2771: Mr. BOREN.
H.R. 2811: Mr. HASTINGS of Florida.
H.R. 2835: Mr. MORAN of Virginia and Mr. ELLISON.
H.R. 2842: Mr. LINDER.
H.R. 2861: Mr. ELLISON.
H.R. 2894: Mr. CHANDLER.
H.R. 2906: Mr. SARBANES.
H.R. 2920: Mr. COSTELLO and Ms. SUTTON.
H.R. 2938: Mr. SHIMKUS.
H.R. 3011: Mrs. KIRKPATRICK of Arizona, Mr. KLINE of Minnesota, and Ms. PINGREE of Maine.
H.R. 3017: Mr. MCNERNEY.
H.R. 3024: Mr. BISHOP of Georgia and Mr. BLUMENAUER.
H.R. 3025: Mrs. DAHLKEMPER.
H.R. 3042: Mr. WAXMAN.
H.R. 3044: Mr. HERGER, Mr. MCHENRY, and Mr. DRIEHAUS.
H.R. 3147: Mr. CONYERS.
H.R. 3148: Mr. BURGESS.
H.R. 3189: Mr. KIRK.
H.R. 3212: Mr. KING of New York and Mr. BOSWELL.
H. J. Res. 56: Mr. COHEN, Ms. DELAURO, Mr. ANDREWS, and Ms. PINGREE of Maine.
H. Con. Res. 16: Mr. KLINE of Minnesota and Mr. KIRK.
H. Con. Res. 74: Mr. HASTINGS of Florida.
H. Con. Res. 94: Mr. COHEN and Ms. MCCOLLUM.
H. Con. Res. 102: Ms. JACKSON-LEE of Texas.
H. Con. Res. 144: Ms. SPEIER, Mr. LARSEN of Washington, Mrs. CAPITO, Mr. SCHOCK, Ms. ROYBAL-ALLARD, and Mr. LYNCH.
H. Con. Res. 159: Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Ms. BERKLEY, Mr. ROSS, Mr. DOYLE, and Mr. KIRK.
H. Res. 89: Mr. TURNER, and Mr. MANZULLO.
H. Res. 93: Mr. HINOJOSA and Mr. SABLAN.
H. Res. 111: Mr. MINNICK, Mr. TONKO, Mr. BONNER, and Mr. MEEKS of New York.
H. Res. 245: Mr. CARSON of Indiana.
H. Res. 394: Mr. SULLIVAN.
H. Res. 440: Mrs. BACHMANN.
H. Res. 487: Mr. UPTON and Mr. HOEKSTRA.
H. Res. 494: Mr. COOPER, Mr. SPRATT, and Mr. BRADY of Pennsylvania.
H. Res. 512: Mr. WATT, Mr. CARNAHAN, Ms. GIFFORDS, Ms. WOOLSEY, Mr. SHERMAN, and Mr. SIRES.
H. Res. 513: Mr. ALTMIRE, Mr. BACHUS, Mr. BISHOP of Georgia, Mr. BOOZMAN, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COLE, Mr. COURTNEY, Mr. DUNCAN, Mr. GOHMERT, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MCCAUL, Mr. MCCOTTER, Mr. OBERSTAR, Mr. PLATTS, Mr. PUTNAM, Mr. RODRIGUEZ, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mr. SPRATT, and Mr. WU.
H. Res. 517: Ms. WOOLSEY.
H. Res. 533: Mr. MASSA, Mr. HINOJOSA, and Mr. DINGELL.
H. Res. 558: Mr. ROYCE, Mr. HALL of Texas, Mr. PAULSEN, Mr. PAYNE, and Mr. HINOJOSA.
H. Res. 605: Mr. CAO, Mr. SENSENBRENNER, Mr. BISHOP of Georgia, Mr. MORAN of Kansas, Mr. CUMMINGS, Mr. KING of New York, Mr. FRELINGHUYSEN, Mr. JONES, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. MCGOVERN, and Mr. PETERSON.
H. Res. 615: Mr. SMITH of Texas, Mr. PRICE of Georgia, Mr. TIAHRT, and Mr. CONAWAY.
H. Res. 619: Mr. TIAHRT, Mr. SCHOCK, and Mrs. MILLER of Michigan.
H. Res. 623: Mr. REICHERT.
H. Res. 630: Mr. CAPUANO and Mr. HONDA.
H. Res. 631: Mr. POE of Texas and Mr. RYAN of Ohio.
H. Res. 633: Mr. COHEN.
H. Res. 634: Mrs. LOWEY, Mr. MCHUGH, and Ms. BALDWIN.
H. Res. 639: Mr. RADANOVICH and Mr. ROYCE.

¶92.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. PALLONE.

THURSDAY, JULY 16, 2009 (93)

The House was called to order by the SPEAKER.

¶93.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, July 15, 2009.

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

¶93.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2674. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, ''Authority to Extend Eligibility for Enrollment in Department of Defense Elementary and Secondary Schools to Certain Additional Categories of Dependents''; to the Committee on Armed Services.

2675. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, ''Air Force Academy Athletic Association''; to the Committee on Armed Services.

2676. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, ''Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency''; to the Committee on Armed Services.

2677. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, ''Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency''; to the Committee on Armed Services.

2678. A letter from the Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of January 1, 2009 through March 31, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

2679. A letter from the Deputy Chief of Staff, Department of the Army, transmitting the Department's annual report on recruiting incentives for fiscal year 2008, pursuant to Public Law 109-163, section 681; to the Committee on Armed Services.

2680. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program for fiscal year 2008, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

2681. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's fourth annual Homeless Assessment Report for 2008; to the Committee on Financial Services.

2682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the President's bimonthly report on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2009 through May 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended , and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

2683. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective May 24, 2009, the 15% Danger Pay Allowance for USG personnel serving in Banja Luka and Other, Bosnia-Herzegovina, has been eliminated based on improved conditions, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

2684. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2685. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Russia, Sweden, Hong Kong and Kazakhstan (Transmittal No. DDTC 038-09); to the Committee on Foreign Affairs.

2686. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing a possible unauthorized end-use of U.S. defense articles by the Government of Egypt; to the Committee on Foreign Affairs.

2687. A letter from the Architect of the Capitol, transmitting the Semiannual Report for the period October 1, 2008 through March 31, 2009 prepared by the Office of Inspector General of the AOC; to the Committee on Oversight and Government Reform.

2688. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2689. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting response to the report to Congress from the Office of the Inspector General of the Corporation; to the Committee on Oversight and Government Reform.

2690. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2691. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2692. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2693. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2694. A letter from the Office of the Inspector General, transmitting copy of the final report on the Architect of the Capitol (AOC) Network Penetration Test (Report No. 09-AOC-13); to the Committee on House Administration.

2695. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2008, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

2696. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Standard Oil Development Company, Linden, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2697. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Santa Susana Field Laboratory-Area IV, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2698. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1839-DR for the State of Tennessee, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2699. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1837-DR for the State of Mississippi, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2700. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1838-DR for the State of West Virginia, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-8, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

2702. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1833-DR for the State of Georgia, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

2703. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1836-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2704. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1834-DR for the State of Arkansas, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2705. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1835-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

¶93.3 MESSAGE FROM THE SENATE

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

S. 509. An Act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The message also announced that pursuant to Public Law 111–21, the Chair, on behalf of the Majority Leader of the Senate and the Speaker of the House, announces the joint appointment of Phil Angelides of California to serve as Chairman of the Financial Crisis Inquiry Commission.

The message also announced that pursuant to Public Law 111–21, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission: the Senator from Florida, [Mr. GRAHAM]; Heather Murren of Nevada; and Byron Georgiou of Nevada.

The message also announced that pursuant to Public Law 111–12, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission: Keith Hennessey of Virginia, and Douglas Holtz-Eakin of Virginia.

¶93.4 PROVIDING FOR CONSIDERATION OF H.R. 3170

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 644):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 145, line 11. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3170, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

Pending consideration of said resolution.

¶93.5 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Madam Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

''The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, responded to the point of order, and said:

''The gentlemen from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentlemen has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control ten minutes of

debate on the question of consideration. After that debate, the Chair will put the question of consideration.''.

Mr. FLAKE was further recognized and said:

''I rise today once again to plead with the majority party to lift the legislative version of martial law that's been imposed on appropriation bills this year.

''We're more than halfway through the season and so far we've had, for appropriation bills, more than 700 amendments have been filed with the Rules Committee. Only 119, or less than 20 percent, have been made in order. Roughly a quarter of them that have been made in order have been my earmark amendments, which I'm pleased for. Don't get me wrong. I'm grateful they're made in order.

''But these earmarks, this is about the only vetting, as shallow is it may be, on the floor of the House that these earmarks get, because they're certainly not getting the vetting they deserve in the Appropriations Committee. But this is insufficient.

''It's not right to have a legislative version of martial law on appropriation bills and to bring up the issue of timing, to say, We don't have time to deal with all the amendments that have been offered, as was demonstrated yesterday when I asked unanimous consent five times—five times—to simply swap out an amendment that was not ruled in order by the Rules Committee—that was germane, just not ruled in order—for one of mine that would have been given.

''It wouldn't have taken any extra time. We would have been under the same time constraints of the bill. So we would be living within the time constraints that the majority party has laid down.

''But the majority party simply wouldn't allow it, because this isn't about time. We adjourned or we were finished with legislative business by around four o'clock yesterday. We were finished with amendments by five o'clock. Members were free to go after the last amendment votes around four o'clock.

''This isn't an issue of time. But say that it was. If it was an issue of time, then allowing amendments to be swapped and substituted or amendments to be modified within the time limit should be allowed.

''But instead, the majority party simply doesn't want to deal with certain amendments. They don't want their members to vote on certain amendments. That's what is at issue here.

''As a result, the votes on amendments on these appropriation bills have all the excitement and anticipation of a Cuban election. You know the result. It's going to be lopsided or it's agreed to in advance.

''That may be efficient. The trains may run on time. But it isn't the legislative process that we're used to here. Traditionally, appropriation bills have been brought to the floor under an open rule. That's always been important.

''It's become even more important over the last several years when we placed in those bills literally thousands and thousands and thousands of appropriation requests by individual Members, many of them no-bid contracts—Members awarding no-bid contracts to private companies and, in many cases, their campaign contributors, with virtually no vetting in the Appropriations Committee.

''So the only opportunity we have to vet those is here on the House floor, and then Members are denied the opportunity in many cases to bring those amendments to the floor. That simply is not right.

''Let me take the bill that we will be dealing with today and give a few examples. In the Rules Committee under this rule that we're dealing with now, many amendments were offered, as I mentioned, and they were submitted as requested by the Rules Committee, presubmitted, which we didn't even used to have to do with appropriation bills, but we can accept that. These were submitted—and many of these were turned down.

''For example, one was to make in order to provide the appropriate waivers for amendment 87 offered by Representative BOEHNER, the minority leader, which would ensure that low-income D.C. students are able to receive a scholarship through the D.C. Opportunity Scholarship Program by removing the requirement that students must be OSP recipients during the 2009–2010 school year.

''This would simply allow the D.C. voucher program—the highly popular D.C. voucher program—to continue. This is not something that is not germane. It is germane. This is the bill that deals with D.C. appropriations. But the majority party simply didn't want to vote on that. And so they rejected it, and it's out.

''Later today, I will be asking for unanimous consent to substitute this amendment for one of mine that I have been fortunate enough to have made in order. It won't take any additional time.

''So time is not an issue. It's simply saying that we should be able to vote on amendments that Members want to vote on, not just those amendments that the majority leadership wants us to vote on; to lift martial law on appropriation bills, if only for a brief window, for the appropriation bills that we have still to consider.

''Another amendment—I see Mr. WALDEN here—that he has offered. The Walden-Pence amendment would prohibit funds from being available in the act from being used to implement the fairness doctrine and certain broadcast localism regulations.''.

Mr. WALDEN of Oregon, was recognized to speak to the point of order and said:

''I appreciate the gentleman raising this point of order and yielding. How ironic; the amendment we offered in good faith, after consideration with the parliamentarians, is fully in order under our House rules normally, except for the gag order that's been placed on us by the Rules Committee.

''How ironic; we're trying to stand up and protect First Amendment free speech rights for American citizens and broadcasters to be able to discuss political issues and religious issues on America's airwaves, protect that right as the House did in 2007 with a 309–115 bipartisan vote.

''We're talking about free expression, First Amendment rights, privileges that American citizens have enshrined, and the Democrat leadership of this Congress has conspired to prevent us from even allowing that amendment to be debated on this House floor and voted on. And yet, when it was brought before this House in 2007, 309 Members voted 'yes.' It was a 3–1 margin that stood up for free speech and to protect free speech on America's airwaves, to protect the rights of religious broadcasters to engage in their discussions on America's airwaves.

''Members of both parties supported this. And yet today, sometimes I feel like we're more an Iranian-style democracy, where all these rules that have been in place for many, many years in this House, historically back to its inception, that allow for open and vigorous debate on our House floor, have been now twisted and turned and crammed down to the fact that you're gagged. I'm gagged, the people we represent are gagged. It is simply outrageous that this is occurring.

''We should be able to offer these amendments, as we have historically, in Republican and Democrat Congresses in the past. This is nearly unprecedented in the scope of clamping down on our ability to represent our constituents and in our ability to raise these issues on the floor of this great institution, of this democratic institution, where free speech and the opportunity to debate public policy issues are enshrined.

''What has this House come to?''.

Mr. PERLMUTTER was recognized to speak to the point of order and said:

''I oppose the gentleman's point of order.

''Madam Speaker, once again, this point of order is not about unfunded mandates. It's about TV broadcasting and about a whole variety of other things, but it's about delaying the bill that is under consideration and about, ultimately, stopping it. I hope my colleagues see through this attempt and will vote 'yes' so we can consider this legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule today, and we must pass this legislation.

''I have the right to close, but in the end, I will urge my colleagues to vote 'yes' to consider the rule.''.

Mr. FLAKE was further recognized and said:

''Madam Speaker, yes, this isn't about unfunded mandates. Unfortunately, it's about the only opportunity we have to stand up, and we'll stand up later when the rule is discussed, but I'm here because the Rules Committee would not make in order the amendments that Members wanted to offer on an appropriations bill.

''These are bills that are brought to the floor under open rules, traditionally, to allow Members the opportunity to represent their constituencies; but here we're being gagged and told we can't do that because we're only going to allow the amendments that we want to hear, the ones that are noncontroversial, the ones that we have debated before and that we know won't impact negatively on us. That's not any way to run this body.''.

Mr. WALDEN of Oregon, was further recognized and said:

''If you want to talk about how this body is being run, in the Energy and Commerce Committee yesterday, the best we could get on the Democrats' health plan was a closed-door briefing from the Congressional Budget Office that was only open to members of our staff and to no other staff and to no other citizens, and it was shut down to the press. Now, I find that outrageous.

''So not only is this occurring on the amendments we hope to bring that are fully within the scope of the rules of this House and that have been well vetted—and you can smile. I get it. You guys are in control. You're going to win. You've got the votes. You can shut us down. Yet, at the end of the day, the American people get it, and they get that bills are being rammed through here without due consideration and process and that Members on both sides of the aisle are having their amendments shut down, and they're not even being allowed to be considered.

''I've been here for 10 years now. I remember, during appropriations season, we worked hard. We worked day and night, sometimes a lot longer than I'd wished we'd worked, but Members had the right under our rules to bring amendments forward that were within the constraints of the rules of this House and within the historic principles of this House. We had vigorous debates and we took tough votes. Then we went back and we defended those votes.''.

Mr. PERLMUTTER was further recognized and said:

''Madam Speaker, I appreciate the gentleman's comments, but they did not speak to the point of order at all. So, Madam Speaker, again, I want to urge my colleagues to vote 'yes' on this motion to consider so we can debate and pass this important legislation.''.

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. PERLMUTTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶93.6 H.R. 1442—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1442) to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶93.7 [Roll No. 548]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz

Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—10

Coffman (CO)
Dingell
Eshoo
Gohmert
Johnson (GA)
Lucas
Oberstar
Pence
Schrader
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.8 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Cathy Mitchell, Chief of the Elections Division of the California Secretary of State's office, indicating that, according to the unofficial returns of the Special Election held July 14, 2009, the Honorable Judy Chu was elected Representative to Congress for the Thirty-Second Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER
(By Robert F. Reeves, Deputy Clerk).

Enclosure.

ELECTIONS DIVISION,
STATE OF CALIFORNIA,
Sacramento, CA, July 15, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, July 14, 2009, for Representative in Congress from the Thirty-Second Congressional District of California, show that Judy Chu received 15,238 votes or 61.67% of the total number of votes cast for that office.

According to the unofficial results, Judy Chu has been elected as Representative in Congress from the Thirty-Second Congressional District of California.

To the best of the Secretary of State's knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by Los Angeles County, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

_____
(For Cathy Mitchell, Chief, Elections Division).

¶93.9 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. STARK, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Ms. Judy Chu, 32nd District of the State of California, has not been received by the Clerk of the House of Representatives, Ms. CHU be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to her election.

Ms. CHU then presented herself at the bar of the House and took the oath of office prescribed by law.

¶93.10 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER, announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative CHU, the whole number of the House is adjusted to 434.

¶93.11 H.R. 129—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 129) To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶93.12 [Roll No. 549]

YEAS—422

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

NOT VOTING—11

Bachus
Clay
Hall (TX)
Lucas
Pence
Rush
Schrader
Sires
Titus
Velázquez
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.13 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. WALDEN, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Oregon, Mr. Walden submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations,

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

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

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

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the Houses.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Oregon [Mr. WALDEN] will appear in the Record at this point.

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

¶93.14 H.R. 2188—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2188) to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 0

¶93.15 [Roll No. 550]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Hare
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—33

Adler (NJ)
Barton (TX)
Bean
Burgess
Capps
Carter
Cole
Conaway
Crowley
Fallin
Foster
Granger
Gutierrez
Halvorson
Harman
Heinrich
Inslee
Israel
Kind
Kosmas
Lucas
McMahon
Moore (KS)
Murphy (NY)
Olson
Pence
Schrader
Schwartz
Serrano
Smith (TX)
Snyder
Thornberry
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.16 H.R. 409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to

clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 409) to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 406 / Nays 0

¶93.17 [Roll No. 551]

YEAS—406

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—27

Barton (TX)
Burgess
Carter
Conaway
Culberson
Granger
Gutierrez
Kennedy
LaTourette
Lucas
Maloney
McIntyre
Murphy (CT)
Olson
Olver
Pence
Posey
Price (GA)
Rodriguez
Rohrabacher
Schrader
Sestak
Simpson
Smith (TX)
Thornberry
Waxman
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.18 H. RES. 644—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 644) providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 227 / Nays 200

¶93.19 [Roll No. 552]

YEAS—227

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis

Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—6

Lucas
Pence
Price (GA)
Schrader
Sherman
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 213

¶93.20 [Roll No. 553]

YEAS—216

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Minnick
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—213

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Paul
Paulsen
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—5

Lucas
Pence
Price (GA)
Schrader
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶93.21 H. RES. 543—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 543) expressing support for designation of June as ''Home Safety Month''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays ..... 9 / Answered present 3

¶93.22 [Roll No. 554]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor

Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—9

Blackburn
Flake
Kingston
Lee (NY)
Lummis
Paul
Rooney
Sensenbrenner
Shadegg

ANSWERED ''PRESENT''—3

Gohmert
Issa
Poe (TX)

NOT VOTING—5

Lucas
Pence
Rangel
Schrader
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶93.23 FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to House Resolution 644 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, designated Mr. HASTINGS of Florida, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. OBEY, assumed the Chair.

When Mr. HASTINGS of Florida, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶93.24 COMMITTEE ELECTION—MAJORITY

Ms. DELAURO, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 651):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON EDUCATION AND LABOR.—Ms. Chu.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶93.25 FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. OBEY, pursuant to House Resolution 644 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

Mr. HASTINGS of Florida, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶93.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 111-208, submitted by Mr. PRICE of Georgia:

Page 24, strike lines 1 through 5.

It was decided in the negative { Yeas ..... 146 / Nays 279

¶93.27 [Roll No. 555]

AYES—146

Aderholt
Akin
Alexander
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kaptur
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Moran (KS)
Myrick
Napolitano
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—279

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd

Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Barrett (SC)
Bordallo
Burgess
Costa
Engel
Faleomavaega
Lucas
Norton
Payne
Pence
Rogers (MI)
Scott (VA)
Space
Velázquez

So the amendment was not agreed to.

¶93.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-208, submitted by Mrs. EMERSON:

Page 58, line 19, insert ''(reduced by $50,000,000)'' after the dollar amount.

Page 58, line 20, insert ''(reduced by $50,000,000)'' after the dollar amount.

It was decided in the negative ..... { Yeas ..... 172 / Nays 250

¶93.29 [Roll No. 556]

AYES—172

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cassidy
Castle
Chaffetz
Childers
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Perlmutter
Peters
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—250

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—17

Barrett (SC)
Bordallo
Braley (IA)
Capito
Carter
Faleomavaega
Kennedy
Lewis (CA)
Lucas
McGovern
Miller, George
Norton
Olver
Pence
Rangel
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-208, submitted by Mrs. BLACKBURN:

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

TITLE IX—FIVE PERCENT REDUCTION

SEC. 901. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

It was decided in the negative ..... { Yeas ..... 184 / Nays 247

¶93.31 [Roll No. 557]

AYES—184

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri

Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Larson (CT)
Latham
Latta
Lee (NY)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—247

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Barrett (SC)
Bordallo
Faleomavaega
Lucas
Pence
Salazar
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 111-208, submitted by Mr. BROUN of Georgia:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the salary of the Assistant to the President on Energy and Climate Change, the Deputy Assistant to the President on Energy and Climate Change, or any position in the Council on Environmental Quality.

It was decided in the negative ..... { Yeas ..... 149 / Nays 282

¶93.33 [Roll No. 558]

AYES—149

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC)
Bordallo
Faleomavaega
Kennedy
Lucas
Pence
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.34 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for a small business incubator project of the University of West Georgia in Carrollton, Georgia, and the amount otherwise provided in such section is hereby reduced by $100,000.

It was decided in the negative ..... { Yeas ..... 89 / Nays ..... 342 }

¶93.35 [Roll No. 559]

AYES—89

Bachmann
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Buyer
Campbell
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Matheson
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Sullivan
Thornberry
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Bordallo
Faleomavaega
Kennedy
Lucas
Pence
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Commercial Driver Training Institute project of Arkansas State University in Newport, Arkansas, and the amount otherwise provided in such section is hereby reduced by $200,000.

It was decided in the negative ..... { Yeas ..... 115 / Nays ..... 314 }

¶93.37 [Roll No. 560]

AYES—115

Akin
Austria
Bachmann
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—314

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin

Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Bordallo
Faleomavaega
Kennedy
Lucas
Olver
Pence
Rogers (KY)
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Proof of Concept Center of Idaho TechConnect, Inc., in Nampa, Idaho, and the amount otherwise provided in such section is hereby reduced by $285,000.

It was decided in the negative ..... { Yeas ..... 94 / Nays 336

¶93.39 [Roll No. 561]

AYES—94

Austria
Bachmann
Bishop (UT)
Blackburn
Boozman
Boustany
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Campbell
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gohmert
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCaul
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Perlmutter
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—336

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Bordallo
Boucher
Ellison
Faleomavaega
Lucas
Pence
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.40 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment

numbered 10, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Greenstone Group project of the Northeast Entrepreneur Fund in Virginia, Minnesota, and the amount otherwise provided in such section is hereby reduced by $200,000.

It was decided in the negative ..... { Yeas ..... 93 / Nays 337

¶93.41 [Roll No. 562]

AYES—93

Austria
Bachmann
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Myrick
Neugebauer
Nunes
Olson
Paul
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOES—337

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Bordallo
Faleomavaega
LaTourette
Lucas
Meeks (NY)
Pence
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.42 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Green Business Incubator project of Montgomery County, Maryland, and the amount otherwise provided in such section is hereby reduced by $150,000.

It was decided in the negative ..... { Yeas ..... 114 / Nays 318

¶93.43 [Roll No. 563]

AYES—114

Akin
Bachmann
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Young (AK)

NOES—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—7

Barrett (SC)
Bordallo
Faleomavaega
Lucas
Pence
Scott (VA)
Velázquez

So the amendment was not agreed to.

¶93.44 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Activity Based Total Accountability project of the Florida Institute of Technology in Melbourne, Florida, and the amount otherwise provided in such section is hereby reduced by $100,000.

It was decided in the negative ..... { Yeas ..... 102; Nays ..... 326; Answered present 1

¶93.45 [Roll No. 564]

AYES—102

Austria
Bachmann
Barton (TX)
Biggert
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Dent
Duncan
Ehlers
Fallin
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Paul
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Young (AK)

NOES—326

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—1

Fleming

NOT VOTING—10

Barrett (SC)
Bordallo
Eshoo
Faleomavaega
Gordon (TN)
Kennedy
Lucas
McCollum
Pence
Scott (VA)

So the amendment was not agreed to.

¶93.46 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Commercial Kitchen Business Incubator project of the El Pajaro Community Development Corporation in Watsonville, California, and the amount otherwise provided in such section is hereby reduced by $90,000.

It was decided in the negative ..... { Yeas ..... 120; Nays 311

¶93.47 [Roll No. 565]

AYES—120

Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves

Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Tierney
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (AK)

NOES—311

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—8

Barrett (SC)
Bordallo
Christensen
Faleomavaega
Lucas
Markey (MA)
Pence
Scott (VA)

So the amendment was not agreed to.

¶93.48 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 14, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Defense Procurement Assistance Program of the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by $125,000.

It was decided in the negative { Yeas ..... 119 / Nays ..... 312 }

¶93.49 [Roll No. 566]

AYES—119

Austria
Bachmann
Bachus
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Speier
Stearns
Sullivan
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—312

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Bordallo
Culberson
Faleomavaega
Lucas
Norton
Pence
Scott (VA)

So the amendment was not agreed to.

¶93.50 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 15, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Myrtle Beach International Trade and Conference Center of the City of Myrtle Beach, South Carolina, and the amount otherwise provided in such section is hereby reduced by $100,000.

It was decided in the negative ..... { Yeas ..... 99 / Nays 332

¶93.51 [Roll No. 567]

AYES—99

Akin
Austria
Bachmann
Barton (TX)
Bean
Blackburn
Boehner
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Speier
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Westmoreland

NOES—332

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Bordallo
Faleomavaega
Gohmert
Lucas
McKeon
Pence
Scott (VA)

So the amendment was not agreed to.

¶93.52 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 16, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for ''Small Business Administration—Salaries and Expenses'' shall be available for the Tech Belt Life Sciences Greenhouse project of the Pittsburgh Life Sciences Greenhouse in Pittsburgh, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by $100,000.

It was decided in the negative ..... { Yeas ..... 104 / Nays 325

¶93.53 [Roll No. 568]

AYES—104

Akin
Austria
Bachmann
Biggert
Blackburn
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walden
Westmoreland
Wilson (SC)
Wittman

NOES—325

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver

Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Blumenauer
Bordallo
Faleomavaega
King (IA)
Linder
Lucas
McCarthy (NY)
Pence
Scott (VA)

So the amendment was not agreed to.

¶93.54 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17, printed in House Report 111-208, submitted by Mr. FLAKE:

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 ''Small Business Administration—Salaries and Expenses'' shall be available for an infrastructure expansion project to promote small business of the City of Loma Linda and the City of Grand Terrace, California, and the amount otherwise provided in such section is hereby reduced by $900,000.

It was decided in the negative ..... { Yeas ..... 74 / Nays 356

¶93.55 [Roll No. 569]

AYES—74

Bachmann
Barrow
Blackburn
Boehner
Boustany
Bright
Broun (GA)
Burgess
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Luetkemeyer
Lummis
Marchant
McCaul
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Paul
Petri
Pitts
Price (GA)
Rohrabacher
Ryan (WI)
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Thornberry
Tiberi
Westmoreland
Wilson (SC)

NOES—356

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Bordallo
Faleomavaega
Gohmert
Linder
Lucas
McCarthy (NY)
Pence
Scott (VA)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. HOLDEN, Acting Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 644, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 6, line 25, after the dollar amount insert ''(increased by $15,000,000)''.

Page 57, line 24, insert ''(increased by $4,875,000)'' after the dollar amount.

Page 63, line 6, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 64, line 5, after the first dollar amount insert ''(reduced by $15,000,000)''.

Page 64, line 5, insert ''(reduced by $5,125,000'' after the first dollar amount.

Page 68, line 11, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 68, line 11, insert ''(reduced by $2,875,000)'' after the dollar amount.

Page 68, line 13, insert ''(reduced by $2,250,000)'' after the dollar amount.

Page 79, line 21, insert ''(increased by $250,000)'' after the dollar amount.

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

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for first-class travel by the employees of Federal departments and agencies in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. TIAHRT moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

Page 143, line 8, strike ''Federal''.

Pending consideration of said motion to recommit with instructions the bill,

¶93.56 POINT OF ORDER

Mr. SERRANO made a point of order against consideration of the motion to recommit, and said:

''Mr. Speaker, I make a point of order against the motion under clause 2 of rule XXI. Although the instructions in the motion propose to amend a legislative limitation permitted to remain, it does not propose to merely perfect that language, but adds further legislation.

''The instructions would broaden the application of the provision to include the District of Columbia funds and would not be in order under clause 2 of rule XXI.

''And I ask for a ruling from the Chair.''.

Mr. TIAHRT was recognized to speak to the point of order and said:

''Mr. Speaker, first of all, this is a restriction of funds on this amendment. So I think it should be considered as in order on that.

''But further, we have a constitutional requirement to oversee the expenditure of funds in the District of Columbia. It has been said that we are sidestepping our responsibility, or overstepping our responsibility by becoming mayor and city council member for the District of Columbia. But, in fact, we have a constitutional requirement to deal with the finances of the District of Columbia.

''We also have many people who have asked to have an opportunity to reduce the number of abortions. So in your point of order, it's very clear that since it's a restriction of funds, since we have had so many people ask for a clean vote on this, that I would urge the Speaker to make this motion to recommit in order so that we can have this clean, up-or-down vote on the restriction of funds on this spending bill.''.

The SPEAKER pro tempore, Mr. WEINER, sustained the point of order, and said:

''Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amendment effecting further legislation is not in order.

''The amendment proposed in the instant motion to recommit offered by the gentleman from Kansas is unlike the amendment addressed in the precedent of May 25, 1959, recorded in Deschler's Precedents at volume 8, chapter 26, section 22.11, which was held in order as merely perfecting because it simply narrowed the sweep of a limitation in the bill.

''Instead, the precedent of November 15, 1989, recorded in section 1054 of the House Rules and Manual, is more pertinent. Indeed, the 1989 precedent is controlling. In that situation, as here, a legislative provision applicable to Federal funds—a limitation adorned with legislative exceptions—was permitted to remain in the general appropriations bill including funding for the District of Columbia. An amendment striking the word ''Federal'' was held to broaden the legislative provision to address District of Columbia funds as well.

''On these premises, the Chair holds that the amendment proposed in the motion to recommit—even if it had been considered in the Committee of the Whole—presents a violation of clause 2(c) of rule XXI. The point of order is sustained. The motion is not in order.''.

Mr. TIAHRT appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. SERRANO moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. TIAHRT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 225 / Nays ..... 195 }

¶93.57 [Roll No. 570]

AYES—225

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble

Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Oberstar
Olson
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Hensarling
Herger
King (IA)
Linder
Lucas
Markey (MA)
Pence
Scott (VA)
Sherman
Shuster
Sullivan
Welch

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219; Nays ..... 208; Answered present 1

¶93.58 [Roll No. 571]

YEAS—219

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—208

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Paul
Paulsen
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Buchanan

NOT VOTING—5

Barrett (SC)
Lucas
Pence
Perlmutter
Scott (VA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.59 H. RES. 476—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 476) celebrating the 30th anniversary of June as ''Black Music Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418; Nays 0

¶93.60 [Roll No. 572]

YEAS—418

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Barrett (SC)
Boehner
Delahunt
Gohmert
Harman
Lucas
McHugh
Miller, Gary
Murtha
Pence
Radanovich
Scott (VA)
Serrano
Yarmuth

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution celebrating the goals and ideals of 'Black Music Month'.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶93.61 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶93.62 PROVIDING FOR CONSIDERATION OF H.R. 1018

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–212) the resolution (H. Res. 653) providing for consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶93.63 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO FORMER LIBERIAN REGIME

The SPEAKER pro tempore, Mr. KRATOVIL, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2009.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.

THE WHITE HOUSE, JULY 16, 2009.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–58).

¶93.64 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 509. An Act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes; to the Committee on Veterans' Affairs.

¶93.65 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today through July 22 until 2 p.m.;

To Mr. PENCE, for today; and

To Mr. YOUNG of Florida, for today until 3 p.m.

And then,

¶93.66 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 55 minutes p.m., the House adjourned.

¶93.67 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the

House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

JUDY CHU, California, Thirty-Second.

¶93.68 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1196. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (Rept. 111–210). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1604. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; with an amendment (Rept. 111–211). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN. Committee on Rules. House Resolution 653. Resolution providing for the consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes (Rept. 111–212). Referred to the House Calendar.

¶93.69 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HODES:

H.R. 3230. A bill to establish within the National Science Foundation the Innovation Inspiration school grant program, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. BACHUS, Mr. BUYER, Mr. YOUNG of Alaska, Mr. PRICE of Georgia, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. ROHRABACHER, Mr. HENSARLING, Mrs. MYRICK, Mr. WOLF, Mrs. BLACKBURN, Mr. KIRK, Mr. LINDER, Mr. LOBIONDO, Mr. TERRY, Mr. PLATTS, Mr. SHUSTER, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. MCHENRY, Mrs. BACHMANN, Mr. BUCHANAN, Mr. LAMBORN, and Mr. BROUN of Georgia):

H.R. 3231. A bill to refund United States taxpayer dollars expended on the Durban Review Conference, and for other purposes; to the Committee on Foreign Affairs.

By Ms. KILROY (for herself, Mr. SHERMAN, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3232. A bill to amend the Emergency Economic Stabilization Act of 2008 to require certain warrants held by the Secretary of the Treasury to be sold at public auction upon the repayment of the associated assistance provided under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mrs. LUMMIS (for herself and Mrs. KIRKPATRICK of Arizona):

H.R. 3233. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit the annual cost of appropriation earmarks and to make them more predictable, equitable, and transparent; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3234. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER:

H.R. 3235. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 3236. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 3237. A bill to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. HINOJOSA):

H.R. 3238. A bill to increase access to adult education to provide for economic growth; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona (for herself and Ms. LORETTA SANCHEZ of California):

H.R. 3239. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. POE of Texas, Mr. MOLLOHAN, Mr. SENSENBRENNER, Mr. WOLF, Mr. INGLIS, Ms. LORETTA SANCHEZ of California, and Mr. FORTENBERRY):

H.R. 3240. A bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 3241. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. MURPHY of Connecticut, and Ms. BALDWIN):

H.R. 3242. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. SARBANES (for himself and Mr. GALLEGLY):

H.R. 3243. A bill to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF:

H.R. 3244. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CONYERS, Mr. RANGEL, Mr. NADLER of New York, Ms. ZOE LOFGREN of California, Mr. PIERLUISI, Mr. WEINER, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. GRIJALVA, Mr. PAUL, Mr. MORAN of Virginia, Ms. NORTON, and Mr. QUIGLEY):

H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 651. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LARSEN of Washington (for himself, Mr. INSLEE, Mr. DICKS, Mr. BAIRD, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. REICHERT, Mr. SMITH of Washington, Mr. MCDERMOTT, and Mr. REHBERG):

H. Res. 652. A resolution recognizing the 150th anniversary of the Pig War crisis; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. HOYER, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. ISSA, Mr. CARSON of Indiana, Mr. MCMAHON, Mr. DINGELL, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. PAYNE, Mr. CLYBURN, Ms. WATSON, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Mr. MEEK of Florida, and Ms. ROS-LEHTINEN):

H. Res. 654. A resolution honoring the Organization for Security and Cooperation in Europe Mediterranean Partners for Cooperation and for other purposes; to the Committee on Foreign Affairs.

By Mr. LUJÁN (for himself, Mr. TEAGUE, and Mr. HEINRICH):

H. Res. 655. A resolution recognizing the historical significance of the city of Santa Fe; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN:

H. Res. 656. A resolution supporting the goals and ideals of ''National Inflammatory Skin Disease Awareness Month''; to the Committee on Energy and Commerce.

¶93.70 MEMORIALS

Under clause 4 of rule XXII,

116. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 15 expressing support for the decision by the United States Fish and Wildlife Service to delist the gray wolf and urging the Montana Department of Fish, Wildlife, and Parks to defend the decision to delist the gray wolf against any legal challenge; to the Committee on Natural Resources.

¶93.71 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. JACKSON-LEE of Texas.
H.R. 39: Mr. OLVER and Mr. BLUMENAUER.
H.R. 48: Mr. MCCOTTER.
H.R. 147: Mr. KUCINICH and Mr. MURPHY of Connecticut.
H.R. 197: Mr. BURGESS and Mr. GRIFFITH.
H.R. 442: Mr. SULLIVAN and Mr. BLUNT.
H.R. 444: Mrs. MCCARTHY of New York, Ms. HIRONO, Mr. ACKERMAN, and Mr. SALAZAR.
H.R. 564: Mr. HONDA and Ms. ESHOO.
H.R. 610: Mr. GRAYSON.
H.R. 682: Mr. THOMPSON of California.
H.R. 690: Mr. PASCRELL.
H.R. 836: Mr. PAULSEN, Ms. MATSUI, Mr. KLINE of Minnesota, and Mr. LEWIS of California.
H.R. 855: Mr. WALZ, Mr. RADANOVICH, and Mr. GRAYSON.
H.R. 1020: Mr. CLEAVER.
H.R. 1034: Mr. LEE of New York and Mr. JONES.
H.R. 1058: Mr. GERLACH.
H.R. 1067: Mr. BONNER.
H.R. 1074: Mr. HOEKSTRA, Mr. SULLIVAN, and Mr. AUSTRIA.
H.R. 1101: Mr. FILNER.
H.R. 1103: Mr. GRAYSON.
H.R. 1132: Mr. ROGERS of Michigan, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BOCCIERI, Mr. STUPAK, Mr. FLEMING, Mr. LATTA, Mrs. MCMORRIS RODGERS, and Mr. BISHOP of Utah.
H.R. 1158: Ms. MATSUI.
H.R. 1250: Mr. SHIMKUS, Mr. KIRK, Mr. DRIEHAUS, Mr. PAUL, Mrs. MYRICK, and Mr. DAVIS of Alabama.
H.R. 1255: Mr. MCCAUL.
H.R. 1351: Mr. LARSEN of Washington and Mrs. MCMORRIS RODGERS.
H.R. 1441: Mr. CLEAVER and Mr. PASTOR of Arizona.
H.R. 1458: Mr. MAFFEI and Mr. SCALISE.
H.R. 1468: Mr. CARTER, Mr. MARCHANT, Mr. OLSON, and Mr. CONAWAY.
H.R. 1479: Mr. PAYNE.
H.R. 1520: Ms. BALDWIN.
H.R. 1522: Mr. CONNOLLY of Virginia and Mr. MURPHY of Connecticut.
H.R. 1547: Mr. BACHUS and Mr. GOODLATTE.
H.R. 1548: Mr. CAMPBELL, Mr. CARTER, Mr. SPACE.
H.R. 1618: Ms. SCHWARTZ and Mr. HEINRICH.
H.R. 1621: Mr. TIAHRT.
H.R. 1639: Mr. FILNER and Mr. BISHOP of New York.
H.R. 1798: Mr. PAUL.
H.R. 1826: Mr. KIND.
H.R. 1829: Ms. MCCOLLUM and Mr. ABERCROMBIE.
H.R. 1831: Mr. TIAHRT, Mr. INSLEE, Mr. TIBERI, Mr. COLE, and Mr. HEINRICH.
H.R. 1887: Mr. RAHALL and Mr. MOORE of Kansas.
H.R. 1894: Mr. GOHMERT.
H.R. 1969: Mr. COBLE.
H.R. 1977: Mr. GRAYSON.
H.R. 2000: Mr. STARK, Mr. FILNER, Mr. DICKS, Mr. PASTOR of Arizona, and Mr. LARSEN of Washington.
H.R. 2024: Mr. COHEN.
H.R. 2030: Mr. WU, Mr. OLVER, and Mr. DRIEHAUS.
H.R. 2035: Mr. CHILDERS.
H.R. 2058: Mr. FRANK of Massachusetts.
H.R. 2084: Mr. PASTOR of Arizona, Mr. MCCOTTER.
H.R. 2124: Mr. GOODLATTE and Mr. KIND.
H.R. 2129: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2137: Mr. MCGOVERN, Mr. OLVER, and Mr. COHEN.
H.R. 2176: Mr. ARCURI.
H.R. 2181: Mr. GRIJALVA.
H.R. 2213: Mrs. MALONEY.
H.R. 2245: Mr. GALLEGLY.
H.R. 2296: Mr. BROUN of Georgia, Mr. HODES, Mr. HIGGINS, and Mr. SULLIVAN.
H.R. 2328: Mr. TONKO and Mr. BARTLETT.
H.R. 2350: Mr. HIMES and Mr. LATHAM.
H.R. 2419: Mr. BLUMENAUER and Mr. CONNOLLY of Virginia.
H.R. 2427: Mr. KUCINICH.
H.R. 2447: Mr. MURPHY of New York.
H.R. 2452: Mr. MEEK of Florida and Mr. FLEMING.
H.R. 2474: Ms. WATERS and Ms. LEE of California.
H.R. 2478: Mr. CARSON of Indiana.
H.R. 2492: Mrs. MALONEY.
H.R. 2499: Ms. DEGETTE.
H.R. 2523: Mr. SALAZAR.
H.R. 2529: Mr. BACHUS.
H.R. 2553: Mr. ELLSWORTH.
H.R. 2558: Mr. MCGOVERN and Mr. RYAN of Ohio.
H.R. 2578: Mr. ISRAEL.
H.R. 2648: Mr. HILL and Mr. VISCLOSKY.
H.R. 2681: Mr. PIERLUISI.
H.R. 2698: Mr. BOREN and Mr. BRADY of Pennsylvania.
H.R. 2699: Ms. JACKSON-LEE of Texas, and Mr. BRADY of Pennsylvania.
H.R. 2733: Mr. KLEIN of Florida.
H.R. 2743: Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SNYDER, Mr. CARTER,
Mr. TIERNEY, Mr. CUMMINGS, Mrs. MILLER of Michigan, Mr. THOMPSON of California, Ms. DEGETTE, Mrs. BLACKBURN, Mr. CARDOZA, Ms. SCHAKOWSKY, Mr. ROSKAM, Mr. WALZ, Mr. POLIS of Colorado, and Mr. COHEN.
H.R. 2773: Mr. PAYNE.
H.R. 2891: Mr. FRANK of Massachusetts and Mr. WELCH.
H.R. 2927: Mr. COBLE.
H.R. 2941: Ms. VELÁZQUEZ and Mrs. DAVIS of California.
H.R. 3003: Mr. SARBANES.
H.R. 3017: Mr. LYNCH.
H.R. 3018: Mr. POE of Texas.
H.R. 3042: Mr. FARR and Mr. GRIJALVA.
H.R. 3074: Ms. MCCOLLUM.
H.R. 3076: Mr. CONYERS and Mr. ISRAEL.
H.R. 3092: Mr. COHEN, Ms. MATSUI, and Mr. BERRY.
H.R. 3094: Ms. JACKSON-LEE of Texas.
H.R. 3167: Mr. HOEKSTRA, Ms. FALLIN, Mr. PENCE, Mr. CONAWAY, Mr. SHADEGG, Mr. ISSA, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. PITTS, and Mr. GARRETT of New Jersey.
H.R. 3173: Ms. BEAN and Mr. MCCOTTER.
H.R. 3200: Mr. KILDEE.
H.R. 3202: Ms. SCHAKOWSKY, Ms. EDWARDS of Maryland, and Mrs. NAPOLITANO.
H.R. 3226: Mr. SMITH of Texas, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. COBLE, and Mr. BARTLETT.
H.J. Res. 42: Mr. CASSIDY and Mr. HALL of Texas.
H.J. Res. 56: Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. KIRK, Ms. ZOE LOFGREN of California, and Mr. SOUDER.
H. Con. Res. 49: Mr. CASSIDY, Mr. HARPER, and Mr. MOLLOHAN.
H. Con. Res. 51: Ms. FUDGE, Mr. LATOURETTE, Mr. PASCRELL, and Mr. PETERS.
H. Con. Res. 70: Mr. TURNER.
H. Con. Res. 87: Mr. KIRK and Mr. PETERSON.
H. Con. Res. 128: Mr. THORNBERRY.
H. Con. Res. 163: Ms. BORDALLO, Ms. NORTON, Ms. ZOE LOFGREN of California, Ms. CASTOR of Florida, and Ms. EDWARDS of Maryland.
H. Res. 55: Mr. LATHAM.
H. Res. 111: Ms. JACKSON-LEE of Texas.
H. Res. 185: Mr. TURNER.
H. Res. 199: Mr. TIBERI.
H. Res. 288: Mr. INSLEE, Mrs. LUMMIS, and Mr. BROWN of South Carolina.
H. Res. 397: Mr. HARPER.
H. Res. 416: Mr. AL GREEN of Texas.
H. Res. 459: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FOSTER, Mr. GRAYSON, Mr. HELLER, Mr. HENSARLING, Mr. JORDAN of Ohio, Mr. LIPINSKI, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCHENRY, Mr. PAYNE, Mr. QUIGLEY, Ms. SCHAKOWSKY, Mr. SHUSTER, Mr. SESTAK, and Mr. SHIMKUS.
H. Res. 487: Mr. STUPAK.
H. Res. 512: Mr. HIGGINS.
H. Res. 550: Mr. AL GREEN of Texas.
H. Res. 557: Mr. KLINE of Minnesota.
H. Res. 574: Mr. BAIRD.
H. Res. 586: Mr. HONDA, Mr. MCGOVERN, Ms. BORDALLO, and Mr. CONYERS.
H. Res. 593: Mr. BLUMENAUER, Mr. STARK, and Ms. SPEIER.
H. Res. 599: Mr. CAPUANO, Mr. DELAUNT, Mr. OLVER, Mr. MCGOVERN, Ms. SHEA-PORTER, and Mr. FRANK of Massachusetts.
H. Res. 615: Mr. HUNTER, Mrs. BACHMANN, Mr. MCCAUL, Mr. CULBERSON, Mr. ROONEY, Mr. BROUN of Georgia, and Mr. STEARNS.
H. Res. 619: Mr. PUTNAM and Mr. SMITH of Texas.
H. Res. 630: Mr. JACKSON of Illinois and Ms. WATERS.
H. Res. 639: Mr. COBLE.

¶93.72 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. KAGEN.

FRIDAY, JULY 17, 2009 (94)

¶94.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, who laid before the House the following communication:

WASHINGTON, DC,
July 17, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶94.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced she had examined and approved the

Journal of the proceedings of Thursday, July 16, 2009.

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

¶94.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2706. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — User Fees; Export Certification for Plants and Plant Products [Docket No.: APHIS-2006-0137] (RIN: 0579-AC22) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2707. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist [Docket No.: APHIS-2006-0189] (RIN: 0579-AC67) received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2708. A letter from the Board of Governors, Federal Reserve System, transmitting the nineteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

2709. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 036-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2710. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 071-09, certification of an application for a license for the export of defense articles or defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2711. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 037-09, certification of a proposed manufacturing license agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2712. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 061-09, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2713. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 040-09, certification of a proposed manufacturing license agreement for the export of defense services and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2714. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Government of Belgium (Transmittal No. RSAT-09-1798); to the Committee on Foreign Affairs.

2715. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 072-09, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2716. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 058-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2717. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2718. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 055-09, certification of a proposed amendment to a manufacturing license agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2719. A letter from the Assistant Secretary, Verification, Compliance and Implementation, Department of State, transmitting A report concerning an amendment to Parts 123, 124, 126, and 129 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. 2778 et seq, pursuant to 5 U.S.C. 801; to the Committee on Foreign Affairs.

2720. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's weekly reports for the April 15, 2009 to June 15, 2009 reporting period on matters relating to post-liberation Iraq, pursuant to Pub. L. 105-338, Sec. 7; to the Committee on Foreign Affairs.

2721. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2722. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2008 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2723. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Home Affordable Modification Program (Rev. Rul. 2009-19) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2724. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated June 22, 2009); jointly to the Committees on Armed Services and Appropriations.

2725. A letter from the Chairman and Vice Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's report on their May 20, 2009 public hearing on ''The Impact of China's Economic and Security Interests in Continental Asia on the United States'', pursuant to Public Law 109-108, section 635(a); jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

2726. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1831-DR for the State of Florida, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

¶94.4 PROVIDING FOR CONSIDERATION OF H.R. 1018

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 653):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in part A of the report of the Committee on Rules, if offered by Representative Rahall of West Virginia or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; (3) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Hastings of Washington or his designee, which shall be considered as read and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments specified in the first section of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶94.5 PRIVILEGES OF THE HOUSE

Mr. WALDEN of Oregon, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas the gentleman from Oregon, Mr. Walden, submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations,

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

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

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

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

''In evaluating the resolution offered by the gentleman from Oregon under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. The basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

''The Chair finds that the resolution offered by the gentleman from Oregon, by proposing directly to amend House Resolution 644, prescribes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 9, 2009, such a resolution cannot qualify as a question of the privileges of the House.

''The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.''.

Mr. WALDEN of Oregon, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. McGOVERN moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. WALDEN of Oregon, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 238 / Nays ..... 174 }

¶94.6 [Roll No. 573]

YEAS—238

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—21

Ackerman
Barrett (SC)
Cantor
Eshoo
Graves
Gutierrez
Hinojosa
Kildee
Lucas
McCarthy (CA)
McCarthy (NY)
Miller, Gary
Murphy, Patrick
Reyes
Richardson
Schakowsky
Sutton
Taylor
Wasserman Schultz
Westmoreland
Young (AK)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶94.7 H. RES. 653—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 653) providing for consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 188

¶94.8 [Roll No. 574]

YEAS—232

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Barrett (SC)
Braley (IA)
Ellison
Gohmert
Graves
Kind
Lucas
Miller, Gary
Nadler (NY)
Rangel
Taylor
Westmoreland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 186

¶94.9 [Roll No. 575]

YEAS—236

Abercrombie
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins

Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Barrett (SC)
Brady (TX)
Gohmert
Gonzalez
Graves
LaTourette
Lucas
Miller, Gary
Taylor
Westmoreland

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶94.10 AMERICAN MUSTANGS

Mr. RAHALL, pursuant to House Resolution 653, called up for consideration the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 653, the amendment in the nature of a substitute, recommended by the Committee on Natural Resources printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 653, the following further amendment, printed in Part A of House Report 111-212, was submitted by Mr. RAHALL:

Page 6, line 20, insert ‘‘, to the extent practicable,’’ after ‘‘ensure that’’.

Page 11, line 4, before ‘‘surgical’’ insert ‘‘fertility control for mares, stallions, or both, such as’’.

Page 11, line 5, insert ‘‘, humane, and effective’’ after ‘‘safe’’.

Page 12, line 11, strike ‘‘and’’ and all that follows through line 12, and insert ‘‘or their remains shall not be sold or transferred for consideration for processing into commercial products; and’’.

Page 17, line 6, strike ‘‘at a minimum’’.

Page 19, line 22, strike ‘‘immunocontraception’’ and insert ‘‘fertility control’’.

After debate,

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the ayes had it.

So the further amendment was agreed to.

Pursuant to House Resolution 653, the following further amendment in the nature of a substitute, printed in Part B of House Report 111-212, was submitted by Mr. HASTINGS of Washington:

Strike all after the enacting clause and insert the following:

SECTION 1. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) IN GENERAL.—Section 3(d)(5) of Public Law 92–195 (16 U.S.C. 1333(d)(5)) is amended—

(1) by striking the period and inserting the following: ‘‘*Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.’’; and

(2) by striking subsection (e).

(b) CRIMINAL PROVISIONS.—Section (8)(a)(4) of Public Law 92–195 (16 U.S.C. 1338(a)(4)) is amended by striking ‘‘except as provided in section 3(e),’’.

After debate,

Pursuant to House Resolution 653, the previous question was ordered on the bill, as amended, the further amendment, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 74 / Nays 348

¶94.11 [Roll No. 576]

YEAS—74

Aderholt
Altmire
Arcuri
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Boehner
Bono Mack
Boucher
Boustany
Buchanan
Burgess
Cao
Capito
Carney
Carson (IN)
Coffman (CO)
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fleming
Forbes
Foxx
Giffords
Guthrie
Hall (TX)
Hastings (WA)
Heller
Herseth Sandlin
Johnson, Sam
Kosmas
Lamborn
Lee (NY)
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
McClintock
McHugh
McIntyre
McMorris Rodgers
Mica
Murphy, Tim
Myrick
Paulsen
Perriello
Pitts
Posey
Radanovich
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Sanchez, Loretta
Scalise
Schmidt
Shuler
Tanner
Thompson (PA)
Tiberi
Turner
Wamp
Wilson (SC)
Wolf
Young (FL)

NAYS—348

Abercrombie
Adler (NJ)
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capps
Capuano
Cardoza
Carnahan
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rohrabacher
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark

Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—11

Ackerman
Barrett (SC)
Bishop (UT)
Coble
Graves
Lucas
Miller, Gary
Shea-Porter
Slaughter
Taylor
Westmoreland

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mrs. BIGGERT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 185

¶94.12 [Roll No. 577]

AYES—239

Abercrombie
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Campbell
Cao
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Platts
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NOES—185

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrow
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Camp
Cantor
Capito
Cardoza
Carter
Cassidy
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Davis (TN)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hoekstra
Hunter
Inglis
Jenkins
Johnson (GA)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Ryan (WI)
Salazar
Sanchez, Loretta
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tanner
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Walz
Wamp
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—9

Ackerman
Barrett (SC)
Coble
Graves
Lucas
Miller, Gary
Schock
Taylor
Westmoreland

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.13 ENERGY AND WATER APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 645 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Mr. TIERNEY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶94.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in Part A of House Report 111-209, submitted by Mr. HEINRICH:

In section 307, strike ''6 percent'' and insert ''7 percent''.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays ..... 0 / Answered present 1

¶94.15 [Roll No. 578]

AYES—424

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)

Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Visclosky

NOT VOTING—14

Ackerman
Barrett (SC)
Bordallo
Cassidy
Coble
Faleomavaega
Graves
Lucas
Miller, Gary
Peterson
Pierluisi
Rush
Taylor
Westmoreland

So the amendment was agreed to.

¶94.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in Part A of House Report 111-209, submitted by Mr. CAO:

Page 62, line 15, strike ''90'' and insert ''60''.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 1

¶94.17 [Roll No. 579]

AYES—423

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

NOES—1

Nadler (NY)

NOT VOTING—15

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Gohmert
Graves
Harman
Lucas
Miller, Gary
Peterson
Pierluisi
Roskam
Taylor
Westmoreland

So the amendment was agreed to.

¶94.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in Part A of House Report 111-209, submitted by Mrs. BLACKBURN:

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

SEC. ____. Percentage Reduction of Total Funds.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise

made available by a provision of law is hereby reduced by 5 percent.

It was decided in the negative ..... { Yeas ..... 167 / Nays 259

¶94.19 [Roll No. 580]

AYES—167

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Castor (FL)
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—259

Abercrombie
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—13

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves
Lucas
Meek (FL)
Miller, Gary
Pierluisi
Slaughter
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 111-209, submitted by Mr. CAMPBELL:

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

SEC. ___. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Housatonic River Net-Zero Energy Building project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,000,000.

It was decided in the negative ..... { Yeas ..... 121 / Nays 303

¶94.21 [Roll No. 581]

AYES—121

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman

NOES—303

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)

Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves
Lucas
Miller, Gary
Pierluisi
Polis (CO)
Taylor
Tierney
Tsongas
Waters
Westmoreland

So the amendment was not agreed to.

¶94.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Maret Center project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,500,000.

It was decided in the negative { Yeas ..... 89 / Nays 338

¶94.23 [Roll No. 582]

AYES—89

Austria
Bean
Bilbray
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boustany
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Campbell
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Thornberry
Tiberi
Wilson (SC)

NOES—338

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Gohmert
Graves
Lucas
Miller, Gary
Pierluisi
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Consortium for Plant Biotechnology Research, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $3,000,000.

It was decided in the negative { Yeas ..... 89 / Nays 335

¶94.25 [Roll No. 583]

AYES—89

Akin
Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Dent
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCaul
McClintock
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)

Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Thornberry
Wamp
Wilson (SC)
Wittman

NOES—335

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Barrett (SC)
Berkley
Bordallo
Coble
Faleomavaega
Graves
Harman
Lucas
Miller, Gary
Pierluisi
Roybal-Allard
Stark
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. ___. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Ethanol from Agriculture project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $500,000.

It was decided in the negative ..... { Yeas ..... 102 / Nays 318

¶94.27 [Roll No. 584]

AYES—102

Adler (NJ)
Akin
Bachmann
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Mitchell
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Speier
Stearns
Sullivan
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)

NOES—318

Abercrombie
Aderholt
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko

Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Barrett (SC)
Becerra
Bordallo
Buchanan
Coble
Faleomavaega
Graves
Honda
Lucas
Maloney
Miller, Gary
Myrick
Pierluisi
Schock
Souder
Space
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. __. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Fort Mason Center Pier 2 project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $2,000,000.

It was decided in the negative ..... { Yeas ..... 125 / Nays ..... 301 }

¶94.29 [Roll No. 585]

AYES—125

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman
Young (AK)

NOES—301

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Ackerman
Barrett (SC)
Bordallo
Brady (TX)
Coble
Faleomavaega
Graves
Lucas
Miller, Gary
Olver
Pierluisi
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Whitworth University Stem Equipment project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $300,000.

It was decided in the negative ..... { Yeas ..... 81 / Nays ..... 341 }

¶94.31 [Roll No. 586]

AYES—81

Bachmann
Bean
Bishop (NY)
Blackburn
Boehner
Boustany
Bright
Broun (GA)
Burton (IN)
Campbell
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCaul
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Sullivan
Thornberry
Tiberi
Upton
Wilson (SC)

NOES—341

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)

Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Barrett (SC)
Bordallo
Coble
Costa
Faleomavaega
Graves
Lucas
Miller, Gary
Murphy (CT)
Pierluisi
Roybal-Allard
Schrader
Taylor
Tsongas
Van Hollen
Westmoreland

So the amendment was not agreed to.

¶94.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in Part C of House Report 111-209, submitted by Mr. FLAKE:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Projects—Energy Efficiency and Renewable Energy'' shall be available for the Boston Architectural College's Urban Sustainability Initiative, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $1,600,000.

It was decided in the negative ..... { Yeas ..... 111 / Nays 316

¶94.33 [Roll No. 587]

AYES—111

Akin
Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)

NOES—316

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Barrett (SC)
Bordallo
Braley (IA)
Coble
Faleomavaega
Graves
Lucas
Miller, Gary
Pierluisi
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.34 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part D of House Report 111-209, submitted by Mr. HENSARLING:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' shall be available for the Energy Conservation and Efficiency Upgrade of HVAC Controls project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by $500,000.

It was decided in the negative { Yeas ..... 133 / Nays ..... 290 }

¶94.35 [Roll No. 588]

AYES—133

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman

NOES—290

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves
Gutierrez
Lucas
McMahon
Miller, Gary
Pierluisi
Ruppersberger
Schrader
Taylor
Waxman
Westmoreland

So the amendment was not agreed to.

¶94.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part D of House Report 111-209, submitted by Mr. HENSARLING:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Corps of Engineers-Civil—Construction'' shall be available for the Pier 36 Removal project in California, and the aggregate amount otherwise provided under such heading is hereby reduced by $6,220,000.

It was decided in the negative { Yeas ..... 128 / Nays ..... 299 }

¶94.37 [Roll No. 589]

AYES—128

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman
Young (AK)

NOES—299

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski

Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—12

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves
Lucas
Miller, Gary
Pierluisi
Souder
Taylor
Westmoreland

So the amendment was not agreed to.

¶94.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part D of House Report 111-209, submitted by Mr. HENSARLING:

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

SEC. ____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading ''Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability'' shall be available for the Automated Remote Electric and Water Meters in South River project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Electricity Delivery and Energy Reliability Projects) are each hereby reduced by $500,000.

It was decided in the negative ..... { Yeas ..... 119 / Nays 308

¶94.39 [Roll No. 590]

AYES—119

Akin
Austria
Bachmann
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman

NOES—308

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves
Lucas
McKeon
Miller, Gary
Pierluisi
Taylor
Westmoreland

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. ALTMIRE, assumed the Chair.

When Mr. TIERNEY, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 645, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 3, line 24, after the dollar amount, insert ''(increased by $14,000,000)''.

Page 3, line 24, after the dollar amount, insert ''(increased by $7,000,000)''.

Page 6, line 25, after the dollar amount, insert ''(increased by $1,800,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $7,000,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $14,000,000)''.

Page 7, line 14, after the dollar amount, insert ''(reduced by $10,800,000)''.

Page 17, line 17, strike the period and insert the following: ''; *Provided further*, That $5,000,000 of the funds appropriated under this heading shall be available for the 'Power Program Services' to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.''.

Page 18, line 14, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 19, line 9, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 23, line 2, after the dollar amount insert ''(increased by $5,000,000)''.

Page 23, line 2, after the dollar amount, insert ''(increased by $45,000,000)''.

Page 23, line 2, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 24, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 35, line 15, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 35, line 15, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 9, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 36, line 9, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 40, line 7, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 60, line 4, after the dollar amount, insert ''(increased by $2,500,000)''.

Page 62, line 15, strike ''90'' and insert ''60''.

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

SEC. 503. LIGHT BULB RESTRICTION.—None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

In section 307, strike ''6 percent'' and insert ''7 percent''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SIMPSON moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

Page 31, beginning on line 11, strike ''Nuclear Waste Disposal'' and all that follows through page 34, line 8.

Page 40, beginning on line 23, strike ''Defense Nuclear Waste Disposal'' and all that follows through page 41, line 3.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. SIMPSON demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 30 / Nays 388

¶94.40 [Roll No. 591]

AYES—30

Baird
Berkley
Berman
Bishop (UT)
Blumenauer
Brown, Corrine
Chaffetz
Conyers
Doggett
Edwards (MD)
Ellison
Farr
Harman
Heller
Hirono
Honda
Jackson-Lee (TX)
Kilroy
Kucinich
Lewis (GA)
McCotter
McGovern
McKeon
Moore (WI)
Paul
Schakowsky
Shea-Porter
Souder
Titus
Woolsey

NOES—388

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Barrett (SC)
Barton (TX)
Coble
Costello
Davis (AL)
Gordon (TN)
Graves
Lucas
Miller, Gary
Moran (VA)
Rush
Taylor
Welch
Westmoreland

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 320 / Nays 97

¶94.41 [Roll No. 592]

YEAS—320

Abercrombie
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez

Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—97

Aderholt
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Cole
Conaway
Conyers
Culberson
Davis (KY)
Deal (GA)
Doggett
Duncan
Emerson
Fallin
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lewis (CA)
Linder
Lummis
Mack
Manzullo
Marchant
Matheson
McCaul
McClintock
McHenry
Mica
Miller (FL)
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (TX)
Stearns
Sullivan
Thornberry
Tiahrt
Wilson (SC)
Wolf

NOT VOTING—16

Ackerman
Barrett (SC)
Barton (TX)
Boehner
Castor (FL)
Coble
Costello
Davis (AL)
Graves
Lucas
Miller, Gary
Neal (MA)
Paul
Taylor
Welch
Westmoreland

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.42 ARGENTINE JEWISH MUTUAL ASSOCIATION BOMBING

On motion of Mr. BERMAN, by unanimous consent, the Committee on Foreign Affairs was discharged from further consideration of the following concurrent resolution (H. Con. Res. 156):

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was ''decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses ''terrorism as a mechanism of its foreign policy'' in support of ''its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Assembly of Experts and of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezaei, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezaei, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee's decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen Rezaei, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezaei during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine Judge Ariel Lijo for the arrest of Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas Mr. Nisman stated in an article published on May 29, 2008, that his request for arrest warrants against Argentine nationals in the AMIA case ''does absolutely not change the accusations against Hezbollah and Iran . . . To a certain degree, it reinforces them, because [suspect Alberto Jacinto] Kanoore Edul has many links with Islamist extremists'';

Whereas, on December 16, 2008, at the AMIA Special Prosecutor's request, the presiding Argentine judge in a civil suit against the Iranian suspects and Hezbollah ordered the attachment of six commercial properties in Argentina allegedly owned by former Iran cultural attaché and named suspect Mohsen Rabbani;

Whereas in December of 2008, the judge also requested that select European governments freeze up to $1 million in bank accounts allegedly belonging to former Iranian leader Ali Akbar Hashemi Rafsanjani and another Iranian accused of involvement in the attacks;

Whereas between October of 2008 and March of 2009, nearly a dozen Iranian properties have reportedly been seized in the Buenos Aires area in connection with a civil suit presented by an unnamed survivor of the AMIA bombing;

Whereas in May of 2009, former IRGC commander Mohsen Rezaei, against whom both an Argentine arrest warrant and an INTERPOL Red Notice have been issued, announced his intention to seek the leadership of Iran;

Whereas in May 2009, Argentina issued an international arrest warrant for Samuel Salman El Reda, a Colombian citizen of Lebanese descent who Argentine prosecutor Alberto Nisman believes was the top local connection in the AMIA attack;

Whereas Mr. Nisman believes El Reda had connections to Hezbollah and the Tri-Border area, a zone between Argentina, Paraguay, and Brazil suspected of being a haven for Islamic radical groups;

Whereas during the past several years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas according to news reports published in June of 2008, intelligence agencies in the United States and Canada have warned of significant evidence that Hezbollah, with the support of the Government of Iran, plans to launch a major attack against ''Jewish targets'' outside the Middle East, and that possible targeted areas include Canada and Latin America;

Whereas, on January 27, 2009, Secretary of Defense Robert Gates said, ''I'm concerned about the level of . . . subversive activity that the Iranians are carrying on in a number of places in Latin America . . . They're opening a lot of offices and a lot of fronts, behind which they interfere in what is going on in some of these countries.''; and

Whereas, on March 17, 2009, Navy Admiral James Stavridis, Commander, United States Southern Command, indicated that he shared Secretary Gates's concern, explaining ''We have seen . . . an increase in a wide level of activity by the Iranian government in this region . . . That is a concern principally because of the connections between the government of Iran, which is a state sponsor of terrorism, and Hezbollah'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the Argentine Jewish Mutual Association (AMIA) Jewish Community Center in Buenos Aires, Argentina, honors the victims of this attack, and expresses its sympathy to the relatives of the victims;

(2) applauds the Government of Argentina for its ongoing efforts in the AMIA bombing investigation;

(3) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to prosecute those responsible;

(4) expresses grave concern regarding the Government of Saudi Arabia's failure, when given the opportunity, to detain Iranian officials against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case;

(5) urges all responsible nations to cooperate fully with the AMIA investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any persons against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case, including Iranian officials and former officials, Hezbollah operatives, and Islamist militants;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into the AMIA bombing; and

(7) urges governments in the Western Hemisphere, who have not done so already, to draft, adopt, and implement legislation designating Hezbollah as a terrorist organization, banning fundraising and recruitment activities, and applying the harshest penalties on those providing support for activities involving Hezbollah and other such extremist groups.

Mr. BERMAN submitted the following amendment to the preamble, which was agreed to:

Amend the preamble to read as follows:

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was ''decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses ''terrorism as a mechanism of its foreign policy'' in support of ''its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Assembly of Experts and of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezaei, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezaei, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee's decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen Rezaei, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezaei during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine Judge Ariel Lijo for the arrest of Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas, on December 16, 2008, at the AMIA Special Prosecutor's request, the presiding Argentine judge in a civil suit against the Iranian suspects and Hezbollah ordered the attachment of six commercial properties in Argentina allegedly owned by former Iran cultural attaché and named suspect Mohsen Rabbani;

Whereas in December of 2008, the judge also requested that select European governments freeze up to $1 million in bank accounts allegedly belonging to former Iranian leader Ali Akbar Hashemi Rafsanjani and another Iranian accused of involvement in the attacks;

Whereas between October of 2008 and March of 2009, nearly a dozen Iranian properties have reportedly been seized in the Buenos Aires area in connection with a civil suit presented by an unnamed survivor of the AMIA bombing;

Whereas in May of 2009, former IRGC commander Mohsen Rezaei, against whom both an Argentine arrest warrant and an INTERPOL Red Notice have been issued, announced his intention to seek the leadership of Iran;

Whereas in May 2009, Argentina issued an international arrest warrant for Samuel

Salman El Reda, a Colombian citizen of Lebanese descent who Argentine prosecutor Alberto Nisman believes was the top local connection in the AMIA attack;

Whereas Mr. Nisman believes El Reda had connections to Hezbollah and the Tri-Border area, a zone between Argentina, Paraguay, and Brazil suspected of being a haven for Islamic radical groups;

Whereas during the past several years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas, on January 27, 2009, Secretary of Defense Robert Gates said, ''I'm concerned about the level of . . . subversive activity that the Iranians are carrying on in a number of places in Latin America . . . They're opening a lot of offices and a lot of fronts, behind which they interfere in what is going on in some of these countries.''; and

Whereas, on March 17, 2009, Navy Admiral James Stavridis, Commander, United States Southern Command, indicated that he shared Secretary Gates's concern, explaining ''We have seen . . . an increase in a wide level of activity by the Iranian government in this region . . . That is a concern principally because of the connections between the government of Iran, which is a state sponsor of terrorism, and Hezbollah'': Now, therefore, be it

When said concurrent resolution, as amended, was considered and agreed to.

A motion to reconsider the votes whereby said concurrent resolution was agreed to and the preamble was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶94.43 OFFICIAL PHOTOGRAPHS OF THE HOUSE OF REPRESENTATIVES

Mrs. DAVIS of California, by unanimous consent, submitted the following resolution (H. Res. 658):

Resolved, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶94.44 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 20, 2009, at 12:30 p.m. for morning-hour debate; and further, when the House adjourns on Monday, July 20, 2009, it adjourn to meet at 10:30 a.m. on Tuesday, July 21, 2009, for morning-hour debate.

¶94.45 CLERK TO CORRECT ENGROSSMENT—H. RES. 469

On motion of Mr. HOYER, by unanimous consent,

Ordered, That in the engrossment of the resolution (H. Res. 469) honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing, the Clerk be authorized to strike the words ''born and'' from the first whereas clause on page one.

¶94.46 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GRAVES, for today;

To Mr. LUCAS, for July 15 after 4 p.m. and balance of the week;

To Mr. Gary G. MILLER of California, for today; and

To Mr. WESTMORELAND, for today.

And then,

¶94.47 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 4 o'clock and 33 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 20, 2009.

¶94.48 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETERS (for himself and Mrs. BIGGERT):

H.R. 3246. A bill to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; to the Committee on Science and Technology.

By Mr. BAIRD:

H.R. 3247. A bill to establish a social and behavioral sciences research program at the Department of Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. FILNER (for himself, Mr. BILBRAY, and Mrs. DAVIS of California):

H.R. 3248. A bill to amend the Internal Revenue Code of 1986 to exempt motor vehicle donations to certain charities from the limitations on such donations; to the Committee on Ways and Means.

By Mr. HONDA (for himself and Ms. CLARKE):

H.R. 3249. A bill to strengthen communities through English literacy and civics education for new Americans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H.R. 3250. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. SESSIONS, Mr. HARPER, Mr. BARTLETT, Mr. LATTA, Mrs. MCMORRIS RODGERS, Mr. RADANOVICH, Mr. WESTMORELAND, Mr. ISSA, Mr. CONAWAY, Mr. SHADEGG, Mr. CAMPBELL, Ms. FALLIN, Mr. LINDER, Mr. SCALISE, Mr. FLEMING, Mr. PITTS, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. BRADY of Texas, Mr. STEARNS, and Mr. COBLE):

H.R. 3251. A bill to repeal certain provisions of title 5, United States Code, relating to Federal employees' official time and labor organization activities; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mr. GONZALEZ, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. CUELLAR, and Mr. REYES):

H.R. 3252. A bill to authorize the President of the United States to agree to an amendment to the agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. BLUMENAUER, Mr. CASTLE, Mr. KIND, Mr. FARR, and Mr. COHEN):

H.R. 3253. A bill to amend titles XVIII and XIX of the Social Security Act to promote the use of advance directives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN:

H.R. 3254. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Natural Resources.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H.R. 3255. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Nebraska (for himself and Mr. YOUNG of Alaska):

H.R. 3256. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 3257. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. MEEKS of New York, Mr. PAYNE, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. GRIJALVA, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CROWLEY, and Ms. NORTON):

H. Con. Res. 165. Concurrent resolution expressing support for temporary protected status for Haitian nationals currently residing in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. NADLER of New York, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HOLT, Mr. FILNER, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, and Mr. ISRAEL):

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the ''Freedom Summer'' of 1964, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Alabama:

H. Res. 657. A resolution expressing the sense of the House of Representatives that Members of Congress who participate in the Federal Employees Health Benefits Program (FEHBP) should be automatically enrolled in the public option and be subject to any personal income tax increases levied as a result of healthcare legislation, regardless of their annual gross income; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 658. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. CLAY, and Mr. THOMPSON of Mississippi):

H. Res. 659. A resolution congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation; to the Committee on Education and Labor.

By Mr. KISSELL:

H. Res. 660. A resolution recognizing the distinguished history of the Laurinburg Normal Industrial Institute; to the Committee on Education and Labor.

¶94.49 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

117. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 60 memoriaIiZIng the Congress of the United States to remove the requirement that states make permanent changed to their 100 percent employer-financed unemployment insurance laws to expand unemployment benefits to individuals who are not currently eligible in order to quality for the State's portion of one-time unemployment benefit funding and to urge the governor to use her influence in the current administration to secure a waiver for Michigan from these requirements; to the Committee on Education and Labor.

118. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 374 urging the Congress of the United States of America to consider requiring that students be offered interest rates on college loans that do not exceed 1%; to the Committee on Education and Labor.

119. Also, a memorial of the Senate of the State of Nevada, relative to Assembly Concurrent Resolution No. 31 urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the human rights and property rights of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

120. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 15 expressing solidarity with Israel in its defense against terrorism in the Gaza Strip; to the Committee on Foreign Affairs.

121. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 156 opposing the federal ''Freedom of Choice Act;'' and for other purposes; to the Committee on the Judiciary.

122. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 632 affirming states' rights based on Jeffersonian principles; and for other purposes; to the Committee on the Judiciary.

123. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 59 memorializing the Congress of the United States to authorize the use of Federal stimulus dollars to offset the looming FUTA Federal Unemployment Tax increase and to urge the Governor to use her influence in the current administration to zealously advocate for such relief for Michigan job providers; to the Committee on Ways and Means.

124. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 505 urging the United States Congress to reduce the 24 month waiting period for participants in Social Security Disability Insurance; to the Committee on Ways and Means.

125. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 13 commemorating the Centennial of Glacier National Park; jointly to the Committees on Natural Resources and Foreign Affairs.

¶94.50 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SESSIONS.
H.R. 197: Mr. SULLIVAN.
H.R. 333: Ms. MARKEY of Colorado.
H.R. 343: Mr. LATHAM.
H.R. 614: Mr. MARCHANT.
H.R. 653: Mr. BISHOP of Utah.
H.R. 682: Mr. HODES.
H.R. 690: Ms. MARKEY of Colorado.
H.R. 718: Mr. COBLE.
H.R. 816: Mr. MASSA.
H.R. 881: Mr. BARTON of Texas, Mr. GRAVES, and Mr. SAM JOHNSON of Texas.
H.R. 916: Mr. JOHNSON of Georgia.
H.R. 953: Ms. ROS-LEHTINEN.
H.R. 1024: Mr. PRICE of North Carolina.
H.R. 1051: Ms. SHEA-PORTER.
H.R. 1074: Mr. ROGERS of Alabama and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1086: Mr. ROYCE.
H.R. 1205: Mr. MCCARTHY of California, Ms. TSONGAS, and Mr. GOODLATTE.
H.R. 1207: Mr. THOMPSON of Mississippi.
H.R. 1215: Ms. SCHAKOWSKY.
H.R. 1269: Mr. HERGER.
H.R. 1283: Mr. WALZ.
H.R. 1392: Mr. RADANOVICH.
H.R. 1428: Mr. KILDEE and Mr. HIGGINS.
H.R. 1458: Mr. THOMPSON of Mississippi.
H.R. 1551: Mr. MEEK of Florida.
H.R. 1584: Ms. SHEA-PORTER.
H.R. 1670: Mr. SESSIONS and Mr. TIM MURPHY of Pennsylvania.
H.R. 1677: Mr. HASTINGS of Washington and Mr. ROGERS of Kentucky.
H.R. 1695: Mr. BARRETT of South Carolina, Mr. CARNEY, and Mr. WALDEN.
H.R. 1700: Mr. GUTIERREZ.
H.R. 1708: Ms. FUDGE, Mr. SESTAK, and Mr. ROTHMAN of New Jersey.
H.R. 1771: Mr. CONNOLLY of Virginia.
H.R. 1800: Mr. DEFAZIO.
H.R. 1846: Ms. BERKLEY.
H.R. 1868: Mr. GOODLATTE and Mr. HUNTER.
H.R. 1908: Ms. BALDWIN.
H.R. 1990: Mr. BOREN and Mr. WU.
H.R. 2000: Mr. JACKSON of Illinois, Ms. WOOLSEY, Mrs. CAPPS, Mr. BISHOP of New York, Ms. EDWARDS of Maryland, Mr. PERRIELLO, Mr. CHANDLER, Mr. RAHALL, Ms. HARMAN, and Mr. MCGOVERN.
H.R. 2017: Mr. DRIEHAUS.
H.R. 2054: Mrs. CHRISTENSEN and Mr. CARSON of Indiana.
H.R. 2139: Mr. MCNERNEY, Mr. TIERNEY, Ms. NORTON, and Mr. REHBERG.
H.R. 2149: Ms. HERSETH SANDLIN and Mr. GOODLATTE.
H.R. 2194: Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SCHOCK, Mr. FORTENBERRY, and Mr. HUNTER.
H.R. 2213: Ms. SCHAKOWSKY.
H.R. 2215: Mr. HOEKSTRA.
H.R. 2246: Mr. STARK.
H.R. 2254: Mr. LUJÁN, Mr. SPACE, Mr. SMITH of Washington, Mr. REHBERG, and Mr. BOCCIERI.
H.R. 2266: Mr. ADLER of New Jersey, Mr. MINNICK, and Mr. LOBIONDO.
H.R. 2267: Mr. COURTNEY, Mr. TONKO, Mr. LOBIONDO, Mr. ADLER of New Jersey, and Mr. MINNICK.
H.R. 2269: Ms. ESHOO.
H.R. 2296: Mr. ROGERS of Alabama, Mr. HERGER, and Mr. DUNCAN.
H.R. 2324: Mr. KENNEDY and Mr. QUIGLEY.
H.R. 2406: Mr. HERGER.
H.R. 2443: Mr. TIM MURPHY of Pennsylvania.
H.R. 2478: Mr. HIGGINS.
H.R. 2523: Mr. ABERCROMBIE and Mrs. NAPOLITANO.
H.R. 2529: Mr. FRANK of Massachusetts.
H.R. 2534: Mr. BOOZMAN.
H.R. 2560: Mr. LOBIONDO.
H.R. 2563: Mr. CARTER, Mr. CHILDERS, Mr. NEUGEBAUER, Ms. GRANGER, and Mr. HALL of Texas.
H.R. 2564: Mr. SHERMAN and Ms. LEE of California.
H.R. 2579: Mr. FRANK of Massachusetts and Ms. SHEA-PORTER.
H.R. 2632: Mr. MEEKS of New York, Ms. KAPTUR, Mr. FORTENBERRY, Mr. POE of Texas, Mrs. BLACKBURN, Mr. DEFAZIO, Mr. HELLER, Mrs. DAHLKEMPER, Mr. SCOTT of Georgia, Mr. BOCCIERI, and Mr. GARRETT of New Jersey.
H.R. 2669: Mr. BAIRD.
H.R. 2681: Mr. REYES, Mr. HINOJOSA, Mr. SIRES, Mr. GONZALEZ, Mr. CUELLAR, Mr. SALAZAR, Mr. PASTOR of Arizona, Mr. GUTIERREZ, Mr. ORTIZ, Mr. GRIJALVA, Mr. RODRIGUEZ, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, and Mr. SERRANO.
H.R. 2709: Mr. CLAY.
H.R. 2733: Mr. COBLE.
H.R. 2746: Mr. BLUMENAUER, Mr. PALLONE, Mr. SCHIFF, and Mrs. DAHLKEMPER.
H.R. 2766: Ms. SCHAKOWSKY.
H.R. 2770: Mr. MICHAUD.
H.R. 2799: Mr. GRAYSON, Mr. BOREN, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, and Mr. SHULER.
H.R. 2819: Mr. SCHAUER.
H.R. 2846: Mr. SHUSTER.
H.R. 2866: Mr. GRAYSON.
H.R. 2909: Mr. GRAYSON.
H.R. 2943: Mr. STARK.
H.R. 2964: Mr. BOOZMAN.
H.R. 2969: Ms. KILPATRICK of Michigan.
H.R. 3001: Mr. STARK.
H.R. 3017: Mr. COURTNEY.
H.R. 3047: Mr. CARSON of Indiana and Mr. GRAYSON.
H.R. 3116: Mr. MICHAUD and Mr. JONES.
H.R. 3127: Mr. BUTTERFIELD.
H.R. 3131: Mr. CULBERSON, Mr. PAUL, and Mr. SMITH of Texas.
H.R. 3140: Mr. CARTER, Mr. LAMBORN, Mr. CHAFFETZ, Mr. GOHMERT, Mr. CONAWAY, Mr.

THORNBERRY, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. INGLIS, Mr. KLINE of Minnesota, Mr. SESSIONS, Mr. SCALISE, Mr. CAMPBELL, Mr. MCCAUL, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. BRADY of Texas, Mr. LATTA, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. LINDER, Mr. KING of Iowa, Ms. FALLIN, Mr. PENCE, Mr. SHADEGG, Mr. ISSA, Mr. HENSARLING, Mr. POSEY, Mr. FLAKE, and Mr. MARCHANT.

H.R. 3144: Mr. BLUMENAUER, Mrs. CAPPS, Mr. MURTHA, Mr. WAMP, and Mrs. BONO MACK.

H.R. 3147: Ms. SCHAKOWSKY and Mr. PASCRELL.

H.R. 3178: Mr. NYE.

H.R. 3200: Mrs. MALONEY.

H.R. 3218: Mrs. LUMMIS, Mr. PITTS, Mr. RADANOVICH, Mr. ISSA, Ms. FALLIN, Mr. LAMBORN, and Mr. SHIMKUS.

H.R. 3221: Ms. CLARKE, Mr. PIERLUISI, and Mr. BERMAN.

H.R. 3225: Mrs. DAHLKEMPER, Mr. SERRANO, and Mr. HASTINGS of Florida.

H.J. Res. 12: Mr. TONKO, Ms. MOORE of Wisconsin, Mr. CLEAVER, Ms. SCHWARTZ, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. HODES, Mr. PERLMUTTER, Mr. CROWLEY, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. REYES, Mr. GRIJALVA, Mr. ANDREWS, Mr. POLIS of Colorado, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. OLVER, Mr. DAVIS of Tennessee, Ms. WATSON, Ms. LEE of California, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of Ohio, Ms. KILROY, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. BARTLETT, Mr. JONES, Mr. KRATOVIL, Mr. FORTENBERRY, Mr. WAXMAN, Mr. SHADEGG, Mrs. BONO MACK, Mrs. BLACKBURN, Mr. HALL of Texas, Mr. MILLER of Florida, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. FORBES, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. MATSUI, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. CONYERS, and Ms. KAPTUR.

H. Con. Res. 51: Mr. WU, Mr. LIPINSKI, and Mrs. SCHMIDT.

H. Con. Res. 74: Ms. CORRINE BROWN of Florida.

H. Con. Res. 154: Mr. BERMAN.

H. Con. Res. 163: Mr. GRAYSON, Mr. HEINRICH, Mr. BLUMENAUER, and Mr. MASSA.

H. Res. 267: Mr. BILBRAY.

H. Res. 291: Mr. GALLEGLY and Mr. TANNER.

H. Res. 333: Ms. SCHAKOWSKY and Mr. HONDA.

H. Res. 363: Ms. SCHAKOWSKY Mr. OLVER, Mr. HASTINGS of Florida, and Mr. FILNER.

H. Res. 383: Mr. HOLT.

H. Res. 397: Mr. SCALISE.

H. Res. 433: Mr. WU.

H. Res. 445: Mr. TURNER.

H. Res. 494: Mr. INGLIS.

H. Res. 536: Mr. THOMPSON of California.

H. Res. 554: Mr. MELANCON.

H. Res. 611: Mr. BERRY, Mr. MITCHELL, Ms. ROS-LEHTINEN, Mr. QUIGLEY, Mr. BACHUS, Mr. KIRK, Mr. MCCARTHY of California, Mr. JORDAN of Ohio, Mr. PAULSEN, Mr. GUTHRIE, Mr. COFFMAN of Colorado, Mr. SMITH of Nebraska, Mrs. BLACKBURN, Mr. AUSTRIA, Mr. ROE of Tennessee, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. SCALISE, Mr. PENCE, Mr. GRAYSON, Mr. NEUGEBAUER, Ms. JENKINS, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. CASSIDY, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. AKIN, Mr. SHADEGG, Mr. OLSON, Mr. SHIMKUS, Mr. SCHOCK, Mr. RYAN of Ohio, Ms. BERKLEY, Mr. MCHENRY, Mr. CHAFFETZ, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. CASTLE, Mr. BONNER, Mr. EHLERS, Mr. MCKEON, Mr. GOHMERT, Mr. CHILDERS, Mr. MCCOTTER, Ms. BALDWIN, and Mr. POSEY.

H. Res. 613: Ms. GIFFORDS.

H. Res. 615: Mr. PAUL, Mr. BILIRAKIS, Mr. SESSIONS, and Mrs. BLACKBURN.

H. Res. 619: Mr. BLUNT, Mr. LUETKEMEYER, and Mr. LAMBORN.

H. Res. 624: Mr. POE of Texas, Mr. ELLISON, and Mr. WOLF.

H. Res. 630: Ms. KAPTUR.

H. Res. 639: Mr. LAMBORN.

MONDAY, JULY 20, 2009 (95)

¶95.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
July 20, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶95.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶95.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, called the House to order.

¶95.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Friday, July 17, 2009.

Mr. BROUN of Georgia, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶95.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2727. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Use of Commercial Software (DFARS Case 2008-D044) (RIN: 0750-AG32) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2728. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Motor Carrier Fuel Surcharge (DFARS Case 2008-D040) (RIN: 0750-AG30) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2729. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006-D013) (RIN: 0750-AF39) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051) (RIN: 0750-AF80) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2731. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of DoD (DFARS Case 2008-D005) (RIN: 0750-AG24) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2732. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2733. A letter from the Assistant Secretary, Reserve Affairs, Department of Defense, transmitting the National Guard ChalleNGe Program Annual Report for Fiscal Year 2008, pursuant to 32 U.S.C. 509 (K); to the Committee on Armed Services.

2734. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting Selected Acquisition Reports (SARs) for H-1 Upgrades (4BW/4BN) as of December 31, 2008, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2735. A letter from the Assistant Secretary, Global Security Affairs, Department of Defense, transmitting the Department's 2009 Annual Reports to Congress, pursuant to Section 234 of the National Defense Authorization Act for Fiscal Year 1998; to the Committee on Armed Services.

2736. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps [Docket No.: EERE-2007-BT-TP-0013] (RIN: 1904-AB72) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2737. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-36, concerning the proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2738. A letter from the Vice Admiral, USN Director, Defense Security Cooperation

Agency, Department of Defense, transmitting Transmittal No. 09-27, concerning the proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2739. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-30, concerning proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2740. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2008, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

2741. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marinette Marine Vessel Launch, Marinette, Wisconsin [Docket No.: USCG-2009-0462] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2742. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Interim Statement of Agency Policy and Interpretation on the Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment [Docket No.: 2009-0057, Notice No. 1] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2743. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, pursuant to Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

2744. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2009 Report to the Congress: Improving Incentives in the Medicare Program'', pursuant to Public Law 108-173, section 507(c)(3) (117 Stat. 2297); jointly to the Committees on Energy and Commerce and Ways and Means.

¶95.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES
Washington, DC, July 20, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2009, at 11:26 a.m.:

That the Senate passed without amendment H.R. 3114

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk.

¶95.7 40TH ANNIVERSARY OF THE APOLLO 11 MOON LANDING

Mr. LUJAN moved to suspend the rules and agree to the following resolution (H. Res. 607):

Whereas the Apollo program was designed to achieve the goal established by President Kennedy by sending a crew of three astronauts to the Moon and returning them safely to the Earth;

Whereas the Apollo program built on the knowledge and experience gained from the Mercury and Gemini human space flight programs, as well as from precursor robotic lunar exploration activities;

Whereas the crew of Apollo 11 consisted of Neil Armstrong, Mission Commander, Buzz Aldrin, Lunar Module Pilot, and Michael Collins, Command Module Pilot;

Whereas the crew of Apollo 11 launched into space aboard a Saturn V rocket on July 16, 1969, on a 4-day trip to the Moon;

Whereas, on July 20, 1969, Neil Armstrong and Buzz Aldrin successfully piloted the Eagle Lunar Module to the surface of the Moon;

Whereas, on July 20, 1969, when Neil Armstrong took his first step on the Moon, he became the first person to walk on the surface of another celestial body;

Whereas the Apollo 11 Moon landing was the culmination of the efforts of tens of thousands of scientists, engineers, and other dedicated individuals and organizations;

Whereas the Apollo 11 Moon landing was experienced by millions of people all around the world by means of radio and television broadcasts;

Whereas the Apollo 11 astronauts left a plaque on the lunar surface that stated: ''We came in peace for all mankind'';

Whereas the successful Apollo 11 Moon landing was one of the most significant events of the 20th century and inspired a generation to strive towards great accomplishments in space and on Earth; and

Whereas the Apollo 11 achievement continues to inspire Americans as we prepare for future human journeys back to the Moon and other destinations in the solar system: Now, therefore be it

Resolved, That the House of Representatives—

(1) celebrates the 40th Anniversary of the Apollo 11 lunar landing;

(2) honors the brave crew of the Apollo 11 mission—Neil Armstrong, ''Buzz'' Aldrin, and Michael Collins; and

(3) commends all those individuals and organizations who contributed to such a historic achievement that continues to be an inspiration to the Nation and the world.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LUJAN and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶95.8 NATIONAL ENVIRONMENTAL RESEARCH PARKS

Mr. LUJAN moved to suspend the rules and pass the bill (H.R. 2729) to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LUJAN and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.9 NATURAL GAS VEHICLES

Mr. LUJAN moved to suspend the rules and pass the bill (H.R. 1622) to provide for a program of research, development, and demonstration on natural gas vehicles; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LUJAN and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.10 NATIONAL DAIRY MONTH

Mr. SCOTT of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 507); as amended:

Whereas, since 1939, June has been celebrated as National Dairy Month;

Whereas there are nearly 70,000 dairy farms throughout the United States, and approximately 99 percent of these farms are family owned;

Whereas the dairy industry in the United States produces more than 170 billion pounds of milk annually and contributes tens of billions of dollars to the economy;

Whereas dairy products are an important source of calcium and have been long recognized as an integral part of a healthy diet for both children and adults;

Whereas dairy farmers are significant contributors to efforts to preserve farmland and the rural character of communities across the country; and

Whereas the dairy industry has been challenged in recent months due to high production costs and low retail prices, which has

forced many farms to close: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Dairy Month;

(2) encourages States and local governments to observe National Dairy Month with appropriate activities and events that promote the dairy industry;

(3) recognizes the important role that the dairy industry has played in the economic and nutritional well being of Americans;

(4) commends dairy farmers for their continued hard work and commitment to the United States economy and to the preservation of open space; and

(5) encourages all Americans to show their continued support for the dairy industry and dairy farmers.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Georgia, and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.11 HUNTERS FOR THE HUNGRY

Mr. SCOTT of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 270):

Whereas Hunters for the Hungry programs are cooperative efforts among hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to help feed those in need;

Whereas during the past three years Hunters for the Hungry programs have brought hundreds of thousands of pounds of venison to homeless shelters, soup kitchens, and food banks;

Whereas each year donations have multiplied as Hunters for the Hungry programs continue to feed those in need; and

Whereas 45 States have a Hunters for the Hungry program: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the cooperative efforts of hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to establish Hunters for the Hungry programs across the United States; and

(2) recognizes the contributions of Hunters for the Hungry programs to efforts to decrease hunger and help feed those in need.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Georgia, and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.12 40TH ANNIVERSARY OF THE FOOD AND NUTRITION SERVICE

Mr. SCOTT of Georgia, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 164):

Whereas the Food and Nutrition Service of the Department of Agriculture has been promoting sound nutrition and fighting hunger in the United States since 1969;

Whereas the Food and Nutrition Service works with State and local governments, nonprofit organizations, and faith-based organizations to provide food and nutritional support to over 36,000,000 people in the United States who live in households that face food insecurity on a daily basis;

Whereas the Food and Nutrition Service supports schools in the United States by providing children with nutritious breakfasts and lunches and promotes wellness policies to ensure that children have a healthy start in life; and

Whereas the nutrition programs of the Food and Nutrition Service reach 1 in 5 citizens of the United States on a daily basis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the valuable historic and continued contribution of the Food and Nutrition Service and its employees to the citizens of the United States;

(2) commends the efforts of States, territories, local governments, and nonprofit charitable and faith-based organizations to end hunger and provide nutritious food to citizens of the United States;

(3) encourages the continued efforts to educate the citizens of the United States about the importance of eating nutritiously and living a healthy lifestyle; and

(4) recognizes and reaffirms the commitment of the United States to end hunger in the United States and continue to lead the world in ending global hunger.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Georgia, and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.13 125TH ANNIVERSARY OF THE BUREAU OF LABOR STATISTICS

Mr. COURTNEY moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 30):

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity'';

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by

one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.14 JOHN WILLIAM HEISMAN

Mr. COURTNEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 123):

Whereas, born in 1869, John W. Heisman was an early and influential developer of the game of football, one of America's most beloved sports;

Whereas Heisman learned the game of football playing for Titusville High School in the 1880s and began his long career as a player, coach, writer, and great innovator of the sport;

Whereas Heisman played college football for Brown University and the University of Pennsylvania;

Whereas his coaching career lasted from 1892–1927 and took Heisman to many institutions including: Oberlin College, Auburn, Clemson, Georgia Tech, Washington and Jefferson, Rice University, and his alma mater, the University of Pennsylvania;

Whereas, after coaching, Heisman continued his involvement with the sport as a well-known author and publisher of sports periodicals;

Whereas, as head coach of Georgia Tech's football club, his team saw an incredible 33 back-to-back wins, while going 37–4–2 in his final five years as coach;

Whereas Heisman coached Georgia Tech to an incredible 222–0 win over Tennessee's Cumberland College, the highest scoring football game on record;

Whereas Heisman is credited with inventing the forward pass, which is widely considered to be his greatest contribution to the sport;

Whereas he introduced games consisting of four quarters, invented the center snap, and created plays that were precursors to the T and I formations;

Whereas, as director of the New York Downtown Athletic Club (DAC), Heisman and DAC established an annual award for the best college player in the Eastern U.S., which subsequently became national in scope in 1935;

Whereas the award was renamed the Heisman Memorial Trophy after he passed away in 1936; and

Whereas John Heisman was elected into the College Football Hall of Fame in 1954: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance, the importance, and many contributions John Heisman had on its development of one of America's most beloved sports—football;

(2) praises Heisman's efforts in helping to establish the most valuable player award for college football, which eventually would be named for him; and

(3) acknowledges Heisman's innovative and influential coaching techniques and strategies, as well as his legendary leadership on and off of the football field.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.15 IMPEACHMENT OF JUDGE SAMUEL B. KENT

On motion of Mr. JOHNSON of Georgia, by unanimous consent, called up for consideration the following resolution (H. Res. 661):

Resolved, That the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.16 CHILD MISSING ALERT AND RECOVERY CENTER

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill (H.R. 1933) to direct the Attorney General to make an annual grant to the A Child is Missing Alert and Recovery Center to assist lay enforcement agencies in the rapid recovery of missing children, and for other purposes.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.17 KOREAN WAR VETERANS ARMISTICE DAY

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill (H.R. 2632) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.18 FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT

Mr. GRAYSON moved to suspend the rules and pass the bill (H.R. 1675) to amend section 811 of the Cranston-Gonzales National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. GRAYSON and Mr. POSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 21, 2009.

¶95.19 NEW FRONTIER CONGRESSIONAL GOLD MEDAL

Mr. GRAYSON moved to suspend the rules and pass the bill (H.R. 2245) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and the first American to orbit the earth, John Herschel Glenn, Jr.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. GRAYSON and Mr. POSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶95.20 RECESS—5:10 P.M.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶95.21 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶95.22 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti ''set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks contracts back to his clients.''

Whereas, a guest columnist recently highlighted in Roll Call that ''. . . what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.''

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they ''have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill.''

Whereas, the Associated Press highlighted the ''huge amounts of political donations'' from the firm and its clients to select members and noted that ''those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.''

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, after a cursory review, the fiscal year 2010 defense appropriations earmark list recently made available includes at least seventy earmarks worth hundreds of millions of dollars for former PMA clients.

Whereas, the Associated Press reported that ''the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.''

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: Resolved, That the Committee on Standards of Official Conduct shall immediately establish an investigative subcommittee and begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

The SPEAKER pro tempore, Mrs. HALVORSON, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the Record at this point.

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

¶95.23 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, July 17, 2009.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

When there appeared { Yeas ..... 233 / Nays ..... 159 }

¶95.24 [Roll No. 593]

YEAS—233

Abercrombie
Ackerman
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boyd
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Markey (MA)
Marshall
Massa
Matheson
Matsui
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Taylor
Teague
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NAYS—159

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carney
Cassidy
Chandler
Childers
Coble
Coffman (CO)
Cole
Connolly (VA)
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Granger
Graves
Guthrie
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam

Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
LaTourette
Latta
Lee (NY)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McHugh
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Pence
Peterson
Petri
Platts
Poe (TX)
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—41

Barrett (SC)
Boswell
Boucher
Brady (TX)
Bright
Brown, Corrine
Capuano
Conaway
Conyers
Costa
Crenshaw
Davis (AL)
Davis (IL)
Forbes
Gohmert
Grijalva
Gutierrez
Hinchey
Johnson (IL)
Kirk
Larsen (WA)
Lewis (CA)
Lucas
Maloney
Manzullo
Marchant
McCarthy (NY)
McKeon
Moran (VA)
Rohrabacher
Sanchez, Loretta
Sessions
Sestak
Sires
Smith (WA)
Stark
Tiberi
Towns
Turner
Wasserman Schultz
Wittman

So the Journal was approved.

¶95.25 H. RES. 607—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 607) celebrating the Fortieth Anniversary of the Apollo 11 Moon Landing.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays ..... 0 }

¶95.26 [Roll No. 594]

YEAS—390

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Barrett (SC)
Boswell
Boucher
Boustany
Brady (TX)
Bright
Brown, Corrine
Capuano
Conaway
Conyers
Costa
Crenshaw
Davis (AL)
Davis (IL)
Doyle
Forbes
Gohmert
Grijalva
Gutierrez
Hinchey
Johnson (IL)
Kirk
Larsen (WA)
Lewis (CA)
Lucas
Maloney
Manzullo
Marchant
McCarthy (NY)
McKeon
Moran (VA)
Rohrabacher
Sanchez, Loretta
Sessions
Sestak
Sires
Smith (WA)
Stark
Tiberi
Towns
Turner
Wasserman Schultz
Wittman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.27 H.R. 2245—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2245) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and the first American to orbit the earth, John Herschel Glenn, Jr.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays ..... 0 }

¶95.28 [Roll No. 595]

YEAS—390

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar

Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Barrett (SC)
Boswell
Boucher
Brady (TX)
Bright
Brown, Corrine
Capuano
Conaway
Conyers
Costa
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Forbes
Grijalva
Gutierrez
Hinchey
Johnson (IL)
Kirk
Larsen (WA)
Lewis (CA)
Lucas
Maloney
Manzullo
Marchant
McCarthy (NY)
McKeon
Moran (VA)
Rohrabacher
Roskam
Sanchez, Loretta
Sessions
Sestak
Sires
Smith (WA)
Stark
Tiberi
Towns
Turner
Wasserman Schultz
Wilson (SC)
Wittman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.29 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate notifies the House of Representatives that the Senate shall convene as a Court of Impeachment at 2 p.m., on Wednesday, July 22, 2009, for the purpose of receiving the Managers on the part of the House of Representatives in the matter of the Impeachment proceedings against Samuel B. Kent, formerly a Judge of the United States District Court for the Southern District of Texas.

¶95.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CAPUANO, for today;

To Mr. CRENSHAW, for today; and

To Mrs. MCCARTHY of New York, for today through July 31.

And then,

¶95.31 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the special order of the House agreed to on July 17, 2009, at 9 o'clock and 57 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, July 21, 2009.

¶95.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2498. A bill to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building'' (Rept. 111–213). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2093. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with an amendment (Rept. 111–214). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1665. A bill to structure Coast Guard acquisition processes and policies, and for other purposes (Rept. 111–215). Referred to the Committee of the Whole House on the state of the Union.

¶95.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Mr. MARKEY of Massachusetts, Mr. PALLONE, Mrs. CAPPS, Mr. SARBANES, and Ms. SCHAKOWSKY):

H.R. 3258. A bill to amend the Safe Drinking Water Act to enhance the security of the public water systems of the United States; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself and Mr. REICHERT):

H.R. 3259. A bill to establish the Grants for College Access and Completion Program; to the Committee on Education and Labor.

By Mr. BECERRA (for himself and Mr. RYAN of Wisconsin):

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 to make the expensing of environmental remediation costs permanent law; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 3261. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3262. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3263. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. BILBRAY):

H.R. 3264. A bill to improve Federal internship programs to facilitate hiring of full-time Federal employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself and Ms. NORTON):

H.R. 3265. A bill to amend the Federal Water Pollution Control Act to reduce pollution resulting from impervious surfaces within the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KLEIN of Florida (for himself and Mr. WHITFIELD):

H.R. 3266. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 3267. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to the children of members of the Armed Forces of the United States who die as a result of service in a combat zone; to the Committee on Ways and Means.

By Mr. REICHERT (for himself and Mr. SMITH of Washington):

H.R. 3268. A bill to amend the Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to increase earmark transparency and accountability, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Budget, Standards of Official Conduct, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. DICKS, Mr. PETRI, Mr. MICA, Mr. DENT, Mr. EDWARDS of Texas, Mr. MCDERMOTT, Mr. TIAHRT, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. LARSON of Connecticut, Mr. PAUL, Mr. INSLEE, Mr. GRAYSON, Mr. RODRIGUEZ, Mr. ROHRABACHER, Mr. ALEXANDER, Mr. BOYD, Mr. OLSON, Mr. WOLF, Mr. LAMBORN, Mr. FILNER, and Mr. CALVERT):

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes; to the Committee on Science and Technology.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, and Mr. GOODLATTE):

H. Res. 661. A resolution instructing the managers on the part of the House of Representatives in the impeachment proceeding now pending against Samuel B. Kent to advise the Senate that the House of Representatives does not desire further to urge the articles of impeachment against Samuel B. Kent; considered and agreed to.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 662. A resolution supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security; to the Committee on Ways and Means.

¶95.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Letkemeyer.
H.R. 39: Mr. MILLER of North Carolina.
H.R. 138: Mr. MORAN of Kansas.
H.R. 211: Mr. MASSA and Mr. ROTHMAN of New Jersey.
H.R. 235: Mr. PETERS.
H.R. 268: Mr. LATHAM.
H.R. 330: Mr. GRIJALVA.
H.R. 393: Mr. AUSTRIA.
H.R. 406: Ms. KILROY.
H.R. 426: Mr. GRIJALVA.
H.R. 470: Mr. SCHOCK.
H.R. 557: Mr. CAMPBELL, Mr. TURNER, Mr. WITTMAN, Mr. LATTA, and Mr. PITTS.
H.R. 560: Mr. LOBIONDO.
H.R. 613: Mr. CONNOLLY of Virginia and Mr. ORTIZ.
H.R. 673: Mr. KRATOVIL.
H.R. 718: Ms. FOXX and Mr. MCHENRY.
H.R. 775: Mr. FRANKS of Arizona, Mr. TURNER, Mr. INSLEE, Mr. LUETKEMEYER, Ms. EDWARDS of Maryland, and Mr. BOCCIERI.
H.R. 891: Mr. SESTAK.
H.R. 953: Mr. SHUSTER.
H.R. 977: Mr. SHULER.
H.R. 1147: Mr. FOSTER.
H.R. 1162: Mr. WILSON of South Carolina.
H.R. 1197: Mr. GRAYSON.
H.R. 1206: Mr. CONNOLLY of Virginia and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1207: Mr. VISCLOSKY, Mr. SCOTT of Georgia, Mr. TIERNEY, and Mr. BOUCHER.
H.R. 1208: Mr. SHIMKUS, Mr. CRENSHAW, Mr. SHUSTER, and Mr. CAMPBELL.
H.R. 1305: Mr. MARCHANT.
H.R. 1339: Mr. CARNAHAN.
H.R. 1402: Mr. COOPER.
H.R. 1427: Mr. PAUL.
H.R. 1428: Mr. STARK.
H.R. 1479: Mr. BUTTERFIELD.
H.R. 1525: Ms. SPEIER.
H.R. 1548: Mr. RUPPERSBERGER.
H.R. 1570: Mr. POSEY and Ms. CORRINE BROWN of Florida.
H.R. 1587: Mr. TURNER.
H.R. 1618: Mr. REYES, Mr. LUJÁN, and Mr. SKELTON.
H.R. 1646: Mr. CAPUANO, Mr. ELLISON, Mr. SHULER, Mr. MCCOTTER, and Mr. MASSA.
H.R. 1691: Mr. YOUNG of Alaska and Ms. HERSETH SANDLIN.
H.R. 1700: Mr. LYNCH and Mr. WEXLER.
H.R. 1799: Mrs. MCMORRIS RODGERS.
H.R. 1873: Mr. GRAYSON.
H.R. 1881: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1970: Mr. RADANOVICH.
H.R. 1977: Mr. MCDERMOTT.
H.R. 2024: Mrs. BLACKBURN.
H.R. 2061: Mr. WAMP.
H.R. 2072: Mr. SCALISE.
H.R. 2112: Mrs. MALONEY.
H.R. 2137: Mr. SCOTT of Virginia, Mr. BACA, Mr. CONYERS, and Ms. CLARKE.
H.R. 2139: Mr. KLINE of Minnesota and Mr. MEEK of Florida.
H.R. 2160: Mr. YOUNG of Alaska.
H.R. 2166: Mr. SMITH of Nebraska.
H.R. 2203: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CAMPBELL, and Mr. KLINE of Minnesota.
H.R. 2215: Mr. LEVIN.
H.R. 2296: Mr. FLEMING, Mr. GOHMERT, Mr. RYAN of Wisconsin, Mr. WAMP, and Mr. GRAYSON.
H.R. 2329: Mr. HODES, Mr. BLUMENAUER, and Mr. BERMAN.
H.R. 2342: Mr. CRENSHAW.
H.R. 2373: Mr. HARPER, Mr. BOOZMAN, and Mr. KIRK.
H.R. 2381: Mr. COHEN.
H.R. 2413: Ms. HERSETH SANDLIN, Mr. ROSS, Ms. JENKINS, and Mr. MORAN of Kansas.
H.R. 2452: Mr. AUSTRIA and Mr. SCOTT of Georgia.
H.R. 2478: Mr. SARBANES.
H.R. 2499: Mr. HENSARLING.
H.R. 2515: Mr. GRIJALVA.
H.R. 2516: Mr. YOUNG of Alaska.
H.R. 2522: Mrs. CAPPS.
H.R. 2546: Mr. COSTELLO.
H.R. 2558: Mr. MICHAUD.
H.R. 2567: Mr. RYAN of Ohio.
H.R. 2632: Mr. LAMBORN and Mr. TEAGUE.
H.R. 2637: Mr. PLATTS.
H.R. 2672: Mr. WAMP.
H.R. 2709: Ms. DELAURO and Mr. HASTINGS of Florida.
H.R. 2744: Mr. GRAYSON.
H.R. 2819: Mr. DOGGETT.
H.R. 2882: Mr. PRICE of North Carolina and Mr. STARK.
H.R. 2897: Mr. SIRES, Mr. THOMPSON of Mississippi, and Mr. HASTINGS of Florida.
H.R. 2924: Mr. SESTAK.
H.R. 2941: Ms. TSONGAS.
H.R. 2964: Mr. BOCCIERI.
H.R. 3006: Mr. GENE GREEN of Texas and Mr. BLUMENAUER.
H.R. 3029: Mr. INGLIS.
H.R. 3032: Mr. MICHAUD.
H.R. 3036: Mr. NYE.
H.R. 3042: Mr. LEVIN and Ms. ROYBAL-ALLARD.
H.R. 3044: Mr. MARCHANT, Mr. DUNCAN, Mr. THOMPSON of California, Ms. JENKINS, Mr. KRATOVIL, Mr. POE of Texas, Mr. COBLE, and Mr. NEUGEBAUER.
H.R. 3088: Mr. GRAYSON.
H.R. 3119: Ms. CHU.
H.R. 3126: Ms. SLAUGHTER.
H.R. 3144: Ms. JACKSON-LEE of Texas and Ms. ROS-LEHTINEN.
H.R. 3149: Mr. FILNER.
H.R. 3155: Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, and Mr. SMITH of New Jersey.
H.R. 3167: Mr. BURTON of Indiana and Mr. AUSTRIA.
H.R. 3186: Mr. WEXLER.
H.R. 3219: Mr. BOCCIERI.
H.R. 3221: Mr. BLUMENAUER and Ms. BORDALLO.
H.R. 3226: Mr. GARRETT of New Jersey, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. SENSENBRENNER, and Ms. GRANGER.
H.R. 3231: Mr. BOOZMAN and Mr. BILIRAKIS.
H.R. 3245: Mr. FILNER.
H. Con. Res. 16: Mr. MCCOTTER.
H. Con. Res. 74: Mr. KLEIN of Florida, Mr. COSTA, Mr. SCOTT of Georgia, Mr. DELAHUNT, and Mr. MCMAHON.
H. Con. Res. 81: Ms. BORDALLO.
H. Con. Res. 94: Mr. MCGOVERN.
H. Con. Res. 98: Mr. HONDA and Mr. CARNAHAN.
H. Con. Res. 102: Mr. FILNER.
H. Con. Res. 129: Mr. FORBES, Mr. FILNER, Mr. BISHOP of Georgia, and Mr. HINCHEY.
H. Con. Res. 158: Mr. MORAN of Kansas.
H. Con. Res. 159: Mr. LEVIN, Mr. LOBIONDO, Mr. LAMBORN, and Mr. COSTA.
H. Con. Res. 163: Ms. BERKLEY and Mr. WU.
H. Con. Res. 165: Mr. SABLAN and Ms. FUDGE.
H. Res. 57: Ms. ROS-LEHTINEN.
H. Res. 111: Mr. HIGGINS and Mr. GRAYSON.
H. Res. 270: Mr. MINNICK.
H. Res. 278: Mr. GRIJALVA.
H. Res. 412: Ms. ROYBAL-ALLARD.
H. Res. 414: Mr. SCHOCK.
H. Res. 541: Ms. BORDALLO.
H. Res. 583: Mr. KISSELL.
H. Res. 591: Mr. BACHUS.
H. Res. 592: Mr. QUIGLEY.
H. Res. 595: Mr. ELLISON, Ms. NORTON, and Ms. WATERS.
H. Res. 596: Mr. ELLISON, Ms. NORTON, and Ms. WATERS.
H. Res. 605: Ms. KAPTUR, Mr. MCCAUL, Mr. BONNER, Ms. JENKINS, Ms. BERKLEY, and Mr. GORDON of Tennessee.
H. Res. 607: Mr. TURNER.
H. Res. 613: Mr. LATTA.
H. Res. 614: Mr. POLIS of Colorado.
H. Res. 619: Mrs. BONO MACK and Mr. BOOZMAN.
H. Res. 630: Ms. EDWARDS of Maryland, Mr. PRICE of North Carolina, Mr. DICKS, and Mr. HASTINGS of Florida.
H. Res. 654: Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. ACKERMAN, Mr. DELAHUNT, Mr. MARKEY of Massachusetts, and Ms. MOORE of Wisconsin.

TUESDAY, JULY 21, 2009 (96)

¶96.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. SALAZAR, who laid before the House the following communication:

WASHINGTON, DC,
July 21, 2009.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶96.2 MESSAGE FROM THE SENATE

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

S. 951. An Act to authorize the President, in conjunction with the 40th anniversary of

the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

¶96.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to the order of the House of January 6, 2009, recognized Members for morning-hour debate.

¶96.4 RECESS—11:33 A.M.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 33 minutes a.m., until noon.

¶96.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. HOLDEN, called the House to order.

¶96.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Monday, July 20, 2009.

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

¶96.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2745. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC23) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2746. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting notification that the Office has designated thirteen new counties in eight states as High Intensity Drug Trafficking Areas (HIDTA), pursuant to Public Law 109-469; to the Committee on Appropriations.

2747. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's annual report to the Congress on the Presidential $1 Coin Program, pursuant to 31 U.S.C. 5112 Public Law 109-145, section 104(3)(B) (119 Stat. 2670); to the Committee on Financial Services.

2748. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Special Assessments (RIN: 3064-AD35) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2749. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized — received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2750. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2751. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2752. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

2753. A letter from the Inspector General, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2754. A letter from the President and Chief Executive Officer, Federal Home Loan Bank Seattle, transmitting the 2008 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2755. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2008 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2756. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2757. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XP59) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2758. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP60) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2759. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XP57) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2760. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 degrees North Latitude [Docket No.: 090428799-9802-01] (RIN: 0648-XP43) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2761. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No.: 010319075-1217-02] (RIN: 0648-XP65) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2762. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine Distinct Population Segment [Docket No.: 0808061060-9710-02] (RIN: 0648-AW77) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2763. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Determination of Endangered Status for the Gulf of Maine Distinct Population Segment of Atlantic Salmon [Docket No.: 0808191116-9709-02] (RIN: 0648-XJ93) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2764. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's activites regarding prison rape abatement during calendar year 2007, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

2765. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — July 20029 Revision of Patent Cooperation Treaty Procedures [Docket No.: PTO-P-2009-0025] (RIN: 0651-AC34) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2766. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2008, pursuant to the Naval Petroleum Reserves Production Act of 1976, pursuant to 10 U.S.C. 7431(C); jointly to the Committees on Armed Services and Energy and Commerce.

¶96.8 H. CON. RES. 164—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 164) recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 422 / Nays ..... 0 }

¶96.9 [Roll No. 596]

YEAS—422

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

NOT VOTING—11

Cleaver
Davis (TN)
Hill
Kirk
McCarthy (NY)
McHugh
McMahon
Moore (WI)
Reyes
Sestak
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶96.10 H.R. 2729—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2729) to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 330 / Nays ..... 96 }

¶96.11 [Roll No. 597]

YEAS—330

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)

Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—96

Akin
Bachus
Barrett (SC)
Bishop (UT)
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell
Cantor
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Deal (GA)
Dreier
Duncan
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McClintock
McHenry
McKeon
Mica
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Pence
Petri
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Thornberry
Tierney
Upton
Walden
Westmoreland
Whitfield
Wittman
Young (AK)

NOT VOTING—7

Kirk
McCarthy (NY)
Murphy (CT)
Paulsen
Sestak
Speier
Sullivan

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.12 H.R. 1622—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1622) to provide for a program of research, development, and demonstration on natural gas vehicles; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 / Nays 35

¶96.13 [Roll No. 598]

YEAS—393

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—35

Akin
Bishop (UT)
Broun (GA)
Campbell
Chaffetz
Coble
Culberson
Duncan
Ehlers
Flake
Franks (AZ)
Garrett (NJ)
Harper
Hastings (WA)
Hensarling
Herger
Issa
King (IA)
Kingston
Lamborn
Linder
Lummis
Mack
Manzullo
McClintock
Paul
Pence
Petri
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Walden
Westmoreland
Whitfield

NOT VOTING—5

Blackburn
Crowley
Kirk
McCarthy (NY)
Sestak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.14 H. RES. 507—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 507) supporting the goals of National Dairy Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 0

¶96.15 [Roll No. 599]

YEAS—428

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)

Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Blackburn
Crowley
Kirk
McCarthy (NY)
Sestak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶96.16 U.S. HOUSE OF REPRESENTATIVES—OFFICIAL PHOTOGRAPH

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 658, declared the House in recess at 4 o'clock and 18 minutes p.m., to prepare for an official photograph of the House of Representatives in session.

The SPEAKER, by unanimous consent, called the House to order for the photograph of the House of Representatives in session.

¶96.17 AFTER RECESS—4:29 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶96.18 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. NUNES, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be $2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied ''we don't want welfare, we want water'';

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said ''ESA Puts Fish Ahead of People'', ''Congress Created Drought'', and ''New Endangered Species: The California Farmer'';

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the markup on the Energy and Water Development

and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said ''Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law'';

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R. 3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

The SPEAKER pro tempore, Mr. BLUMENAUER, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. NUNES] will appear in the Record at this point.

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

¶96.19 HYDROELECTRIC PROJECT

Mr. COSTELLO moved to suspend the rules and pass the bill (H.R. 2938) to extend the deadline for commencement of construction of a hydroelectric project.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. COSTELLO and Mr. SCALISE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.20 DIABETES

Mr. BACA moved to suspend the rules and agree to the following resolution (H. Res. 69):

Whereas diabetes mellitus is a chronic disease caused by the inability of the pancreas to produce insulin or to use the insulin produced in the proper way;

Whereas in the case of Type I diabetes or insulin-dependent diabetes, formerly called juvenile-onset diabetes because it tends to affect persons before the age of 20, the pancreas makes almost no insulin;

Whereas in the case of Type II diabetes or non-insulin-dependent diabetes, which comprises about 90 percent of all cases of diabetes, the pancreas produces a reduced amount of insulin or the cells do not respond to the insulin;

Whereas this year 23.6 million Americans suffer from one form or another of this disease, and 5.7 million people go undiagnosed, commonly known as pre-diabetes;

Whereas 2.0 million or 8.2 percent of all Latino Americans aged twenty years or older have diabetes, and Latino Americans are 1.5 times more likely to have diabetes than non-Latino whites of similar age;

Whereas Mexican-Americans, the largest Latino subgroup in the United States, are more than twice as likely to have diabetes as non-Latino whites of similar age;

Whereas residents of Puerto Rico are 1.8 times more likely to have diagnosed diabetes than United States non-Latino whites;

Whereas diabetes affects individuals in different ways, and as a result, treatment programs will vary;

Whereas diabetes in the Latino community can result in a high prevalence of complications, such as foot problems and amputations, kidney failure that may lead to chronic or end stage renal disease, blindness, numbness and loss of sensation in the legs, heart attacks and strokes, and eventually death;

Whereas individuals suffering from diabetes can reduce their risk for complications if they are educated about their disease; learn and practice the skills necessary to better control their blood glucose, blood pressure, and cholesterol levels; exercise; and receive regular checkups;

Whereas targeted health communications to the public are vital in disseminating information about diabetes and the need to live a healthy lifestyle;

Whereas the Latino Diabetes Association, a nonprofit organization devoted to aggressive diabetes education, has worked tirelessly to raise funds for diabetes education and to find the causes of and cure for diabetes; and

Whereas the month of July of 2009 would be an appropriate month to recognize Latino Diabetes Awareness Month in order to educate Latino communities across the Nation about diabetes and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need to continue research into the causes, treatment, education, and an eventual cure for diabetes;

(2) commends those hospitals, community clinics, educational institutes, and other organizations that are—

(A) working to increase awareness of diabetes; and

(B) conducting research for methods to help patients and families in the Latino community suffering from diabetes;

(3) congratulates the work of the Latino Diabetes Association for its great efforts to educate, support, and provide hope for individuals and their families who suffer from diabetes;

(4) supports the designation of an appropriate month to recognize ''Latino Diabetes Awareness Month''; and

(5) calls upon the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BACA and Mr. SCALISE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.21 H. RES. 270—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 270) recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those efforts to decrease hunger and help feed those in need.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	418
	Nays	1

¶96.22 [Roll No. 600]

YEAS—418

Abercrombie	Berman	Brady (PA)
Ackerman	Berry	Brady (TX)
Aderholt	Biggert	Braley (IA)
Adler (NJ)	Bilbray	Bright
Akin	Bilirakis	Broun (GA)
Alexander	Bishop (GA)	Brown (SC)
Altmire	Bishop (NY)	Brown, Corrine
Andrews	Bishop (UT)	Brown-Waite, Ginny
Arcuri	Blackburn	Buchanan
Austria	Blumenauer	Burgess
Baca	Blunt	Butterfield
Bachmann	Boccieri	Buyer
Bachus	Boehner	Calvert
Baird	Bonner	Camp
Baldwin	Bono Mack	Campbell
Barrett (SC)	Boozman	Cantor
Barrow	Boren	Cao
Bartlett	Boswell	Capito
Barton (TX)	Boucher	Capps
Becerra	Boustany	Capuano
Berkley	Boyd	

Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Moran (VA)

NOT VOTING—14

Bean
Burton (IN)
Deal (GA)
Gohmert
Johnson (GA)
Kirk
Linder
Marchant
McCarthy (NY)
Sestak
Simpson
Smith (NJ)
Sutton
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.23 S. CON. RES. 30—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 30) commending the Bureau of Labor statistics on the occasion of its 125th anniversary.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 2

¶96.24 [Roll No. 601]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor

Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Paul
Young (AK)

NOT VOTING—10

Burton (IN)
Gohmert
Kirk
McCarthy (NY)
McMorris Rodgers
Scalise
Sestak
Simpson
Smith (NJ)
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶96.25 H. CON. RES. 123—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 123) recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶96.26 [Roll No. 602]

YEAS—423

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

NOT VOTING—10

Cooper
Gohmert
Kirk
McCarthy (NY)
Obey
Ryan (WI)
Schakowsky
Sestak
Simpson
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶96.27 H.R. 1933—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1933) to direct the Attorney General to make an annual grant to the A Child is Missing Alert and Recovery Center to assist lay enforcement agencies in the rapid recovery of missing children, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 5

¶96.28 [Roll No. 603]

YEAS—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle

Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—5

Broun (GA)
Flake
Paul
Rohrabacher
Shadegg

NOT VOTING—11

Cooper
Gohmert
McCarthy (NY)
Radanovich
Rangel
Ryan (WI)
Sestak
Simpson
Slaughter
Speier
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.29 H.R. 2632—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2632) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶96.30 [Roll No. 604]

YEAS—421

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

NOT VOTING—12

Bilbray	McCarthy (NY)	Sestak
Cooper	Paul	Simpson
Ellison	Radanovich	Sires
Lewis (CA)	Ryan (WI)	Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.31 LIM POON LEE POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3119) to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHAFFETZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.32 BURMESE FREEDOM AND DEMOCRACY RESTRICTIONS RENEWAL

Mr. LEVIN moved to suspend the rules and pass the joint resolution (H.J. Res. 56) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. LEVIN and Mr. BRADY of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶96.33 NATIONAL CHILDREN AND FAMILIES DAY

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 534):

Whereas research shows that a supportive and encouraging family is critical to raising strong and resilient children;

Whereas strong healthy families improve the quality of life and the development of children;

Whereas spending time engaging in family activities supports the development of healthy and well-adjusted children;

Whereas families are of many compositions and sizes, it is the strength and support of the family that is essential to child rearing;

Whereas families play critical roles in the care of children, and in their children's health care, this is particularly true for children with special needs;

Whereas mental health plays a central role in child development, families should be encouraged to cultivate environments that are safe and secure, supportive, and that contribute to high-confidence and high self-esteem;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and their positive effect for the Nation's future;

Whereas the fourth Saturday of June is ''National Children and Families Day'', a day set aside to recognize the importance of children and families; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of ''National Children and Families Day''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.34 CONRAD DEROUEN, JR. POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2972) to designate the facility of the United States Post Service located at 115 West Edward Street in Erath, Louisiana, and the ''Conrad DeRouen, Jr. Post Office''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.35 LOS ANGELES NATIONAL BASKETBALL ASSOCIATION CHAMPIONS

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 566):

Whereas the Los Angeles Lakers are one of the most successful and respected franchises in the history of the National Basketball Association (NBA);

Whereas prior to the 2008–2009 season, the Lakers won 14 NBA championships, with a cast of players that, over the years, have included NBA greats such as Wilt Chamberlain, Erving ''Magic'' Johnson, James Worthy, Kareem Abdul-Jabbar, Shaquille O'Neal, Michael Cooper, Elgin Baylor, A.C. Green, and other Lakers stars, whose accomplishments were captured courtside by legendary Lakers sportscaster Francis Dayle ''Chick/Chicky Baby'' Hearn;

Whereas in the off-season, the Lakers' General Manager, Mitch Kupchak, with the support of the team's owner, Jerry Buss, maintained the Lakers core of Kobe Bryant, Lamar Odom, Derek Fisher, Pau Gasol, and Trevor Ariza;

Whereas the combination of Bryant, Odom, Fisher, Gasol, and Ariza, led the 2008–2009 Lakers to a 65–17 regular season record and the number one spot in the Western Conference playoffs;

Whereas Ariza first came to fame as a member of the 2002 and 2003 California State Championship teams at Westchester High School in Los Angeles, California;

Whereas the Lakers entered the NBA playoffs with home court advantage as a result of the team's regular season performance and defeated the Utah Jazz in 5 games;

Whereas the Lakers then faced the Houston Rockets in the Western Conference semifinals, winning in 7 games, with Pau Gasol scoring 21 points in an 89–70 victory in the deciding game;

Whereas the Lakers squared off against the high-octane Denver Nuggets, clinching the series in 6 games, thanks to the outstanding play of Pau Gasol and Kobe Bryant;

Whereas the Lakers' matchup with the Orlando Magic in the NBA finals represented a battle between a veteran team, the Lakers, and a young Magic team, led by Dwight Howard;

Whereas the Lakers won the first 2 games of the finals in Los Angeles, including a hard-fought Game 2, during which Kobe Bryant and Pau Gasol combined for 53 points, propelling the Lakers to a 101–96 victory;

Whereas although the Lakers lost Game 3 in Orlando by a score of 108–104, NBA fans were treated to a 31-point performance by Lakers guard Kobe Bryant, who played all but 8 minutes of the game;

Whereas the Lakers were able to defeat the Magic in Game 4 despite a 25-point performance by Magic forward Hedo Turkoglu;

Whereas the Lakers won Game 5 against the Magic by a final score of 99–86, clinching a historic championship, Kobe Bryant's first championship without Shaquille O'Neal, Head Coach Phil Jackson's 10th title as a

coach, and the Lakers organization's 15th championship;

Whereas the Lakers recovered from a devastating loss in the 2008 NBA finals against the Boston Celtics to win the 2009 NBA championship and achieve historic championships for Head Coach Phil Jackson, and Kobe Bryant;

Whereas the Lakers' Kobe Bryant was presented with the Bill Russell NBA Finals Most Valuable Player Award;

Whereas in addition to the contributions of superstars Bryant, Gasol, and Odom, strong contributions by Ariza, Brown, Farmar, Ilunga-Mbenga, Bynum, Fisher, Powell, Vujacic, and Walton returned the glory that has marked much of the Los Angeles Lakers franchise history;

Whereas Lakers owner Jerry Buss, General Manager Mitch Kupchak, Head Coach Phil Jackson, and the entire roster and coaching staff have joined previous great Lakers teams in winning the NBA championship; and

Whereas the hustle, team defense, and overall unselfish play of the 2008–2009 Lakers are emblematic of the tradition that has been a hallmark of the franchise for more than 63 years, and serves as a model for coaches and players everywhere: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the 2008–2009 National Basketball Association (NBA) World Champions, the Los Angeles Lakers, are to be congratulated for an outstanding and historic season; and

(2) the Lakers, in winning their 15th NBA World Championship, capped a remarkable, unprecedented single-season turnaround that captivated basketball fans across America and around the world.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.36 HARRY KALAS

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 350):

Whereas Harry Kalas, an iconic and beloved sports broadcaster passed away on April 13, 2009;

Whereas Harry Kalas was born on March 26, 1936, in Naperville, Illinois;

Whereas Harry Kalas is a 1959 graduate of the University of Iowa with a Bachelor of Arts degree in Speech, Radio, and Television;

Whereas immediately following graduation, Harry Kalas served in the United States Army for two years in Hawaii;

Whereas following his service, Harry Kalas began his broadcasting career with KGU Radio broadcasting games for the University of Hawaii and the Hawaii Islanders of the AAA Pacific Coast League;

Whereas Harry Kalas was a member of the original Houston Astros broadcast team in 1965;

Whereas Harry Kalas joined the Philadelphia Phillies broadcast team in 1971, calling their games for the past 38 years, including 26 years with his great friend and Hall of Famer Richie Ashburn;

Whereas Harry Kalas had diverse talents, calling University of Houston football, Southwest Conference basketball, Big Five basketball, University of Notre Dame football, and NFL games, throughout his illustrious career as well as providing voice-overs for NFL films and numerous commercials;

Whereas Harry Kalas broadcast the opening of the Astrodome, Veterans Stadium, and Citizen Bank Ballpark;

Whereas in 2002, Harry Kalas was the Ford C. Frick Award Winner, named after the former National League President and Major League Baseball Commissioner, which is annually bestowed by the National Baseball Hall of Fame to a broadcaster for ''major contributions to baseball'';

Whereas Harry Kalas called 7 National League Championship Series and 3 World Series, being the voice of the 2008 World Champions;

Whereas Harry Kalas called all of Hall of Famer Steve Carlton's starts as a Phillie, as well as all of Hall of Famer Mike Schmidt's 548 homeruns, making the phrase, ''outta here'', an often imitated but never duplicated signature home run call well known in Philadelphia and the rest of the baseball world;

Whereas Harry Kalas was named Pennsylvania Sportscaster of the year 18 times and was inducted into the National Sportscasters and Sportswriters Association Hall of Fame in 2008;

Whereas Harry Kalas was a remarkable husband to his wife, Eileen, and father to his three sons, Todd, Brad, and Kane;

Whereas his son Todd followed him into the field of sports broadcasting; and

Whereas Harry Kalas, not just as a voice, but also as a husband, father, friend, and veteran, will be sorely missed in both the Philadelphia region and the United States: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 22, 2009.

¶96.37 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. MAFFEI, laid before the House the following communication from Justin Cox, Physician, Office of the Attending Physician:

OFFICE OF ATTENDING PHYSICIAN,
U.S. CAPITOL,
Washington, DC, July 21, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for trial testimony issued by the U.S. District Court for the Eastern District of Virginia in connection with a criminal case now pending in that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JUSTIN COX,
Physician.

¶96.38 PROVIDING FOR CONSIDERATION OF H.R. 2920

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–217) the resolution (H. Res. 665) providing for consideration of the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

When said resolution and report were referred to the House Calendar and ordered printed.

¶96.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; to the Committee on Foreign Affairs.

¶96.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LUCAS, for July 20.

And then,

¶96.41 ADJOURNMENT

On motion of Mr. BRALEY of Iowa, at 11 o'clock and 47 minutes p.m., the House adjourned.

¶96.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 22. A bill to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service retiree Health Benefits Fund; with an amendment (Rept. 111–216). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 665. A resolution providing for

consideration of the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111–217). Referred to the House Calendar.

¶96.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself, Mr. PETERS, Ms. KILROY, Mr. WATT, Mr. CAPUANO, Mr. AL GREEN of Texas, Mr. SHERMAN, Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. ELLISON, and Mr. HINOJOSA):

H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Mr. ISRAEL):

H.R. 3270. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. KIRK, and Mr. MCGOVERN):

H.R. 3271. A bill to amend the Internal Revenue Code of 1986 to improve commuting and transportation options; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3272. A bill to amend the Securities Exchange Act of 1934 to add requirements for board of directors committees regarding risk management and compensation policies, to require non-binding shareholder votes on executive compensation, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. HIGGINS, and Mr. LEE of New York):

H.R. 3273. A bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER (for himself, Mr. MCCARTHY of California, Mr. WITTMAN, Mr. FLEMING, Mr. ROONEY, and Mr. FRANKS of Arizona):

H.R. 3274. A bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself and Mr. SMITH of Nebraska):

H.R. 3275. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY of Massachusetts (for himself and Mr. UPTON):

H.R. 3276. A bill to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. FILNER, Ms. NORTON, Mr. MASSA, Mr. RANGEL, Mr. SESTAK, Mr. SIRES, and Mr. STARK):

H.R. 3277. A bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 3278. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Ways and Means.

By Mr. RODRIGUEZ:

H.R. 3279. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs centers of excellence for rural health research, education, and clinical activities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3280. A bill to direct the Secretary of Veterans Affairs to establish a grant program to assist veterans in highly rural areas by providing transportation to medical centers; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3281. A bill to direct the Secretary of Veterans Affairs to carry out demonstration projects related to providing care for veterans in rural areas; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3282. A bill to direct the Secretary of Veterans Affairs to provide certain veterans with readjustment and mental health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 3283. A bill to amend title 38, United States Code, to allow for reimbursement of certain travel at a set rate, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERMAN (for himself, Mr. ROYCE, and Mr. KLEIN of Florida):

H.R. 3284. A bill to prohibit the heads of executive agencies from entering into or renewing procurement contracts with persons that export certain computer or telecommunications technologies to Iran, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SNYDER:

H.R. 3285. A bill to amend that portion of title 28, United States Code, commonly called the Tort Claims Act, in order to assure that individuals accompanying Federal employees who are engaged in missions for the United States Government in foreign countries have legal recourse against the Government for certain tort claims, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. SPEIER, Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. BALDWIN, Ms. MATSUI, Mr. MEEK of Florida, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LOEBSACK, Mr. YARMUTH, Mr. TIERNEY, Mr. INSLEE, Mr. ACKERMAN, Mr. FARR, Mr. LARSEN of Washington, Mr. SARBANES, Ms. DELAURO, Ms. ZOE LOFGREN of California, Mr. PETERSON, Mr. OLVER, Ms. WATSON, Mr. SHERMAN, Mr. KENNEDY, Mr. ELLISON, Ms. HIRONO, Ms. WOOLSEY, Ms. TSONGAS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. FATTAH, Mr. CROWLEY, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, Ms. HERSETH SANDLIN, Mr. ISRAEL, Mr. SIRES, Mr. EDWARDS of Texas, Mr. CLAY, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. CARSON of Indiana, Mr. ENGEL, Mr. DINGELL, Mrs. BIGGERT, Ms. DEGETTE, Mr. LOBIONDO, Mr. HIGGINS, Mr. WEXLER, Mr. STARK, Mr. COHEN, Mr. GRAYSON, Mr. FILNER, Mr. CUELLAR, Ms. KILROY, and Ms. LORETTA SANCHEZ of California):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H. Res. 663. A resolution expressing the sense of the House of Representatives that any savings under the Medicare Program should be invested back into the Medicare Program, rather than creating new entitlement programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, and Ms. FALLIN):

H. Res. 664. A resolution congratulating and honoring Barnes Jewish Hospital, Henry Ford Medical Center, Johns Hopkins Hospital, and Integris Baptist Hospital for the completion of a successful 16 person kidney transplant; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Ms. BORDALLO, Mr. COOPER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. RANGEL, and Mr. SESTAK):

H. Res. 666. A resolution recognizing Project HOPE for 50 years of exceptional service to improve and save the lives of millions of children and adults in developing nations through humanitarian assistance and health education; to the Committee on Foreign Affairs.

¶96.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LYNCH.

H.R. 39: Mr. SARBANES.

H.R. 197: Mr. RYAN of Wisconsin.

H.R. 204: Mr. KENNEDY and Ms. CASTOR of Florida.

H.R. 275: Mr. BURTON of Indiana, Mr. REYES, and Ms. GIFFORDS.

H.R. 406: Ms. DELAURO.

H.R. 413: Ms. WASSERMAN SCHULTZ, Mr. RYAN of Wisconsin, Mr. WATT, Mr. REICHERT, Mr. LEVIN, and Mr. HODES.

H.R. 422: Mr. PETERS.

H.R. 450: Mr. OLSON.

H.R. 571: Mr. CONYERS, Mr. GUTIERREZ, and Mr. GONZALEZ.

H.R. 614: Mr. LATTA, Mr. CULBERSON, and Mr. TAYLOR.

H.R. 621: Ms. SCHAKOWSKY and Mr. YOUNG of Alaska.

H.R. 635: Mr. STARK.

H.R. 690: Mr. LATTA, Mr. STUPAK, Mr. BOREN, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 734: Ms. CLARKE and Ms. EDWARDS of Maryland.

H.R. 745: Mr. MASSA.

H.R. 816: Mr. KRATOVIL.

H.R. 840: Mr. BAIRD and Mr. MAFFEI.

H.R. 859: Mr. PLATTS.
H.R. 948: Mr. HODES.
H.R. 949: Mr. KRATOVIL.
H.R. 997: Mr. SESSIONS.
H.R. 1017: Ms. TITUS.
H.R. 1064: Mr. WU.
H.R. 1074: Mr. ISSA and Mrs. HALVORSON.
H.R. 1075: Mr. GINGREY of Georgia.
H.R. 1079: Mr. DEFAZIO and Mr. CARDOZA.
H.R. 1101: Mr. SIRES.
H.R. 1103: Mr. SIRES.
H.R. 1158: Mr. WEXLER.
H.R. 1188: Mr. ROTHMAN of New Jersey, Mr. MICHAUD, and Mr. LYNCH.
H.R. 1189: Mr. CARDOZA.
H.R. 1204: Ms. MCCOLLUM.
H.R. 1214: Mr. LEVIN.
H.R. 1324: Mr. PETERSON and Mr. CLAY.
H.R. 1327: Mr. LINDER, Ms. GRANGER, Mr. KRATOVIL, Ms. CORRINE BROWN of Florida, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. HUNTER, Mr. HASTINGS of Washington, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYAN of Wisconsin, Mr. HIGGINS, and Mr. OLSON.
H.R. 1361: Mr. SESTAK.
H.R. 1389: Mr. NADLER of New York.
H.R. 1392: Mr. SPRATT and Mrs. MYRICK.
H.R. 1402: Mr. UPTON and Mr. SESSIONS.
H.R. 1415: Ms. DEGETTE.
H.R. 1428: Mr. FORBES.
H.R. 1441: Mr. ROGERS of Kentucky.
H.R. 1458: Ms. SLAUGHTER.
H.R. 1546: Mr. GRAYSON.
H.R. 1588: Mr. BROWN of South Carolina.
H.R. 1614: Mr. LATOURETTE.
H.R. 1625: Mr. FARR, Mrs. CAPPS, Mr. SARBANES, and Mr. BERMAN.
H.R. 1693: Ms. WOOLSEY and Mr. ELLISON.
H.R. 1826: Ms. SLAUGHTER and Ms. ESHOO.
H.R. 1831: Mr. OLSON, Mr. RODRIGUEZ, Mr. GONZALEZ, and Mr. KIRK.
H.R. 1835: Mr. TIM MURPHY of Pennsylvania.
H.R. 1884: Mr. BOCCIERI, Mr. RYAN of Ohio, Mr. ROGERS of Kentucky, Mrs. MALONEY, Ms. TITUS, and Mr. HINOJOSA.
H.R. 1891: Mr. BURTON of Indiana.
H.R. 1992: Mr. NADLER of New York.
H.R. 2000: Mr. KILDEE and Mr. GARRETT of New Jersey.
H.R. 2055: Mr. ABERCROMBIE and Mr. KILDEE.
H.R. 2060: Mr. COHEN and Mr. SCHAUER.
H.R. 2061: Mr. KLINE of Minnesota.
H.R. 2072: Mr. WITTMAN.
H.R. 2081: Mr. WEXLER.
H.R. 2089: Mr. GRAYSON.
H.R. 2095: Ms. ZOE LOFGREN of California.
H.R. 2140: Mr. CHANDLER.
H.R. 2144: Mr. HOEKSTRA.
H.R. 2159: Ms. WASSERMAN SCHULTZ.
H.R. 2215: Mr. STUPAK.
H.R. 2222: Mr. MCGOVERN and Mr. GRIJALVA.
H.R. 2254: Mr. DOGGETT.
H.R. 2267: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2476: Mrs. LUMMIS.
H.R. 2492: Mr. GORDON of Tennessee and Mr. GRAYSON.
H.R. 2499: Mrs. BLACKBURN.
H.R. 2502: Mr. KRATOVIL.
H.R. 2542: Mr. WEXLER.
H.R. 2558: Mr. STARK.
H.R. 2560: Mr. KENNEDY.
H.R. 2568: Mr. HALL of Texas.
H.R. 2573: Mr. PETERSON, Ms. HIRONO, Mr. MCGOVERN, and Mr. GRIJALVA.
H.R. 2626: Mr. BOUSTANY.
H.R. 2648: Ms. MCCOLLUM.
H.R. 2695: Ms. ZOE LOFGREN of California.
H.R. 2724: Ms. BALDWIN.
H.R. 2807: Mr. REICHERT.
H.R. 2815: Mr. CONNOLLY of Virginia.
H.R. 2870: Mrs. MILLER of Michigan, Mr. FILNER, Mr. PASTOR of Arizona, and Mr. NADLER of New York.
H.R. 2882: Mr. GRAYSON.
H.R. 2891: Mr. MASSA and Mrs. NAPOLITANO.
H.R. 2909: Ms. TSONGAS.
H.R. 2935: Mr. WILSON of South Carolina, Mr. PIERLUISI, Mr. BOUCHER, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. OBERSTAR, Mr. FILNER and Mr. DICKS.
H.R. 2936: Mr. SCHAUER, Ms. FUDGE, and Mr. DEFAZIO.
H.R. 2941: Mr. BOOZMAN and Mrs. NAPOLITANO.
H.R. 3006: Mr. ABERCROMBIE.
H.R. 3011: Mr. BARROW.
H.R. 3040: Mr. GRAYSON and Mr. GONZALEZ.
H.R. 3042: Mr. VISCLOSKY, Ms. SLAUGHTER, and Mr. DEFAZIO.
H.R. 3131: Mr. WITTMAN.
H.R. 3141: Mr. REHBERG.
H.R. 3154: Mr. CARDOZA and Mr. STARK.
H.R. 3155: Mr. KLEIN of Florida and Mr. WOLF.
H.R. 3166: Mr. MURPHY of Connecticut.
H.R. 3169: Mr. CAO.
H.R. 3193: Mr. PUTNAM.
H.R. 3201: Mrs. LUMMIS.
H.R. 3202: Ms. KILPATRICK of Michigan, Mr. FARR, Mr. JOHNSON of Georgia, Mr. HINCHEY, and Mr. WHITFIELD.
H.R. 3203: Mrs. LUMMIS.
H.R. 3226: Mr. BURTON of Indiana and Mr. SIMPSON.
H.R. 3227: Mr. MCCOTTER, Mr. WOLF, Mr. BOSWELL, and Mr. FILNER.
H.R. 3233: Mr. ROONEY.
H.R. 3245: Mr. GUTIERREZ.
H.R. 3250: Mrs. MALONEY, Mr. ACKERMAN, Mr. ARCURI, Mr. SERRANO, Mr. ENGEL, and Mr. MURPHY of New York.
H.R. 3252: Mr. FILNER.
H. J. Res. 56: Mr. WELCH.
H. Con. Res. 49: Mr. RUSH, Mr. SCALISE, and Mr. ADLER of New Jersey.
H. Con. Res. 74: Ms. BERKLEY and Mr. GRIJALVA.
H. Con. Res. 94: Mr. TANNER.
H. Con. Res. 160: Mr. KANJORSKI.
H. Res. 57: Mr. SKELTON.
H. Res. 111: Ms. MARKEY of Colorado, Mr. COSTA, and Mr. LAMBORN.
H. Res. 270: Mr. DAVIS of Alabama.
H. Res. 311: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, and Mr. MANZULLO.
H. Res. 376: Mr. MASSA, Mr. MOORE of Kansas, Mr. BROUN of Georgia, Ms. BERKLEY, Mr. CAO, Mr. ARCURI, and Mr. FRANKS of Arizona.
H. Res. 487: Mr. SCHAUER.
H. Res. 508: Mr. EHLERS, Mr. BOYD, and Mr. SHERMAN.
H. Res. 593: Mr. GRAYSON.
H. Res. 605: Ms. BALDWIN, Mr. AKIN, Mr. DOGGETT, Mr. LANCE, Mr. ISSA, Mr. MICHAUD, and Mr. BARTLETT.
H. Res. 619: Mr. LATHAM, Mr. TIM MURPHY of Pennsylvania, and Mr. ROYCE.
H. Res. 620: Mr. GRIJALVA.
H. Res. 630: Mr. WELCH, Mr. MORAN of Virginia, Mr. BERRY, Ms. MCCOLLUM, Mr. MURTHA, and Mr. MOLLOHAN.
H. Res. 631: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, and Mr. BARTON of Texas.
H. Res. 641: Mr. WEXLER, Mr. GALLEGLY, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. PENCE, Mr. BOEHNER, Mr. BLUNT, Mr. MANZULLO, Mr. CRENSHAW, Mr. CARTER, Mr. STEARNS, Mr. ROYCE, Mr. WOLF, Mr. CAO, Mr. BILBRAY, Mr. BOOZMAN, Mr. CHAFFETZ, Mr. PITTS, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 654: Mr. FILNER.

WEDNESDAY, JULY 22, 2009 (97)

The House was called to order by the SPEAKER.

¶97.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, July 21, 2009.

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

¶97.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2767. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Definitions; Disclosure to Shareholders; Accounting and Reporting Requirements; Disclosure and Accounting Requirements (RIN: 3052-AC35) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2768. A letter from the Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2008. The report separately identifies the dollar value of items waived for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

2769. A letter from the Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year 2010, along with proposed plans for FY 2011 through 2014, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

2770. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Acquisition of Specialty Metals (DFARS Case 2008-D003) (RIN: 0750-AF95) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2771. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

2772. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2773. A letter from the Acting Associate General Counsel for General Law, Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2774. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act National Institute of Standards and Technology Construction Grant Program [Docket No.: 090306286-9288-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2775. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2009-22] received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2776. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting the Department's report on the Impact of the Compacts of Free Association on Guam for fiscal years 2004 through 2008, pursuant to Public Law 108-188, section

104(E)(8); jointly to the Committees on Natural Resources and Foreign Affairs.

2777. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1840-DR for the State of Florida, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

¶97.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2245. An Act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H. Con. Res. 164. A concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

The message also announced that pursuant to Public Law 111–25, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Ronald Reagan Centennial Commission: Sig Rogich of Nevada, and Frank Fahrenkoph of Nevada.

¶97.4 PROVIDING FOR CONSIDERATION OF H.R. 2920

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 665):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; (2) the amendment in the nature of a substitute printed in part C of the report of the Committee on Rules, if offered by Representative Ryan of Wisconsin or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. For purposes of the concurrent resolution on the budget, the amounts specified in section 421(a)(2)(A) and section 421(a)(2)(C) shall be considered to be those reflected in section 314 and section 316, respectively, of the House companion measure.

When said resolution was considered.

After debate,

On motion of Mr. ARCURI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶97.5 PRIVILEGES OF THE HOUSE

Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 667):

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti ''set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks contracts back to his clients.''

Whereas, a guest columnist recently highlighted in Roll Call that ''. . . what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.''

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm: including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they ''have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill.''

Whereas, the Associated Press highlighted the ''huge amounts of political donations'' from the firm and its clients to select members and noted that ''those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.''

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, after a cursory review, the fiscal year 2010 defense appropriations earmark list recently made available includes at least seventy earmarks worth hundreds of millions of dollars for former PMA clients.

Whereas, the Associated Press reported that ''the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.''

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: Resolved, That the Committee on Standards of Official Conduct shall immediately establish an investigative subcommittee and begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. ANDREWS moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	224
	Nays	189
	Answered present	14

¶97.6 [Roll No. 605]

YEAS—224

Abercrombie	Carney	Doyle
Ackerman	Carson (IN)	Driehaus
Adler (NJ)	Chu	Edwards (MD)
Altmire	Clarke	Edwards (TX)
Andrews	Clay	Ellison
Arcuri	Cleaver	Engel
Baca	Clyburn	Eshoo
Baird	Cohen	Etheridge
Baldwin	Connolly (VA)	Farr
Barrow	Conyers	Fattah
Bean	Cooper	Filner
Becerra	Costa	Frank (MA)
Berkley	Costello	Fudge
Berman	Courtney	Gonzalez
Berry	Crowley	Gordon (TN)
Bishop (GA)	Cuellar	Grayson
Bishop (NY)	Cummings	Green, Al
Blumenauer	Dahlkemper	Green, Gene
Boren	Davis (AL)	Griffith
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	DeFazio	Halvorson
Braley (IA)	DeGette	Hare
Brown, Corrine	Delahunt	Harman
Capps	DeLauro	Hastings (FL)
Capuano	Dicks	Heinrich
Cardoza	Dingell	Higgins
Carnahan	Doggett	Hinchey

Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—189

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Teague
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

ANSWERED ''PRESENT''—14

Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Lofgren, Zoe
Myrick
Poe (TX)
Walden
Welch

NOT VOTING—6

Kennedy
McCarthy (NY)
Meek (FL)
Thompson (MS)
Thompson (PA)
Young (FL)

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶97.7 H. RES. 665—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business is to be the question of agreeing to said resolution (H. Res. 665) providing for consideration of the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 182

¶97.8 [Roll No. 606]

YEAS—243

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Clay
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—8

Becerra
Chandler
Kennedy
McCarthy (NY)
Meek (FL)
Rogers (AL)
Thompson (MS)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶97.9 H.R. 1675—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1675) to amend section 811 of the Cranston-Gonzales National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376 / Nays 51

¶97.10 [Roll No. 607]

YEAS—376

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—51

Akin
Barrett (SC)
Bartlett
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hastings (WA)
Hensarling
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
McClintock
Myrick
Neugebauer
Olson
Paul
Pence
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Shadegg
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—6

Hoyer
Kennedy
Luján
McCarthy (NY)
Thompson (MS)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.11 H.R. 2938—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2938) to extend the deadline for commencement of construction of a hydroelectric project.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶97.12 [Roll No. 608]

YEAS—418

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee

Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Ackerman
Barrett (SC)
Bishop (UT)
Brady (TX)
Emerson
Kennedy
Kilroy
Marchant
McCarthy (NY)
McCotter
Melancon
Schrader
Sullivan
Thompson (MS)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.13 H. RES. 69—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 69) recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 0

¶97.14 [Roll No. 609]

YEAS—420

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

NOT VOTING—13

Boozman
Edwards (MD)
Emerson
Grijalva
Kennedy
Marchant
McCarthy (NY)
McCotter
Mollohan
Paul
Ruppersberger
Thompson (MS)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶97.15 CHANGE OF REFERENCE—H. RES. 631

On motion of Mr. GORDON of Tennessee, by unanimous consent, the Committee on Science and Technology was discharged from further consideration of the resolution (H. Res. 631)

congratulating Continental Airlines on its 75th anniversary.

When said resolution was rereferred to the Committee on Energy and Commerce.

¶97.16 STATUTORY PAY-AS-YOU-GO

Mr. SPRATT, pursuant to House Resolution 665, called up for consideration the bill (H.R. 2920) to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

Pending consideration of said bill.

Pursuant to House Resolution 665, the following amendment in the nature of a substitute, printed in Part A of House Report 111-217, modified by the amendment printed in Part B of House Report 111-217, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Statutory Pay-As-You-Go Act of 2009''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. PAYGO estimates and PAYGO scorecards.
Sec. 5. Annual report and sequestration order.
Sec. 6. Calculating a sequestration.
Sec. 7. Current policy adjustment to the CBO estimates.
Sec. 8. Application of BBEDCA.
Sec. 9. Technical corrections.
Sec. 10. Conforming amendments.
Sec. 11. Exempt programs and activities.

SEC. 2. PURPOSE.

The purpose of this Act is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term ''BBEDCA'' means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this Act, except to the extent that they are specifically modified as follows:

(A) The term ''outyear'' means a fiscal year that occurs one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term ''AMT'' means the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, the term ''EGTRRA'' means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term ''JGTRRA'' means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term ''budgetary effects'' means the amounts by which PAYGO legislation changes direct spending or revenues relative to the baseline and shall be determined on the basis of estimates included by reference in the PAYGO Act or prepared under section 4(d)(3), as applicable. Budgetary effects that increase direct spending or decrease revenues are termed ''costs'' and budgetary effects that increase revenues or decrease direct spending are termed ''savings''.

(B) For purposes of these definitions, off-budget effects shall be counted as budgetary effects unless such changes flow directly from amendments to title II of the Social Security Act and related provisions of the Internal Revenue Code of 1986 and debt service effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriations Acts are also considered to be budgetary effects for purposes of this Act if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, ''modifications to substantive law'' refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this Act.

(D) If a provision is designated as an emergency requirement under this Act and is also designated as an emergency requirement under the applicable rules of the House of Representatives, CBO shall not include the cost of such a provision in its estimate of the PAYGO legislation's budgetary effects.

(5) The term ''debit'' refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term ''entitlement law'' refers to a section of law which provides entitlement authority.

(7) The term ''PAYGO legislation'' or a ''PAYGO Act'' refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation.

(8) The term ''timing shift'' refers to a delay of the date on which direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

(a) PAYGO ESTIMATES.—(1) A PAYGO Act shall include by reference an estimate of its budgetary effects as determined under section 308(a)(3) of the Congressional Budget Act of 1974, if timely submitted ''for printing in the Congressional Record by the chairs of the Committees on the Budget of the House of Representatives and the Senate, as applicable, before the vote on the PAYGO legislation''. ''The Clerk of the House or the Secretary of the Senate, as applicable, shall also incorporate by reference such estimate printed in the relevant portion of the Congressional Record under section 308(a)(3) of the Congressional Budget Act of 1974 into the enrollment of a PAYGO Act.''. Budgetary effects that are not so included shall be determined under section 4(d)(3).

(2)(A) Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(3) CBO PAYGO ESTIMATES.—Before a vote in either House on a PAYGO Act that, if determined in the affirmative, would clear such Act for enrollment, the chairs of the Committees on the Budget of the House and Senate as applicable shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of such Act under the Statutory Pay-As-You-Go Act of 2009. If such an estimate is timely provided, the chairs of the Committees on the Budget of the House of Representatives and the Senate shall post such estimate on their respective committee websites and cause it to be printed in the Congressional Record under the heading 'PAYGO ESTIMATE'. For purposes of this section, the Director of the Congressional Budget Office shall not count timing shifts in his estimates of the budgetary effects of PAYGO legislation (as defined in section 3 of the Statutory Pay-As-You-Go Act of 2009).''.

(B) The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking ''REPORTS ON''.

(b) Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(d) SCOREKEEPING GUIDELINES.—The Director of the Congressional Budget Office shall provide estimates under this section in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985. Upon agreement, the chairs of the Committees on the Budget of the House of Representatives and the Senate shall submit updates to such guidelines for printing in the Congressional Record.''.

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—For purposes of calculating budgetary effects under this Act, CBO shall adjust its estimates as described below for any provision of legislation designated as meeting the criteria in subsection (b), (c), or (d) of section 7 and which the chairman of the Committee on the Budget of the House of Representatives or the Senate, as applicable, designates as meeting those criteria. A single piece of legislation may contain provisions designated as meeting criteria in more than one of the subsections listed above. For appropriately designated provisions, CBO shall exclude from its estimates for purposes of this Act any costs of a provision to the extent that those costs, when combined with all other excluded costs of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period, using the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or, after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, using the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. CBO estimates of legislation containing a current policy designation under this subsection shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within the same subsection of section 7.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of

provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation.

(3) OMB ESTIMATES.—If legislation does not contain the estimate of budgetary effects under paragraph (2), then OMB shall score the budgetary effects of that legislation upon its enactment, based on the approaches to scorekeeping set forth in this Act.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 3(4)(D), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this Act and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall include that order in the annual report and transmit it to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 7. CURRENT POLICY ADJUSTMENT TO THE CBO ESTIMATES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting four areas of the budget—

(1) payments made under section 1848 of the Social Security Act (titled Payment for Physicians' Services);

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those two Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109–280);

(B) amendments to the estate and gift tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3);

(D) the 35 percent bracket and that portion of the 33 percent bracket that applies to taxable income greater than $200,000 for an individual and $250,000 for a couple; and

(E) provisions in those two Acts relating to taxes rates on capital gains and dividends.

(b) MEDICARE PAYMENTS TO PHYSICIANS.—

(1) CRITERIA.—Legislation that includes provisions amending or superseding the system of payments under section 1848 of the Social Security Act shall trigger the current policy adjustment required by this Act.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payments made to physicians under that section of the Social Security Act (as scheduled on July 15, 2009, to be in effect); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect thereafter without change.

(c) ESTATE AND GIFT TAX.—

(1) CRITERIA.—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this Act.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on July 15, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect thereafter without change.

(d) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS AND AMT RELIEF.—

(1) CRITERIA.—Legislation that includes provisions extending middle-class tax cuts or AMT relief shall trigger the current policy adjustment required by this Act if those provisions extend one or more of the following provisions—

(A) AMT relief for calendar year 2010 and subsequent years in such a manner that the number of AMT taxpayers is not estimated to exceed the number of AMT taxpayers in tax year 2008 in any year through the tenth year after enactment;

(B) the 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(C) the child tax credit as in effect for tax year 2010, as provided for under section 201 of the Economic Growth and Tax Relief Reconciliation Act and any later amendments through July 15, 2009;

(D) tax benefits for married couples as in effect for tax year 2010, as provided for under title III of the Economic Growth and Tax Relief Reconciliation Act and any later amendments through July 15, 2009;

(E) the adoption credit as in effect in tax year 2010, as provided for under section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(F) the dependent care credit as in effect in tax year 2010, as provided for under section 204 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(G) the employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(H) the education tax benefits as in effect in tax year 2010, as provided for under title IV of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009;

(I) the 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendments through July 15, 2009; and

(J) the 33 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 and any later amendment affecting taxpayers with taxable income of $200,000 or less for individuals and $250,000 or less for couples in calendar year 2010 and increased in each subsequent year by an amount equal to the cost of living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting ''calendar year 2008'' for ''calendar year 1992'' in subparagraph (B) thereof.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the

difference between what total revenues would have been under the Internal Revenue Code of 1986 (as scheduled on July 15, 2009, to be in effect) and what revenues would be if legislation—

(A) permanently extending the AMT exemption and brackets in effect in tax year 2009 but increased in tax year 2010 and each subsequent tax year as indicated under subsection (d)(2)(B), along with any additional amount necessary to prevent the number of taxpayers who must pay AMT from increasing; and

(B) permanently extending the provisions identified in paragraph (1),

were enacted on the same day as the legislation referred to in paragraph (1).

SEC. 8. APPLICATION OF BBEDCA.

For purposes of this Act—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this Act, shall apply to the provisions of this Act;

(2) references in sections 255, 256, 257, and 274 to ''this part'' or ''this title'' shall be interpreted as applying to this Act;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to ''section 254'' shall be interpreted as referencing section 5 of this Act;

(4) the reference in section 256(b) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this Act;

(5) the reference in section 256(d)(1) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 6 of this Act;

(6) the reference in section 256(d)(4) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this Act;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this Act; and

(8) references in section 257(e) of BBEDCA to ''section 251, 252, or 253'' shall be interpreted as referencing section 4 of this Act.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking ''the expenses the Federal deposit insurance agencies'' and inserting ''the expenses of the Federal deposit insurance agencies''.

(b) Section 256(k)(1) of BBEDCA is amended by striking ''in paragraph (5)'' and inserting ''in paragraph (6)''.

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking ''origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.'' and inserting in lieu thereof ''origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.''.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

''(1) CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

''(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

''(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.'';

(3) by inserting after paragraph (1) the following:

''(2) UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.'';

(4) by inserting after paragraph (3), as redesignated, the following:

''(4) TIMING OF SUBSEQUENT SEQUESTRATION ORDER.—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).'';

(5) in paragraph (6), as redesignated, to read as follows:

''(6) SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

''(A) the part C growth percentage under section 1853(c)(6);

''(B) the part D annual growth rate under section 1860D–2(b)(6); and

''(C) application of risk corridors to part D payment rates under section 1860D–15(e).''; and

(6) by adding after paragraph (6), as redesignated, the following:

''(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

''(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

''(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

''(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.''.

SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking ''1998'' and inserting in lieu thereof ''2010''.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows

''(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (title 42, United States Code, section 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

''(b) VETERANS PROGRAMS.—The following program shall be exempt from reduction under any order issued under this part—

''All programs administered by the Department of Veterans Affairs.

''Special Benefits for Certain World War II Veterans (28–0401–0–1–701).

''(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

''(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.''.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

''(g) OTHER PROGRAMS AND ACTIVITIES.—

''(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

''Activities resulting from private donations, bequests, or voluntary contributions to the Government.

''Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–808).

''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).

''Black Lung Disability Trust Fund Refinancing (16–0329–0–1–601).

''Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93–454 (1974), as amended (89–4045–0–3–271).

''Claims, Judgments, and Relief Acts (20–1895–0–1–808).

''Compact of Free Association (14–0415–0–1–808).

''Compensation of the President (11–0209–01–1–802).

''Comptroller of the Currency, Assessment Funds (20–8413–0–8–373).

''Continuing Fund, Southeastern Power Administration (89–5653–0–2–271).

''Continuing Fund, Southwestern Power Administration (89–5649–0–2–271).

''Dual Benefits Payments Account (60–0111–0–1–601).

''Emergency Fund, Western Area Power Administration (89–5069–0–2–271).

''Exchange Stabilization Fund (20–4444–0–3–155).

''Federal Deposit Insurance Corporation, Deposit Insurance Fund (51–4596–4–4–373).

''Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51–4065–0–3–373).

''Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51–4458–0–3–373).

''Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51–4457–0–3–373).

''Federal Housing Finance Agency, Administrative Expenses (95–5532–0–2–371).

''Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20–1713–0–1–752).

''Federal Payment to the District of Columbia Pension Fund (20–1714–0–1–601).

''Federal Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Federal Reserve Bank Reimbursement Fund (20–1884–0–1–803).

''Financial Agent Services (20–1802–0–1–803).

''Foreign Military Sales Trust Fund (11–8242–0–7–155).

''Hazardous Waste Management, Conservation Reserve Program (12–4336–0–3–999).

''Host Nation Support Fund for Relocation (97–8337–0–7–051).

''Internal Revenue Collections for Puerto Rico (20–5737–0–2–806).

''Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

''Medical Facilities Guarantee and Loan Fund (75–9931–0–3–551).

''National Credit Union Administration, Central Liquidity Facility (25–4470–0–3–373).

''National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25–4476–0–3–376).

''National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25–4473–0–3–371).

''National Credit Union Administration, Credit Union Share Insurance Fund (25–4468–0–3–373).

''National Credit Union Administration, Credit Union System Investment Program (25–4474–0–3–376).

''National Credit Union Administration, Operating fund (25–4056–0–3–373).

''National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25–4469–0–3–376).

''National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25–4475–0–3–376).

''Office of Thrift Supervision (20–4108–0–3–373).

''Panama Canal Commission Compensation Fund (16–5155–0–2–602).

''Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15–0100–0–1–153).

''Payment to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97–0850–0–1–054).

''Payment to Judiciary Trust Funds (10–0941–0–1–752).

''Payment to Military Retirement Fund (97–0040–0–1–054).

''Payment to the Foreign Service Retirement and Disability Fund (19–0540–0–1–153).

''Payments to Copyright Owners (03–5175–0–2–376).

''Payments to Health Care Trust Funds (75–0580–0–1–571).

''Payment to Radiation Exposure Compensation Trust Fund (15–0333–0–1–054).

''Payments to Social Security Trust Funds (28–0404–0–1–651).

''Payments to the United States Territories, Fiscal Assistance (14–0418–0–1–806).

''Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801).

''Postal Service Fund (18–4020–0–3–372).

''Radiation Exposure Compensation Trust Fund (15–8116–0–1–054).

''Reimbursement to Federal Reserve Banks (20–0562–0–1–803).

''Salaries of Article III judges.

''Soldiers and Airmen's Home, payment of claims (84–8930–0–7–705).

''Tennessee Valley Authority Fund, except nonpower programs and activities (64–4110–0–3–999).

''Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14–5265–0–2–452), Tribal Trust Fund (14–8030–0–7–452), White Earth Settlement (14–2204–0–1–452), and Indian Water Rights and Habitat Acquisition (14–5505–0–2–303).

''United Mine Workers of America 1992 Benefit Plan (95–8260–0–7–551).

''United Mine Workers of America 1993 Benefit Plan (95–8535–0–7–551).

''United Mine Workers of America Combined Benefit Fund (95–8295–0–7–551).

''United States Enrichment Corporation Fund (95–4054–0–3–271).

''Universal Service Fund (27–5183–0–2–376).

''Vaccine Injury Compensation (75–0320–0–1–551).

''Vaccine Injury Compensation Program Trust Fund (20–8175–0–7–551).

''(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Central Intelligence Agency Retirement and Disability System Fund (56–3400–0–1–054).

''Civil Service Retirement and Disability Fund (24–8135–0–7–602).

''Comptrollers general retirement system (05–0107–0–1–801).

''Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14–9924–0–2–303).

''Court of Appeals for Veterans Claims Retirement Fund (95–8290–0–7–705).

''Department of Defense Medicare-Eligible Retiree Health Care Fund (97–5472–0–2–551).

''District of Columbia Federal Pension Fund (20–5511–0–2–601).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Energy Employees Occupational Illness Compensation Fund (16–1523–0–1–053).

''Foreign National Employees Separation Pay (97–8165–0–7–051).

''Foreign Service National Defined Contributions Retirement Fund (19–5497–0–2–602).

''Foreign Service National Separation Liability Trust Fund (19–8340–0–7–602).

''Foreign Service Retirement and Disability Fund(19–8186–0–7–602).

''Government Payment for Annuitants, Employees Health Benefits (24–0206–0–1–551).

''Government Payment for Annuitants, Employee Life Insurance (24–0500–0–1–602).

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Military Retirement Fund (97–8097–0–7–602).

''National Railroad Retirement Investment Trust (60–8118–0–7–601).

''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306).

''Pensions for former Presidents (47–0105–0–1–802).

''Postal Service Retiree Health Benefits Fund (24–5391–0–2–551).

''Public Safety Officer Benefits (15–0403–0–1–754).

''Rail Industry Pension Fund (60–8011–0–7–601).

''Retired Pay, Coast Guard (70–0602–0–1–403).

''Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75–0379–0–1–551).

''Special Benefits for Disabled Coal Miners (16–0169–0–1–601).

''Special Benefits, Federal Employees' Compensation Act (16–1521–0–1–600).

''Special Workers Compensation Expenses (16–9971–0–7–601.)

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''United States Court of Federal Claims Judges' Retirement Fund (10–8124–0–7–602).

''United States Secret Service, DC Annuity (70–0400–0–1–751).

''Voluntary Separation Incentive Fund (97–8335–0–7–051).

''(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

''Biomass Energy Development (20–0114–0–1–271).

''Check Forgery Insurance Fund (20–4109–0–3–803).

''Credit liquidating accounts.

''Credit reestimates.

''Employees Life Insurance Fund (24–8424–0–8–602).

''Federal Aviation Insurance Revolving Fund (69–4120–0–3–402).

''Federal Crop Insurance Corporation Fund (12–4085–0–3–351).

''Federal Emergency Management Agency, National Flood Insurance Fund (58–4236–0–3–453).

''Federal Home Loan Mortgage Corporation (Freddie Mac).

''Federal National Mortgage Corporation (Fannie Mae).

''Geothermal resources development fund (89–0206–0–1–271).

''Low-Rent Public Housing—Loans and Other Expenses (86–4098–0–3–604).

''Maritime Administration, War Risk Insurance Revolving Fund (69–4302–0–3–403).

''Natural Resource Damage Assessment Fund (14–1618–0–1–302).

''Overseas Private Investment Corporation, Noncredit Account (71–4184–0–3–151).

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601).

''San Joaquin Restoration Fund (14–5537–0–2–301).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Terrorism Insurance Program (20–0123–0–1–376).

''(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''Academic Competitiveness/Smart Grant Program (91–0205–0–1–502).

''Child Care Entitlement to States (75–1550–0–1–609).

''Child Enrollment Contingency Fund (75–5551–0–2–551).

''Child Nutrition Programs (with the exception of special milk programs) (12–3539–0–1–605).

''Children's Health Insurance Fund (75–0515–0–1–551).

''Commodity Supplemental Food Program (12–3507–0–1–605).

''Contingency Fund (75–1522–0–1–609).

''Family Support Programs (75–1501–0–1–609).

''Federal Pell Grants under section 401 Title IV of the Higher Education Act.

''Grants to States for Medicaid (75–0512–0–1–551).

''Payments for Foster Care and Permanency (75–1545–0–1–609).

''Supplemental Nutrition Assistance Program (12–3505–0–1–605).

''Supplemental Security Income Program (28–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).''.

(d) ECONOMIC RECOVERY PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

''(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''All programs enacted in, or increases in programs provided by, the American Recovery and Reinvestment Act of 2009.

''Exchange Stabilization Fund-Money Market Mutual Fund Guaranty Facility (20–4274–0–3–376).

''Financial Stabilization Reserve (20–0131–4–1–376).

''GSE Mortgage-Backed Securities Purchase Program Account (20–0126–0–1–371).

''GSE Preferred Stock Purchase Agreements (20–0125–0–1–371).

''Office of Financial Stability (20–0128–0–1–376).

''Special Inspector General for the Troubled Asset Relief Program (20–0133–0–1–376).

''Troubled Asset Relief Program Account (20–0132–0–1–376).

''Troubled Asset Relief Program Equity Purchase Program (20–0134–0–1–376).

''Troubled Asset Relief Program, Home Affordable Modification Program (20–0136–0–1–604).''.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 665, the following further amendment in the nature of a substitute, printed in Part C of House Report 111-217, was submitted by Mr. RYAN of Wisconsin:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Budget Control Act of 2009''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—DISCRETIONARY SPENDING LIMITS

Sec. 101. Discretionary spending limits.
Sec. 102. Adjustments to discretionary spending limits.
Sec. 103. Conforming amendments.

TITLE II—TOTAL SPENDING LIMITS

Sec. 201. Total spending limits.
Sec. 202. Effective date.

TITLE III—DEFICIT LIMITS

Sec. 301. Deficit limits.
Sec. 302. Effective date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Spending reduction orders for total spending limits and deficit limits.
Sec. 402. Enforcement procedures under the Congressional Budget Act.
Sec. 403. Definitions.
Sec. 404. Amendments to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE I—DISCRETIONARY SPENDING LIMITS

SEC. 101. DISCRETIONARY SPENDING LIMITS.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraphs (1) through (13) and inserting the following new paragraphs:

''(1) For fiscal year 2010—

''(A) for the general purpose category, $1,048,000,000,000 in new budget authority and $1,302,000,000,000 in outlays;

''(B) for the overseas contingency operations category, $130,000,000,000 in new budget authority and $67,000,000,000 in outlays;

''(2) For fiscal year 2011—

''(A) for the general purpose category, $1,058,000,000,000 in new budget authority and $1,233,000,000,000 in outlays;

''(B) for the overseas contingency operations category, $50,000,000,000 in new budget authority and $70,000,000,000 in outlays;

''(3) For fiscal year 2012—

''(A) for the general purpose category, $1,069,000,000,000 in new budget authority and $1,171,000,000,000 in outlays;

''(B) for the overseas contingency operations category, $50,000,000,000 in new budget authority and $54,000,000,000 in outlays;

''(4) For fiscal year 2013—

''(A) for the general purpose category, $1,079,000,000,000 in new budget authority and $1,161,000,000,000 in outlays;

''(B) for the overseas contingency operations category, $50,000,000,000 in new budget authority and $50,000,000,000 in outlays;

''(5) For fiscal year 2014—

''(A) for the general purpose category, $1,094,000,000,000 in new budget authority and $1,161,000,000,000 in outlays;

''(B) for the overseas contingency operations category, $50,000,000,000 in new budget authority and $50,000,000,000 in outlays;''.

SEC. 102. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

''(1) CONCEPTS AND DEFINITIONS.—When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear to reflect changes in concepts and definitions. Such changes shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes may only be made after consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate and that consultation shall include written communication to such committees that affords such committees the opportunity to comment before official action is taken for such changes.

''(2) ADJUSTMENTS.—

''(A) EMERGENCY DESIGNATION.—If appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations.

''(B) OVERSEAS CONTINGENCY OPERATIONS DESIGNATION.—If appropriations for discretionary accounts are enacted that the President designates as overseas contingency operations related to the global war on terrorism that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as overseas contingency operations and the outlays flowing in all fiscal years from such appropriations.

''(3) SPECIAL OUTLAY ALLOWANCE.—If, in any fiscal year, outlays for a category exceed the discretionary spending limit for that category but new budget authority does not exceed its limit for that category (after application of the first step of a spending reduction described in subsection (a)(2), if necessary), the adjustment in outlays for a fiscal year is the amount of the excess but not to exceed 0.5 percent of the sum of the adjusted discretionary spending limits on outlays for that fiscal year.''.

SEC. 103. CONFORMING AMENDMENTS.

(1) Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' and inserting ''2019'' and by striking ''2006'' and inserting ''2019'';

(2) Sections 254(c)(2)(A) and (f) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking ''2002'' and inserting ''2014''

TITLE II—TOTAL SPENDING LIMITS

SEC. 201. TOTAL SPENDING LIMITS.

TOTAL SPENDING LIMITS.—After section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985, add the following new section:

''SEC. 253A. ENFORCING TOTAL SPENDING LIMITS.

''(a) PROJECTIONS.—

''(1) LONG-TERM PROJECTIONS.—For each of at least 10 fiscal years within the guideline period:

''(A) OMB shall prepare a report of the projected spending amount and the guideline spending amount (as defined in section 250(c)) and include such report in the budget as submitted by the President annually under section 1105(a) of title 31, United States Code.

''(B) CBO shall prepare a report of the projected spending amount and the guideline spending amount (as defined in section 250(c)) and include such report in the CBO annual baseline and reestimate of the President's budget.

''(2) INCLUSION IN SPENDING REDUCTION ORDERS.—Reports prepared pursuant to subsection (a) shall be included in the spending reduction report set forth in subsection (b).

''(b) SPENDING REDUCTION REPORT.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a spending reduction order (if any) under sections 251 and 253A, but after any spending reduction required by section 251, OMB shall issue a spending reduction report to reduce an excess spending amount (if any).

''(c) SPENDING REDUCTION ORDER.—A spending reduction ordered pursuant to subsection (b) shall be implemented using the procedures set forth in section 256A.

''(d) GUIDELINE PERIOD.—The guideline period shall be as follows:

''(1) Fiscal year 2010: 24.6 percent.
''(2) Fiscal year 2011: 23.2 percent.
''(3) Fiscal year 2012: 21.7 percent.
''(4) Fiscal year 2013: 21.7 percent.
''(5) Fiscal year 2014: 21.8percent.
''(6) Fiscal year 2015: 21.8 percent.
''(7) Fiscal year 2016: 21.7 percent.
''(8) Fiscal year 2017: 21.7 percent.
''(9) Fiscal year 2018: 21.7 percent.
''(10) Fiscal year 2019: 21.7 percent.
''(11) Fiscal year 2020 and each subsequent fiscal year: 21.7 percent.''.

SEC. 202. EFFECTIVE DATE.

This title shall apply to fiscal year 2010 and subsequent fiscal years.

TITLE III—DEFICIT LIMITS

SEC. 301. DEFICIT LIMITS.

Amend section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 to read as follows:

''SEC. 253. ENFORCING DEFICIT LIMITS.

''(a) ENFORCING DEFICIT LIMITS.— In this section, the term 'deficit limit' means an amount, as estimated by OMB, that equals—

''(1) 8 percent of GDP for 2010;
''(2) 6 percent of GDP for 2011;
''(3) 4 percent of GDP for 2012;
''(4) 3 percent of GDP for 2013;
''(5) 3 percent of GDP for 2014;
''(6) 3 percent of GDP for 2015;
''(7) 3 percent of GDP for 2016;
''(8) 3 percent of GDP for 2017;
''(9) 3 percent of GDP for 2018; and
''(10) 3 percent of GDP for 2019.

''(b) SPENDING REDUCTION REPORT.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a spending reduction order (if any) under sections 251 and 253A, but after any spending reduction required by section 251 and 253A, OMB shall issue a spending reduction report to reduce an excess spending amount (if any).

''(c) SPENDING REDUCTION ORDER.—A spending reduction ordered pursuant to subsection (b) shall be implemented using the procedures set forth in section 256A.''

SEC. 302. EFFECTIVE DATE.

This title shall apply to fiscal year 2010 and subsequent fiscal years through fiscal year 2019.

TITLE IV—GENERAL PROVISIONS

SEC. 401. SPENDING REDUCTION ORDERS FOR TOTAL SPENDING LIMITS AND DEFICIT LIMITS.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 256 the following:

"SEC. 256A. SPENDING REDUCTION ORDERS FOR TOTAL SPENDING LIMITS AND DEFICIT LIMITS.

''(a) APPLICATION.—A spending reduction order issued pursuant to this part shall apply to eliminate breaches of the limits set forth in sections 253 (deficit limits) and 253A (total spending limits) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(b) SPENDING REDUCTION ORDERS.—

''(1) ELIMINATING A SPENDING EXCESS.—OMB shall include in its spending reduction order a requirement that each spending account shall be reduced by an amount of budget authority calculated by multiplying the baseline level of budgetary resources in that account at that time by the uniform percentage necessary to reduce outlays sufficient to eliminate an excess spending amount.

''(2) EXEMPTIONS.—The following shall be exempt from reduction under any order issued under this part:

''(A) NET INTEREST.—Payments for net interest (set forth in function 900).

''(B) SOCIAL SECURITY.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

''(C) VETERANS PROGRAMS.—Benefits payable by the Department of Veterans affairs and other programs providing benefits to veterans.

''(D) OBLIGATED BALANCES.—Obligated balances of budget authority carried over from prior fiscal years shall be exempt from reduction under any order issued under this part.

''(E) CONSTITUTIONAL OBLIGATIONS.—Any obligations of the Federal Government required to be paid under the U.S. Constitution or contractual obligations as determined by OMB shall be exempt from reduction under any order issued under this part.

''(F) UNEMPLOYMENT INSURANCE.—Benefits payable under unemployment insurance payments.

''(G) EMERGENCY LEGISLATION.—Provisions of spending legislation the President designates as an emergency requirement and the Congress so designates in statute.

''(H) OVERSEAS CONTINGENCY OPERATIONS DESIGNATION.—Provisions of spending legislation the President designates as overseas contingency operations related to the global war on terrorism and the Congress so designates in statute.

''(I) DISCRETIONARY SPENDING.—Discretionary spending if the discretionary spending limits set forth in section 251(c) are not exceeded.

''(3) APPLICATION TO FAST GROWING PROGRAMS.—Any program whose growth in the budget year is less than the rate of inflation as determined by OMB shall be exempt from a spending reduction issued under this title.

''(4) LIMITATION ON SPENDING REDUCTIONS.—No program shall be subject to a spending reduction of more than 1 percent of its budgetary resources.

''(5) UNIFORM PERCENTAGE.—The percentage required to produce a spending reduction, as ordered by a spending reduction order, shall be calculated by OMB by adding all budgetary resources of the Government, and reducing that amount by an amount sufficient to reduce the total amount of outlays of the Government to equal, or lower, a level of outlays than the amount set forth in the guideline period.

''(6) EFFECT OF A SPENDING REDUCTION ORDER.—Upon the issue of a spending reduction order, a spending reduction shall be ordered for all nonexempt spending accounts. The spending reduction shall be effective as follows:

''(A) Budgetary resources subject to a spending reduction to any discretionary account shall be permanently cancelled.

''(B) The same percentage spending reduction shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

''(C) Administrative regulations implementing a spending reduction shall be made within 120 days of the issue of a spending reduction order.

''(D) Budgetary resources subject to a spending reduction in revolving, trust, and special fund accounts and offsetting collections subject to a spending reduction in appropriation accounts shall not be available for obligation during the fiscal year in which the spending reduction is issued, and shall be available in subsequent years only to the extent as provided by law.

''(7) INAPPLICABILITY OF SECTIONS 255 AND 256.—Sections 255 and 256 shall not apply to spending reduction orders under this section.''.

SEC. 402. ENFORCEMENT PROCEDURES UNDER THE CONGRESSIONAL BUDGET ACT.

(a) ENFORCEMENT.—Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

"SEC. 316. ENFORCEMENT PROCEDURES.

''(a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

''(b) TOTAL SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the total spending limits set forth in section 253A of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

''(c) DEFICIT LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the total deficit limits set forth in section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

''(d) WAIVER OR SUSPENSION.—

''(1) IN THE SENATE.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

''(2) IN THE HOUSE.—The provisions of this section may be waived or suspended in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

''(e) POINT OF ORDER PROTECTION.—In the House, it shall not be in order to consider a rule or order that waives the application of paragraph (2) of subsection (c).

''(f) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Enforcement procedures.''.

SEC. 403. DEFINITIONS.

Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraph (4), redesignating the succeeding paragraphs accordingly, and adding the following paragraphs:

''(19) The term 'spending reduction' refers to the cancellation of budgetary resources provided by discretionary appropriations or mandatory spending.

''(20) The term 'GDP', for any fiscal year, means the gross domestic product during such fiscal year consistent with Department of Commerce definitions.

''(21) The term 'total spending' means the total aggregate outlays of the Federal Government.

''(22) The term 'guideline period' means the period of fiscal years set forth in section 253A(d).

''(23) The term 'projected spending amount' means the amount of total outlays of the Federal Government for a fiscal year within the guideline period.

''(24) The term 'guideline spending amount' means the amount of total outlays of the Federal Government for a fiscal year as a percentage of GDP for such fiscal year within the guideline period.

''(25) The term 'excess spending amount' means the amount by which a projected spending amount exceeds the guideline spending amount for a fiscal year within the guideline period.

''(26) The term 'spending reduction order' means a spending reduction order as defined in section 253A(c).

''(27) The term 'advance appropriation' means appropriations that first become available one fiscal year or more beyond the fiscal year for which an appropriation Act making such funds available is enacted.

''(28)(A) The term 'emergency requirement' means any provision that provides new budget authority and resulting outlays for a situation that poses a threat to life, property, or national security and is—

''(i) sudden, quickly coming into being, and not building up over time;

''(ii) an urgent, pressing, and compelling need requiring immediate action;

''(iii) unforeseen, unpredictable, and unanticipated; and

''(iv) not permanent, temporary in nature.

''(B) An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.''.

After debate,

Pursuant to House Resolution 665, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. SPRATT demanded a recorded vote on agreeing to said further amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 169 / Nays 259

¶97.17 [Roll No. 610]

AYES—169

Aderholt
Adler (NJ)
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Clay
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—5

Conyers
Kingston
McCarthy (NY)
McHugh
Thompson (MS)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. RYAN of Wisconsin, moved to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill add the following new sections:

SEC. 12. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) IN GENERAL.—Paragraphs (1) through (13) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

''(1) with respect to fiscal year 2011 for the discretionary category: $1,126,000,000,000 in new budget authority and $1,189,000,000,000 in outlays;

''(2) with respect to fiscal year 2012 for the discretionary category: $1,150,000,000,000 in new budget authority and $1,193,000,000,000 in outlays;

''(3) with respect to fiscal year 2013 for the discretionary category: $1,177,000,000,000 in new budget authority and $1,220,000,000,000 in outlays;''.

(b) EXPIRATION.—(1) Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking subsection (b).

(2) Sections 254(c)(2)(A) and (f) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking ''2002'' and inserting ''2013''.

SEC. 13. DISCLOSURE OF INTEREST COSTS.

Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

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

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

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

''(D) containing a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the four ensuing fiscal years.''.

SEC. 14. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert ''or conference report thereon,'' before ''and submit''.

(2) In paragraph (1), strike ''bill or resolution'' and insert ''bill, joint resolution, or conference report''.

(3) At the end of paragraph (2) strike ''and'', at the end of paragraph (3) strike the period and insert ''; and'', and after such paragraph (3) add the following new paragraph:

''(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.''.

(4) At the end, add the following new sentence: ''The Director shall also prepare such estimates for any bill or resolution of a public character that has not been reported by a committee before it may be considered in the House of Representatives or Senate.''

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: '', or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the nays had it.

Mr. RYAN of Wisconsin, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 196 / Nays 234

¶97.18 [Roll No. 611]

AYES—196

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

Chaffetz
Childers
Clay
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—234

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

McCarthy (NY) McHugh Thompson (MS)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. SPRATT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 265 / Nays 166

¶97.19 [Roll No. 612]

AYES—265

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—166

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Clay
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Grijalva
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Stupak
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Walden
Wamp
Waters
Weiner
Westmoreland
Wilson (SC)
Wittman
Young (AK)

NOT VOTING—3

McCarthy (NY)
McHugh
Thompson (MS)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.20 TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS FY 2010

Mr. OLVER submitted a privileged report (Rept. No. 111–218) on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶97.21 H.R. 3119—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3119) to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶97.22 [Roll No. 613]

YEAS—426

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

NOT VOTING—8

Buchanan
Cleaver
Gordon (TN)
Markey (CO)
McCarthy (NY)
Schakowsky
Thompson (MS)
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.23 H. RES. 534—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. POLIS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 534) supporting the goals and ideals of ''National Children and Families Day''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 429 / Nays 0

¶97.24 [Roll No. 614]

YEAS—429

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth

Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Buchanan
Kaptur
McCarthy (NY)
Thompson (MS)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶97.25 H.R. 2972—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. POLIS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2972) to designate the facility of the United States Post Service located at 115 West Edward Street in Erath, Louisiana, and the ''Conrad DeRouen, Jr. Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶97.26 [Roll No. 615]

YEAS—424

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

NOT VOTING—9

Arcuri
Buchanan
Carter
Cassidy
Granger
Honda
McCarthy (NY)
Thompson (MS)
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.27 EUROPE MEDITERRANEAN PARTNERS

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 654):

Whereas the 1975 Helsinki Final Act and subsequent agreements and the work of the Organization for Security and Cooperation in Europe (OSCE), as well as its Parliamentary Assembly and affiliated institutions, encompass what is referred to as the Helsinki Process;

Whereas the 1975 Helsinki Final Act included a specific section on ''Questions relating to Security and Cooperation in the Mediterranean'' in recognition of the interrelation between security in Europe and security in the Mediterranean region;

Whereas the long-standing relationship between the participating states of the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation, currently Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia, dates back to the origins of the Helsinki Process and is rooted in the important geographical, historical, cultural, economic, and political links between them and the states of the Mediterranean region;

Whereas the OSCE participating states have declared their intention to promote the development of cooperative relations with the Mediterranean Partners and to encourage the development of mutually beneficial cooperation in various fields of economic activity and have sought to increase mutual confidence so as to promote security and stability in the Mediterranean region as a whole;

Whereas, since its establishment by the 1990 Charter of Paris, the Parliamentary Assembly of the OSCE has called for enhanced engagement with the Mediterranean Partners for Cooperation and their constituent assemblies in the pursuit of improved economic cooperation, and security and stability in the Mediterranean region;

Whereas in the 1992 Helsinki Document, the leaders of the OSCE participating states committed to widening cooperation and increasing dialogue with the Mediterranean Partners as a means to promote social and economic development in order to narrow the prosperity gap between Europe and its Mediterranean neighbors and to protect the Mediterranean ecosystems;

Whereas in the 1999 Istanbul Document, the OSCE participating states encouraged the Mediterranean Partners for Cooperation to draw on the expertise of the participating states in setting up structures and mechanisms in the Mediterranean region for early warning, preventive diplomacy, and conflict prevention;

Whereas the 2003 Maastricht Ministerial recognized that threats originating or evolving in adjacent regions are of increasing importance, and therefore the OSCE will intensify its cooperation with its Mediterranean and Asian Partners for Cooperation, and also encouraged the Partners for Cooperation to embrace the principles and commitments of the OSCE;

Whereas the Mediterranean Partners for Cooperation participate as observers in the annual meetings of the OSCE Ministerial Council as well as the regular meetings of the OSCE Permanent Council and Forum for Security Cooperation;

Whereas, the Mediterranean Partners for Cooperation actively participate in the work of the Contact Group within the Permanent Council, as well as OSCE yearly events, including the Annual Security Review Conference, the Economic Forum, the Human Dimension Implementation Meeting, and the Annual, Fall and Winter Sessions of the OSCE Parliamentary Assembly;

Whereas since 1995, the OSCE and the Mediterranean Partners for Cooperation have organized annual Mediterranean Conferences to provide the opportunity for the OSCE participating states and the Mediterranean Partners to exchange views on matters of mutual interest and to strengthen their cooperative relationship;

Whereas in 2001, the President of the OSCE Parliamentary Assembly appointed the first Special Representative on Mediterranean Affairs, Mr. Michel Voisin of France, in order to enhance engagement of members of parliament from the 56 participating states of the OSCE with members of parliament from the Mediterranean Partner states;

Whereas since 2001, successive OSCE Parliamentary Assembly Special Representatives on Mediterranean Affairs have been appointed by former Assembly Presidents, Mr. Bruce George of the United Kingdom, and Mr. Goran Lennmarker of Sweden, as well as by current President, Mr. Joao Soares of Portugal, reaffirming the OSCE Parliamentary Assembly's commitment to the Mediterranean Partners for Cooperation;

Whereas, under the leadership of then-President of the OSCE Parliamentary Assembly, Mr. Bruce George of the United Kingdom, the Parliamentary Assembly convened its first conference dedicated to ensuring peace, democracy, and prosperity in the region of the Mediterranean in Madrid in 2002; and

Whereas the OSCE Parliamentary Assembly has convened Mediterranean Seminars at its fall meetings since 2003, with the active participation of members of parliament representing the Mediterranean Partners for Cooperation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the People's Democratic Republic of Algeria, the Arab Republic of Egypt, the State of Israel, the Hashemite Kingdom of Jordan, the Kingdom of Morocco, and the Tunisian Republic for their participation in the Organization for Security and Cooperation in Europe (OSCE) as Mediterranean Partners for Cooperation;

(2) welcomes the representatives of the OSCE Mediterranean Partners for Cooperation to Washington, DC, on the occasion of the Commission on Security and Cooperation in Europe Seminar on OSCE Mediterranean Partner Engagement, July 22–23, 2009;

(3) encourages the OSCE to re-evaluate its past practices and ongoing activities in the Mediterranean dimension in order to further empower the OSCE Mediterranean Partners for Cooperation in the work of the OSCE, and to support the Partners' leadership on matters which impact their citizens, their governments, and the region; and

(4) encourages the OSCE Mediterranean Partners for Cooperation to continue to work with the OSCE participating states to enhance trade, economic development, security, and stability in the Mediterranean region, and to embrace existing OSCE commitments, including those in the Human Dimension.

The SPEAKER pro tempore, Mr. POLIS, recognized Mr. KLEIN of Florida, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POLIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶97.28 OLYMPIC DAY ON JUNE 23, 2009

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 538); as amended:

Whereas Olympic Day, June 23, 2009, celebrated the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States and Chicago, Illinois, advocate the ideals of the Olympic movement;

Whereas hundreds of local governments from across the United States are joining together to show their support for bringing the Olympic Games to Chicago, Illinois, in 2016;

Whereas Olympic Day will encourage the development of Olympic and Paralympic Sport in the United States;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States;

Whereas Olympic Day will encourage the youth of the United States to support the Olympic movement and the selection of Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports Olympic Day and the goals that Olympic Day pursues; and

(2) encourages the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.

The SPEAKER pro tempore, Mr. POLIS, recognized Mr. KLEIN of Florida, and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. POLIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 23, 2009.

The point of no quorum was considered as withdrawn.

¶97.29 1000TH ANNIVERSARY OF LITHUANIA

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 285):

Whereas the name ''Lithuania'' first appeared in European records in the year 1009, when it was mentioned in the German manuscript ''Annals of Quedlinburg'';

Whereas Duke Mindaugas united various Baltic tribes and established the state of Lithuania during the period between 1236 and 1263;

Whereas, by the end of the 14th century, Lithuania was the largest country in Europe, encompassing territory from the Baltic Sea to the Black Sea;

Whereas Vilnius University was founded in 1579 and remained the easternmost university in Europe for 200 years;

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas, in 2007, the United States Government and the Government of Lithuania celebrated 85 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of the Republic of Lithuania on the occasion of the 1000th anniversary of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious and economic freedoms, and for its commitment to human rights; and

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. KLEIN of Florida, and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 23, 2009.

The point of no quorum was considered as withdrawn.

¶97.30 TORTURE VICTIMS RELIEF REAUTHORIZATION

Mr. KLEIN of Florida, moved to suspend the rules and pass the bill (H.R. 1511) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The SPEAKER pro tempore, Mr. POLIS, recognized Mr. KLEIN of Florida, and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. POLIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶97.31 GOVERNMENT OF CANADA AND THE UNITED STATES FRIENDSHIP AND COOPERATION

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 519):

Whereas the United States has a long-cherished economic, social, and political partnership with Canada;

Whereas the United States and Canada share not only a 5,500-mile border, but also common ideals and cultural affinities;

Whereas in this era of heightened security, the United States and Canada have renewed cooperative efforts to safeguard the movement of people and goods, improve information-sharing, and strengthen border infrastructure and technology; and

Whereas July 1st of each year is officially celebrated in Canada as ''Canada Day'' in recognition of the anniversary of the establishment of the union of the British North American provinces in a federation called Canada: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States; and

(2) congratulates Canada as it celebrates its annual ''Canada Day''.

The SPEAKER pro tempore, Mr. POLIS, recognized Mr. KLEIN of Florida, and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POLIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 23, 2009.

The point of no quorum was considered as withdrawn.

¶97.32 PROVIDING FOR CONSIDERATION OF H.R. 3288

Mr. CARDOZA, by direction of the Committee on Rules, reported (Rept. No. 111–219) the resolution (H. Res. 669) providing for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶97.33 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS FY 2010

Mr. OBEY submitted a privileged report (Rept. No. 111–220) on the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

And then,

¶97.34 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 48 minutes p.m., the House adjourned.

¶97.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OLVER: Committee on Appropriations. H.R. 3288. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–218). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 669. Resolution providing for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–219). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. H.R. 3293. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–220). Referred to the Committee of the Whole House on the state of the Union.

¶97.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. CARNAHAN, Mr. GENE GREEN of Texas, Mr. KIND, Mr. LATOURETTE, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. PLATTS, Mr. RAHALL, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. WEXLER, and Mr. YARMUTH):

H.R. 3286. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself, Ms. GRANGER, and Ms. SCHAKOWSKY):

H.R. 3287. A bill to require a criminal background check for a child care staff member of any child care provider in a State that receives funds from the Child Care and Development Block Grant Program, and for other purposes; to the Committee on Education and Labor.

By Mr. HUNTER (for himself, Mr. ROYCE, Mr. RYAN of Ohio, Mr. STUPAK, Mr. MCINTYRE, Mr. BILBRAY, Mr. ROHRABACHER, Mr. SHULER, and Mr. GARY G. MILLER of California):

H.R. 3289. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border; to the Committee on Homeland Security.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. NADLER of New York, Mr. WEINER, Mr. ACKERMAN, Mr. ENGEL, Mr. ISRAEL, Ms. CLARKE, Mr. SIRES, Mr. HOLT, and Mr. GRIJALVA):

H.R. 3290. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3291. A bill to protect the rights of public shareholders of mutual holding companies by promoting fair corporate governance procedures when considering management or employee stock benefit plans, and for other purposes; to the Committee on Financial Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. COBLE, and Mrs. BIGGERT):

H.R. 3292. A bill to amend title 28, United States Code, to provide for a 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. YOUNG of Florida, and Mr. PUTNAM):

H.R. 3294. A bill to amend title 10, United States Code, to authorize the Department of Defense to support the Ocean for Life Program of the National Marine Sanctuaries under the National Oceanic and Atmospheric Administration, including covering the cost of participants in the Ocean for Life Program; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts (for himself, Ms. EDWARDS of Maryland, Mr. PAUL, Mr. COHEN, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. BERMAN, Ms. WATERS, Mr. SERRANO, Ms. DELAURO, Mr. WAXMAN, Mr. ACKERMAN, Mr. STARK, Mr. RUSH, Mr. HONDA, Mr. BOUCHER, Ms. ESHOO, Mr. MASSA, Mrs. CAPPS, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. FATTAH, Mr. GRIJALVA, Mr. MCGOVERN, Ms. CLARKE, Ms. NORTON, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Ms. HIRONO, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Ms. LEE of California):

H.R. 3295. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H.R. 3296. A bill to suspend temporarily the duty on cellulose nitrate; to the Committee on Ways and Means.

By Mr. GUTHRIE:

H.R. 3297. A bill to suspend temporarily the duty on 3,3'-dichlorobenzidine dihydrochloride; to the Committee on Ways and Means.

By Mr. JORDAN of Ohio:

H.R. 3298. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 3299. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself, Ms. BEAN, Mr. MOORE of Kansas, Mr. HIMES, Mr. CROWLEY, Mr. KIND, Mr. SMITH of Washington, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Mr. ADLER of New Jersey, Ms. KOSMAS, Mr. PETERS, and Mr. MURPHY of New York):

H.R. 3300. A bill to provide increased transparency and regulatory requirements for the trading of certain derivative financial instruments; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. RYAN of Wisconsin):

H.R. 3301. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. REICHERT, and Mr. MCDERMOTT):

H.R. 3302. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE.

H. Res. 667. A resolution raising a question of the privileges of the House.

By Mr. JACKSON of Illinois (for himself, Mr. COHEN, Mr. RUSH, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Ms. FUDGE, Mrs. DAVIS of California, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, and Ms. NORTON.

H. Res. 668. A resolution honoring the life, contributions, and achievements of Koko Taylor and expressing the condolences of the House of Representatives on her passing; to the Committee on Education and Labor.

By Mr. DENT (for himself and Mr. HOLDEN):

H. Res. 670. A resolution congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation; to the Committee on Natural Resources.

By Mr. WHITFIELD:

H. Res. 671. A resolution amending the Rules of the House of Representatives to promote fiscal responsibility by requiring the application of the House PAYGO rule; to the Committee on Rules.

¶97.37 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

126. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1044 memorializing the President of the United States and the United States Congress to support National Guard facilities; to the Committee on Armed Services.

127. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 09-1023 urging the United States Congress to provide the necessary funding for the ongoing development, operation, and sustainment of the Ground-based Midcourse Defense System; and encouraging Congress to direct the United States Department of Defense to continue such development, operation, and sustainment of the Ground-based Midcourse Defense System; to the Committee on Armed Services.

128. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 131 memorializing the Congress of the United States to address the escalating electronic payment interchange rates that merchants and consumers are assessed; to the Committee on Financial Services.

129. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 47 memorializing the Congress of the United States to enact the Credit Card Accountability, Responsibility, and Disclosure Act; to the Committee on Financial Services.

130. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 49 urging and requesting support and assistance in providing funding for the Wood to Electricity Program being developed by the Wood Products Development Foundation; to the Committee on Energy and Commerce.

131. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 2 memorializing the Congress of the United States of America to affirm Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America and to demand that the federal government halt the practice of assuming powers and imposing mandates upon the states for purposes which are not enumerated by the Constitution of the United States of America; to the Committee on the Judiciary.

132. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 4 memorializing the Congress of the United States and to urge and request the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba to prisons in Louisiana; to the Committee on the Judiciary.

133. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 8 memorializing the Congress of the Unites States to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; to the Committee on the Judiciary.

134. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 123 memorializing the Congress of the United States to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

135. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 2 expressing continued support for the Coastal Restoration and Enhancement Through Science and Technology (CREST) Program for its role in providing new research and scientific information for coastal restoration and protection; to the Committee on Science and Technology.

¶97.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. JACKSON of Illinois.
H.R. 39: Mr. JACKSON of Illinois.
H.R. 176: Mr. WEXLER.
H.R. 303: Mr. LEE of New York, Ms. EDWARDS of Maryland, and Mr. WU.
H.R. 424: Mr. PLATTS.
H.R. 426: Mr. WITTMAN.
H.R. 502: Mr. TURNER.
H.R. 555: Mr. COSTELLO.
H.R. 571: Mr. WITTMAN, Mr. ROGERS of Michigan, and Mr. EHLERS.
H.R. 614: Mr. POSEY, Mr. COFFMAN of Colorado, and Mr. ISSA.
H.R. 634: Mr. AUSTRIA.
H.R. 646: Mrs. NAPOLITANO and Mr. SCHIFF.
H.R. 690: Mr. LATHAM, Mr. PAUL, Mr. BUCHANAN, and Mr. MCHENRY.
H.R. 734: Mr. COSTELLO.
H.R. 795: Mr. PIERLUISI.
H.R. 832: Mr. GRIJALVA.
H.R. 840: Mr. KILDEE.
H.R. 984: Mr. QUIGLEY.
H.R. 1054: Mr. TEAGUE.
H.R. 1075: Mr. SCHIFF.
H.R. 1101: Mr. DEFAZIO.
H.R. 1103: Mr. ACKERMAN.
H.R. 1193: Mr. COHEN.
H.R. 1207: Mrs. DAHLKEMPER.
H.R. 1283: Ms. TITUS.
H.R. 1293: Mr. BRIGHT.
H.R. 1327: Mr. RODRIGUEZ, Mr. THOMPSON of Pennsylvania, and Mr. SMITH of Texas.
H.R. 1339: Mr. TURNER.
H.R. 1441: Mr. SIRES and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1443: Ms. BALDWIN.
H.R. 1451: Mr. SCALISE.
H.R. 1454: Mr. WEXLER, Mr. DAVIS of Kentucky, and Mr. MICA.
H.R. 1466: Mr. WEXLER.
H.R. 1548: Mr. CONAWAY and Mr. BURTON of Indiana.
H.R. 1619: Mr. HODES.
H.R. 1625: Mrs. BONO MACK.
H.R. 1646: Mr. MCCARTHY of California.
H.R. 1670: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1700: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, and Mrs. DAVIS of California.
H.R. 1723: Mr. NADLER of New York.
H.R. 1766: Mr. GRIJALVA.
H.R. 1776: Mr. KRATOVIL.
H.R. 1826: Mr. GRIJALVA and Mr. GEORGE MILLER of California.
H.R. 1831: Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, and Mr. MASSA.
H.R. 1881: Mr. LEVIN and Mr. QUIGLEY.
H.R. 1944: Mr. BOUSTANY.
H.R. 1977: Mr. LEWIS of Georgia.
H.R. 1995: Mr. UPTON.
H.R. 2017: Mr. KILDEE.
H.R. 2038: Mr. FRANK of Massachusetts.
H.R. 2115: Mr. MCGOVERN.
H.R. 2143: Ms. JENKINS.
H.R. 2215: Mr. CONYERS.
H.R. 2227: Mr. MCCOTTER.
H.R. 2243: Mr. FLEMING.
H.R. 2251: Mr. MCDERMOTT.
H.R. 2266: Mr. TONKO and Mr. CONYERS.
H.R. 2267: Mr. CONYERS.
H.R. 2275: Mr. ACKERMAN, Ms. SHEA-PORTER, Mr. SESSIONS, Mr. RUSH, Mr. BISHOP of New York, Mr. TAYLOR, Mr. SIRES, Mr. MILLER of North Carolina, Mr. KENNEDY, Mr. KUCINICH, Mr. MOORE of Kansas, Mr. TIM MURPHY of Pennsylvania, and Mr. KIRK.
H.R. 2304: Mr. MARSHALL.
H.R. 2329: Mr. WITTMAN, Mr. SHIMKUS, Mr. GRAYSON, Mr. MASSA, and Mr. DEFAZIO.
H.R. 2345: Mr. GINGREY of Georgia, Mr. CONAWAY, and Mr. CAMPBELL.
H.R. 2350: Mr. SCHAUER and Mr. LOBIONDO.
H.R. 2365: Mr. LATOURETTE.
H.R. 2373: Mr. ABERCROMBIE.
H.R. 2406: Mr. HUNTER and Mrs. EMERSON.
H.R. 2425: Mr. CONNOLLY of Virginia.
H.R. 2443: Mr. MCGOVERN.
H.R. 2452: Mr. VAN HOLLEN, Mr. SMITH of Texas, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 2483: Mr. WEXLER.
H.R. 2492: Mr. DEFAZIO and Mr. ROTHMAN of New Jersey.
H.R. 2517: Mr. OLVER.
H.R. 2568: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2597: Mr. GRAYSON, Mr. LEWIS of Georgia, Mr. PASTOR of Arizona, and Mr. BISHOP of Georgia.
H.R. 2617: Mr. OLVER.
H.R. 2697: Mrs. NAPOLITANO.
H.R. 2733: Mr. KISSELL and Mr. WAMP.
H.R. 2743: Mrs. DAHLKEMPER, Mr. BOEHNER, Mr. PITTS, Mr. HALL of Texas, and Mr. DENT.
H.R. 2782: Ms. BALDWIN.
H.R. 2811: Mr. WEXLER.
H.R. 2835: Mrs. CAPPS.
H.R. 2846: Mr. MORAN of Kansas.
H.R. 2852: Mr. KILDEE.
H.R. 2866: Mr. MARSHALL.
H.R. 2882: Ms. ZOE LOFGREN of California.
H.R. 2920: Mr. CUMMINGS and Mr. KENNEDY.
H.R. 2936: Mr. KILDEE.
H.R. 3001: Mr. SHERMAN.
H.R. 3006: Mr. KILDEE, Mr. LUJÁN, and Mr. HONDA.
H.R. 3011: Mr. TONKO.
H.R. 3025: Ms. GIFFORDS.
H.R. 3044: Mr. MORAN of Kansas, Mr. BILBRAY, Mr. MCINTYRE, Mr. YOUNG of Florida, Mrs. CAPITO, Mr. YOUNG of Alaska, and Mr. DEFAZIO.
H.R. 3056: Mr. QUIGLEY, Mr. PAUL, and Mr. KAGEN.
H.R. 3068: Mr. KUCINICH.
H.R. 3075: Mr. RANGEL.
H.R. 3076: Mr. GRIJALVA and Mr. WEXLER.
H.R. 3105: Mr. CALVERT.
H.R. 3116: Mr. INGLIS.
H.R. 3129: Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BROUN of Georgia, Ms. FALLIN, Mr. PITTS, Mr. LAMBORN, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. AKIN, Mr. MANZULLO, and Mr. POSEY.
H.R. 3141: Mr. YOUNG of Alaska.
H.R. 3149: Ms. WOOLSEY and Mr. FATTAH.
H.R. 3165: Mrs. MALONEY.
H.R. 3167: Mr. SAM JOHNSON of Texas.
H.R. 3178: Mr. KAGEN.
H.R. 3212: Mr. FRANK of Massachusetts.
H.R. 3216: Mr. DAVIS of Tennessee and Mr. MCINTYRE.
H.R. 3221: Mr. TONKO, Mrs. MCCARTHY of New York, and Ms. CASTOR of Florida.
H.R. 3227: Mr. KILDEE and Mr. ETHERIDGE.
H.R. 3238: Mr. CONYERS.
H.R. 3246: Mr. KILDEE and Mr. DAVIS of Alabama.
H.R. 3254: Mr. HEINRICH.
H.R. 3263: Mr. PAUL.
H.R. 3273: Mr. PAYNE.
H.R. 3274: Mr. LATTA, Mr. ROGERS of Kentucky, Mr. BURGESS, and Mr. THORNBERRY.
H.J. Res. 44: Ms. FALLIN, Mr. CARNEY, Mr. TAYLOR, Mr. FARR, Mr. COHEN, Mr. LAMBORN, Mr. PETERSON, Mr. LOBIONDO, Mr. BRIGHT, Mr. SNYDER, Mr. ROONEY, Mr. LOEBSACK, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. KRATOVIL, Ms. SHEA-PORTER, Mr. ABERCROMBIE, and Mr. PLATTS.
H. Con. Res. 50: Mr. MCCOTTER.
H. Con. Res. 74: Mr. AL GREEN of Texas, Mr. WAXMAN, and Ms. KILPATRICK of Michigan.
H. Con. Res. 126: Mr. COSTA, Mr. ROYCE, Mr. MEEKS of New York, and Mr. SIRES.
H. Con. Res. 159: Ms. MCCOLLUM, Mr. MORAN of Virginia, and Mr. ENGEL.
H. Con. Res. 163: Mr. RANGEL, Mr. RODRIGUEZ, Mr. EHLERS, Mr. JACKSON of Illinois, and Mr. SNYDER.
H. Con. Res. 167: Mr. SCOTT of Virginia, Mr. GENE GREEN of Texas, Mr. MANZULLO, and Ms. KILPATRICK of Michigan.
H. Res. 6: Mr. SHULER and Mr. MCGOVERN.
H. Res. 111: Mr. BRIGHT.
H. Res. 441: Mr. LUCAS, Mr. MICHAUD, Mr. MORAN of Kansas, and Mr. SCHAUER.
H. Res. 445: Mr. MARSHALL.
H. Res. 452: Mr. GRIJALVA, Mr. LYNCH, Mr. OLVER, Mr. LANGEVIN, and Mr. KENNEDY.
H. Res. 554: Mr. ADERHOLT, Mr. ALEXANDER, Mr. ARCURI, Mrs. BACHMANN, Mr. BARTLETT, Mr. BONNER, Mr. BOREN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CAO, Mr. CARTER, Mr. CHAFFETZ, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Mr. DUNCAN, Ms. FALLIN, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. HERGER, Mr. JACKSON of Illinois, Ms. JENKINS, Mr.

JONES, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KRATOVIL, Mr. LANCE, Mr. LIPINSKI, Mr. MAFFEI, Mrs. MALONEY, Mr. MARCHANT, Mr. MCCAUL, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. OLSON, Mr. PAUL, Mr. PITTS, Mr. PLATTS, Mr. REHBERG, Mr. NEUGEBAUER, Mr. ROGERS of Alabama, Mr. ROONEY, Mr. ROSS, Mrs. SCHMIDT, Mr. SHULER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Ms. SPEIER, Mr. STEARNS, Mr. TAYLOR, Mr. TIAHRT, and Mr. WAMP.

H. Res. 558: Ms. BORDALLO.

H. Res. 611: Mr. WILSON of South Carolina, Ms. JACKSON-LEE of Texas, Mr. PRICE of North Carolina, Mr. GERLACH, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. TURNER.

H. Res. 615: Mr. ROE of Tennessee, Mr. OLSON, Mr. MCCARTHY of California, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. HOEKSTRA, and Mr. LEE of New York.

H. Res. 630: Ms. DELAURO and Mr. VISCLOSKY.

H. Res. 654: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 659: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 660: Mr. ETHERIDGE.

THURSDAY, JULY 23, 2009 (98)

¶98.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, who laid before the House the following communication:

WASHINGTON, DC,
July 23, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶98.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced she had examined and approved the Journal of the proceedings of Wednesday, July 22, 2009.

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

¶98.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2778. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Reporting (DFARS Case 2007-D006) (RIN: 0750-AF77) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2779. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water [Docket No.: FDA-2008-N-0446] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2780. A letter from the Director, Office of Personnel Management, transmitting a report on agencies' use of the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

2781. A letter from the Acting Chief Acquisition Officer, Office of the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction [Docket FAR 2009-0001, Sequence 6] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2782. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2783. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2784. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for Fiscal Year 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2785. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2786. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2787. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2788. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2789. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2790. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2791. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2792. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2793. A letter from the General Counsel & Senior Policy Advisor, Executive Office of the President, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2794. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2008 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2795. A letter from the General Counsel, FHFA, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act Implementation (RIN: 2590-AA07) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2796. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2008; to the Committee on Oversight and Government Reform.

2797. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2798. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2799. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's annual report for fiscal year 2008 on the Federal Employee Antidiscrimination and Retaliation Act of 2002, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

2800. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2008, pursuant to 20 U.S.C. 57; to the Committee on Oversight and Government Reform.

2801. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act Measurement Science and Engineering Research Grants Program [Docket Number: 090306283-9284-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2802. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act Measurement Science and Engineering Research Fellowship Program [Docket Number: 090306281-9287-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2803. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket Number: 090401620-9621-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2804. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Foreign Medical Program of the Department of Veterans Affairs — Hospital Care and Medical Services in Foreign Countries (RIN: 2900-AN07) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶98.4 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. PRICE of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that ''the right of the people to keep and bear Arms, shall not be infringed'';

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

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

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Georgia [Mr. PRICE] will appear in the Record at this point.

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

¶98.5 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. HENSARLING, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Texas, Mr. Hensarling—along with the gentleman from Texas, Mr. Conaway, the gentleman from Georgia, Mr. Gingrey, and the gentlewoman from Tennessee, Mrs. Blackburn—submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, and Housing and Urban Development Appropriations Act;

Whereas the said gentleman's amendment would have encouraged the development and use of alternative fuels by the federal government from resources found abundantly in the United States and Canada such as oil sands and oil shale, furthering our ability to become more energy independent, reducing the federal government's energy costs borne by the American taxpayer;

Whereas, this is especially important at a time of a record deficit that has reached $1 trillion for the first time in American history and a record debt that will be tripled in 10 years;

Whereas, the said amendment could help in the creation of desperately needed jobs in an economy where the unemployment rate is 9.5%—the highest unemployment rate in 26 years and climbing—and 2.6 million people have lost their job since February 2009;

Whereas, when campaigning for the presidency, then-Senator Obama said that ''under my plan of a cap and trade system, electricity rates would necessarily sky rocket.'';

Whereas, on June, 26, 2009, the Democratic Majority passed such legislation in H.R. 2454, a national energy tax also known as cap and trade, that experts have estimated will result in American families paying anywhere from $1,500 to $3,000 annually in additional energy costs;

Whereas, on December 6, 2006, then-Minority Leader Nancy Pelosi said, ''[W]e promised the American people that we would have the most honest and open government and we will.'';

Whereas, according to then-Minority Leader Nancy Pelosi's New Direction for America, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas a similar amendment was adopted by the House in 2008 during consideration of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009 on a bipartisan vote;

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

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Texas' amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Texas [Mr. HENSARLING] will appear in the Record at this point.

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

¶98.6 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. BROUN of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Georgia, Mr. BROUN submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used for bike paths;

Whereas transportation appropriations have previously been used to build and repair bike paths;

Whereas the construction and repair of bike paths is not a legitimate function of the federal government, since they do not contribute to interstate transportation or interstate commerce;

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

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Georgia [Mr. BROUN] will appear in the Record at this point.

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

¶98.7 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. TIAHRT, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Kansas, Mr. TIAHRT submitted an amendment to the Committee on Rules to H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have prohibited salaries and expenses from being paid to individuals who obligate money under the stimulus FHWA program for road signs that are placed at construction sites to alert motorists that the project is being paid for by stimulus money; Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor; and,

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Kansas's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Kansas [Mr. TIAHRT] will appear in the Record at this point.

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

¶98.8 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mrs. BACHMANN, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentlewoman from Minnesota, Mrs. Bachmann submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentlewoman's amendment would have protected American taxpayers by prohibiting funds made available in the Act from being used to fund any organization that has been indicted for violations of state or federal election laws—or that employs people who have—such as the Association of Community Organizations for Reform Now (ACORN);

Whereas a similar provision was adopted by the House in 2008 during consideration of H.R. 3221, the Housing and Economic Recovery Act of 2008, and became law on June 30, 2008, but does not currently apply to all programs funded in the underlying bill;

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

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentlewoman from Minnesota's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentlewoman from Minnesota [Mrs. BACHMANN] will appear in the Record at this point.

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

¶98.9 PROVIDING FOR CONSIDERATION OF H.R. 3288

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 669):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 160, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed seven of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (3) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3288, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

Pending consideration of said resolution.

¶98.10 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Madam Speaker, I raise a point of order because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver against all points of order in the Congressional Budget Act which causes a violation of rule 426(a).''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, responded to the point of order, and said:

''The gentleman from Arizona [Mr. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''

Mr. FLAKE was further recognized and said:

''Again, I rise today not because this bill may or may not violate the Unfunded Mandates Act—it may or it may not. The question here is why, again, and we're near the end of the appropriations cycle and we've been living under what is the equivalent of legislative martial law, where the majority has stated that they cannot allow appropriation bills to come to the floor because we have to get through this process. We have to move through it. The Appropriations Committee chairman said, There is a limited numbers of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.

''Now, appropriating is one of the most—if not the most important—thing that Congress does. We maintain the power of the purse under article 1. This is our responsibility. And to say

that we've got to move through it quickly and so we have to deny the minority party the ability to offer the amendments it wants to offer simply because we have to make the trains run on time here.

''When the Republicans were in the majority, one Member said the other day that he was in the chair for over 3 days on the interior bill simply because Members on the majority side and the minority side had a lot of amendments they wanted to offer—3 days on the interior bill. Here we're allowing just an afternoon on the THUD bill. We're allowing just less than a day on the defense bill next week that contains more than a thousand earmarks that haven't been vetted by the Appropriations Committee, 540 of which are no-bid contracts to private companies. And we aren't allowing probably but a few, if history holds, amendments to that bill. And they will likely be amendments that the majority chooses.

''Last week, on a previous appropriation bill, I asked for unanimous consent 16 times on 16 amendments that I had to allow us to substitute an amendment that one of my colleagues had offered that was not allowed.

''So making the point that this isn't an issue of time; the time constraints were already set. We simply wanted to substitute amendments that we thought were maybe more important, that Members were denied the ability to offer, and we were rejected. Objection was raised 16 times to unanimous consent requests simply to substitute amendments. So we know what this is about. It's not about an issue of time, although that is a sorry excuse, frankly. When appropriating dollars is the most important thing we do here, we shouldn't limit ourselves to just a few days to get the appropriations process done on the floor.

''But even if you accept that, the minority party simply wanted to offer the amendments it wanted to offer, not the ones that the majority party had chosen for the minority party to offer and were denied 16 times. And here again today we're going to be discussing a bill. More than 70 amendments were offered to the Rules Committee. Only, I believe, 24 were ruled in order. We just had four or five Members offer privileged resolutions to make the point that their amendments, which were germane, which should have been allowed, were not allowed by the minority party.

''Madam Speaker, this isn't the way this House ought to be run. We're breaking from tradition here with the appropriations process, and at a time when we need more than ever to scrub these appropriations bills and make sure we're not spending money that we shouldn't be spending. We have a deficit that will near $2 trillion this year. When I came to Congress just 8 years ago, that was almost the entire Federal budget. Now our budget deficit will equal that amount, and yet we're throwing appropriation bills at the floor and saying got to get them done in 1 day and not allow the minority party to offer the amendments that it would like to offer.

''I would submit that while the majority party may think that they can get away with it because process arguments don't mean much outside the Beltway, I can see that. But a bad process begets bad policy, and sooner or later, it will come back to bite. And it just doesn't come back to bite the majority party; it comes back to haunt this institution. And institutionally, we ought to be better. We ought to have more regard for this institution than to simply break with precedent like this and deny the minority party the ability to offer the amendments I would like to offer.''.

Mr. ARCURI was recognized to speak to the point of order and said:

''Madam Speaker, I rise in opposition.''.

Mr. FLAKE was further recognized and said:

''I want to make the point that I'm not trying to delay the process. I could call a vote and waste 30 minutes. I'm not going to. I know the outcome here. That's not the point. The gentleman mentioned that I've been given a lot of amendments. I have, but it is only because the majority knows that they can beat them. And when I've offered to substitute some of my colleagues' amendments that were germane that simply weren't ruled in order, objection was raised 16 times to do that. So this isn't about time. This is about the majority wanting only the amendments that it wants to see on the floor.''.

Mr. ARCURI was further recognized and said:

''Madam Speaker, this point of order is not about anything other than delaying the passage of this very important bill. And I would say to my friend from Arizona, that he, himself, has probably received more amendments from the Rules Committee than the rest of Congress put together. So he certainly has had an opportunity to offer many amendments with respect to different earmarks that he feels should be removed from the bill.

''So I would submit that this point of order is really about delaying the passage of what is a critically important bill, and that is the transportation appropriation bill, a bill that talks about things like funding roads so that we have safe highways for our families to travel on, things like high-speed rail so we can bring people and goods from point A to point B as quickly as possible. That's what we're here to discuss today. That's why the passage, the consideration of this rule and the passage of this rule, is so important, so we may consider this critically important bill.

''I hope my colleagues will vote 'yes' so we can consider this legislation on its merits and not stop it by virtue of a procedural motion. Those who oppose the bill can vote against the final passage. We must consider this rule, and we must pass this legislation today.''.

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶98.11 PRIVILEGES OF THE HOUSE

Mr. NUNES, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be $2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied ''we don't want welfare, we want water'';

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said ''ESA Puts Fish Ahead of People'', ''Congress Created Drought'', and ''New Endangered Species: The California Farmer'';

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said ''Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law'';

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R. 3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, spoke and said:

''Does the gentleman from California wish to present an argument on why the resolution qualifies as privileged for immediate consideration?''.

Mr. NUNES was recognized to speak to the question of privileges of the house and said:

''Under rule IX, questions of the privileges of the House are those that affect its rights collectively, its safety, dignity, and the integrity of its proceedings.

''Madam Speaker, this privileged resolution allows us to rectify the problems that the Democrat leadership has created out in California. If we move forward with this today, 40,000 people can go back to work and we can move on and everybody will be fine.

''So I urge the passing of this resolution today.''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, ruled and said:

''In evaluating the resolution offered by the gentleman from California under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a rule or order of business for the House.

''The Chair finds that the resolution offered by the gentleman from California, by directing action with respect to a bill that is pending before a standing committee, prescribes a rule or order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 17, 2009, such a resolution cannot qualify as a question of the privileges of the House.

''The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the gentleman may introduce the resolution through the hopper in the regular course.''.

Mr. NUNES appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. JACKSON of Illinois, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. NUNES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 249 / Nays 179

¶98.12 [Roll No. 616]

YEAS—249

Abercrombie	Doyle	Lewis (GA)
Ackerman	Driehaus	Lipinski
Adler (NJ)	Edwards (MD)	Loebsack
Altmire	Edwards (TX)	Lofgren, Zoe
Andrews	Ellison	Lowey
Arcuri	Ellsworth	Luján
Baca	Engel	Lynch
Baird	Eshoo	Maffei
Baldwin	Etheridge	Maloney
Barrow	Farr	Markey (CO)
Bean	Fattah	Markey (MA)
Becerra	Filner	Marshall
Berkley	Foster	Massa
Berman	Frank (MA)	Matheson
Berry	Fudge	Matsui
Bishop (GA)	Giffords	McCollum
Bishop (NY)	Gonzalez	McDermott
Blumenauer	Gordon (TN)	McGovern
Boccieri	Grayson	McIntyre
Boren	Green, Al	McMahon
Boswell	Green, Gene	McNerney
Boucher	Grijalva	Meek (FL)
Boyd	Gutierrez	Meeks (NY)
Brady (PA)	Hall (NY)	Melancon
Braley (IA)	Halvorson	Michaud
Bright	Hare	Miller (NC)
Brown, Corrine	Harman	Miller, George
Butterfield	Heinrich	Mitchell
Capps	Herseth Sandlin	Mollohan
Capuano	Higgins	Moore (KS)
Cardoza	Hill	Moore (WI)
Carnahan	Himes	Moran (VA)
Carney	Hinchey	Murphy (CT)
Carson (IN)	Hinojosa	Murphy (NY)
Castor (FL)	Hirono	Murphy, Patrick
Chandler	Hodes	Murtha
Childers	Holden	Nadler (NY)
Chu	Holt	Napolitano
Clarke	Honda	Neal (MA)
Clay	Hoyer	Nye
Cleaver	Inslee	Oberstar
Clyburn	Israel	Obey
Cohen	Jackson (IL)	Olver
Connolly (VA)	Jackson-Lee (TX)	Ortiz
Conyers	Johnson (GA)	Pallone
Cooper	Johnson, E.B.	Pascrell
Costa	Kagen	Pastor (AZ)
Costello	Kanjorski	Payne
Courtney	Kaptur	Perlmutter
Crowley	Kennedy	Perriello
Cuellar	Kildee	Peters
Cummings	Kilpatrick (MI)	Peterson
Dahlkemper	Kilroy	Pingree (ME)
Davis (AL)	Kind	Polis (CO)
Davis (CA)	Kirkpatrick (AZ)	Pomeroy
Davis (IL)	Kissell	Price (NC)
Davis (TN)	Klein (FL)	Quigley
DeFazio	Kosmas	Rahall
DeGette	Kucinich	Reichert
Delahunt	Langevin	Reyes
DeLauro	Larsen (WA)	Richardson
Dicks	Larson (CT)	Rodriguez
Dingell	Lee (CA)	Ross
Doggett	Levin	Rothman (NJ)
Donnelly (IN)		Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Bishop (UT)
Hastings (FL)
McCarthy (NY)
Rangel
Stark

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶98.13 H. RES. 669—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 669) providing for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The question being put, viva voce,

Will the House agree to said resolution?

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 183

¶98.14 [Roll No. 617]

YEAS—235

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bishop (UT)
Blunt
Cantor
Fleming
Gingrey (GA)
Kline (MN)
Lewis (GA)
McCarthy (NY)
Olver
Peterson
Ryan (WI)
Schauer
Speier
Stark
Wittman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶98.15 H. RES. 566—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 566) congratulating the 2008-2009 National Basketball Association Champions, the Los Angles

Lakers, on an outstanding and historic season.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413; Nays ..... 8; Answered present 8

¶98.16 [Roll No. 618]

YEAS—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—8

Carney
Grayson
Johnson (IL)
Lummis
Paul
Perlmutter
Roe (TN)
Sensenbrenner

ANSWERED ''PRESENT''—8

Bartlett
Courtney
Donnelly (IN)
Hodes
LaTourette
Petri
Poe (TX)
Shea-Porter

NOT VOTING—4

Bishop (UT)
Carnahan
Larsen (WA)
McCarthy (NY)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶98.17 H. RES. 350—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 350) honoring the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426; Nays 0

¶98.18 [Roll No. 619]

YEAS—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon

McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Bean
Bishop (UT)
Costello
McCarthy (NY)
Mica
Pence
Schrader

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶98.19 TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to House Resolution 669 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, by unanimous consent, designated Mr. SNYDER as Chairman of the Committee of the Whole; and after some time spent therein,

¶98.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part A of House Report 111-219, submitted by Mr. HENSARLING:

Strike line 20 on page 87 and all that follows through page 88, line 12.

It was decided in the negative { Yeas ..... 152 / Nays ..... 276 }

¶98.21 [Roll No. 620]

AYES—152

Akin
Alexander
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—276

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—11

Barrett (SC)
Bishop (UT)
Boustany
Hinojosa
Kaptur
McCarthy (NY)
Moore (WI)
Perriello
Platts
Ryan (OH)
Slaughter

So the amendment was not agreed to.

¶98.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part A of House Report 111-219, submitted by Mr. LATHAM:

Page 44, line 8, after the dollar amount, insert ''(reduced by $3,000,000,000)''.

Page 45, line 21, strike ''*Provided further*,'' and all that follows through the semicolon on page 46, line 8.

It was decided in the negative { Yeas ..... 136 / Nays ..... 284 }

¶98.23 [Roll No. 621]

AYES—136

Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilirakis
Blunt

Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—284

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cantor
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Barrett (SC)
Bishop (UT)
Capuano
Cleaver
Davis (IL)
Dicks
Hall (NY)
Higgins
Israel
Johnson (IL)
Kennedy
Matheson
McCarthy (NY)
McHugh
Moore (WI)
Paul
Shea-Porter
Spratt
Terry

So the amendment was not agreed to.

¶98.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part A of House Report 111-219, submitted by Mr. FRELINGHUYSEN:

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

SEC. ____. None of the funds made available under this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project.

It was decided in the negative ..... { Yeas ..... 116 / Nays 313

¶98.25 [Roll No. 622]

AYES—116

Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Bachus
Bartlett
Blackburn
Blunt
Boccieri
Bono Mack
Boren
Boustany
Brady (PA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell
Cantor
Carney
Cassidy
Clarke
Coffman (CO)
Cole
Conaway
Conyers
Dahlkemper
Delahunt
Doggett
Dreier
Edwards (TX)
Engel
Fattah
Forbes
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Hall (NY)
Harper
Hensarling
Himes
Hodes
Holt
Issa
Jackson-Lee (TX)
Johnson (IL)
Jones
Kanjorski
King (IA)
Kingston
Kirk
Kissell
Kosmas
Kucinich
Lamborn
Lance
Latta
Lewis (CA)
Lucas
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Massa
McCotter
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (NC)
Murphy (CT)
Murphy (NY)
Nunes
Pallone
Pascrell
Payne
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rothman (NJ)
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sestak
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Tierney
Tsongas
Turner
Visclosky
Walden
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—313

Abercrombie
Ackerman
Aderholt
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Bonner
Boozman
Bordallo
Boswell
Boucher
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Filner
Flake
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall

Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Upton
Van Hollen
Velázquez
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—10

Barrett (SC)
Bishop (UT)
Johnson, Sam
McCarthy (NY)
Moore (WI)
Myrick
Paul
Pence
Spratt
Sullivan

So the amendment was not agreed to.

¶98.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in Part A of House Report 111-219, submitted by Mrs. BLACKBURN:

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

TITLE V—FIVE PERCENT REDUCTION

SEC. 501. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

It was decided in the negative ..... { Yeas ..... 181 / Nays 252

¶98.27 [Roll No. 623]

AYES—181

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOES—252

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Johnson (GA)
McCarthy (NY)
Paul
Spratt

So the amendment was not agreed to.

¶98.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in Part A of House Report 111-219, submitted by Mr. JORDAN of Ohio:

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

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $20,050,000,000.

It was decided in the negative ..... { Yeas ..... 145 / Nays 287

¶98.29 [Roll No. 624]

AYES—145

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—287

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)

Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Bishop (UT)
Culberson
McCarthy (NY)
Paul
Price (NC)
Spratt

So the amendment was not agreed to.

¶98.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in Part A of House Report 111-219, submitted by Mr. NEUGEBAUER:

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

TITLE IV

ADDITIONAL GENERAL PROVISIONS

SEC. 414. Appropriations made in this Act are hereby reduced in the amount of $13,553,000,000.

It was decided in the negative ..... { Yeas ..... 166 / Nays 267

¶98.31 [Roll No. 625]

AYES—166

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Peters
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOES—267

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Conyers
McCarthy (NY)
Paul
Woolsey

So the amendment was not agreed to.

¶98.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in Part A of House Report 111-219, submitted by Mr. STEARNS:

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

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 25 percent.

It was decided in the negative ..... { Yeas ..... 152 / Nays 279

¶98.33 [Roll No. 626]

AYES—152

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman

NOES—279

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Bishop (UT)
Marchant
McCarthy (NY)
McMahon
McMorris Rodgers
Paul
Ross

So the amendment was not agreed to.

¶98.34 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

Page 2, line 13, after the first dollar amount, insert ''(reduced by $250,000)''.

Page 4, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 8, line 9, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 8, line 16, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 38, line 7, after the first dollar amount, insert ''(increased by $250,000)''.

Page 43, line 3, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 92, line 5, strike ''$4,600,607,000'' and insert ''$4,598,607,000''.

Page 93, line 12, strike ''$18,000,000'' and insert ''$16,000,000''.

Page 93, line 22, before the period insert the following: '': *Provided further*, That none of the funds made available under this heading may be used for the construction and facility buildout of a multi-purpose complex at Indiana University of Pennsylvania''.

Page 109, lines 3 and 4, strike '', except that no principal limit factor may be reduced below 60''.

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

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

It was decided in the negative ..... { Yeas ..... 108 / Nays 327

¶98.35 [Roll No. 627]

AYES—108

Akin
Bachmann
Bartlett
Bilbray
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Petri
Pitts
Posey
Price (GA)
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—327

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger

Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

Page 46, line 21, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 50, line 15, after the dollar amount insert ''(increased by $1,000,000)''.

It was decided in the negative { Yeas ..... 105 / Nays ..... 328 }

¶98.37 [Roll No. 628]

AYES—105

Akin
Bachmann
Bartlett
Barton (TX)
Bean
Bilbray
Blackburn
Bono Mack
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walden
Wamp
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Gerlach
Herger
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds made available under this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project.

It was decided in the negative { Yeas ..... 124 / Nays ..... 310 }

¶98.39 [Roll No. 629]

AYES—124

Akin
Austria
Bachmann
Bartlett
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes

Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—310

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
Lummis
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.40 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

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

TITLE V—FIVE PERCENT REDUCTION

SEC. 501. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

It was decided in the negative ..... { Yeas ..... 125 / Nays 310

¶98.41 [Roll No. 630]

AYES—125

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOES—310

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.42 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

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

SEC. ____. None of the funds made available in this Act may be used by Amtrak to provide free alcohol.

It was decided in the negative ..... { Yeas ..... 98 / Nays 331

¶98.43 [Roll No. 631]

AYES—98

Akin
Austria
Bachmann
Bean
Bilbray
Blackburn
Boehner
Bono Mack
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kind
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Sullivan
Thornberry
Wamp
Westmoreland
Wilson (SC)

NOES—331

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Bishop (UT)
Doggett
Holt
Johnson (GA)
King (IA)
McCarthy (NY)
Miller (NC)
Paul
Terry

So the amendment was not agreed to.

¶98.44 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

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

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $20,050,000,000.

It was decided in the negative ..... { Yeas ..... 105 / Nays 329

¶98.45 [Roll No. 632]

AYES—105

Akin
Austria
Bachmann
Bartlett
Bilbray
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Coble
Coffman (CO)
Conaway
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—329

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier

Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
Franks (AZ)
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.46 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in Part B of House Report 111-219, submitted by Mr. FLAKE:

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

TITLE IV

ADDITIONAL GENERAL PROVISIONS

SEC. 414. Appropriations made in this Act are hereby reduced in the amount of $13,553,000,000.

It was decided in the negative { Yeas ..... 105 / Nays ..... 329 }

¶98.47 [Roll No. 633]

AYES—105

Akin
Austria
Bachmann
Bartlett
Bilbray
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—329

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul
Sablan

So the amendment was not agreed to.

¶98.48 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part C of House Report 111-219, submitted by Mr. HENSARLING:

Page 44, line 8, after the dollar amount, insert ''(reduced by $3,000,000,000)''.

Page 45, line 21, strike ''*Provided further*,'' and all that follows through the semicolon on page 46, line 8.

It was decided in the negative { Yeas ..... 124 / Nays ..... 309 }

¶98.49 [Roll No. 634]

AYES—124

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble

Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (AK)

NOES—309

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—6

Barrett (SC)
Bilbray
Bishop (UT)
Ellsworth
McCarthy (NY)
Paul

So the amendment was not agreed to.

¶98.50 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part C of House Report 111-219, submitted by Mr. HENSARLING:

Page 46, line 21, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 50, line 15, after the dollar amount insert ''(increased by $1,000,000)''.

It was decided in the negative { Yeas ..... 109 / Nays ..... 326 }

¶98.51 [Roll No. 635]

AYES—109

Akin
Bachmann
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—326

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. SNYDER, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 573, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 2, line 13, after the first dollar amount, insert ''(reduced by $250,000)''.

Page 4, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 8, line 9, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 8, line 16, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 38, line 7, after the first dollar amount, insert ''(increased by $250,000)''.

Page 43, line 3, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 92, line 5, strike ''$4,600,607,000'' and insert ''$4,598,607,000''.

Page 93, line 12, strike ''$18,000,000'' and insert ''$16,000,000''.

Page 93, line 22, before the period insert the following: '': *Provided further*, That none of the funds made available under this heading may be used for the construction and facility buildout of a multi-purpose complex at Indiana University of Pennsylvania''.

Page 96, line 19, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 105, line 19, after the first dollar amount, insert ''(increased by $5,000,000)''.

Page 109, lines 3 and 4, strike '', except that no principal limit factor may be reduced below 60''.

Page 152, line 17, strike ''bi-annually'' and insert ''quarterly''.

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

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

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

SEC. ____. None of the funds made available in this Act may be used by Amtrak to provide free alcohol.

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

SEC. ____. None of the funds made available in this Act may be used to establish, issue, implement, adminster, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

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

SEC. ____. None of the funds made available in this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c); relating to community service).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LATHAM moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

Page 4, line 16, after the dollar amount insert ''(reduced by $4,500,000)''.

Page 8, line 3, after the dollar amount insert ''(reduced by $11,370,000)''.

Page 8, line 13, after the dollar amount insert ''(reduced by $11,370,000)''.

Page 12, line 19, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 38, line 7, after the first dollar amount insert ''(reduced by $1,962,000)''.

Page 39, strike line 21 and all the follows through line 2 on page 40.

Page 42, line 21, after the dollar amount insert ''(reduced by $3,763,000)''.

Page 44, line 8, after the dollar amount insert ''(reduced by Page $3,000,000)''.

Page 45, beginning on line 21 strike ''Provided further, That if'' and all that follows through line 13 on page 46.

Page 62, line 17, after the first dollar amount insert ''(reduced by $1,000,000)''.

Page 62, line 25, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 65, line 23, after the dollar amount insert ''(reduced by $2,768,000)''.

Page 66, line 8, after the dollar amount insert ''(reduced by $2,768,000)''.

Page 78, line 12, after the dollar amount insert ''(reduced by $331,000,000)''.

Page 78, line 20, after the dollar amount insert ''(reduced by $198,000,000)''.

Page 81, line 9, after the dollar amount insert ''(reduced by $17,000,000)''.

Page 82, line 10, after the dollar amount insert ''(reduced by $106,200,000)''.

Page 85, line 6, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 86, line 1, after the dollar amount insert ''(reduced by $256,000,000)''.

Page 87, line 19, after the dollar amount insert ''(reduced by $200,000,000)''.

Page 88, line 17, after the dollar amount insert ''(reduced by $105,000,000)''.

Page 90, line 5, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 91, line 17, after the dollar amount insert ''(reduced by $40,000,000)''.

Page 92, line 5, after the dollar amount insert ''(reduced by $150,607,000)''.

Page 96, strike lines 6 through 14.

Page 96, line 19, after the dollar amount insert ''(reduced by $175,000,000)''.

Page 97, line 8, after the dollar amount insert ''(reduced by $8,000,000)''.

Page 97, line 15, after the dollar amount insert ''(reduced by $6,500,000)''.

Page 97, line 20, after the dollar amount insert ''(reduced by $1,500,000)''.

Page 98, line 12, after the first and second dollar amounts insert ''(reduced by $56,285,000)''.

Page 100, line 8, after the dollar amount insert ''(reduced by $606,328,000)''.

Page 100, line 14, after the dollar amount insert ''(reduced by $606,328,000)''.

Page 102, line 20, after the dollar amount insert ''(reduced by $235,000,000)''.

Page 102, line 22, after the dollar amount insert ''(reduced by $235,000,000)''.

Page 104, line 20, after the dollar amount insert ''(reduced by $100,000,000)''.

Page 104, line 21, after the dollar amount insert ''(reduced by $100,000,000)''.

Page 147, line 1, after the dollar amount insert ''(reduced by $200,000)''.

Page 147, line 24, after the first dollar amount insert ''(reduced by $3,800,000)''.

Page 148, line 22, after the dollar amount insert ''(reduced by $30,000,000)''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. LATHAM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 192 / Nays 226

¶98.52 [Roll No. 636]

YEAS—192

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—226

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—15

Barrett (SC)
Berry
Bishop (UT)
Blunt
Conyers
Duncan
Kaptur
McCarthy (NY)
Paul
Platts
Richardson
Rush
Schiff
Smith (NJ)
Towns

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 256 / Nays 168

¶98.53 [Roll No. 637]

YEAS—256

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—168

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Driehaus
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—9

Abercrombie
Barrett (SC)
Bishop (UT)
Blunt
McCarthy (NY)
Murphy (CT)
Pascrell
Paul
Skelton

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶98.54 REPORT ON H. RES. 602

Mr. ANDREWS, by direction of the Committee on Rules, reported (Rept. No. 111–221) the resolution (H. Res. 602) requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism.

When said resolution and report were referred to the House Calendar and ordered printed.

¶98.55 PROVIDING FOR CONSIDERATION OF H.R. 3293

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–222) the resolution (H. Res. 673) providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶98.56 FINANCIAL CRISIS INQUIRY COMMISSION

The SPEAKER pro tempore, Mr. KRATOVIL, pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), and the order of the House of January 6, 2009, announced the joint appointment by the Speaker and the Majority Leader of the Senate, and an appointment by the Speaker on the part of the House to the Financial Crisis Inquiry Commission: joint appointment: Mr. Phil Angelides, Sacramento, California, Chairman; and Speaker's appointments: Ms. Brooksley Born, Washington, DC, and Mr. John W. Thompson, Woodside, California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶98.57 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—FINANCIAL CRISIS INQUIRY COMMISSION

The SPEAKER pro tempore, Mr. KRATOVIL, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111–21), I am pleased to appoint the following individuals to the Financial Crisis Inquiry Commission.

The Honorable William M. Thomas of Bakersfield, California (Vice Chairman)

Mr. Peter J. Wallison of Old Snowmass, Colorado

Both Mr. Thomas and Mr. Wallison have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

And then,

¶98.58 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 30 minutes p.m., the House adjourned.

¶98.59 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. House Resolution 602. Resolution requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; with an amendment (Rept. 111–221). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 683. Resolution providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–222). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes (Rept. 111–223). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; with an amendment (Rept. 111–224). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2770. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; with an amendment (Rept. 111–225). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1293. A bill to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services (Rept. 111–226). Referred to the Committee of the Whole House on the state of the Union.

¶98.60 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. HARE):

H.R. 3303. A bill to amend the Port-to-Portal Act of 1947 to suspend the statute of limitations for certain rights of action under the Fair Labor Standards Act during investigations by the Secretary of Labor; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, Mr. GUTHRIE, Mr. WHITFIELD, and Mr. CHANDLER):

H.R. 3304. A bill to designate the current and future Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the ''Robley Rex Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. BOREN, Mr. COLE, and Ms. FALLIN):

H.R. 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 3306. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. JONES, Mr. MCINTYRE, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. STEARNS, Mr. WESTMORELAND, and Mr. MILLER of Florida):

H.R. 3307. A bill to direct the Secretary of Commerce to conduct a study of the population of the South Atlantic red snapper fishery, and to limit the authority of the Secretary to promulgate any interim rule that prohibits fishing in the South Atlantic red snapper fishery; to the Committee on Natural Resources.

By Mr. SHULER (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. GORDON of Tennessee, Mr. HILL, Mr. KAGEN, Mr. KANJORSKI, Mr. MARSHALL, Mr. MCINTYRE, Mr. MELANCON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPACE, Mr. STUPAK, Mr. TAYLOR, Mr. VISCLOSKY, Mr. CHILDERS, Mr. BOYD, Mr. NYE, Mr. KISSELL, Mr. KRATOVIL, Mr. GRIFFITH, Mr. BRIGHT, Mr. MINNICK, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. ELLSWORTH, Mr. RODRIGUEZ, Mr. CARNEY, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. LINDER, Mr. MCCAUL, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROHRABACHER, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. OLSON, Mr. WHITFIELD, Mr. TIAHRT, Mr. LAMBORN, Mr. HUNTER, Mr. BILBRAY, Mr. MCHENRY, Mr. ROYCE, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. GOODLATTE, Mr. GRAVES, Mr. MANZULLO, Mr. LUETKEMEYER, Mrs. CAPITO, Mr. MORAN of Kansas, and Mr. DEAL of Georgia):

H.R. 3308. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 3309. A bill to amend the Fair Labor Standards Act of 1938 to postpone the increase in the minimum wage for 1 year; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. SMITH of Texas, Mr. FRANKS of Arizona, Mr. ISSA, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. PRICE of Georgia, Mrs. BIGGERT, Mrs. CAPITO, Mr. JONES, Mr. POSEY, Mr. LANCE, Mr. MARCHANT, Mr. ROYCE, Mr. LEE of New York, Mr. LUCAS, Mr. ROSKAM, Mrs. BACHMANN, Ms. JENKINS, Mr. BARRETT of South Carolina, Mr. SCALISE, Mr. GOODLATTE, Mr. GERLACH, and Mr. RYAN of Wisconsin):

H.R. 3310. A bill to reform the financial regulatory system of the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, Transportation and Infrastructure, the Judiciary, Agriculture, Oversight and Government Reform, the Budget, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 3311. A bill to direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. DELAURO, Ms. HERSETH SANDLIN, Mr. PERRIELLO, Mr. SMITH of Washington, Mr. FARR, Mr. CROWLEY, Mr. MCGOVERN, Mr. OBEY, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. DOYLE, and Mr. LANGEVIN):

H.R. 3312. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3313. A bill to modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3314. A bill to amend title 23, United States Code, to assist States with a high unemployment rate under the equity bonus program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana (for himself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. STARK, Mr. SHIMKUS, Mr. MEEKS of New York, Mr. GRAYSON, and Mr. SABLAN):

H.R. 3315. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks of child care providers; to the Committee on Education and Labor.

By Mr. HOLDEN:

H.R. 3316. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 3317. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when such content is less than 0.5 gram; to the Committee on Energy and Commerce.

By Ms. KILROY:

H.R. 3318. A bill to establish by law a permanent Investor Advisory Committee within the Securities and Exchange Commission to give investors a greater voice in the Securities and Exchange Commission's work; to the Committee on Financial Services.

By Mr. MCCLINTOCK (for himself, Mr. BILBRAY, Mr. NUNES, Ms. WATSON, Mr. CALVERT, Mr. BACA, Mr. RADANOVICH, Ms. LINDA T. SÁNCHEZ of California, Mr. GALLEGLY, Mr. HERGER, Mr. MCKEON, Mr. SCHIFF, Mrs. BONO MACK, Mr. FARR, Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, Mr. MCNERNEY, Mrs. DAVIS of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. MCCARTHY of California, Ms. LEE of California, Mr. GARY G. MILLER of California, Ms. MATSUI, Ms. HARMAN, Ms. WATERS, Ms. WOOLSEY, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. ISSA, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. COSTA, Mr. HUNTER, Mr. ROYCE, Mr. LEWIS of California, Mr. CAMPBELL, Mr. HONDA, Mrs. CAPPS, Mr. SHERMAN, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mr. BERMAN, Mr. DREIER, Mr. STARK, Ms. SPEIER, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. CHU, and Mr. FILNER):

H.R. 3319. A bill to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself and Mr. PAYNE):

H.R. 3320. A bill to amend title 28, United States Code, to provide an exception to the requirement of motion to the court of appeals before filing certain second or subsequent petitions for habeas corpus, and for other purposes; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself and Mr. CARSON of Indiana):

H.R. 3321. A bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families; to the Committee on Education and Labor.

By Mr. MURPHY of New York (for himself and Mr. TONKO):

H.R. 3322. A bill to respond to the current over-supply of milk by temporarily increasing the payment rate for payments under the milk income loss contract program and by directing the Secretary of Agriculture to facilitate the efforts of producer associations and other third parties to remove dairy cows from production, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 3323. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Mr. HALL of New York (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. CAPUANO, Ms. BORDALLO, and Mr. ALTMIRE):

H. Con. Res. 168. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CAO, and Ms. ZOE LOFGREN of California):

H. Res. 672. A resolution calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom; to the Committee on Foreign Affairs.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. MCCARTHY of California, and Mr. HARPER):

H. Res. 674. A resolution extending the deep gratitude of the House of Representatives to the men and women of the United States Capitol Police for the vigilance, courage, and professionalism that they demonstrate daily in protecting Congress from all manner of threats; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself, Mr. DREIER, Mr. WEXLER, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. MANZULLO, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. HIRONO, Mrs. CAPPS, Ms. GRANGER, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. BOUSTANY, Ms. ROYBAL-ALLARD, Mr. FARR, Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. ELLISON, Mr. MILLER of North Carolina, Mr. POMEROY, Mr. MCDERMOTT, Mr. LEVIN, Mr. COOPER, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. GINGREY of Georgia, Mr. DELAHUNT, Mr. GORDON of Tennessee, Ms. WOOLSEY, Mr. SABLAN, and Ms. MOORE of Wisconsin):

H. Res. 675. A resolution condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks; to the Committee on Foreign Affairs.

¶98.61 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. EDWARDS of Maryland.

H.R. 24: Mr. SHERMAN, Mr. SESTAK, and Mr. SCHOCK.

H.R. 39: Mr. HINCHEY, Mr. MCGOVERN, Mr. HEINRICH, Mr. INSLEE, Ms. SPEIER, Mr. RYAN of Ohio, and Mr. SERRANO.

H.R. 42: Mr. BERMAN.

H.R. 52: Mr. WEXLER.

H.R. 122: Mr. MARCHANT.

H.R. 213: Mr. WITTMAN and Ms. HERSETH SANDLIN.

H.R. 268: Mr. WITTMAN.

H.R. 333: Mr. TURNER and Mr. CHAFFETZ.

H.R. 433: Mr. WITTMAN.

H.R. 482: Mr. BUYER.

H.R. 510: Mr. KING of Iowa.

H.R. 690: Mr. SHULER, Mr. ISRAEL, and Mr. ROONEY.

H.R. 718: Mr. PAUL and Mrs. MYRICK.

H.R. 827: Mr. CARSON of Indiana.
H.R. 836: Mr. CUELLAR, Mr. PASTOR of Arizona, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BACA, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 881: Mr. KLINE of Minnesota and Mr. MORAN of Kansas.
H.R. 905: Mr. EHLERS.
H.R. 930: Mr. BARTLETT.
H.R. 953: Mr. KAGEN.
H.R. 1032: Ms. HERSETH SANDLIN.
H.R. 1076: Mr. PLATTS.
H.R. 1091: Mr. GEORGE MILLER of California.
H.R. 1103: Mr. CRENSHAW.
H.R. 1132: Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Ms. HERSETH SANDLIN, and Mr. SPACE.
H.R. 1177: Mr. MCINTYRE, Mr. POSEY, and Mr. GRAVES.
H.R. 1215: Ms. KILPATRICK of Michigan, Ms. HIRONO, and Mr. HINCHEY.
H.R. 1250: Mr. WEXLER, Mr. BISHOP of New York, Mr. ROGERS of Kentucky, Ms. BEAN, and Mr. BONNER.
H.R. 1313: Mr. HALL of New York, Ms. FALLIN, and Mr. THOMPSON of California.
H.R. 1327: Mr. MARSHALL and Mr. MARCHANT.
H.R. 1351: Ms. SPEIER.
H.R. 1352: Mr. DAVIS of Alabama, Ms. FOXX, Mr. ROTHMAN of New Jersey, and Mr. KIND.
H.R. 1410: Mr. ROTHMAN of New Jersey.
H.R. 1425: Mr. PIERLUISI.
H.R. 1441: Mr. LATHAM, Mr. PAYNE, Mr. CRENSHAW, and Mr. MORAN of Kansas.
H.R. 1474: Mr. TONKO.
H.R. 1547: Mrs. EMERSON.
H.R. 1557: Mr. HIMES.
H.R. 1585: Mr. MOORE of Kansas.
H.R. 1589: Ms. WATERS and Mr. KUCINICH.
H.R. 1646: Mr. HARE.
H.R. 1670: Mr. FARR.
H.R. 1702: Mr. MCNERNEY.
H.R. 1716: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1818: Mr. CAPUANO.
H.R. 1826: Mr. JACKSON of Illinois.
H.R. 1829: Mr. BARROW.
H.R. 1831: Mr. PASCRELL, Mr. MURTHA, Mr. ABERCROMBIE, and Mr. GORDON of Tennessee.
H.R. 1844: Mr. GRIJALVA, Mr. JACKSON of Illinois, and Mr. PASTOR of Arizona.
H.R. 1894: Ms. MATSUI.
H.R. 1925: Mr. HIGGINS, Mr. LOEBSACK, and Mr. MICHAUD.
H.R. 1956: Mr. CASTLE.
H.R. 1974: Mr. GRIJALVA.
H.R. 1977: Ms. SCHAKOWSKY and Ms. JACKSON-LEE of Texas.
H.R. 2000: Ms. BERKLEY.
H.R. 2002: Mr. BOOZMAN, Mr. PRICE of North Carolina, and Mr. SARBANES.
H.R. 2035: Mr. KILDEE.
H.R. 2058: Mr. HOLT and Mr. ROTHMAN of New Jersey.
H.R. 2061: Mr. GARRETT of New Jersey.
H.R. 2084: Mr. GORDON of Tennessee.
H.R. 2113: Mr. GRIJALVA.
H.R. 2122: Mr. BURTON of Indiana.
H.R. 2137: Mr. JACKSON of Illinois, Mr. HINOJOSA, and Mr. BUTTERFIELD.
H.R. 2190: Ms. BALDWIN, Mr. FILNER, Mr. PAYNE, Ms. ESHOO, Mr. MILLER of North Carolina, and Mr. HOLT.
H.R. 2194: Mr. WAMP, Mr. HONDA, Mr. ISSA, Mr. SMITH of Texas, Mr. JORDAN of Ohio, Mrs. CAPITO, Mr. KENNEDY, Mr. SCOTT of Georgia, Mr. ROGERS of Kentucky, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. BUYER, and Mr. KINGSTON.
H.R. 2222: Mr. HOLDEN and Mr. MILLER of North Carolina.
H.R. 2254: Mr. LUCAS.
H.R. 2256: Mr. JOHNSON of Georgia and Mr. MEEKS of New York.
H.R. 2262: Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. WATERS, Mr. PASTOR of Arizona, and Mr. GUTIERREZ.
H.R. 2268: Mr. MINNICK.
H.R. 2269: Mr. JACKSON of Illinois and Mr. GRIJALVA.
H.R. 2277: Mr. COHEN.
H.R. 2296: Mrs. HALVORSON, Mr. LATTA, and Mr. BOYD.
H.R. 2329: Mr. LOBIONDO, Mr. MORAN of Kansas, Mrs. BONO MACK, Mr. PUTNAM, Mr. ROONEY, and Mr. ROTHMAN of New Jersey.
H.R. 2396: Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KAGEN.
H.R. 2455: Ms. SHEA-PORTER, Mr. STARK, and Mr. RANGEL.
H.R. 2476: Mr. HELLER.
H.R. 2480: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MALONEY.
H.R. 2493: Mr. MCHENRY and Mr. CARNAHAN.
H.R. 2542: Mrs. DAVIS of California.
H.R. 2561: Mr. GRAYSON.
H.R. 2565: Mr. THOMPSON of California.
H.R. 2648: Mr. CHANDLER.
H.R. 2681: Mr. CARSON of Indiana and Mr. SABLAN.
H.R. 2692: Mr. COSTELLO.
H.R. 2710: Mr. PRICE of North Carolina and Mr. CONYERS.
H.R. 2732: Mr. WILSON of South Carolina.
H.R. 2733: Mr. BONNER.
H.R. 2759: Mr. LARSON of Connecticut, Mr. MICHAUD, Mr. MCINTYRE, and Mr. JACKSON of Illinois.
H.R. 2766: Mr. BAIRD.
H.R. 2787: Mr. YOUNG of Alaska.
H.R. 2799: Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, and Mr. RANGEL.
H.R. 2801: Mr. YOUNG of Alaska.
H.R. 2831: Ms. SCHAKOWSKY.
H.R. 2894: Mr. COSTELLO.
H.R. 2902: Mr. DEFAZIO.
H.R. 2906: Mr. ROGERS of Michigan and Ms. BERKLEY.
H.R. 2946: Mr. SPACE and Mr. GORDON of Tennessee.
H.R. 2964: Mr. LOBIONDO.
H.R. 2992: Mr. JOHNSON of Illinois.
H.R. 2993: Mr. LUCAS.
H.R. 3017: Ms. HIRONO and Mr. THOMPSON of California.
H.R. 3020: Mr. KRATOVIL.
H.R. 3036: Mr. JOHNSON of Illinois.
H.R. 3042: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CONNOLLY of Virginia.
H.R. 3043: Mr. CARSON of Indiana, Mr. DOGGETT, Mr. FILNER, Mr. MCDERMOTT, and Ms. WOOLSEY.
H.R. 3053: Mr. STARK.
H.R. 3057: Mrs. LOWEY, Mr. BISHOP of New York, and Mr. RYAN of Ohio.
H.R. 3070: Mr. GRIJALVA, Mr. MCMAHON, and Ms. KILPATRICK of Michigan.
H.R. 3092: Mr. WEXLER.
H.R. 3102: Ms. KILPATRICK of Michigan.
H.R. 3106: Ms. KILPATRICK of Michigan and Mr. GRIJALVA.
H.R. 3110: Mr. FILNER and Mr. MCMAHON.
H.R. 3116: Mr. ROSS.
H.R. 3131: Mr. COBLE, Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. CHAFFETZ, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.
H.R. 3144: Ms. GIFFORDS.
H.R. 3164: Mr. HONDA and Mr. NYE.
H.R. 3168: Mr. MCDERMOTT.
H.R. 3186: Mr. FILNER.
H.R. 3212: Mr. PAULSEN and Ms. SCHAKOWSKY.
H.R. 3221: Mr. HONDA, Ms. CHU, Mr. HALL of New York, Mr. DINGELL, and Mr. LEVIN.
H.R. 3225: Mr. HINCHEY, Ms. HIRONO, Mr. OLVER, and Mr. STARK.
H.R. 3232: Ms. KAPTUR, Mr. DRIEHAUS, and Ms. WATERS.
H.R. 3245: Ms. EDWARDS of Maryland and Mr. DAVIS of Illinois.
H.R. 3250: Mrs. LOWEY, Ms. CLARKE, Mr. KING of New York, Mr. LEE of New York, and Mr. CAO.
H.R. 3264: Ms. BORDALLO.
H.R. 3265: Mr. MORAN of Virginia.
H.R. 3269: Ms. WATERS.
H.J. Res. 26: Mr. WEINER.
H. Con. Res. 51: Mr. PENCE, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. SIRES, Mr. CROWLEY, and Mr. WILSON of South Carolina.
H. Con. Res. 74: Mr. MURPHY of Connecticut.
H. Con. Res. 98: Ms. WOOLSEY.
H. Con. Res. 121: Mr. BISHOP of Georgia, Mr. HUNTER, and Mr. TURNER.
H. Con. Res. 126: Mr. SNYDER and Mr. MCDERMOTT.
H. Con. Res. 128: Ms. SHEA-PORTER, Ms. ROS-LEHTINEN, and Mr. MCGOVERN.
H. Con. Res. 157: Mr. ROHRABACHER, and Mr. WILSON of Ohio.
H. Con. Res. 159: Mr. ACKERMAN, and Mr. MILLER of North Carolina.
H. Con. Res. 163: Mr. KILDEE, Mr. ORTIZ, Mr. DOGGETT, Mr. MCGOVERN, and Mr. SABLAN.
H. Con. Res. 167: Mr. COSTA.
H. Res. 57: Mr. TIBERI.
H. Res. 175: Mr. ROTHMAN of New Jersey.
H. Res. 252: Mrs. BONO MACK.
H. Res. 267: Mr. ROGERS of Michigan.
H. Res. 291: Mr. ISRAEL, Mr. CAPUANO, Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. KING of New York.
H. Res. 333: Mr. STARK.
H. Res. 403: Mr. COHEN.
H. Res. 459: Mrs. BIGGERT, Mr. COSTELLO, Mr. JOHNSON of Illinois, and Mr. HARE.
H. Res. 494: Mr. MILLER of North Carolina, Mr. ORTIZ, and Mr. JOHNSON of Georgia.
H. Res. 510: Mr. CONYERS.
H. Res. 511: Mr. MCDERMOTT, Mr. GRIJALVA, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. DINGELL, Mr. PAYNE, Ms. HIRONO, Mr. TIERNEY, Mr. TANNER, and Ms. JACKSON-LEE of Texas.
H. Res. 555: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Mr. WILSON of South Carolina, Mr. SIRES, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, Mr. FORTENBERRY, and Ms. MCCOLLUM.
H. Res. 569: Mr. CONYERS, Mr. HOLT, Ms. GIFFORDS, Mr. BOSWELL, Mr. OLVER, Mr. FILNER, Mr. RANGEL, Ms. KAPTUR, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. SMITH of Washington, Mr. KING of Iowa, Mr. ELLISON, Ms. MCCOLLUM, and Mr. HONDA.
H. Res. 583: Mr. SABLAN.
H. Res. 599: Mr. HINCHEY.
H. Res. 605: Mr. CULBERSON, Mr. PRICE of North Carolina, Mr. HUNTER, Mr. DENT, and Ms. KILROY.
H. Res. 608: Ms. BORDALLO.
H. Res. 611: Mr. CULBERSON.
H. Res. 619: Mr. BROWN of South Carolina, Mr. SHIMKUS, Mr. STEARNS, and Mr. NUNES.
H. Res. 630: Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. FATTAH, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.
H. Res. 659: Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. CLARKE.
H. Res. 663: Ms. GINNY BROWN-WAITE of Florida.

FRIDAY, JULY 24, 2009 (99)

¶99.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BLUMENAUER, who laid before the House the following communication:

WASHINGTON, D.C.,
July 24, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶99.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Thursday, July 23, 2009.

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

¶99.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Abscisic Acid; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2009-0189; FRL-8427-3] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2806. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No.: R-1364] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2807. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2808. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8079] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2809. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received July, 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2810. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2811. A letter from the Regulatory Specialist, LRAD, Department of Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program; Correcting Amendment [Docket ID: OCC-2009-0007] (RIN: 1557-AD25) received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2812. A letter from the General Counsel, National Credit Union Administration, Department of Treasury, transmitting the Department's final rule — Procedures To Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transaction Act (RIN: 3084-AA94) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Hawaii; Update to Materials Incorporated by Reference [HI-126-NBK; FRL-8916-9] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2814. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cleveland [EPA-R05-OAR-2008-0812, EPA-R05-OAR-2009-0292; FRL-8932-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Transportation Conformity Memorandum of Agreement Update [EPA-R04-OAR-2009-0303 a); FRL-8936-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2816. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (St. Paul, Minnesota) [MB Docket No.: 09-71 RM-11533] received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2817. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Smart Grid Policy [Docket No.: PL09-4-000] received July 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2818. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing Program; Technical Amendment [Docket No.: FAA-2008-0937; Amendment No. 91-308] (RIN: 2120-AJ37) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes [Docket No.: FAA-1999-6482; Amendment No. 121-346] (RIN: 2120-AG87) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2820. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations [Docket No.: FAA-2005-20245; Amendment No. 23-58, 25-124, 27-43, 29-50, 91-300, 121-338, 125-54, 129-45, and 135-113] (RIN: 2120-AH88) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; SID-IIs Side Impact Crash Test Dummy; 5th Percentile Adult Female [Docket No.: NHTSA-2009-0002] (RIN: 2127-AK26) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2010 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2010 [Docket No.: NHTSA-2009-0061] (RIN: 2127-AK47) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30674 Amdt. No 3328] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Coleman, TX [Docket No.: FAA-2008-1139; Airspace Docket No. 08-ASW-23] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kona, HI [Docket No.: FAA-20029-0002; Airspace Docket No. 09-AWP-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶99.4 ANNIVERSARY OF SLAYING OF OFFICERS CHESTNUT AND GIBSON

The SPEAKER pro tempore. Mr. BLUMENAUER, announced that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the United States Capitol against an intruder armed with a gun. At an appropriate time today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

¶99.5 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. KING of Iowa, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from Iowa, Mr. King submitted an amendment to the Committee on Rules to H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be made available to ACORN or any of its 174 known affiliates;

Whereas, since 1994, ACORN, the Association of Community Organizations for Reform Now, and its affiliates have received $53,643,444.58 in taxpayer funding from the federal government;

Whereas despite the trust placed in ACORN by taxpayers to act as a responsible steward of the funding provided to it, ACORN has proven itself to be an organization committed to breaking our laws and undermining our democratic political process;

Whereas during the 2008 federal election cycle, ACORN mobilized its nationwide, grassroots organization in an effort to affect the outcomes of elections nationwide through voter registration campaigns; and

Whereas ACORN is now under investigation in at least 14 states regarding allegations of fraudulent activities that were undertaken by the organization as part of its voter registration campaigns;

Whereas ACORN was charged with voter fraud in Nevada;

Whereas ACORN has admitted to submitting over 400,000 fraudulent voter registrations in the 2008 election cycle;

Whereas, because of its alleged fraudulent behavior during the 2008 election cycle, it is important that ACORN be prohibited from receiving any additional taxpayer funding;

Whereas the need to prohibit additional funding to ACORN led the Gentleman to submit his amendment to the Committee on Rules;

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

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

Resolved, That H. Res. 673, the rule to accompany H.R. 3293, be amended to allow the gentleman from Iowa's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Mr. BLUMENAUER, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Iowa [Mr. KING] will appear in the Record at this point.

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

¶99.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the Senate, sitting as a court of impeachment in the trial of Samuel B. Kent, former District Judge for the Southern District of Texas, upon articles of impeachment exhibited against him and upon the receipt and exhibit of House Resolution 661, has dismissed the articles of impeachment and has adjourned sine die.

¶99.7 PROVIDING FOR CONSIDERATION OF H.R. 3293

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 673):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 134, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3293, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

Pending consideration of the resolution.

¶99.8 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

''The resolution carries a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. BLUMENAUER, responded to the point of order, and said:

''The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, I come here today completely baffled at this point. We've had in this appropriations season what can best be described as martial law, in legislative terms, where we've had appropriation bill after appropriation bill come to the floor under a closed rule or a modified structured rule, where the majority party decides which amendments the minority party can offer.

''I suppose they thought it was amusing at first. They claim it was an issue of time. And so some of us on this side that had amendments that were ruled in order asked unanimous consent to be able to substitute other Members' amendments that had not been ruled in order—amendments that were germane—that the majority party simply saw unfit for this party to vote on and debate.

''And 16 times that I have asked for unanimous consent, that unanimous consent has been denied. So it's not an issue of time at all. It's not an issue of time.

''As much as the majority party wants to stand up and say, We've got to get these finished because we have a time limit—for one, it's a pretty sorry excuse. We do appropriations. That's what the Congress does. And to say we've got to get these done in 1 day for the Defense bill next week, one day for Labor-HHS today, but then we find out that that's a ruse in itself, because if we agree to stay within the time constraints, then they still won't allow us to substitute the amendments that we would like to offer.

''On this bill, because the majority party had seen fit to give me several amendments on bills to cut earmarks that they knew would likely not pass because of the logrolling that takes effect here, I decided on this bill, although there were plenty of targets, I believe there were over a thousand earmarks in the bill, I decided not to offer one earmark amendment. So surely, surely the majority party would see fit to allow a few of my colleagues' amendments in order so they couldn't say, Oh, we gave you 10 amendments. Of course, 8 of those were Flake earmark amendments. But we gave you 10.

''So I didn't submit any. Not one. Our party submitted 12 amendments—12 amendments—and we were given 4.

Just four amendments. One was given to I think the chairman of the Appropriations Committee and several, my understanding, were rolled into the manager's amendment.

''I would love to hear—and I will retain my time—but hear what the Rules Committee is thinking here, or why they see fit to deny the majority party the ability to offer amendments.''.

Mr. HASTINGS of Florida, was recognized to speak to the point of order and said:

''Mr. Speaker, my good friend for whom I have great affection began his remarks by saying he's baffled. Well, I'm baffled and befuddled by the many actions that my good friend from Arizona persists in bringing to the floor of the House of Representatives.

''Start with the fact—and the distinguished chair of the Appropriations Committee will outline the particulars of the bill—but start with the fact that there are no unfunded mandates in this particular provision.

''So, once again, this point of order is not about unfunded mandates. It's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

''I think that's wrong, and I hope my colleagues will vote 'yes' so we can consider this important legislation on its merits and not stop it, as my friend would try to do, on a procedural motion.

''Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

''Now I have the right to close, but in the end I'm going to urge my colleagues to vote 'yes' to consider the rule, and take one final moment to ask my friend to consider what he does when he persists, as is his right as a Member of this body, in coming here repeatedly after every measure that he wishes to put forward.

''What does he think he is doing to the legislative council of this office? There are 441 Members that ought to be able to access that body, and many of us find our legislation at the back of the track for the reason that we are coming here with what amounts to nothing but process motions that everybody has heard.

''We have an expression here—and children use it frequently—'I got the memo.' Or, 'I got it.' We hear him on this particular subject. He can vote on it at any such time, but it is the Rules Committee that makes the determination as to what rules are going to be on the floor of the House of Representatives.''.

Mr. FLAKE was further recognized and said:

''I think the gentleman doth protest a little too much. We are here on the unfunded mandate thing because it's the only opportunity we've got. We've been shut out of just about everything else. We offered 12 amendments to a bill that typically has dozens and dozens and dozens and which typically we spend a couple of days on. We're told, 'We've got to get it done today, and we're only going to allow four amendments from the other side, and they are the four that we pick.' I mean, what has this legislative body come to? I suppose the gentleman was referring to the 540 amendments that I have offered for the Defense bill. I have offered 540 because that represents the number of no-bid contracts that this body is authorizing for private companies in the Defense bill. That's why there are investigations swirling around this body. Yet we come to the floor and authorize 540—not authorize—we appropriate money for 540 no-bid contracts. So I make no apology at all for offering 540 amendments. But I knew that I didn't want to tie the hands and tie up Legislative Counsel. That's something that I worry about. So we went to them and said, ''How can we do this without causing you trouble?'' They gave us a template, and we've done it all in our office. My staff and other staffs were up nearly all night last night, making 30 copies of 540 amendments on our own—not taking any of Legislative Counsel's time—just so we could do this body and this institution the favor of trying to actually vet some of the earmarks, no-bid contracts for private companies, that come through this body. And then we get scolded for that; and to say, ''You're taking up too much time. We've given you four amendments on this bill and you should be happy with it''? These crumbs that fall from the table, the Appropriations Committee and the Rules Committee, just be happy with it. Go on your merry way. It just is baffling. I don't know what else to say. I don't know what else we can do on this side. But bad process always begets bad policy, and it will come back to bite at some point. I just wish the majority party would realize that this martial law on appropriations bills is not justified. You shouldn't do it just because you can.''.

Mr. HASTINGS of Florida, was further recognized and said:

''Mr. Speaker, I stand duly chastised by my friend from Arizona. I am delighted that he took up his office's time and not the Office of Legislative Counsel's time in order to provide the amendments that I still consider to be spurious. Perhaps it is that he would urge not wasting his staff's time then. But there have been other times, by virtue of the repetition, that Legislative Counsel has been burdened, template or not. There are other Members in this body that exercise that abuse process, including another one that I am watching, and that is the use of privileged motions for purposes of legislating. Assume that every Member in this body wanted to use that prerogative, then we would never be able to get our work done. Yes, it is the responsibility of the majority to see to it that the business of the people of this country moves along.

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

Mr. FLAKE was further recognized and said:

''I thank the gentleman. If I was looking to waste time and to delay, I would call a vote on this. That would take this body an extra half-hour or so. I am not going to do so. I know I'm going to lose this. But somebody at some point has to stand up and say, We're not potted plants over here. We're in the minority, yes. But we do have some rights, we think. The gentleman said that these amendments that I'll be offering to the Defense bill today are spurious. Last year I would have loved to have been able to offer some of these amendments, but I didn't have any ability at all. Not one amendment was offered to earmarks in the Defense bill. Why? Because it was a closed rule completely. It came in in mini-bus form, and no amendments at all were offered. That's happened, to some extent, over a couple of years. And what has happened during that time? Earmarks have been awarded, no-bid contracts to private companies, that are now being investigated because money went out; and individuals have already pled guilty to taking that earmarked money and spreading it around to some companies that did no work, none. They've already pled guilty for it. Again, we're bringing to the floor next week a Defense bill as if nothing's wrong, nothing's happening, no investigations are occurring. We're still going to award no-bid contracts to private companies. And yeah, we might hide some language or put some language in the bill that says, Well, these things are really going to be bid out. But the Defense Department, if you ask them today, Do you bid these things out? They say, Yes, we're required to. Except when we don't, when we issue what's called a J&A, and we decide, Well, we're really not going to bid that one out because it was asked for by Congress.

''That is just unbelievable to me that we are accused of being spurious when we attempt to bring earmark amendments to the floor to vet in some way, shallow though it may be on the floor of the House, it's all we've got because we only got a list of these earmarks this week, we're scolded and told that we're spurious for asking for just a smidgeon of accountability here for the sponsor of the earmark to stand up and justify why he thinks or she thinks that she has the ability to award a no-bid contract to a private company whose executives may turn around and give big amounts of money to that Member. That's being investigated in some cases by the Department of Justice.

''And we say, We should be able to do it, and no Member should be able to question it, that we shouldn't be able to raise it on the floor of the House. I just don't get it. Every time I think I

have seen it all, I haven't. And today to be scolded for bringing amendments to the floor, and then to have the majority party bring 12 and to be told that we should be happy because they have seen fit to choose four of those amendments, allow us to offer them, and we should be somehow grateful and should embrace this rule just blows me away.

''I don't know what to say, Mr. Speaker. But I would urge this Congress not to move ahead with this bill in this fashion. There is no requirement that we have to do this today any more than you have to do health care this week or next week. We're a deliberative body, I hope; and we should deliberate just a little bit more.''.

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶99.9 PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that ''the right of the people to keep and bear Arms, shall not be infringed'';

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

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

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

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore, Mr. BLUMENAUER, spoke and said:

''Does the gentleman from Georgia wish to present an argument on why the resolution qualifies as privileged?''.

Mr. PRICE of Georgia, was recognized and said:

''Mr. Speaker, this House operates under rules, or it's supposed to operate under rules, rules that have been longstanding in the House and that are incorporated in written form. And rule IX of those rules of the House states specifically, Members may raise questions ''affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings'' and those affecting the rights of Members individually in their representative capacity.

''So the question is, Mr. Speaker, what is more fundamental to the rights of the Members of this House than the ability to represent their constituents and to affect the legislation that's brought to the floor?

''The Democrat majority, under Speaker PELOSI, has unilaterally—some would say brazenly, some would say repressively—ended a 220-year tradition of allowing any Member to allow a spending bill.

''And that's precisely what I'm attempting to do, Mr. Speaker.

''When my constituents sent me here to Congress, they didn't send me here to just push buttons. What they sent me here to do was to exercise every single ability that a Member of the House is granted. And one of the abilities that the Member of the House is granted is the opportunity to affect legislation.

''And under rule IX, which states, Mr. Speaker, that the proceedings should not affect the rights of the Members individually in their Representative capacity, so if being denied the ability to offer an amendment doesn't affect the rights of this House, if it doesn't affect the dignity and integrity of its proceedings, if it doesn't affect my rights as a Representative, then I don't know what does, Mr. Speaker.

''I don't know what does. If Members are not allowed to offer amendments, then the Member, him or herself, is unable to represent their constituents and consequently is disenfranchising every single American.

''So, Mr. Speaker, I would contend respectfully that the inability of Members to offer amendments is an indignity upon the House and makes it so that Members are not able to exercise their representative capacity.

''And I appeal to the Chair to see the light of day and allow this privileged resolution to move forward.''.

The SPEAKER pro tempore, Mr. BLUMENAUER, ruled and said:

''In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

''The Chair finds that the resolution offered by the gentleman from Georgia, by proposing directly to amend House Resolution 669, prescribes a special order of business. Under a long and well-settled line of precedent presently culminating in several rulings during this first session of the 111th Congress, such a resolution cannot qualify as a question of the privileges of the House.

''The Chair, therefore, holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.''.

Mr. PRICE of Georgia, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. HASTINGS of Florida, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. PRICE of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 / Nays 182

¶99.10 [Roll No. 638]

YEAS—238

Abercrombie	Capuano	Delahunt
Ackerman	Cardoza	DeLauro
Adler (NJ)	Carnahan	Dicks
Altmire	Carney	Dingell
Andrews	Carson (IN)	Doggett
Arcuri	Castor (FL)	Donnelly (IN)
Baca	Chandler	Doyle
Baird	Chu	Driehaus
Baldwin	Clarke	Edwards (MD)
Barrow	Clay	Edwards (TX)
Bean	Cleaver	Ellison
Becerra	Clyburn	Ellsworth
Berkley	Cohen	Engel
Berman	Connolly (VA)	Eshoo
Berry	Conyers	Etheridge
Bishop (GA)	Cooper	Farr
Bishop (NY)	Costa	Fattah
Blumenauer	Costello	Filner
Boccieri	Courtney	Foster
Boswell	Crowley	Frank (MA)
Boucher	Cuellar	Fudge
Boyd	Cummings	Giffords
Brady (PA)	Davis (AL)	Gonzalez
Braley (IA)	Davis (CA)	Gordon (TN)
Brown, Corrine	Davis (TN)	Grayson
Butterfield	DeFazio	Green, Al
Capps	DeGette	Green, Gene

Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—13

Barrett (SC)
Bishop (UT)
Dahlkemper
Davis (IL)
Granger
Johnson (GA)
Lummis
McCarthy (NY)
McGovern
Murphy (NY)
Paul
Sutton
Young (FL)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶99.11 MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore, Mr. BLUMENAUER, as previously announced that all Members stand and observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

¶99.12 H. RES. 673—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 673) providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 181

¶99.13 [Roll No. 639]

YEAS—239

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—13

Barrett (SC)
Bishop (UT)
Dahlkemper
Granger
Johnson (GA)
Lofgren, Zoe
McCarthy (NY)
McHenry
McHugh
Murphy (NY)
Paul
Velázquez
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 187

¶99.14 [Roll No. 640]

YEAS—232

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Barrett (SC)
Bishop (UT)
Clyburn
Dahlkemper
Granger
McCarthy (NY)
McDermott
McHugh
Murphy (NY)
Paul
Rangel
Stark
Tsongas
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.15 H. RES. 538—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 538) supporting Olympic Day on June 23 2009, and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

By unanimous consent, the title was amended so as to read: ''A resolution supporting Olympic Day and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶99.16 H. RES. 285—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 285) congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.17 H. RES. 519—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8,

rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 519) expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates ''Canada Day''.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.18 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to House Resolution 673 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, by unanimous consent, designated Mr. HOLDEN as Chairman of the Committee of the Whole; and after some time spent therein,

¶99.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 111-222, submitted by Mr. OBEY:

Page 8, line 3, insert ''(reduced by $5,000,000)'' after the dollar amount.

Page 8, line 12, insert ''(increased by $5,000,000)'' after the dollar amount.

Page 26, line 24, insert ''(reduced by $1,000,000)'' after the first dollar amount.

Page 33, line 14, insert ''(increased by $1,000,000)'' after the first dollar amount.

Page 39, line 10, insert ''(increased by $1,000,000)'' after the aggregate dollar amount.

Page 40, line 10, insert ''(increased by $1,000,000)'' after the dollar amount.

Page 40, line 12, insert ''(reduced by $1,000,000)'' after the dollar amount.

Page 65, line 13, after ''III,'' insert ''IV,''.

Page 65, line 17, insert ''(reduced by $1,000,000)'' after the aggregate dollar amount.

Page 84, line 17, insert ''(increased by $5,000,000)'' after the aggregate amount.

Page 84, line 18, insert ''(increased by $5,000,000)'' after the dollar amount.

Page 86, line 25, insert ''(reduced by $6,000,000)'' after the aggregate dollar amount.

Page 87, line 9, insert ''(reduced by $9,000,000)'' after the dollar amount.

Page 88, line 24, insert ''(increased by $10,000,000)''.

Page 90, line 6, insert before the period at the end the following: '': *Provided further*, That $6,965,000 of the funds available to carry out subpart I of part D of title V of the ESEA shall be used for the Reach Out and Read program''.

Page 97, line 18, insert ''(increased by $1,000,000)'' after the first dollar amount.

Page 100, line 2, after the colon, insert the following: ''*Provided further*, That of the funds available under part B of title VII of the HEA, $1,000,000 shall be used to implement section 891 of the HEA:''.

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

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. ____. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.124 of title 41, Code of Federal Regulations.

It was decided in the affirmative { Yeas ..... 284 / Nays 137

¶99.20 [Roll No. 641]

AYES—284

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Burgess
Butterfield
Buyer
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—137

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kline (MN)
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (UT)
Boehner
Capito
Clarke
Conyers
Dahlkemper
Emerson
Kingston
Latham
McCarthy (NY)
McHugh
Miller, George
Norton
Paul
Pierluisi
Sires
Tanner

So the amendment was agreed to.

¶99.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-222, submitted by Mr. SOUDER:

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

Sec.____. None of the funds made available by this Act may be used to provide individuals with hypodermic needles or syringes under section 300ee–5 of title 42, United States Code.

It was decided in the negative { Yeas ..... 211 / Nays ..... 218 }

¶99.22 [Roll No. 642]

AYES—211

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ellsworth
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Holden
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—218

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Green, Al
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—10

Barrett (SC)
Bishop (UT)
Boehner
Capito
Dahlkemper
Manzullo
McCarthy (NY)
McHugh
Norton
Paul

So the amendment was not agreed to.

¶99.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-222, submitted by Mr. PENCE:

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

SEC. 5____. None of the funds made available under this Act shall be available to Planned Parenthood for any purpose under title X of the Public Health Services Act.

It was decided in the negative { Yeas ..... 183 / Nays ..... 247 }

¶99.24 [Roll No. 643]

AYES—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil

Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—9

Barrett (SC)
Bishop (UT)
Boehner
Capito
Dahlkemper
McCarthy (NY)
McHugh
Paul
Rangel

So the amendment was not agreed to.

¶99.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-222, submitted by Mr. WITTMAN:

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

SEC. 524. Appropriations made in this Act are hereby reduced in the amount of $803,270,000.

It was decided in the negative ..... { Yeas ..... 199 / Nays 229

¶99.26 [Roll No. 644]

AYES—199

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Payne
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—229

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Barrett (SC)
Bishop (UT)
Boehner
Capito
Dahlkemper
McCarthy (NY)
McHugh
Paul
Pence
Rangel
Wexler

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SNYDER, assumed the Chair.

When Mr. HOLDEN, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 673, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 8, line 3, insert ''(reduced by $5,000,000)'' after the dollar amount.

Page 8, line 12, insert ''(increased by $5,000,000)'' after the dollar amount.

Page 26, line 24, insert ''(reduced by $1,000,000)'' after the first dollar amount.

Page 33, line 14, insert ''(increased by $1,000,000)'' after the first dollar amount.

Page 39, line 10, insert ''(increased by $1,000,000)'' after the aggregate dollar amount.

Page 40, line 10, insert ''(increased by $1,000,000)'' after the dollar amount.

Page 40, line 12, insert ''(reduced by $1,000,000)'' after the dollar amount.

Page 65, line 13, after ''III,'' insert ''IV,''.

Page 65, line 17, insert ''(reduced by $1,000,000)'' after the aggregate dollar amount.

Page 84, line 17, insert ''(increased by $5,000,000)'' after the aggregate amount.

Page 84, line 18, insert ''(increased by $5,000,000)'' after the dollar amount.

Page 86, line 25, insert ''(reduced by $6,000,000)'' after the aggregate dollar amount.

Page 87, line 9, insert ''(reduced by $9,000,000)'' after the dollar amount.

Page 88, line 24, insert ''(increased by $10,000,000)''.

Page 90, line 6, insert before the period at the end the following: '': *Provided further*, That $6,965,000 of the funds available to carry out subpart I of part D of title V of the ESEA shall be used for the Reach Out and Read program''.

Page 97, line 18, insert ''(increased by $1,000,000)'' after the first dollar amount.

Page 100, line 2, after the colon, insert the following: ''*Provided further*, That of the funds available under part B of title VII of the HEA, $1,000,000 shall be used to implement section 891 of the HEA:''.

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

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. ____. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.124 of title 41, Code of Federal Regulations.

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

SEC. 524. (a) None of the funds provided in this Act under the heading ''National Institutes of Health—National Institute on Drug Abuse'' shall be available for grant number 1R21DA026324-01A1 (Substance Use and HIV Risk among Thai Women).

(b) None of the funds provided in this Act under the heading ''National Institutes of Health—National Institute on Alcohol Abuse and Alcoholism'' shall be available for grant number 1R01AA018090-01 (Venue-based HIV and alcohol use risk reduction among female sex workers in China), or grant number 5R01AA016059-03 (Maximizing Opportunity—HIV Prevention in Hospitalized Russian Drinkers).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. TIAHRT moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

At the appropriate place in the bill, execute amendments numbered 1 through 22, printed in the Congressional Record of July 23, 2009.

Pending consideration of said motion,

¶99.27 POINT OF ORDER

Mr. OBEY made a point of order against consideration of the motion, and said:

''I make a point of order against the motion to recommit with instructions because it includes legislation and is not in order under clause 2 of rule XXI, and I ask for a ruling from the Chair.''.

Mr. TIAHRT was recognized to speak to the point of order and said:

''Mr. Speaker, I would just like to say that this, Mr. Speaker, takes the amendments that were not made in order by the rule en masse. It's very similar to what the manager did by, in aggregate, considering amendments, and I would ask that the Chair allow this vote up or down on the amendments that were not made in order by the rule.''.

The SPEAKER pro tempore, Mr. SNYDER, sustained the point of order, and said:

''As argued by the gentleman from Wisconsin, the amendment proposed in the motion to recommit violates clause 2 of rule XXI in a number of respects.

''The point of order is sustained. The motion is not in order.''.

Mr. TIAHRT moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

Page 2, line 19, after the dollar amount, insert ''(reduced by $195,000,000)''.

Page 6, line 7, after the dollar amount, insert ''(reduced by $195,000,000)''.

Page 7, line 21, insert ''and'' after the semicolon.

Page 8, line 2, strike the semicolon and insert a period.

Page 8, strike line 3 and all that follows through line 2 on page 9.

Page 43, line 16, after the first dollar amount, insert ''(reduced by $300,000,000)''.

Page 43, line 19, strike the colon and all that follows through ''expended'' on line 23.

Page 84, line 17, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 84, line 18, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 86, line 25, after the dollar amount, insert ''(reduced by $148,000,000)''.

Page 87, line 9, after the dollar amount, insert ''(reduced by $38,000,000)''.

Page 91, line 23, after the dollar amount, insert ''(increased by $1,000,150,000)''.

Page 91, line 24, after the dollar amount, insert ''(increased by $1,000,150,000)''.

Page 94, line 8, after the dollar amount, insert ''(reduced by $88,000,000)''.

Page 94, line 9 strike ''$4,400,000'' and all that follows through ''which'' on line 11.

Page 94, line 11, after the dollar amount, insert ''(reduced by $83,600,000)''.

Page 95, line 23, strike the colon and all that follows through ''schools'' on line 13 on page 96.

Page 107, line 7, after the dollar amount, insert ''(reduced by $111,615,000)''.

Page 107, line 8, after the dollar amount, insert ''(reduced by $8,997,000)''.

Page 107, line 9, after the dollar amount, insert ''(reduced by $102,618,000)''.

Page 107, line 16, after the dollar amount, insert ''(reduced by $21,607,000)''.

Page 107, line 18, strike ''(3)'' and all that follows through ''(5)'' on line 1 on page 108, and insert ''and (3)''.

Page 108, line 1, after the dollar amount, insert ''(reduced by $5,210,000)''.

Page 108, line 11, after the dollar amount, insert ''(reduced by $47,139,000)''.

Page 109, line 11, after the dollar amount, insert ''(reduced by $9,208,000)''.

Page 109, line 15, after the dollar amount, insert ''(reduced by $1,188,000)''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SNYDER, announced that the nays had it.

Mr. TIAHRT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 171 / Nays 248

¶99.28 [Roll No. 645]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—248

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Barrett (SC)
Bishop (UT)
Boehner
Burgess
Capito
Dahlkemper
Davis (KY)
Ellison
Marchant
McCarthy (NY)
McHugh
Paul
Pence
Wexler

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SNYDER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 264 / Nays 153

¶99.29 [Roll No. 646]

YEAS—264

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—153

Aderholt
Akin
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—16

Barrett (SC)
Bishop (UT)
Boehner
Capito
Dahlkemper
Gingrey (GA)
Jackson-Lee (TX)
Jones
Marchant
McCarthy (NY)
McHugh
Paul
Pence
Slaughter
Watson
Wexler

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.30 DEFENSE APPROPRIATIONS FY 2010

Mr. MURTHA submitted a privileged report (Rept. No. 111–230) on the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶99.31 REPORT ON H. RES. 591

Mr. WATT, submitted a privileged report (Rept. No. 111–231) on the resolution (H. Res. 591) requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC; referred to the House Calendar and ordered printed.

¶99.32 ADJOURNMENT OVER

On motion of Mr. HASTINGS of Florida, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 27, 2009, at 12:30 p.m.; and further, when the House adjourns on Monday, July 27, 2009, it adjourn to meet at 10:30 a.m. on Tuesday, July 28, 2009, for morning-hour debate.

¶99.33 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2632. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 151. An Act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 1513. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that the Senate agreed to a concurrent resolution of the following title:

S. Con. Res. 35. A concurrent resolution authorizing printing of the pocket version of the United States Constitution.

¶99.34 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 151. An Act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Natural Resources; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 35. A concurrent resolution authorizing printing of the pocket version of the United States Constitution; to the Committee on House Administration.

And then,

¶99.35 ADJOURNMENT

On motion of Mr. HOEKSTRA, pursuant to the previous order of the House, at 5 o'clock and 13 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 27, 2009.

¶99.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1121. A bill to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; with an amendment (Rept. 111–227). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1080. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; with an amendment (Rept. 111–228). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1376. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; with an amendment (Rept. 111–229). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURTHA: Committee on Appropriations. H.R. 3326. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–230). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. House Resolution 591. Resolution requesting that the President transmit to the House of Representatives all information in his possession relating to certain specific communications with and financial assistance provided to General Motors Corporation and Chrysler LLC; with an amendment (Rept. 111–231). Referred to the House Calendar.

¶99.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CANTOR (for himself and Mr. WITTMAN):

H.R. 3324. A bill to amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. TANNER (for himself and Mr. MCDERMOTT):

H.R. 3325. A bill to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself and Mr. POE of Texas):

H.R. 3327. A bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. HONDA, Mr. CROWLEY, and Mr. FILNER):

H.R. 3328. A bill to authorize the Gandhi-King Scholarly Exchange Initiative focusing on peace and nonviolence in global conflict resolution, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. HONDA, Mr. CROWLEY, Mr. FILNER, and Ms. BERKLEY):

H.R. 3329. A bill to eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. MOORE of Kansas, Mrs. BIGGERT, and Mr. LEE of New York):

H.R. 3330. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia (for himself and Mr. GOODLATTE):

H.R. 3331. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to make grants to recognized science and technology secondary schools to support research and development projects at such schools in science, mathematics, engineering, and technology to supplement the national security functions of the Department of Defense; to the Committee on Armed Services.

By Mr. CONNOLLY of Virginia (for himself and Mr. LANCE):

H.R. 3332. A bill to establish the National Commission on Intergovernmental Relations to facilitate the fullest cooperation and coordination between all levels of government; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself, Mr. FARR, Mr. PUTNAM, and Ms. BERKLEY):

H.R. 3333. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 3334. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Center for Health Statistics, to allocate such sums as may be necessary for the collection of statistics from enhanced birth certificates; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. GRAYSON, Mr. GRIJALVA, Mr. STARK, Ms. WATERS, Mr. PAYNE, Ms. NORTON, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. RANGEL, Ms. LEE of California, Ms. FUDGE, Mr. MEEK of Florida, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, and Mr. HONDA):

H.R. 3335. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. COURTNEY (for himself, Mr. ROSS, Mr. HARE, Mr. YOUNG of Alaska, Mr. WALZ, Mr. LOEBSACK, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HINCHEY, Mrs. MCMORRIS RODGERS, Mr. MASSA, Ms. DELAURO, Ms. GIFFORDS, Mr. MURPHY of Connecticut, and Mr. SMITH of New Jersey):

H.R. 3336. A bill to amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. SABLAN, Mr. KISSELL, Ms. SCHAKOWSKY, Mr. PETERSON, Mr. MASSA, Mr. HOLT, Mr. BLUMENAUER, Mr. KENNEDY, Mr. COURTNEY, Mr. MCGOVERN, Mr. FILNER, and Mr. GRAYSON):

H.R. 3337. A bill to amend title 38, United States Code, to provide for the use of entitlement under Post-9/11 Veterans Educational Assistance Program for the pursuit of apprenticeships and on-job training; to the Committee on Veterans' Affairs.

By Ms. EDWARDS of Maryland (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. WOLF, and Mr. HOYER):

H.R. 3338. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Transportation and Infrastructure.

By Mr. HEINRICH (for himself and Mrs. LUMMIS):

H.R. 3339. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois (for himself, Ms. SCHWARTZ, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. LATHAM):

H.R. 3340. A bill to establish a Medicare Chronic Care Rapid Learning Network to develop and apply improved practices in care management for Medicare beneficiaries with multiple chronic conditions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. BILBRAY, Mr. LEWIS of California, Mr.

ROHRABACHER, Mr. GALLEGLY, Mr. BOOZMAN, Mr. ROGERS of Michigan, Mr. BARTLETT, Mr. CAO, Mr. NUNES, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. WOLF, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. ISSA, Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, Mr. BLUNT, Mr. AUSTRIA, Mr. RADANOVICH, Mrs. BONO MACK, Mr. CHAFFETZ, Mr. POE of Texas, Mr. SMITH of Nebraska, Mr. SCALISE, Mrs. MYRICK, Mr. CONAWAY, and Mrs. BLACKBURN):

H.R. 3341. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Mr. LUJÁN:

H.R. 3342. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; to the Committee on Natural Resources.

By Mr. PAYNE (for himself, Mr. KILDEE, and Mr. SCOTT of Virginia):

H.R. 3343. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Education and Labor.

By Mr. ROTHMAN of New Jersey:

H.R. 3344. A bill to provide for the reliquidation of certain entries of chlorinated isocyanurates; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H. Con. Res. 169. Concurrent resolution expressing a sense of Congress that a government-defined or public option insurance plan should not be used to fund abortion and taxpayer-funds should not be used to provide abortion under a benefit package within any health care reform package; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H. Res. 676. A resolution congratulating the American Motorcyclist Association on its 85th Anniversary; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. ROYCE, and Ms. JACKSON-LEE of Texas):

H. Res. 677. A resolution extending best wishes to the people of India as they celebrate the 62nd anniversary of India's independence from the British Empire; to the Committee on Foreign Affairs.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, and Mr. MCDERMOTT):

H. Res. 678. A resolution extending best wishes to the people of the Islamic Republic of Pakistan as they celebrate the 62nd anniversary of Pakistan's independence from the British Empire; to the Committee on Foreign Affairs.

By Mrs. HALVORSON (for herself, Mr. RODRIGUEZ, Mr. LANCE, Mr. TEAGUE, Mr. COURTNEY, Mrs. EMERSON, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. TIM MURPHY of Pennsylvania, Mr. LATOURETTE, Mr. ALTMIRE, Mr. REICHERT, Mr. LAMBORN, Mr. GRAYSON, Mr. BURGESS, Ms. BORDALLO, Mr. WESTMORELAND, Mr. BISHOP of New York, Mrs. MCMORRIS RODGERS, Mr. PERLMUTTER, and Mr. CAO):

H. Res. 679. A resolution supporting the goals and ideals of American Legion Day; to the Committee on Oversight and Government Reform.

¶99.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. SESTAK, Mr. WEXLER, Mr. CONYERS, and Ms. MCCOLLUM.
H.R. 42: Mr. PIERLUISI.
H.R. 175: Mr. WEXLER.
H.R. 211: Mr. BOYD and Mr. LEWIS of Georgia.
H.R. 235: Mr. GRIFFITH.
H.R. 433: Mr. MINNICK.
H.R. 521: Mr. ROTHMAN of New Jersey.
H.R. 555: Ms. SCHAKOWSKY.
H.R. 571: Mr. JOHNSON of Illinois.
H.R. 621: Ms. TSONGAS and Ms. WOOLSEY.
H.R. 658: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KUCINICH.
H.R. 690: Mr. BOUSTANY, Mr. HELLER, and Mrs. SCHMIDT.
H.R. 699: Ms. KILPATRICK of Michigan.
H.R. 775: Mr. LYNCH, Mr. OLSON, Mr. CHAFFETZ, Mrs. HALVORSON, Mr. ANDREWS, Mr. GINGREY of Georgia, Mr. SIRES, Mr. JOHNSON of Illinois, Mr. POSEY, and Mr. YOUNG of Florida.
H.R. 836: Mr. CARNEY.
H.R. 913: Mr. WEXLER.
H.R. 916: Mr. KENNEDY and Ms. ROYBAL-ALLARD.
H.R. 948: Mr. KIND.
H.R. 1103: Mr. ROSKAM.
H.R. 1176: Mr. AUSTRIA.
H.R. 1177: Mr. KRATOVIL.
H.R. 1179: Mr. FORTENBERRY.
H.R. 1215: Mr. FATTAH, Mr. NADLER of New York, and Mr. JOHNSON of Georgia.
H.R. 1245: Mr. YOUNG of Alaska.
H.R. 1269: Mr. GARRETT of New Jersey.
H.R. 1300: Mr. GARRETT of New Jersey.
H.R. 1392: Mr. SCHIFF and Mr. LOBIONDO.
H.R. 1425: Mr. BERMAN.
H.R. 1441: Mr. LOBIONDO and Mr. PAULSEN.
H.R. 1454: Mr. MARKEY of Massachusetts.
H.R. 1458: Mr. MILLER of North Carolina and Mr. TIERNEY.
H.R. 1466: Ms. JACKSON-LEE of Texas.
H.R. 1470: Mr. YOUNG of Florida.
H.R. 1499: Mr. KIND and Mr. HODES.
H.R. 1521: Mr. AUSTRIA, Mr. FRELINGHUYSEN, and Mr. MINNICK.
H.R. 1523: Mr. CONYERS and Ms. RICHARDSON.
H.R. 1570: Mr. YOUNG of Florida.
H.R. 1608: Ms. VELÁZQUEZ, Ms. MOORE of Wisconsin, Ms. SLAUGHTER, Ms. WATSON, Ms. LEE of California, and Mr. ELLISON.
H.R. 1618: Mr. ELLSWORTH and Mr. PETERS.
H.R. 1646: Mr. MILLER of North Carolina.
H.R. 1670: Mrs. DAHLKEMPER.
H.R. 1686: Ms. MCCOLLUM.
H.R. 1695: Mr. ADLER of New Jersey.
H.R. 1740: Mr. BAIRD and Mr. SCALISE.
H.R. 1790: Mr. WEXLER.
H.R. 1802: Mr. GARRETT of New Jersey.
H.R. 1826: Mr. ORTIZ.
H.R. 1898: Mr. HOLT.
H.R. 1993: Mr. MCMAHON.
H.R. 2016: Mr. WEXLER and Mr. COHEN.
H.R. 2017: Mr. MINNICK and Ms. FALLIN.
H.R. 2030: Mr. HINCHEY, Mr. GRIJALVA, and Ms. HIRONO.
H.R. 2035: Mr. KISSELL.
H.R. 2054: Mr. WELCH and Mr. GRAYSON.
H.R. 2060: Mr. WEXLER.
H.R. 2070: Mr. CARNEY.
H.R. 2112: Mrs. CAPPS.
H.R. 2119: Mr. YOUNG of Florida.
H.R. 2139: Ms. BALDWIN, Mr. FATTAH, Mr. TERRY, Mr. MURPHY of Connecticut, Mr. SESTAK, Mr. HIMES, Mr. MILLER of North Carolina, and Mr. WALZ.
H.R. 2190: Ms. SHEA-PORTER.
H.R. 2194: Mr. YOUNG of Florida, Mr. WEINER, Mr. GINGREY of Georgia, and Mrs. BACHMANN.
H.R. 2213: Mr. ROTHMAN of New Jersey.
H.R. 2214: Ms. CORRINE BROWN of Florida.
H.R. 2215: Mr. CAMP.
H.R. 2231: Ms. ROYBAL-ALLARD.
H.R. 2287: Mr. MORAN of Kansas, Mrs. CAPITO, and Mr. MARSHALL.
H.R. 2324: Mr. SHERMAN and Mr. HOLT.
H.R. 2329: Mr. BOSWELL, Mr. WATT, Mr. HOEKSTRA, and Mr. SIRES.
H.R. 2339: Mr. HONDA.
H.R. 2406: Mr. GARRETT of New Jersey.
H.R. 2408: Mr. KILDEE, Mr. MCCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARE, Mr. BISHOP of New York, Mr. CAMP, and Mrs. CAPITO.
H.R. 2452: Mr. MICHAUD, Mr. MCMAHON, Mr. SHERMAN, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2456: Mr. CARNAHAN and Mr. WEXLER.
H.R. 2478: Mr. FATTAH.
H.R. 2492: Mr. ETHERIDGE.
H.R. 2499: Mr. CAMP.
H.R. 2520: Mr. SOUDER.
H.R. 2521: Mr. SCHIFF.
H.R. 2529: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2546: Mr. ROONEY.
H.R. 2558: Mr. EHLERS.
H.R. 2563: Mr. HASTINGS of Florida, Mr. MACK, and Mr. MCCARTHY of California.
H.R. 2568: Mr. LEWIS of Georgia.
H.R. 2709: Mr. HOLT.
H.R. 2724: Ms. MOORE of Wisconsin.
H.R. 2740: Ms. ZOE LOFGREN of California and Mr. WEXLER.
H.R. 2746: Ms. NORTON, Ms. HIRONO, Ms. BERKLEY, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. MICHAUD, Mr. BERMAN, and Mr. WAXMAN.
H.R. 2754: Mr. BRADY of Pennsylvania and Mr. SARBANES.
H.R. 2882: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2935: Mr. ROGERS of Kentucky, Mr. SCHIFF, and Mrs. NAPOLITANO.
H.R. 2941: Mr. HALL of Texas, Mr. YOUNG of Florida, and Mr. PETERS.
H.R. 2992: Mr. ROONEY.
H.R. 3004: Mr. SIMPSON.
H.R. 3006: Mr. WEXLER.
H.R. 3011: Mr. SENSENBRENNER and Mr. WILSON of South Carolina.
H.R. 3037: Mr. CONYERS, Mr. PASCRELL, and Mr. GRAYSON.
H.R. 3042: Mr. MCGOVERN.
H.R. 3059: Mr. BUTTERFIELD.
H.R. 3068: Mr. PIERLUISI.
H.R. 3076: Mr. FILNER.
H.R. 3090: Ms. DELAURO.
H.R. 3165: Mr. WEXLER.
H.R. 3177: Mr. SIMPSON.
H.R. 3193: Mr. YOUNG of Florida.
H.R. 3202: Mr. WEXLER.
H.R. 3206: Mr. DEFAZIO.
H.R. 3212: Mr. BRALEY of Iowa.
H.R. 3217: Mr. SOUDER.
H.R. 3218: Mr. YOUNG of Alaska and Mr. SOUDER.
H.R. 3226: Mr. LUCAS and Mr. SAM JOHNSON of Texas.
H.R. 3227: Mr. PRICE of North Carolina and Mr. WEXLER.
H.R. 3238: Mr. WEXLER.
H.R. 3242: Ms. EDWARDS of Maryland and Ms. BORDALLO.
H.R. 3250: Mr. HIGGINS, Mr. MCHUGH and Ms. MOORE of Wisconsin.
H.R. 3266: Ms. KILPATRICK of Michigan and Mr. BROWN of South Carolina.
H.R. 3289: Mr. CHAFFETZ, Mr. TIAHRT, and Mrs. MYRICK.
H.R. 3294: Ms. ROS-LEHTINEN and Ms. BORDALLO.
H.R. 3308: Mr. ALEXANDER and Mr. BROWN of South Carolina.
H.R. 3310: Mr. SESSIONS, Mr. PITTS, Mr. SHIMKUS, and Mrs. MYRICK.

H.R. 3313: Mr. STUPAK.
H.R. 3314: Mr. STUPAK.
H. J. Res. 42: Mr. CRENSHAW, Ms. ROS-LEHTINEN, and Mr. ADERHOLT.
H. J. Res. 61: Mr. KUCINICH.
H. Con. Res. 49: Mr. ROHRABACHER and Mrs. KIRKPATRICK of Arizona.
H. Con. Res. 74: Ms. HIRONO.
H. Con. Res. 87: Mr. CARSON of Indiana.
H. Con. Res. 95: Mr. MICHAUD.
H. Con. Res. 139: Mr. TIAHRT, Ms. LORETTA SANCHEZ of California, Mr. RODRIGUEZ, Mr. MARCHANT, Mr. RUPPERSBERGER, Mr. THORNBERRY, and Mr. MARSHALL.
H. Con. Res. 163: Mr. NEAL of Massachusetts, Mr. PIERLUISI, Mr. ARCURI, Mr. BOREN, Mr. PASTOR of Arizona, Ms. HIRONO, Ms. DELAURO, and Mr. CUMMINGS.
H. Con. Res. 165: Mr. RANGEL, and Mr. LYNCH.
H. Res. 111: Ms. ESHOO.
H. Res. 221: Ms. WOOLSEY, Mr. SHERMAN, Mr. GRAYSON, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, and Mr. COSTA.
H. Res. 278: Mr. FILNER.
H. Res. 362: Mr. WEXLER.
H. Res. 416: Mr. CARSON of Indiana.
H. Res. 443: Mr. MASSA.
H. Res. 459: Mr. ROE of Tennessee.
H. Res. 465: Mr. KLEIN of Florida.
H. Res. 487: Mr. PETERS, and Ms. KILPATRICK of Michigan.
H. Res. 494: Mrs. BLACKBURN.
H. Res. 508: Mr. HOEKSTRA.
H. Res. 575: Mr. PRICE of Georgia.
H. Res. 577: Mr. WALDEN, Mr. ROGERS of Michigan, Mr. PITTS, Mr. SHADEGG, Mr. UPTON, Mr. HOEKSTRA, Mr. HALL of Texas, Mrs. MILLER of Michigan, Mr. GINGREY of Georgia, and Mr. KING of Iowa.
H. Res. 605: Mr. PETRI, Mr. KENNEDY, and Mr. LATHAM.
H. Res. 615: Mr. LATHAM.
H. Res. 630: Ms. WOOLSEY and Mr. QUIGLEY.
H. Res. 633: Ms. LEE of California.
H. Res. 659: Ms. WATSON, Mrs. CHRISTENSEN, Ms. FUDGE, Mr. PAYNE, and Ms. CASTOR of Florida.
H. Res. 660: Mr. WATT.
H. Res. 671: Mr. SCALISE, Mr. JONES, Mr. TIBERI, Mrs. CAPITO, and Mr. SOUDER.

¶99.39 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2469: Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.

MONDAY, JULY 27, 2009 (100)

¶100.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
July 27, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶100.2 RECESS—12:45 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 45 minutes p.m., until 2 p.m.

¶100.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, called the House to order.

¶100.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Friday, July 24, 2009.

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

¶100.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2826. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions (RIN: 0563-AC09) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2827. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Clarification of Central Contractor Registration and Procurement Instrument Identification Data Requirements (DFARS Case 2008-D010) (RIN: 0750-AG05) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2828. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Peer Reviews of Contracts (DFARS Case 2008-D035) (RIN: 0750-AG28) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2829. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Protection of Human Subjects in Research Projects (DFARS Case 2007-D008) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2830. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Government Property (DFARS Case 2007-D020) (RIN: 0750-AF92) July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2831. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, October 1, 2008 — March 31, 2009, pursuant to Section 5(a) of the Inspector General Act of 1978; to the Committee on Armed Services.

2832. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2833. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-137, ''Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2834. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-138, ''Commission on Uniform State Laws Appointment Authorization Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2835. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-139. ''Closing of a Paper Alley in Square 5401, S.O. 07-121, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2836. A letter from the Deputy Assistant Administrator For Regulatory Programs National Marine Fisheries, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2837. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-115-FOR; OSM-2009-0006] received July 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2838. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-148-FOR; OSM-2008-0014] received July 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2839. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Civil Monetary Penalties [Docket ID: OSM-2009-0004] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

¶100.6 VETERANS' INSURANCE AND HEALTH CARE

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.7 DISABLED VETERANS HOME IMPROVEMENTS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 1293) to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

¶100.8 VETERANS NONPROFIT RESEARCH AND EDUCATION CORPORATIONS ENHANCEMENT

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 2770) to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.9 CAREGIVER ASSISTANCE AND RESOURCE ENHANCEMENT

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3155) to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.10 NATIONAL PARK AND RECREATION MONTH

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 288):

Whereas public parks and recreation systems are dedicated to enhancing the quality of life for residents in communities around the country through recreation programming, leisure activities, and conservation efforts;

Whereas parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society; create lifelines and continuous life experience for older members of the community; generate opportunities for people to come together and experience a sense of community; and pay dividends to communities by attracting businesses, jobs, and increasing housing value;

Whereas parks and recreation services play a vital role in creating active and healthy communities, and the majority of older adults who visit parks report moderate or high levels of physical activity during their visit and 50 percent of older adults who participated in light to moderate aerobic park activity report being in a better mood after visiting parks;

Whereas parks and recreation facilities foster a variety of activities that contribute to a healthier United States, such as introducing injured military veterans and those with physical disabilities to physical activity, mobilizing urban communities to use chronic disease prevention practices, working with local school systems to develop science-based curricula to educate children on nutrition and activity, connecting children with nature, and combating obesity in youth;

Whereas the creation of places for physical activity, combined with information outreach, produced a 48.4 percent increase in the frequency of physical activity;

Whereas more than 75 percent of United States citizens use park and recreation facilities to maintain fitness and to remain socially interactive, which are critical to maintaining community cohesion and pride;

Whereas community recreation programs at park and recreation facilities provide children with a safe refuge and a place to play, which helps to reduce at-risk behavior such as drug use and gang involvement;

Whereas 69 percent of the United States population believes in local park and recreation services, which supports the idea that such parks and services should be funded by taxes and user fees;

Whereas public parks and recreation facilities create enormous economic value through increased partnership, which improves the job base and the economic viability of the local economy, including business relocation and expansion in the community and increased tourism; and

Whereas parks and recreation facilities reduce fuel costs and commute times by providing a place close to home to relax, exercise, and reduce stress: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the great societal value of parks and recreation facilities and their importance in local communities across the United States;

(2) recognizes and honors the vital contributions of employees and volunteers in park and recreation facilities; and

(3) supports the designation of a ''National Park and Recreation Month''.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶100.11 WACO MOMMOTH NATIONAL MONUMENT

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1376) to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶100.12 BLUE RIDGE PARKWAY AND TOWN OF BLOWING ROCK

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1121) to authorize a land exchange to acquire lands for the Blue Ridge Parkway from

the Town of Blowing Rock, North Carolina, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶100.13 SOUTHERN SEA OTTER RECOVERY AND RESEARCH

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 556) to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.14 MARINE TURTLE CONSERVATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. BORDALLO and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.15 LOUISIANA STATE UNIVERSITY BASEBALL TEAM

Mr. GRIJALVA moved to suspend the rules and agree to the following resolution (H. Res. 616):

Whereas, on June 24, 2009, the Louisiana State University Tigers baseball team completed a remarkable season, winning the 2009 National Collegiate Athletic Association Division I College World Series Championship at the Rosenblatt Stadium in Omaha, Nebraska, by defeating the top ranked University of Texas Longhorns, 11–4;

Whereas the success of the team was a direct result of the talent and resolve of every player on the Louisiana State University Tigers baseball team, including Buzzy Haydel, Jared Mitchell, Chad Jones, Derek Helenihi, Leon Landry, Grant Dozar, Mikie Mahtook, Wet Delatte, Ryan Byrd, Tyler Hanover, Austin Ross, Sean Ochinko, Ryan Schimpf, DJ LeMahieu, Nicholas Pontiff, Shane Riedie, Johnny Dishon, Matty Ott, Anthony Ranaudo, Daniel Bradshaw, Randy Zeigler, Beau Didier, Louis Coleman, Chris Matulis, Chris McGhee, Micah Gibbs, Blake Dean, Austin Nola, Jordan Nicholson, Nolan Cain, Paul Bertuccini, Ben Alsup, Kevin Farnsworth, and Spencer Mathews;

Whereas the Louisiana State University Tigers baseball team's title run included winning 15 of the final 16 games and hitting 13 home runs in 6 College World Series games while averaging more than 8 runs throughout the postseason;

Whereas the Louisiana State University baseball team completed the year with a 56–17 record, including a 5–1 record in the Southeastern Conference tournament, a 3–0 record in the Regional tournament, a 2–0 record in the Super Regional contest, and a 5–1 record in the College World Series;

Whereas the 2009 College World Series Championship represents the sixth National Championship for the Louisiana State University Tigers baseball team;

Whereas the Louisiana State University Tigers baseball team is 6–0 in winner-take-all national championship games;

Whereas this victory marks the second time the Louisiana State University Tigers baseball team has won the Southeastern Conference regular season title, the SEC tournament title, and the national title in the same year;

Whereas coach Paul Mainieri successfully led the Louisiana State University Tigers baseball team back to national prominence in only his third year as head coach;

Whereas Jared Mitchell was named Most Outstanding Player of the College World Series, after hitting .347 with 2 home runs, 7 RBI, two doubles, and a triple;

Whereas Chad Jones and Jared Mitchell became the first 2 players to win a BCS football championship and a College World Series; and

Whereas Louisiana State University's national championship spotlights one of the Nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers baseball team for winning the 2009 College World Series;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University baseball team during the 2009 baseball season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger baseball; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2009 Louisiana State University baseball team.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. GRIJALVA and Mr. CASSIDY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASSIDY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.16 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENT IN NATIONAL ENVIRONMENT POLICY

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. GRIJALVA and Mr. CASSIDY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASSIDY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.17 UNITED STATES ARMY NONCOMMISSIONED OFFICERS

Mr. MARSHALL moved to suspend the rules and pass the joint resolution (H.J. Res. 44) recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. MARSHALL and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WILSON of South Carolina, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.18 50TH ANNIVERSARY OF HAWAII

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 593); as amended:

Whereas August 21, 2009, marks the 50th Anniversary of President Dwight D. Eisenhower's signing of Proclamation 3309, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act, enacted by the United States Congress on March 18, 1959;

Whereas Hawaii is ''a place like no other, with a people like no other'' and bridges the mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii has contributed to the diversity of Congress in electing—

(1) the first Native Hawaiian to serve in Congress, Prince Jonah Kuhio Kalaniana'ole;

(2) the first Asian-American to serve in the Senate, Hiram Fong;

(3) the first woman of color to serve in Congress, Patsy T. Mink;

(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and

(5) the first Japanese-American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic military base for the U.S. in the Pacific and also a historical site for the Nation, being the location of the December 7, 1941, surprise Japanese aerial attack that thrust the Nation into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a Hansen's disease colony, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President Bush nominated the Papahanaumokuakea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration to the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwo'ole, the Brothers Cazimero, and the Beamer Brothers, and continuing on to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich, as the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels like the Hokule'a, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission has held a Joint Session of the Hawaii State Legislature in honor of statehood and will be celebrating this milestone with a public discussion and with the arrival of the USS Hawaii; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the House of Representatives recognizes and celebrates the 50th Anniversary of the entry of Hawaii into the Union as the 50th State.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. CLAY and Mrs. BACHMANN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BACHMANN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶100.19 NATIONAL HYDROCEPHALUS AWARENESS MONTH

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 373):

Whereas Hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas Hydrocephalus may cause head enlargement, blurred vision or blindness, seizures, impaired physical development, learning disabilities, progressive irreversible damage to the nerve cells in the brain, and even death;

Whereas this serious neurological condition may occur at any age, and affects an estimated 1,000,000 people in the United States;

Whereas 1 out of every 500 children in the United States are born with hydrocephalus, and the condition is the leading cause of brain surgery in children;

Whereas more than 375,000 older adults in the United States suffer from hydrocephalus, the condition often goes undetected for years in older adults, causing such problems as difficulty walking and urinary incontinence, and may be misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas the standard treatment for hydrocephalus, insertion of a shunt to drain excess cerebral fluid, is a 50-year-old technology that carries multiple risks, including shunt failure, infection, and overdrainage;

Whereas each year cerebral spinal fluid shunting procedures account for approximately $1,000,000,000 in health care spending in the United Sates alone, with half that amount spent on shunt revisions;

Whereas more than 40,000 operations for hydrocephalus occur annually in the United States, yet there are fewer than 10 centers in the Nation specializing in the treatment of adults with hydrocephalus;

Whereas although there is no single known cause of hydrocephalus or ways to prevent and cure the condition, with the appropriate diagnosis and proper treatment, individuals with hydrocephalus are able to lead full and productive lives;

Whereas proper prenatal nutrition during the first weeks of conception can also help reduce the risk of children developing hydrocephalus;

Whereas a September 2005 conference sponsored by the National Institutes of Health, entitled ''Hydrocephalus: Myths, New Facts, Clear Directions'', resulted in efforts to initiate new, collaborative research and treatment efforts;

Whereas further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted and supported, including the collection and analysis of statistics and data concerning the seriousness of hydrocephalus and its impact on families in the United States;

Whereas public awareness, professional education, and scientific research regarding hydrocephalus should increase through partnerships between the Federal Government, health care professionals, and patient advocacy groups, such as the Pediatric Hydrocephalus Foundation;

Whereas these public-private partnerships would ensure that individuals suffering with hydrocephalus and their families are empowered with educational materials, informed about the latest research, have access to quality health care, and are able to advocate for increased research and funding in order advance the public's understanding of the condition, improve the diagnosis and treatment of hydrocephalus, and one day, find a cure; and

Whereas September would be an appropriate month to designate as ''National Hydrocephalus Awareness Month'': Now, therefore, be it

Resolved, That the House of Representatives supports the designation of ''National Hydrocephalus Awareness Month''.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. CLAY and Mrs. BACHMANN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BACHMANN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.20 COACH JODIE BAILEY POST OFFICE BUILDING

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 3072) to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. CLAY and Mrs. BACHMANN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BACHMANN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.21 VETERANS OF FOREIGN WARS DAY

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 483):

Whereas veterans of the Spanish-American War and Philippine Insurrection, the Nation's first major foreign conflicts, faced hardships to include a complete lack of medical care and pensions upon discharge from the service;

Whereas, on September 29, 1899, the American Veterans of Foreign Service and in December 1899, the National Society of the Army of the Philippines, were established to advocate for the rights and benefits then denied to veterans of the Spanish-American War and Philippine Insurrection;

Whereas, in subsequent years, membership in these and other veterans organizations continued to grow;

Whereas these veterans organizations, recognizing their common goals and the importance of unity, merged to form the present-day Veterans of Foreign Wars of the United States in 1914;

Whereas membership in the Veterans of Foreign Wars continued to grow and reached nearly 200,000 in 1936 when the organization received its Congressional Charter;

Whereas the 2.3 million members of the Veterans of Foreign Wars and Ladies Auxiliary remain committed to the organization's mission of ''ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense'';

Whereas the organization continues this honorable mission by effectively advocating for our Nation's veterans, to include helping establish the present-day Department of Veterans Affairs, creating the Montgomery G.I. Bill, developing the national cemetery system, and assisting combat wounded veterans receive compensation for their injuries; and

Whereas the members of the Veterans of Foreign Wars celebrate the organization's establishment and achievements on September 29th while carrying on the vital mission of their predecessors: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Veterans of Foreign Wars Day.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. CLAY and Mr. KLINE of Minnesota, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLINE of Minnesota, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 28, 2009.

The point of no quorum was considered as withdrawn.

¶100.22 RECESS—5:16 P.M.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 16 minutes p.m., until approximately 6:30 p.m.

¶100.23 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. MASSA, called the House to order.

¶100.24 H. RES. 593—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MASSA, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 593) recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MASSA, announced that two-thirds of those present had voted in the affirmative.

Mr. ABERCROMBIE demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 378 / Nays ..... 0 }

¶100.25 [Roll No. 647]

YEAS—378

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—55

Akin
Barrett (SC)
Bishop (NY)
Boucher
Brady (TX)
Braley (IA)
Brown (SC)
Camp
Campbell
Carter
Costello
Courtney
Crenshaw
Cuellar
Davis (AL)
Davis (IL)
Deal (GA)
Engel
Graves
Green, Al
Grijalva
Gutierrez
Higgins
Hodes

Hoekstra
Johnson (IL)
Kilroy
Larsen (WA)
Lynch
Maloney
Marchant
McCarthy (NY)
Miller (NC)
Murphy (CT)
Murtha
Olson
Ortiz
Paul
Platts
Quigley
Radanovich
Rodriguez
Rohrabacher
Rush
Schakowsky
Sestak
Sires
Smith (WA)
Stupak
Tiberi
Tsongas
Wamp
Waters
Waxman
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶100.26 H.R. 1376—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MASSA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1376) to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MASSA, announced that two-thirds of those present had voted in the affirmative.

Mr. CHAFFETZ demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 308 / Nays 74

¶100.27 [Roll No. 648]

AYES—308

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boyd
Brady (PA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—74

Aderholt
Alexander
Bartlett
Bilirakis
Bishop (UT)
Boehner
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Chaffetz
Coble
Coffman (CO)
Davis (KY)
Dreier
Emerson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Goodlatte
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lewis (CA)
Luetkemeyer
Manzullo
McCarthy (CA)
McClintock
McHenry
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Nunes
Pence
Petri
Price (GA)
Rogers (AL)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Sullivan
Terry
Thompson (PA)
Walden
Westmoreland
Wilson (SC)
Wittman

NOT VOTING—51

Akin
Barrett (SC)
Bishop (NY)
Boucher
Brady (TX)
Braley (IA)
Brown (SC)
Camp
Carter
Costello
Courtney
Crenshaw
Cuellar
Davis (AL)
Davis (IL)
Deal (GA)
Engel
Graves
Green, Al
Grijalva
Gutierrez
Higgins
Hodes
Hoekstra
Johnson (IL)
Kilroy
Larsen (WA)
Lynch
Maloney
Marchant
McCarthy (NY)
Miller (NC)
Murtha
Olson
Ortiz
Paul
Platts
Quigley
Radanovich
Rodriguez
Rohrabacher
Rush
Sestak
Sires
Smith (WA)
Stupak
Tiberi
Tsongas
Wamp
Waters
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, and the title was amended was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.28 H.R. 1121—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MASSA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1121) to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MASSA, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 0

¶100.29 [Roll No. 649]

AYES—377

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (PA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)

Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—56

Ackerman
Akin
Barrett (SC)
Bishop (NY)
Boucher
Boyd
Brady (TX)
Braley (IA)
Brown (SC)
Camp
Carter
Conyers
Costello
Courtney
Crenshaw
Cuellar
Davis (AL)
Davis (IL)
Deal (GA)
Engel
Granger
Graves
Green, Al
Grijalva
Gutierrez
Higgins
Hodes
Hoekstra
Johnson (IL)
Kilroy
Larsen (WA)
Lynch
Maloney
Marchant
McCarthy (NY)
Miller (NC)
Murtha
Olson
Ortiz
Paul
Platts
Quigley
Radanovich
Rodriguez
Rohrabacher
Rush
Sestak
Shuster
Sires
Smith (WA)
Stupak
Tiberi
Tsongas
Wamp
Waters
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.30 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2245. An Act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.R. 2632. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.R. 3114. An Act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

¶100.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRENSHAW, for today;
To Mr. CUELLAR, for today;
To Mr. DAVIS of Illinois, for today;
To Mr. LYNCH, for today;
To Mr. ORTIZ, for today; and
To Mr. RODRIGUEZ, for today.

And then,

¶100.32 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House agreed to on July 24, 2009, at 10 o'clock and 50 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, July 28, 2009.

¶100.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3221. A bill to amend the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 111–232). Referred to the Committee of the Whole House on the state of the Union.

¶100.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

H.R. 3345. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Mr. KANJORSKI):

H.R. 3346. A bill to amend the Sarbanes-Oxley Act of 2002 to permit the sharing of confidential supervisory information with foreign auditor oversight bodies; to the Committee on Financial Services.

By Mr. MCCOTTER:

H.R. 3347. A bill to withdraw normal trade relations treatment from the products of foreign countries that do not maintain acceptable standards of religious freedom and worker rights; to the Committee on Ways and Means.

By Mr. CAO:

H.R. 3348. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to extend the interoperable emergency communications grant program through fiscal year 2012; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN:

H.R. 3349. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Ms. JENKINS (for herself, Mrs. BLACKBURN, Mrs. CAPITO, Mrs. MILLER of Michigan, Mr. BOREN, Mr. ALEXANDER, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. KINGSTON, Mr. KING of New York, Mr. GOHMERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCARTHY of California, Mr. RYAN of Wisconsin, Mr. PAUL, Mrs. LUMMIS, Mr. MORAN of Kansas, Mr. COLE, Mr. SULLIVAN, Mr. COFFMAN of Colorado, Mrs. BIGGERT, Mr. SHIMKUS, Mr. CONAWAY, Mr. TIAHRT, Mr. GOODLATTE, and Mr. SOUDER):

H.R. 3350. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require roll call votes acknowledging the effect of the costs of legislation on the National debt; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILROY:

H.R. 3351. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with a non-binding vote on executive compensation; to the Committee on Financial Services.

By Mr. SABLAN:

H.R. 3352. A bill to amend title 10, United States Code, to expand certain restrictions relating to the overhaul and repair of vessels in foreign shipyards to the Commonwealth of the Northern Mariana Islands; to the Committee on Armed Services.

By Mr. SABLAN (for himself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 3353. A bill to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3354. A bill to amend the Internal Revenue Code of 1986 to repeal the 7.5 percent threshold on the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3355. A bill to direct the Secretary of Transportation to carry out a program to improve roadway safety infrastructure in all States to enhance the safety of older drivers and pedestrians, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Mr. KING of New York, and Mr. KING of Iowa):

H. Res. 680. A resolution calling upon President Obama to retract his initial public remarks and apologize to Cambridge, Massachusetts, Police Sergeant James M. Crowley for having unfairly impugned and prejudged his professional conduct in this local police response incident; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. FILNER, Mr. ISSA, Mr. SOUDER, and Mrs. DAVIS of California):

H. Res. 681. A resolution expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders; to the Committee on Homeland Security.

¶100.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. TIERNEY and Mr. PAYNE.
H.R. 122: Mr. FORTENBERRY.
H.R. 182: Mr. TOWNS.
H.R. 197: Mr. AKIN.
H.R. 239: Mr. ROTHMAN of New Jersey.
H.R. 265: Mr. ISRAEL.
H.R. 268: Mr. CARTER.
H.R. 272: Ms. RICHARDSON and Mr. SPACE.
H.R. 275: Mr. CARNEY and Mrs. MILLER of Michigan.
H.R. 303: Mr. DONNELLY of Indiana and Mr. FLEMING.
H.R. 406: Mr. GARRETT of New Jersey.
H.R. 422: Ms. SCHWARTZ.
H.R. 442: Mr. RADANOVICH and Mr. AKIN.
H.R. 483: Mr. SESTAK.
H.R. 615: Mr. WHITFIELD.
H.R. 699: Mr. WEXLER.
H.R. 853: Mr. FRANK of Massachusetts.
H.R. 949: Mr. KILDEE.
H.R. 953: Mr. BARRETT of South Carolina and Mr. ALTMIRE.
H.R. 1032: Mr. MILLER of North Carolina.
H.R. 1053: Mr. MORAN of Virginia.
H.R. 1086: Ms. FOXX.
H.R. 1177: Mrs. EMERSON.
H.R. 1182: Ms. CLARKE and Mr. WITTMAN.
H.R. 1203: Mr. GRIFFITH and Mr. JONES.
H.R. 1255: Mr. MASSA.
H.R. 1264: Mr. JONES.
H.R. 1265: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1362: Mr. POSEY.
H.R. 1382: Mr. SESTAK.
H.R. 1407: Ms. SCHAKOWSKY and Mr. LOEBSACK.
H.R. 1428: Mrs. BLACKBURN.
H.R. 1441: Mr. SPRATT.
H.R. 1443: Mr. ABERCROMBIE and Mr. SESTAK.
H.R. 1447: Mr. GARRETT of New Jersey.
H.R. 1490: Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. SPRATT, Mr. ACKERMAN, Ms. HARMAN, Ms. ZOE LOFGREN of California, Mr. COHEN, Mr. KIND, and Mr. GRAYSON.
H.R. 1608: Ms. SCHAKOWSKY.
H.R. 1618: Mr. ACKERMAN.
H.R. 1691: Mr. ADERHOLT.
H.R. 1822: Mr. BARTLETT, Mr. INGLIS, and Mr. TIAHRT.
H.R. 1826: Mr. KAGEN and Mrs. LOWEY.
H.R. 1831: Mr. MURPHY of New York, Mr. HODES, Mr. CAO, Mr. ALEXANDER, Mr. STUPAK, Mr. TIM MURPHY of Pennsylvania, and Mr. MATHESON.
H.R. 1844: Mr. FILNER, Mr. WEXLER, and Mr. PLATTS.
H.R. 1894: Mr. TERRY.
H.R. 2000: Ms. HERSETH SANDLIN.
H.R. 2017: Ms. FOXX and Mr. ETHERIDGE.
H.R. 2024: Mr. YOUNG of Alaska.
H.R. 2058: Ms. TITUS and Mr. STUPAK.
H.R. 2060: Ms. SCHAKOWSKY.
H.R. 2109: Mr. WOLF and Ms. DEGETTE.
H.R. 2160: Mr. HINCHEY.
H.R. 2254: Mrs. BLACKBURN, Mr. WILSON of Ohio, Mr. DAVIS of Tennessee, Mr. BUTTERFIELD, Mr. MINNICK, Mr. YOUNG of Florida, and Mr. PASCRELL.
H.R. 2266: Mr. THOMPSON of California.
H.R. 2267: Mr. THOMPSON of California.
H.R. 2269: Mr. SESTAK.
H.R. 2296: Mr. RADANOVICH, Mr. YOUNG of Florida, Mr. SCHOCK, and Mr. DEFAZIO.
H.R. 2304: Mr. POMEROY.
H.R. 2381: Mr. OBERSTAR.
H.R. 2398: Mr. SKELTON.
H.R. 2406: Mr. BURTON of Indiana and Mr. PLATTS.
H.R. 2418: Mr. GRAYSON.
H.R. 2443: Mr. STUPAK and Mr. HASTINGS of Washington.
H.R. 2455: Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. JONES, Ms. LEE of California, Mr. MORAN of Virginia, and Ms. WOOLSEY.
H.R. 2478: Mr. COHEN and Mr. HONDA.
H.R. 2519: Mr. MEEK of Florida, and Mr. LEWIS of Georgia.
H.R. 2529: Mr. HINOJOSA.
H.R. 2533: Mr. GARRETT of New Jersey.
H.R. 2555: Mr. CAMPBELL and Mr. MOORE of Kansas.
H.R. 2575: Mr. DENT.
H.R. 2681: Mr. MEEKS of New York.
H.R. 2709: Ms. BORDALLO.
H.R. 2740: Mr. FRANK of Massachusetts.
H.R. 2773: Mr. SESTAK.
H.R. 2808: Mr. LAMBORN and Mr. MCCLINTOCK.
H.R. 2811: Ms. WASSERMAN SCHULTZ.
H.R. 2835: Ms. SCHAKOWSKY.
H.R. 2913: Mr. YOUNG of Florida.
H.R. 2937: Mr. WITTMAN.
H.R. 2941: Ms. ZOE LOFGREN of California, Mr. RYAN of Ohio, and Ms. KAPTUR.
H.R. 2966: Mr. GRIJALVA.
H.R. 3006: Mr. PAYNE.
H.R. 3042: Mr. MCDERMOTT.
H.R. 3044: Mrs. SCHMIDT, Mr. CULBERSON, Mr. BARTLETT, Mr. WILSON of South Carolina, Mr. COURTNEY, Mr. AL GREEN of Texas, Mr. SMITH of Texas, Mr. SIMPSON, and Mr. MCCLINTOCK.
H.R. 3068: Ms. SCHAKOWSKY.
H.R. 3080: Mr. WEXLER.
H.R. 3127: Mr. HINCHEY.
H.R. 3129: Mr. KING of Iowa, Mr. CHAFFETZ, and Mr. CONAWAY.
H.R. 3135: Mr. PAULSEN.
H.R. 3136: Mr. PAULSEN.
H.R. 3138: Mr. STUPAK.
H.R. 3140: Mrs. LUMMIS, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. STEARNS, Mrs. BLACKBURN, Mr. MACK, Mr. BARTLETT, Mr. CANTOR, Ms. FOXX, Mr. HALL of Texas, Mr. CAMP, Mrs. MYRICK, Mr. HELLER, Mr. HERGER, Mr. BROWN of South Carolina, Mr. NEUGEBAUER, Mr. AKIN, Mr. OLSON, Mr. GINGREY of Georgia, Mr. MCKEON, Mr. BURTON of Indiana, Mr. ADERHOLT, Mr. SMITH of Texas, Mr. KINGSTON, and Mr. MORAN of Kansas.
H.R. 3190: Mr. BOUCHER.
H.R. 3218: Mr. SCALISE.
H.R. 3221: Mr. PASCRELL, Mr. WEXLER, Mr. ABERCROMBIE, Mr. SIRES, Mr. TOWNS, and Mr. SHERMAN.
H.R. 3232: Mr. CAPUANO.
H.R. 3245: Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. MEEKS of New York, Ms. FUDGE, Mr. CARSON of Indiana, and Mr. HASTINGS of Florida.
H.R. 3246: Mr. LEVIN.
H.R. 3251: Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, and Mr. GARY G. MILLER of California.
H.R. 3257: Ms. KILPATRICK of Michigan.
H.R. 3286: Mr. PETERSON, Ms. BORDALLO, and Mr. RYAN of Ohio.
H.R. 3287: Ms. SLAUGHTER.
H.R. 3289: Mr. HELLER.
H.R. 3295: Ms. ZOE LOFGREN of California, Ms. BALDWIN, Mr. CLEAVER, Mr. CAPUANO, and Ms. SCHAKOWSKY.
H.R. 3307: Ms. KOSMAS.
H.R. 3308: Mr. DREIER, Ms. FOXX, and Mr. HOLDEN.
H.R. 3328: Mr. AL GREEN of Texas and Mr. MCDERMOTT.
H.J. Res. 26: Mr. QUIGLEY.
H.J. Res. 44: Mr. WITTMAN and Mr. WOLF.
H. Res. 6: Mr. ALTMIRE, Mr. BOREN, Mr. CONAWAY, Mr. KIND, Mr. CARDOZA, Mr. LIPINSKI, and Mr. BARROW.
H. Res. 111: Mr. YOUNG of Florida, Mr. BERRY, Mr. THOMPSON of California, and Mr. HALL of New York.
H. Res. 225: Mr. ROONEY, Mr. PUTNAM, and Mr. GARRETT of New Jersey.
H. Res. 255: Mr. SESTAK, Mr. MORAN of Virginia, and Mr. STUPAK.
H. Res. 440: Mr. CAO.
H. Res. 494: Mr. BROWN of South Carolina.
H. Res. 508: Mr. SNYDER.
H. Res. 513: Mr. ALEXANDER, Mr. BROWN of South Carolina, Mr. JONES, Mr. MINNICK, Mr. PASTOR of Arizona, Mr. ROE of Tennessee, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY.
H. Res. 554: Mr. CARNEY, Mr. EDWARDS of Texas, Mr. CHANDLER, Ms. KAPTUR, Mr. COHEN, Mr. MARSHALL, Mr. MICHAUD, Mr. BRIGHT, Mrs. DAHLKEMPER, and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 558: Ms. FUDGE, Mr. MEEKS of New York, Mr. GORDON of Tennessee, and Mr. BUTTERFIELD.
H. Res. 561: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
H. Res. 562: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
H. Res. 563: Mr. ISRAEL, Mr. ENGEL, Mr. NADLER of New York, Mr. MURPHY of New York, Mr. MASSA, and Mr. HALL of New York.
H. Res. 649: Mr. BLUMENAUER, Mr. FORTENBERRY, and Mr. DOGGETT.

H. Res. 677: Mr. BURTON of Indiana.

TUESDAY, JULY 28, 2009 (101)

The House was called to order at 10:30 a.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶101.1 RECESS—11:10 A.M.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 12(b) of rule I, declared the House in recess at 11 o'clock and 10 minutes a.m., until noon.

¶101.2 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶101.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Monday, July 27, 2009.

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

¶101.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2840. A letter from the Secretary of the Army, Department of Defense, transmitting a request that the submission of section 213 MGV and SAR, required by Pub. L. 110–417, be waived in the belief that the section is no longer operative; to the Committee on Armed Services.

2841. A letter from the Board of Governors, Federal Reserve System, transmitting the System's semiannual Monetary Policy Report, pursuant to Public Law 106–569; to the Committee on Financial Services.

2842. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Department of Energy Acquisition Regulation: Technical Amendment (RIN: 1991–AB62) received July 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2843. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the use of funds appropriated to carry out the Medicaid Integrity Program for Fiscal Year 2008, pursuant to 42 U.S.C. 1396; to the Committee on Energy and Commerce.

2844. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Medical Use of Byproduct Material—Authorized User Clarification [NRC–2009–0098] (RIN: 3150–A159) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2845. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2846. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT–08–1742, Notice of Proposed Transfer of Major Defense Equipment, pursuant to section 3(d) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2847. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Thirty first annual Report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

2848. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report for the National Tropical Botanical Garden for the period from January 1, 2008 through December 31, 2008, pursuant to 36 U.S.C. 10101(b)(1)(B) Public Law 88–449, section 10(b); to the Committee on the Judiciary.

2849. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Potomac River, Between MD and VA [USCG–2008–1216] (RIN: 1625–AA09) received July 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2850. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Herbert C. Bonner Bridge, Oregon Inlet, NC [Docket No.: USCG–2009–0489] (RIN: 1625–AA11) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2851. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Fireworks Displays in Boothbay Harbor, South Gardiner, and Woolwich, ME [Docket No.: USCG–2009–0526] (RIN: 1625–AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6–80C2B5F Turbofan Engines [Docket No.: FAA–2009–0121; Directorate Identifier 2008–NE–36–AD; Amendment 39–15958; AD 2009–14–08] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Requirements for Amateur Rocket Activities [Docket No.: FAA–2007–27390; Amendment Nos. 1–62 and 101–8] (RIN: 2120–AI88), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 and -400F Series Airplanes Powered by Rolls-Royce RB211 Series Engines [Docket No.: FAA–2009–0556 Directorate Identifier 2009–NM–112–AD; Amendment 39–15942; AD 2009–13–03 (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, AND 1S1 Turboshaft Engines [Docket No.: FAA–2009–0544; Directorate Identifier 2009–NE–17–AD; Amendment 39–15952; AD 2009–12–51] (RIN: 2120–AA64) Recieved July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA–2008–1071; Directorate Identifier 2008–NM–093–AD; Amendment 39–15951; AD 2009–14–02] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Airplanes [Docket No.: FAA–2009–0198; Directorate Identifier 2008–NM–129–AD; Amendment 39–15941; AD 2009–13–02] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No.: FAA–2009–0160; Directorate Identifier 2008–NM–176–AD; Amendment 39–15947; AD 2009–13–08] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Microturbo SA Saphir 2 Model 016 Auxiliary Power Units [Docket No.: FAA–2009–0510; Directorate Identifier 2009–NE–16–AD; Amendment 39–15948; AD 2009–13–09] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines [Docket No.: FAA–2005–22039; Directorate Identifier 2005–NE–33–AD; Amendment 39–15950; AD 2009–14–01] (RIN: 2120–AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2861. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Notification Requirement for Tax-Exempt Entities Not Currently Required to File [TD 9454] (RIN: 1545–BG37) received July 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2862. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Qualified Plug-In Electric Vehicle Credit Under Section 30 [Notice 2009–58] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2863. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Industry Director's Directive #2 Examination of IRC Section 165 Casualty Losses [LMSB–4–0309–010] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2864. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Mixed Service Cost—Tier I Issue—Directive #4 Status of Phase I Cases Changed to Monitoring [LMSB–4–0509–022] received July 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2865. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule—Revision of Enforcement Procedures [Docket No.: TSA–2009–0013] (RIN: 1652–AA62) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

2866. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that

the level of screening services and protection provided at Roswell International Air Center will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

2867. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2008'', pursuant to Section 902 of the MMA; jointly to the Committees on Ways and Means and Energy and Commerce.

¶101.5 WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM

Mr. TANNER moved to suspend the rules and pass the bill (H.R. 3325) to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. TANNER and Mr. Sam JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.6 VETERANS BUSINESS CENTER

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1803) to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. VELAZQUEZ and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.7 TODAY'S TECHNOLOGY

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1807) to provide distance learning to potential and existing entrepreneurs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. VELAZQUEZ and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.8 SMALL BUSINESS INVESTMENT

Ms. VELAZQUEZ moved to suspend the rules and pass the bill of the Senate (S. 1513) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. VELAZQUEZ and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. THOMPSON of Pennsylvania, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.9 COAST GUARD ACQUISITION REFORM

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 1665) to structure Coast Guard acquisition processes and policies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. CUMMINGS and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LoBIONDO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.10 GENERAL AVIATION INDUSTRY

Mr. CUMMINGS moved to suspend the rules and agree to the following resolution (H. Res. 508):

Whereas general aviation includes all civilian flying except scheduled passenger airlines;

Whereas there are nearly 600,000 licensed pilots in the United States and an estimated 500,000 of these pilots fly general aviation aircraft;

Whereas the United States accounts for more than half of all general aviation activity worldwide;

Whereas 170,000,000 passengers fly annually using personal aviation;

Whereas there are more than 231,000 active general aviation aircraft in the United States;

Whereas the general aviation industry contributes more than $150,000,000,000 to United States direct and indirect economic output;

Whereas the United States general aviation industry employs nearly 1,300,000 people whose collective annual earnings exceed $53,000,000,000;

Whereas general aviation contributes high-skill jobs in aircraft manufacturing, avionics and technology development, flight training, maintenance, modification, and technical support;

Whereas an estimated 65 percent of general aviation flights are conducted for business and public services, many of which are located in or need access to smaller communities that do not have commercial aviation;

Whereas general aviation helps save lives through the transport of blood supplies, vital transport organs, and other time-critical items;

Whereas general aviation contributes to economic development by facilitating meetings and other activities for businesses of all sizes;

Whereas general aviation is used to protect the environment by assisting with the surveying of wildlife, the mapping of wetlands, and the patrolling of parklands;

Whereas general aviation is a vital tool for agricultural producers, who often rely on air service for crop planting and protection as well as livestock herd management;

Whereas general aviation aids in law enforcement through patrolling highways, apprehending suspects, monitoring national borders, and locating lost children;

Whereas there are 5,200 public use airports and more than 13,000 privately owned landing facilities in the United States; and

Whereas only about 500 of these airports have commercial airline service, making general aviation an integral part of the transportation system that supports communities across the United States and provides essential air travel options to businesses and the public: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the many contributions of the general aviation industry; and

(2) encourages general aviation activities.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LoBIONDO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.11 CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 2093) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOOZMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.12 PROVIDING FOR CONSIDERATION OF H.R. 3326

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–233) the resolution (H. Res. 685) providing for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶101.13 H.R. 1293—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1293) to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶101.14 [Roll No. 650]

YEAS—426

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

NOT VOTING—7

Clyburn
Costello
Kanjorski
McCarthy (NY)
Ryan (OH)
Slaughter
Souder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.15 H.R. 556—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 556) to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of

those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 316 / Nays 107

¶101.16 [Roll No. 651]

YEAS—316

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—107

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Markey (CO)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Poe (TX)
Price (GA)
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Walden
Wamp
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—10

Bright
Clyburn
Costello
Kanjorski
Kirk
McCarthy (NY)
Rangel
Schmidt
Slaughter
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.17 H.R. 509—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 509) to reauthorize the Marine Turtle Conservation Act of 2004; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 354 / Nays 72

¶101.18 [Roll No. 652]

AYES—354

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—72

Akin
Bachmann
Blackburn
Blunt
Boozman
Brady (TX)
Bright
Broun (GA)
Burgess
Buyer
Cantor
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Harper
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Lamborn
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McHenry
Miller (FL)
Moran (KS)
Neugebauer
Olson
Paul
Pence
Petri
Poe (TX)
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Young (AK)

NOT VOTING—7

Blumenauer
Clyburn
Costello
Kanjorski
McCarthy (NY)
Schmidt
Slaughter

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.19 H. RES. 616—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 616) congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of those present had voted in the affirmative.

Mr. SCALISE demanded a recorded vote on the motion to suspend the rules and agree to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426; Nays ..... 0; Answered present 1

¶101.20 [Roll No. 653]

AYES—426

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

ANSWERED ''PRESENT''—1

Barton (TX)

NOT VOTING—6

Blumenauer
Clyburn
Costello
Kanjorski
McCarthy (NY)
Slaughter

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶101.21 H.R. 1035—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.22 H.J. RES. 44—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 44) recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶101.23 WILLIAM ORTON LAW LIBRARY

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 2728) to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Ms. LOFGREN of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUNGREN of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.24 HOUSE OF REPRESENTATIVES SALARY PAYMENTS

Mrs. DAVIS of California, moved to suspend the rules and pass the bill (H.R. 1752) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; as amended.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mrs. DAVIS of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUNGREN of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.25 ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM

Mrs. DAVIS of California, moved to suspend the rules and pass the bill (H.R. 2510) to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mrs. DAVIS of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUNGREN of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.26 WORLD AND TRADITIONAL RELIGIONS

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 535); as amended:

Whereas religious leaders can be a decisive factor in maintaining peace and security in the world;

Whereas a Congress of Leaders of World and Traditional Religions was established in 2003;

Whereas the purpose of the Congress is to advance tolerance, development, and security;

Whereas the Congress provides a forum for improving understanding and mutual cooperation among religious communities from around the world;

Whereas the Congress considers interfaith dialogue one of the most important instruments for the maintenance of peace and harmony among peoples and nations;

Whereas the Congress regularly holds forums that address, among other issues, religious freedom, inter-religious dialogue, and the role of religious leaders in strengthening global security;

Whereas the world's major religions, including Buddhism, Christianity, Hinduism, Islam, Judaism, Shinto, and Taoism are represented in the Congress;

Whereas religious leaders representing more than 26 nations, including Israel, Egypt, Pakistan, Iran, Saudi Arabia, Libya, Armenia, South Korea, China, India, Thailand, the United States, Switzerland, France, Japan, and the Holy See, participate in the Congress;

Whereas a Secretariat of the Congress was established by the leaders and representatives of the world and traditional religions in 2003 as a permanent body of the interfaith dialogue;

Whereas the Secretariat of the Congress adopted resolutions to convene the second and third Congress in 2006 and 2009; and

Whereas the third Congress was held on July 1–2, 2009: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding; and

(2) supports freedom of religion and conscience throughout the world as a fundamental human right and as a source of stability for all countries.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.27 DAY OF THE AFRICAN CHILD

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 550):

Whereas the ''Day of the African Child'' has been celebrated on June 16 each year since 1991, when it was first initiated by the Organization of African Unity;

Whereas the African Union has designated child survival as the theme of the ''Day of the African Child'', June 16, 2009;

Whereas the African Union Heads of State and Government decided to make child survival a theme of their 15th Ordinary Session in July 2010;

Whereas according to the United Nations Children's Fund (UNICEF), sub-Saharan Africa remains the most difficult place in the world for a child to survive;

Whereas every year in sub-Saharan Africa, 1.2 million babies die in the first month of life and roughly 1 in every 6 children fail to reach their fifth birthday, and the actual number of children under five years old dying each year is increasing;

Whereas an estimated 9 out of 10 women in sub-Saharan Africa will lose a child during their lifetime, and an estimated 700 women will die each day of pregnancy-related causes;

Whereas the top five killers of children under five in sub-Saharan Africa are preventable diseases (neonatal causes, such as respiratory infections, pneumonia, malaria, diarrhea, and HIV/AIDS) which we know how to treat and cure;

Whereas the high level of maternal and child mortality and morbidity in Africa can be attributed, according to African Union Ministers of Health, to weak health systems, a low level of skilled attendance at birth, poor health infrastructure, and inadequate financial resources;

Whereas some sub-Saharan African countries have sustained high annual rates of reduction in child mortality through strong political will, sufficient investment, and concerted action;

Whereas over the past three decades, United States international child survival and maternal health programs have helped save millions of lives in Africa and elsewhere; and

Whereas last year the G8 Summit leaders, meeting in Hokkaido, Japan, stated on July 8, 2008, ''We reiterate our support to our African partners' commitment to ensure that by 2015 all children have access to basic health care (free wherever countries choose to provide this).'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the ''Day of the African Child'';

(2) affirms its solidarity to address the challenge of maternal, newborn, and child mortality;

(3) salutes the health professionals and community health workers on the front lines in Africa who are extending health care and hope to families across the continent; and

(4) reaffirms the importance of United States partnership with African leaders and communities in reducing child, newborn, and maternal deaths from treatable and preventable causes.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.28 BERLIN WALL

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 496); as amended:

Whereas November 9, 2009, marks the 20th anniversary of the fall of the Berlin Wall and the symbolic end of the Cold War;

Whereas the Cold War was an enduring struggle between communism and democracy throughout the second half of the 20th century;

Whereas the last United States President to speak at the Brandenburg Gate prior to the destruction of the Berlin Wall was President Ronald Reagan, who, in June 1987, stated, ''General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!'';

Whereas two years later, in September 1989, protests that the East Germans called the ''Peaceful Revolution'' broke out, with protestors at first chanting ''We want out!'', and then gradually changing that protest cry to ''We're staying here!'', demonstrating their desire for democracy in their part of Germany;

Whereas on November 9, 1989, in response to protests that had grown to include over 1,000,000 people in Berlin's Alexanderplatz, Gunter Schabowski, the communist East German Minister of Propaganda, announced that the border would be opened for ''private trips abroad'';

Whereas thousands of people in East Berlin immediately flooded the checkpoints at the Berlin Wall and demanded entry into West Berlin causing the overwhelmed East German Border Guards to open the border checkpoints to allow people to cross into West Berlin;

Whereas people in West Berlin enthusiastically greeted those coming across from East Berlin, dancing atop the Berlin Wall and hammering chunks out of it until a section opened through which more East Germans walked and shouted out ''Freedom! Freedom! Just once, Freedom!'';

Whereas over 400,000,000 people were freed from the bondage of communism at the end of the Cold War in Russia, Belarus, Ukraine, Moldova, Georgia, Azerbaijan, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, East Germany, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Latvia, Estonia, and Lithuania;

Whereas the victory of the United States in the Cold War will signify freedom from oppression for decades to come;

Whereas Berlin, Germany, will celebrate the 20th anniversary of the fall of the Berlin Wall with the ''Festival of Freedom''; and

Whereas the fall of the Berlin Wall was one of the most significant events of the 20th century and symbolized the triumph of democracy over communism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of freedom from the bondage of communism with the people of the former communist countries; and

(3) acknowledges the symbolic triumph of democracy over communism.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

¶101.29 CONDEMNING INDONESIA TERRORIST BOMBINGS

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 675):

Whereas, on July 17, 2009, 2 unidentified terrorists carried out twin suicide bombings at the J.W. Marriott and Ritz-Carlton hotels in the central business district of Jakarta, killing at least 7 people and wounding at least 50;

Whereas the majority of the victims of the attacks were Indonesian citizens, according to reports;

Whereas in addition to the Indonesian victims, citizens of Australia, New Zealand, and Singapore lost their lives in the attacks, and citizens of Australia, Canada, Hong Kong, India, Italy, Japan, the Netherlands, Norway, South Korea, the United Kingdom, and the United States were injured, according to reports;

Whereas this tragic bombing was the first suicide attack in Indonesia since September 2005, demonstrating the progress that the Government of Indonesia has made in combating terrorism in recent years;

Whereas Indonesia is the most populous Muslim-majority country in the world and is founded on principles of religious tolerance and moderation;

Whereas Indonesia is developing into a strong multiparty democracy, as demonstrated by its April 2009 parliamentary elections, in which 9 different parties won seats in the People's Representative Council (DPR) and voter turnout exceeded 60 percent, and its July 2009 presidential election, which

was characterized as free and fair by preliminary reports;

Whereas the continued development of Indonesia's democratic norms and institutions will be critical to stemming the tide of violent extremism and therefore is in the mutual interest of the United States and Indonesia; and

Whereas the United States Congress has worked in support of Indonesian democracy through the Congressional Caucus on Indonesia and the House Democracy Assistance Commission, which has had a productive partnership with the DPR since 2006 and remains firmly committed to continuing this partnership: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the July 17, 2009, attacks in Jakarta and all other terrorist attacks against targets in Indonesia;

(2) expresses its condolences to the people of Indonesia and the various other countries suffering casualties in the attacks;

(3) supports the efforts of the Government of Indonesia to investigate and prosecute the attacks to the fullest extent of the law, and calls upon Indonesia and its neighbors to work together to combat terrorism in Southeast Asia;

(4) expresses its confidence that Indonesia remains a reliable partner in the global struggle against terrorism and a stable destination for trade, travel, and investment; and

(5) reaffirms the long-term commitment of the United States to the strengthening of democratic institutions and the promotion of peace, prosperity, and ethnic and religious tolerance in Indonesia.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.30 DARFUR, SUDAN GENOCIDE FIFTH ANNIVERSARY

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 159):

Whereas, on July 22, 2004, the Senate of the United States and the U.S. House of Representatives passed S. Con. Res. 133 and H. Con. Res. 467, respectively, thereby declaring genocide in Darfur, Sudan;

Whereas, on September 9, 2004, then-Secretary of State Colin Powell concurred with the Congress, asserting that, ''genocide has been committed in Darfur'' and that ''the [G]overnment of Sudan and the Janjaweed bear responsibility'';

Whereas this historic determination was made in response to irrefutable evidence of a systematic campaign of ethnic cleansing launched by the Sudanese regime, characterized by the manipulation of ethnic and tribal tensions, the arming of proxy forces, aerial bombardment of civilians, destruction of irrigation systems, poisoning of wells, razing of villages, forced displacements, mass murder, abduction, looting, torture, and rape;

Whereas as a result of the Sudanese regime's genocidal campaign in Darfur, over 300,000 Darfuris have died and nearly 3,000,000 have been displaced;

Whereas the Sudanese regime employed similar tactics during its war in Southern Sudan, which lasted over 20 years and left over 2,000,000 dead and another 4,000,000 displaced;

Whereas the war in Southern Sudan ostensibly ended upon conclusion of the Comprehensive Peace Agreement for Sudan (CPA) in 2005, but the CPA has not been fully implemented and observers repeatedly have warned that it is at risk of collapse;

Whereas the declaration of genocide by the United States was intended to galvanize international attention and serve as a call to action for responsible nations, as well as the United Nations, to take effective action to deter and suppress genocide in Darfur;

Whereas despite the passage of 5 long years since the declaration of genocide by the United States Congress, the signing of the Darfur Peace Agreement (DPA) in May 2006, significant efforts on the part of some responsible nations, the heroic actions of humanitarian workers and human rights campaigners, and the deployment of a joint African Union-United Nations peacekeeping mission for Darfur (UNAMID), the deadly conflict in Darfur continues; and

Whereas the conflicts in Darfur and Southern Sudan are inextricably linked, and if the CPA fails there can be little hope for peace in Darfur: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) solemnly recognizes the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan;

(2) regrets that this determination has yet to yield effective action on the part of the United Nations and other nations which maintain significant influence in Sudan, including China and certain members of the Arab League;

(3) urges the United States to work with other responsible nations to support a negotiated settlement to the conflict in Darfur and full implementation of the Comprehensive Peace Agreement (CPA) for Sudan, in accordance with the terms and timeline established therein, while implementing a more robust set of multilateral measures against those individuals who act as obstructionists to peace, including those who continue to sell arms to belligerents in Sudan;

(4) urges member states of the United Nations to provide sufficient resources to support the deployment of a fully capacitated African Union/United Nations Mission in Darfur (UNAMID), including by supplying required tactical and utility helicopters and other mission enablers; and

(5) urges the parties to the conflict in Darfur to cease their attacks upon civilians and humanitarian and peacekeeping operations, and to fully commit to finding a political solution to the crisis in Darfur without further delay.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 29, 2009, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶101.31 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 838. An Act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2647. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2647) ''An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON, (FL), Mr. NELSON (NE), Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mr. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS, be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1390. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

¶101.32 BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 27, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 2632. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 2245. An Act to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

H.R. 3114. An Act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

¶101.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CLYBURN, for today.

¶101.34 ADJOURNMENT

On motion of Mr. RYAN of Ohio, at 9 o'clock and 12 minutes p.m., the House adjourned.

¶101.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 685. Resolution providing for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–233). Referred to the House Calendar.

¶101.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. BRADY of Texas, and Mr. REICHERT):

H.R. 3356. A bill to amend title XVIII of the Social Security Act to clarify the use of private contracts by Medicare beneficiaries for professional services and to allow individuals to choose to opt out of the Medicare part A benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. OBEY, and Mr. OBERSTAR):

H.R. 3357. A bill to restore sums to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. SCHRADER, Mr. WU, Mr. BLUMENAUER, and Mr. WALDEN):

H.R. 3358. A bill to amend title 10, United States Code, to provide for the retention on active duty after demobilization of members of the reserve components of the Armed Forces following extended deployments in contingency operations or homeland defense missions, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California (for herself and Mr. GRIJALVA):

H.R. 3359. A bill to raise achievement in international education in elementary schools and secondary schools through grants to improve teacher competency and to support programs in international education that supplement core curricula in such schools, and for other purposes; to the Committee on Education and Labor.

By Ms. MATSUI:

H.R. 3360. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOUSTANY (for himself, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. OLSON, Mr. LINDER, Mr. REICHERT, Mr. BOOZMAN, and Mr. ALEXANDER):

H.R. 3361. A bill to provide a process for public comment and Medicare Evidence Development & Coverage Advisory Committee review of certain Medicare national coverage determinations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. COHEN):

H.R. 3362. A bill to establish guidelines for the assertion of executive privilege, to enhance the authority of Congress to enforce subpoenas and punish for contempt, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3363. A bill to amend the Small Business Act to improve the preference for small business concerns owned and controlled by veterans; to the Committee on Small Business.

By Mr. FILNER:

H.R. 3364. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the South San Diego County Water Reclamation Project, and for other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 3365. A bill to provide Medicare payments to Department of Veterans Affairs medical facilities for items and services provided to Medicare-eligible veterans for non-service-connected conditions; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3366. A bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. BLUMENAUER, Mr. DINGELL, Mr. DAVIS of Alabama, Mr. KILDEE, Mr. PETERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3367. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 3368. A bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. ARCURI):

H.R. 3369. A bill to amend titles XVIII and XIX of the Social Security Act to require provider and supplier payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H. Con. Res. 170. Concurrent resolution supporting the goals and ideals of the Army Community Covenant; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. BONNER, Mr. CAPUANO, Mr. DOYLE, Mr. DREIER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, and Mr. MICA):

H. Res. 682. A resolution honoring the memory and lasting legacy of Sally Crowe; to the Committee on House Administration.

By Mrs. MCMORRIS RODGERS:

H. Res. 683. A resolution expressing the sense of the House of Representatives that the House should move forward with health care reform legislation, and costs can be contained through prevention and wellness initiatives that empower parents, families, and communities toward better health; to the Committee on Energy and Commerce.

By Ms. KILPATRICK of Michigan (for herself, Mr. MEEKS of New York, Mr. GRIJALVA, Ms. WATSON, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. SESTAK, Mr. CUMMINGS, Mr. HASTINGS of

Florida, Mr. RYAN of Ohio, Mr. CAO, Ms. NORTON, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Mr. GRAYSON, Ms. EDWARDS of Maryland, Mr. RUSH, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Ms. CLARKE, Mr. BUTTERFIELD, and Mr. AL GREEN of Texas):

H. Res. 684. A resolution recognizing and honoring Howard University School of Law's 140-year legacy of social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars; to the Committee on Education and Labor.

By Mr. GRAYSON (for himself and Mr. PAUL):

H. Res. 686. A resolution recommending that the United States Constitution be taught to high school students throughout the Nation in September of their senior year; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H. Res. 687. A resolution amending the Rules of the House of Representatives to provide greater transparency on earmark requests; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 688. A resolution expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; to the Committee on Natural Resources.

¶101.37 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

136. The SPEAKER presented a memorial of the Legislature of the State of North Dakota, relative to Senate Concurrent Resolution No. 4020 urging Congress to preserve exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing; to the Committee on Energy and Commerce.

137. Also, a memorial of the Legislature of the State of North Dakota, relative to Senate Concurrent Resolution No. 4003 expressing support for the development of a balanced national immigration policy and urging Congress to work to develop an immigration policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers; to the Committee on the Judiciary.

138. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 63 memorializing the United States Congress to enact legislation to eliminate the 24-month Medicare waiting period for participants on Social Security disability insurance; jointly to the Committees on Ways and Means and Energy and Commerce.

¶101.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. TSONGAS.
H.R. 122: Mr. WITTMAN.
H.R. 155: Mr. MARIO DIAZ-BALART of Florida.
H.R. 219: Mr. SCALISE.
H.R. 233: Mr. MELANCON.
H.R. 272: Mr. MOLLOHAN.
H.R. 275: Mr. SCHRADER, Mr. INGLIS, Mr. FILNER, Mr. HOLDEN, Mr. MORAN of Kansas, and Mr. YOUNG of Alaska.
H.R. 391: Mr. MORAN of Kansas and Mr. UPTON.
H.R. 422: Mr. GRAVES.
H.R. 424: Mr. CONNOLLY of Virginia.
H.R. 503: Mr. MILLER of North Carolina and Mr. WATT.
H.R. 510: Mr. BOCCIERI, Mr. MURPHY of New York, and Mr. ALEXANDER.
H.R. 571: Mr. RUPPERSBERGER and Mr. PETRI.
H.R. 615: Mr. FORBES.
H.R. 616: Mr. RYAN of Ohio.
H.R. 621: Mr. ISRAEL, Mr. GRAVES, Mr. SIMPSON, Mrs. EMERSON, Mr. DANIEL E. LUNGREN of California, Mr. HINCHEY, Mr. POE of Texas, Mr. RUSH, Mr. UPTON, Mr. LANGEVIN, Mr. MARCHANT, Mr. ROSKAM, and Mr. MCKEON.
H.R. 622: Mr. BRADY of Texas, Mr. WEXLER, and Mr. Carson of Indiana.
H.R. 653: Mr. THOMPSON of California.
H.R. 658: Mr. HOLDEN, Mr. CONYERS, Mr. ISRAEL, and Mr. WEINER.
H.R. 690: Mr. ROSKAM, Mr. SULLIVAN, Mr. BERRY, Mr. COLE, Mr. KLINE of Minnesota, Mr. BOOZMAN, Mr. INSLEE, Mr. DENT, Mr. GRAVES, and Mr. FRANK of Massachusetts.
H.R. 702: Mr. SESTAK.
H.R. 795: Mr. ETHERIDGE and Mr. MASSA.
H.R. 801: Mr. FATTAH.
H.R. 847: Mr. FATTAH and Mr. GONZALEZ.
H.R. 936: Mr. PRICE of North Carolina.
H.R. 940: Mr. SCALISE, Mr. CAO, Mr. MELANCON, Mr. FLEMING, Mr. CASSIDY, and Mr. BOUSTANY.
H.R. 953: Mr. SMITH of Nebraska and Mr. BOUSTANY.
H.R. 983: Mr. SOUDER.
H.R. 988: Mrs. BACHMANN, Mrs. NAPOLITANO, and Mr. MASSA.
H.R. 1054: Mr. GOHMERT, Mr. DUNCAN, Mr. WALDEN, Mr. TIAHRT, Mr. FLAKE, Mr. MCCLINTOCK, and Mr. LAMBORN.
H.R. 1074: Mr. RADANOVICH.
H. R. 1086: Mr. MANZULLO.
H.R. 1101: Mr. WU.
H.R. 1147: Mr. CARNEY, Mr. KUCINICH, and Mr. JACKSON of Illinois.
H.R. 1173: Mr. CARTER.
H.R. 1177: Mr. ROGERS of Kentucky and Mr. LATTA.
H.R. 1207: Mr. FILNER, Ms. RICHARDSON, and Mr. BOCCIERI.
H.R. 1298: Ms. SUTTON, Ms. HARMAN, and Mr. BISHOP of New York.
H.R. 1326: Ms. HARMAN.
H.R. 1346: Mr. BISHOP of New York, Mr. HEINRICH, and Mr. CARNAHAN.
H.R. 1402: Mr. BERRY.
H.R. 1410: Ms. WASSERMAN SCHULTZ.
H.R. 1425: Ms. HERSETH SANDLIN.
H.R. 1428: Mr. MILLER of Florida.
H.R. 1458: Mr. BRALEY of Iowa.
H.R. 1503: Mr. GOHMERT.
H.R. 1525: Ms. JENKINS and Mr. GRAVES.
H.R. 1526: Mr. SESTAK.
H.R. 1547: Mr. WEXLER and Mr. COBLE.
H.R. 1548: Mr. KANJORSKI and Mr. HEINRICH.
H.R. 1549: Ms. PINGREE of Maine.
H.R. 1585: Mr. TONKO.
H.R. 1597: Ms. MARKEY of Colorado.
H.R. 1616: Ms. SPEIER, Ms. MOORE of Wisconsin, and Ms. KAPTUR.
H.R. 1700: Mr. KENNEDY, Mr. KILDEE, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mrs. NAPOLITANO, and Mr. BERMAN.
H.R. 1739: Mr. MASSA.
H.R. 1751: Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Ms. TSONGAS, and Mrs. NAPOLITANO.
H.R. 1766: Mr. STUPAK.
H.R. 1831: Mr. SERRANO, Mr. HIMES, Mr. JOHNSON of Illinois, Mr. DUNCAN, Mr. WU, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. AUSTRIA, and Mrs. BACHMANN.
H.R. 1835: Mr. BRIGHT.
H.R. 1894: Mr. BERMAN.
H.R. 1895: Mrs. HALVORSON.
H.R. 1974: Mr. ISSA.
H.R. 1995: Ms. BORDALLO.
H.R. 2000: Ms. SLAUGHTER, Mr. MCCOTTER, and Mr. CONYERS.
H.R. 2057: Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. MORAN of Virginia, Mr. BUTTERFIELD, and Mr. MCINTYRE.
H.R. 2214: Mr. STARK, Ms. SCHAKOWSKY, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2239: Mr. BOSWELL.
H.R. 2254: Ms. FALLIN and Mr. ISSA.
H.R. 2261: Mr. KENNEDY and Mr. GARRETT of New Jersey.
H.R. 2266: Mr. MAFFEI.
H.R. 2267: Mr. MAFFEI.
H.R. 2329: Mr. BRALEY of Iowa.
H.R. 2373: Mr. ADERHOLT.
H.R. 2381: Mr. SESTAK.
H.R. 2387: Mr. LAMBORN.
H.R. 2413: Mr. CONNOLLY of Virginia, Mr. DOGGETT, and Mr. BACHUS.
H.R. 2414: Ms. WASSERMAN SCHULTZ.
H.R. 2420: Mr. TERRY.
H.R. 2427: Mr. BISHOP of New York.
H.R. 2452: Mr. BRADY of Texas, Mr. CULBERSON, Mr. BLUNT, Mr. PETERS, Mrs. MYRICK, Mr. TURNER, and Mr. DUNCAN.
H.R. 2476: Mr. WELCH.
H.R. 2480: Mr. NADLER of New York and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2492: Mr. MCNERNEY.
H.R. 2499: Mr. MEEK of Florida.
H.R. 2517: Ms. SPEIER.
H.R. 2523: Mr. DEFAZIO.
H.R. 2529: Mr. AL GREEN of Texas.
H.R. 2590: Mr. MASSA.
H.R. 2662: Mr. WALZ.
H.R. 2715: Mr. SMITH of Texas.
H.R. 2743: Mrs. MCMORRIS RODGERS, Mr. MOLLOHAN, Mr. MILLER of North Carolina, Mr. KIRK, Mr. PRICE of North Carolina, and Mr. SALAZAR.
H.R. 2753: Mr. BOOZMAN, Mr. MINNICK, and Mr. GERLACH.
H.R. 2782: Mr. HODES.
H.R. 2840: Mr. GENE GREEN of Texas, Mr. ARCURI, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. BISHOP of New York, Mr. SERRANO, Mr. SIRES, Mr. FARR, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Ms. DELAURO, Mrs. LOWEY, Mr. PAYNE, Ms. WOOLSEY, Mr. YARMUTH, Mr. FILNER, Mr. MAFFEI, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. HARE, and Mr. COURTNEY.
H.R. 2866: Mr. ALEXANDER.
H.R. 2930: Ms. SCHAKOWSKY.
H.R. 2932: Mr. JACKSON of Illinois and Mr. GRIJALVA.
H.R. 2935: Mr. TERRY, Mr. MCDERMOTT, Mr. GORDON of Tennessee, Mr. SHULER, and Mr. HONDA.
H.R. 2936: Mr. PERRIELLO.
H.R. 2942: Mr. PITTS and Mr. GARY G. MILLER of California.
H.R. 2954: Ms. BERKLEY.
H.R. 2964: Mrs. MCMORRIS RODGERS.
H.R. 3001: Ms. SPEIER.
H.R. 3006: Mr. HOLT.
H.R. 3009: Mr. MELANCON, Mr. BOREN, and Mr. CHILDERS.
H.R. 3011: Mr. CARNAHAN.
H.R. 3015: Mr. SHULER.
H.R. 3042: Ms. SCHAKOWSKY, Mr. BACA, Ms. LEE of California, and Mr. SERRANO.
H.R. 3085: Mr. BACA, Mr. PASTOR of Arizona, and Mr. HEINRICH.
H.R. 3116: Ms. PINGREE of Maine.
H.R. 3165: Mr. INSLEE, Mr. DOGGETT, and Mr. ISRAEL.
H.R. 3175: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida.

H.R. 3178: Mr. MASSA and Mr. PERRIELLO.
H.R. 3189: Mr. PERRIELLO.
H.R. 3226: Mr. MILLER of Florida, Mr. BOOZMAN, and Mr. YOUNG of Alaska.
H.R. 3227: Mr. TERRY.
H.R. 3245: Mr. RUSH, Mr. ISRAEL, and Mr. SERRANO.
H.R. 3246: Mr. LIPINSKI.
H.R. 3249: Mr. SERRANO, Ms. BORDALLO, Mr. FILNER, and Mr. STARK.
H.R. 3286: Mr. MORAN of Virginia.
H.R. 3289: Mr. WITTMAN.
H.R. 3308: Mr. WITTMAN, and Mr. CALVERT.
H.R. 3309: Mr. CHAFFETZ and Mrs. BACHMANN.
H.R. 3310: Mr. HERGER and Mr. LAMBORN.
H.R. 3325: Mr. SAM JOHNSON of Texas.
H.R. 3336: Mr. MCGOVERN.
H.R. 3342: Mr. HEINRICH.
H.R. 3353: Mr. PIERLUISI.
H.J. Res. 47: Mrs. KIRKPATRICK of Arizona and Mr. SHIMKUS.
H. Con. Res. 74: Mr. HONDA, Mr. OBERSTAR, Mr. DUNCAN, and Mr. BISHOP of Georgia.
H. Con. Res. 144: Mr. RAHALL, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. AL GREEN of Texas, and Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 159: Mr. MORAN of Kansas and Mr. LANGEVIN.
H. Con. Res. 169: Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. CASSIDY, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. MORAN of Kansas, Mr. HARPER, Mr. SHUSTER, Mr. ROGERS of Alabama, Mr. MARCHANT, and Mr. INGLIS.
H. Res. 6: Mr. HILL, Mr. LARSEN of Washington, Mr. DAVIS of Tennessee, Mr. EDWARDS of Texas, Mr. CARNEY, Mr. SCOTT of Georgia, Mr. TAYLOR, Ms. LINDA T. SÁNCHEZ of California, Mr. CUELLAR, Mr. LEWIS of Georgia, Mr. BOCCIERI, and Mr. SHIMKUS.
H. Res. 278: Mr. STARK.
H. Res. 399: Mr. SESTAK.
H. Res. 403: Mr. SESTAK.
H. Res. 408: Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. REYES, Mr. SNYDER, and Mr. COURTNEY.
H. Res. 440: Mr. LOEBSACK and Mr. INGLIS.
H. Res. 445: Mr. YOUNG of Florida.
H. Res. 452: Mr. GRAYSON and Ms. WASSERMAN SCHULTZ.
H. Res. 483: Mr. SABLAN.
H. Res. 487: Mr. MCCOTTER, Mr. LEVIN, Mr. KILDEE, and Mr. BURGESS.
H. Res. 494: Mr. COURTNEY and Mrs. DAVIS of California.
H. Res. 513: Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, and Mr. GONZALEZ.
H. Res. 542: Mr. LAMBORN.
H. Res. 561: Mr. HINCHEY and Mr. SERRANO.
H. Res. 562: Mr. SERRANO and Mr. HINCHEY.
H. Res. 563: Mr. HINCHEY and Mr. SERRANO.
H. Res. 581: Mrs. MCMORRIS RODGERS, Mr. BISHOP of Utah, Mr. GRIFFITH, and Mr. ROONEY.
H. Res. 605: Mr. LANGEVIN.
H. Res. 615: Mr. MCHENRY, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHOCK, Ms. GINNY BROWN-WAITE of Florida, and Mr. CAMPBELL.
H. Res. 619: Mr. MCHENRY and Mr. CAO.
H. Res. 659: Ms. CORRINE BROWN of Florida.
H. Res. 679: Mr. MCGOVERN, Mr. SOUDER, and Mr. GARRETT of New Jersey.
H. Res. 680: Mr. CARTER.
H. Res. 681: Mr. SMITH of Texas and Mr. KING of Iowa.

¶101.39 PETITIONS

Under clause 1 of Rule XXII,

61. The SPEAKER presented a petition of Board of Alderman for the City of Unionville, MO, relative to a resolution opposing the Federally-Mandated Carbon Cap and Trade System; which was referred jointly to the Committees on Energy and Commerce, Foreign Affairs, Ways and Means, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Oversight and Government Reform, Agriculture, and the Judiciary.

WEDNESDAY, JULY 29, 2009 (102)

¶102.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
July 29, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶102.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Tuesday, July 28, 2009.

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

¶102.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2008-0458; FRL-8423-8] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8422-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0710; FRL-8425-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8420-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N,N,N′,N″,-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0130; FRL-8429-3] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium monoalkyl and dialkyl (C6-C16) phenoxybenzenedisulfonates and related acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0665; FRL-8421-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium N-oleoyl-N-methyl taurine; Exemption from the Reqirement of a Tolerance [EPA-HQ-OPP-2008-0725; FRL-8426-8] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2875. A letter from the Secretary, Department of Defense, transmitting authorization of 7 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

2876. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2877. A letter from the Asst. Secy. for Communications & Information, Department of Commerce, transmitting the Department's final rule — State Broadband Data and Development Grant Program (RIN: 0660-ZA29) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implemention Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act [EPA-R01-OAR-2008-0796; A-1-FRL-8930-2] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revision to General Air Quality Rules and the Mass Emissions Cap and Trade Program [EPA-R06-OAR-2007-0905; FRL-8931-1] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8422-7] [EPA-HQ-OPPT-2005-0049; FRL-8422-7] (RIN: 2070-AJ48) received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures [EPA-R04-OAR-2008-0592(a); FRL-8937-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Qualtiy Implemntation Plans; Iowa; Update to Materials Incorporated by Reference [FRL-8933-5] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nebraska; Update to Materials Incorporated by

Referance [FRL-8933-4] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-0296; FRL-8936-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2885. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2010, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

2886. A letter from the Assistant Attorney General, Legislative Affairs, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2887. A letter from the Director, Regulatory Management Division, Enviromental Protection Agency, transmitting the Agengy's final rule — Acquisition Regulation: Guidance on Technical Direction [EPA-HQ-OARM-2007-1115; FRL-8935-6] (RIN: 2030-AA96) received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2888. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2889. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Draft Strategic Plan for 2009 through 2014; to the Committee on Oversight and Government Reform.

2890. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Reorganization of National Voter Registration Act Regulations [Notice 2009 — 17] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

2891. A letter from the Chair, Vice Chair and Commissioner, Election Assistance Commission, transmitting the Commission's reports entitled, ''The Election Data Collection Grant Program Evaluation'' and ''The Impact of the National Voter Registration Act (NVRA)'', pursuant to Omnibus Appropriation Act for FY 2008 HAVA Section 802; to the Committee on House Administration.

2892. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AX96) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2893. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No.: 080521698-9067-02] (RIN: 0648-XQ01) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2894. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2 [Docket No.: 090129076-9926-02] (RIN: 0648-AX56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2895. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2896. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector [Docket No.: 090428799-9802-01] (RIN: 0648-XP82) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2897. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 16 [Docket No. 0808041045-9796-02] (RIN: 0648-AW64) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2898. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification [Docket No. 090421699-91029-02] (RIN: 0648-XO74) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2899. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery [Docket No.: 040205043-4043-01] (RIN: 0648-XP56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2900. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No.: 071130780-8013-02] (RIN: 0648-XQ05) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2901. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP97) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2902. A letter from the Major General, AUS (Retired), Deputy Executive Director, Reserve Officers Association, transmitting the Association's Report of Audit for the year ending 31 March 2009, pursuant to Section 16, P.O. 90-595; to the Committee on the Judiciary.

2903. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Summer 2009 Fireworks, Coastal Massachusetts [Docket No.: USCG-2009-0422] (RIN: 1625-AA08, 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2009-0110] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Fireworks St. Clair River, Port Huron, MI [Docket No.: USCG-2009-0478] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2906. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, MI [Docket No.: USCG-2009-0477] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2907. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor August and September Traninig; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0522] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2908. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2009-0045] (RIN: 1625-AA01) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2909. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.5, Cincinnati, OH [Docket No.: USCG-2009-0310] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2910. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0268] (RIN: 1625-AA00) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Twin Falls, ID [Docket No.: FAA-2009-0253; Airspace Docket No.: 09-ANM-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2912. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Modification of Class E Airspace; Montrose, CO [Docket No.: FAA-2009-0042; Airspace Docket No. 09-ANM-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Port Clinton, OH [Docket No.: FAA-2009-0188; Airspace Docket No. 09-AGL-5] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Devine, TX [Docket No.: FAA-2009-0089; Airspace Docket No. 09-ASW-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal and Modification of VOR Federal Airways; Alaska [Docket No.: FAA-2008-0940; Airspace Docket No. 08-AAL-25] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Reduction of Fuel Tank Flammability in Transport Category Airplanes [Docket No.: FAA-2005-22997; Amendment Nos. 26-3, 121-345, 125-57, and 129-47], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30675; Amdt. No. 2239], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300, and A340-200 and -300 Series Airplanes [Docket No. FAA-2009-0137; Directorate Identifier 2008-NM-201-AD; Amendment 39-15967; AD 2009-15-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2009-0138; Directorate Identifier 2008-NM-216-AD; Amendment 39-15966; AD 2009-15-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-0832; Directorate Identifier 2008-NM-067-AD; Amendment 39-15965; AD 2009-15-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2009-0638; Directorate Identifier 2009-CE-038-AD; Amendment 39-15968; AD 2009-15-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Model G36 Airplanes [Docket No.: FAA-2009-0633; Directorate Identifier 2009-CE-037-AD; Amendment 39-15964; AD 2009-15-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC-12/47, and PC-12/47E Airplanes [Docket No.: FAA-2009-0437; Directorate Identifier 2009-CE-018-AD; Amendment 39-15963; AD 2009-14-13] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives, Turbomeca S.A. ARRIUS 2F Turboshaft Engines [Docket No.: FAA-2009-0330; Directorate Identifier 2008-NE-43-AD; Amendment 39-15961; AD 2009-14-11] (RIN 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2927. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines [Docket No.: FAA-2009-0417: Directorate Identifier 2009-NE-13-AD; Amendment 39-15955; AD 2009-14-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS-PZL ''Warszawa-Okecie'' S.A. Model PZL-104 WILGA 80 Airplanes [Docket No.: FAA-2009-0446; Directorate Identifier 2009-CE-024-AD; Amendment 39-15960; AD 2009-14-10] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0044; Directorate Identifier 2008-NM-132-AD; Amendment 39-15953; AD 2009-14-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200,-200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1116; Directorate Identifier 2007-NM-231-AD; Amendment 39-15954; AD 2009-14-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes [Docket No. FAA-2009-0380; Directorate Identifier 2008-NM-153-AD; Amendment 39-15959; AD 2009-14-09] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2008-0933; Directorate Identifier 2007-NM-261-AD; Amendment 39-15956; AD 2009-14-06] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting the Transportation Statistics Annual Report 2008, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No.: FAA-2009-0046; Directorate Identifier 2008-NE-05-AD; Amendment 39-15962; AD 2009-14-12] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, Department of transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No.: FAA-2009-0263; Directorate Identifier 2008-NM-137-AD; Amendment 39-15957; AD 2009-14-07] (RIN: 2120-AA64) Recieved July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

¶102.4 MESSAGE FROM THE SENATE

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

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

¶102.5 FINANCIAL INSPECTORS GENERAL

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 3330) to amend the Federal Deposit Insurance Act and the Federal Credit

Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. MOORE of Kansas, and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.6 RURAL HOMEOWNERS PROTECTION

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

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. MOORE of Kansas, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.7 NEIGHBORHOOD PRESERVATION

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

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. MOORE of Kansas, and Mr. Gary G. MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.8 NATIONAL FLOOD INSURANCE PROGRAM

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

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. FRANK of Massachusetts, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.9 FEDERAL SECURITIES LAWS

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

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. FRANK of Massachusetts, and Mr. McCARTHY of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.10 PROVIDING FOR CONSIDERATION OF H.R. 3326

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 685):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 147, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (2) not to exceed eight of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) an en bloc amendment, if offered by Rep. Flake of Arizona or his designee, consisting of all of the amendments printed in part B of the report of the Committee on Rules, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose

of debate, which shall be controlled by the proponent.

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

SEC. 4. During consideration of H.R. 3326, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

Pending consideration of said resolution.

¶102.11 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of said resolution, and said:

''Mr. Speaker, I raise a point of order against H. Res. 685 because the resolution violates section 426(a) of the Congressional Budget Act.

''The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, responded to the point of order, and said:

''The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of the Act, the gentleman from Arizona has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''And if we're going to talk about abuse of process, there it is. It's not offering 550 amendments because we are doing more than 550 no-bid contracts to private companies. That's not where the abuse lies. The abuse lies in the majority's saying we are only going to entertain those amendments that we know we can beat or that we want to entertain or that are entertaining, apparently, not the ones that may be difficult for us.

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

''But the new majority has decided to completely close it and did not have one appropriation bill this year come

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

Mr. POLIS was recognized to speak to the point of order and said:

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

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

''I have the right to close, but in the end, I will urge my colleagues to vote 'yes' to consider the rule.''.

Mr. FLAKE was further recognized and said:

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

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

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

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

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

Mr. POLIS was further recognized and said:

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

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

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. POLIS submitted the following amendment:

At the end of the resolution, add the following:

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

After debate,

Mr. POLIS moved the previous question on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 176

¶102.12 [Roll No. 654]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

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

So the previous question on the amendment and the resolution was ordered.

The question being put, viva voce,

Will the House agree to the amendment?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 185

¶102.13 [Roll No. 655]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

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

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶102.14 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 690):

Whereas page 5 of the ''Regulations on the Use of the CONGRESSIONAL FRANK By Members of the House of Representatives'' states, ''It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities and duties of the Congress of the United States. It is the intent of the Congress that such official business, activities and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.'';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore, Mr. ALTMIRE, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. HOYER moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244; Nays ..... 173; Answered present 11 }

¶102.15 [Roll No. 656]

YEAS—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder

Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

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

NOT VOTING—5

Barrett (SC)
Bonner
Gerlach
McCarthy (NY)
Watson

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶102.16 S. 1513—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1513) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.17 CONTINENTAL AIRLINES 75TH ANNIVERSARY

Mr. Gene GREEN of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 631):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas in April 2008, Continental Airlines received an award from the United States Environmental Protection Agency's Design for the Environment Program in recognition of the airline's use of an environmentally friendly, nonchromium surface pretreatment for its aircraft. Continental was the first commercial air carrier to use this technology on its aircraft;

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

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

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

Resolved, That the House of Representatives—

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

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

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. Gene GREEN of Texas, and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.18 FOOD SAFETY

Mr. DINGELL moved to suspend the rules and pass the bill (H.R. 2749) to

amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DINGELL and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BARTON of Texas, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 280
Nays 150

¶102.19 [Roll No. 657]

YEAS—280

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Marchant
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth

NAYS—150

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kind
King (IA)
Kingston
Kline (MN)
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pingree (ME)
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Salazar
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)
Young (FL)

NOT VOTING—3

Davis (TN)
McCarthy (NY)
McHugh

So, less than two-thirds of the Members present having not voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶102.20 H.R. 1665—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1665) to structure Coast Guard acquisition processes and policies, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas 426
Nays 0

¶102.21 [Roll No. 658]

AYES—426

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind

King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Bonner
Cooper
Davis (TN)
McCarthy (NY)
McHugh
Schrader

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.22 H. RES. 373—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 373) expressing support for designation of the month of September as ''National Hydrocephalus Awareness Month''.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.23 HIGHWAY TRUST FUND

Mr. LEWIS of Georgia, moved to suspend the rules and pass the bill (H.R. 3357) to restore sums to the Highway Trust Fund, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LEWIS of Georgia, and Mr. CAMP, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 363 / Nays 68

¶102.24 [Roll No. 659]

YEAS—363

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—68

Akin
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
Myrick
Neugebauer
Nunes
Paul
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—2

Bishop (UT)
McCarthy (NY)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.25 H. RES. 496—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 496) recognizing the 20th anniversary of the fall of the Berlin Wall; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 432 / Nays 0

¶102.26 [Roll No. 660]

YEAS—432

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

NOT VOTING—1

McCarthy (NY)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶102.27 H.R. 3072—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3072) to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.28 H. RES. 483—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 483) supporting the goals and ideals of Veterans of Foreign Wars Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.29 DEFENSE APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to House Resolution 685 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The SPEAKER pro tempore, Mr. CAPUANO, by unanimous consent, designated Ms. BALDWIN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Ms. TITUS, assumed the Chair.

When Ms. BALDWIN, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶102.30 HONORING SALLY CROWE

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 682):

Whereas Sally Crowe's career spanned 52 years of service, beginning in 1957 as a cashier in the Longworth cafeteria;

Whereas Sally moved to the Members' Dining Room in the U.S. Capitol in the 1960s and remained on the job there until her passing on June 28, 2009;

Whereas throughout her career she provided a warm and personal welcome to generations of Members, staff, and guests;

Whereas regardless of who managed the Members' Dining Room, Sally remained a fixture, serving with distinction and making a special effort to know every Member by name; and

Whereas Sally will be remembered for her sense of humor, her strong work ethic, and her unwavering commitment to serving the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives honors the memory and lasting legacy of Sally Crowe, extends its gratitude for her decades of exemplary service, and expresses its condolences to her family and friends at this time of loss.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.31 PRINTING OF UNITED STATES CONSTITUTION

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 35):

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.32 JUDICIAL SURVIVORS PROTECTION

On motion of Mr. JOHNSON of Georgia, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill of the Senate (S. 1107) to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.33 JOHN ARTHUR ''JACK'' JOHNSON POSTHUMOUS PARDON

On motion of Mr. JOHNSON of Georgia, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 29):

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶102.34 BORDER AGENT ROBERT ROSAS

On motion of Ms. TITUS, by unanimous consent, the Committee on Homeland Security was discharged from further consideration of the following resolution (H. Res. 681):

Whereas since 1919, 108 United States Border Patrol agents have died in the line of duty;

Whereas, on July 23, 2009, on the Shockey Truck Trail near Campo, California, agent Robert Rosas Junior, a member of the United States Border Patrol since May 22, 2006, was killed by gunfire while serving in the line of duty;

Whereas since 2008, more than 50 Border Patrol agents have been targeted by gun fire while hundreds of others have been subject to other forms of attack;

Whereas since 2006, over 10,000 individuals have been killed as a result of ongoing violence on the Southwest border;

Whereas, despite an increased security presence along the Southwest border in recent years, Border Patrol agents are under constant threat of violence and contact with drug, weapons, and human smugglers, drug cartels and other organized crime, and transnational criminals;

Whereas the killing of Agent Rosas represents the ever-present danger associated with the Southwest border, affecting law enforcement and communities in both the United States and Mexico;

Whereas agent Rosas' death serves as an important reminder that we are engaged in a serious effort to secure the Southwest border, led by the approximate 17,000 agents currently stationed along our Nation's 1,969-mile land boundary with Mexico;

Whereas the bravery and devotion to duty demonstrated by agent Rosas has forever earned him a place in the hearts and memory of his fellow Americans and the men and women of the United States Border Patrol who risk their lives daily to protect the safety and security of the United States people;

Whereas agent Rosas, after starting his law enforcement career in 2001 as a reserve officer in El Centro, California, aspired to be a member of the United States Border Patrol;

Whereas agent Rosas was beloved for his desire and dedication to serving others, earning the respect and admiration of his colleagues, but most of all by his devotion to his wife, Rosalie, and their two children; and

Whereas in the face of this loss, the Department of Homeland Security and law enforcement immediately reaffirmed that acts of violence against Border Patrol agents will not stand: Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the family and loved ones of Agent Robert Rosas and stands in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.35 H. RES. 508—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKA, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 508) expressing the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TONKA, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.36 H.R. 2093—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2093) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKA, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶102.37 H. RES. 675—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 675) condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TONKA, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶102.38 H. CON. RES. 159—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TONKA, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶102.39 PROVIDING FOR CONSIDERATION OF H.R. 2749

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–235) the resolution (H. Res. 691) providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶102.40 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

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

And then,

¶102.41 ADJOURNMENT

On motion of Mrs. SCHMIDT, at 7 o'clock and 49 minutes p.m., the House adjourned.

¶102.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; with an amendment (Rept. 111–234). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 691. Resolution providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes (Rept. 111–235). Referred to the House Calendar.

¶102.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself and Mr. BOUSTANY):

H.R. 3370. A bill to permit qualified withdrawals from a capital construction fund account for the maintenance or repair of United States-flag vessels provided that the maintenance or repair is performed within the United States; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO (for himself, Mr. OBERSTAR, Mr. MICA, Mr. PETRI, Mr. CARNAHAN, Mr. COBLE, Mr. MCMAHON, Mr. DUNCAN, Mr. DEFAZIO, Mr. EHLERS, Mr. FILNER, Mrs. CAPITO, Mr. HOLDEN, Mr. GERLACH, Mr. CAPUANO, Mr. DENT, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. HALL of New York, Mr. COHEN, Mr. ALTMIRE, Mr. SCHAUER, Ms. SLAUGHTER, Mr. LEE of New York, Mr. HIGGINS, Mr. HOLT, Mr. PASCRELL, Ms. NORTON, and Ms. HIRONO):

H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of Georgia:

H.R. 3372. A bill to establish Medicare performance-based quality measures, to establish an affirmative defense in medical malpractice actions based on compliance with best practices guidelines, and to provide grants to States for administrative health care tribunals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ:

H.R. 3373. A bill to provide for a study relating to the feasibility of using postal employees as census enumerators; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 3374. A bill to provide for a demonstration project relating to the impact of health information technology on chronic disease management under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL (for himself and Mr. HARPER):

H.R. 3375. A bill to amend title 18, United States Code, to increase penalties for certain fraud offenses committed to facilitate terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself and Mr. CUMMINGS):

H.R. 3376. A bill to amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 3377. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. KING of Iowa):

H.R. 3378. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. RAHALL, Mr. BOSWELL, Mr. CAPUANO, Mr. LIPINSKI, Mr. CUMMINGS, Mr. DICKS, Mr. HINCHEY, Ms. HIRONO, Mr. THOMPSON of California, Mr. KILDEE, Mr. HARE, Mr. BAIRD, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STARK, Mr. WU, Mr. COSTELLO, Mr. PASCRELL, Mr. FILNER, Mr. PERRIELLO, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. LARSON of Connecticut, and Mr. OLVER):

H.R. 3379. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures and options and to deposit the revenues from the tax into the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 3380. A bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE):

H.R. 3381. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Mr. DEAL of Georgia, Mr. SHULER, Mr. LATTA, Mr. CLAY, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. PASCRELL):

H.R. 3382. A bill to amend the Internal Revenue Code of 1986 to encourage individuals to purchase building products and home furnishings, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. GRANGER):

H.R. 3383. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 3384. A bill to remove the testing provisions in the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. TERRY, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. BRADY of Texas, Mr. BURGESS, Mr. WHITFIELD, Mr. POE of Texas, Mrs. MYRICK, Mrs. BONO MACK, Mr. GALLEGLY, and Mr. PITTS):

H.R. 3385. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 3386. A bill to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CASTLE (for himself and Mr. LYNCH):

H.R. 3387. A bill to reiterate that the Secretary of the Treasury is required to submit a report on terrorism financing in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Financial Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3389. A bill to amend title 37, United States Code, to ensure that members of the Armed Forces stationed outside the United States during 2009 can take full advantage of the credits available for first-time home buyers, to provide for the waiver of recapture of the credit for members who are restationed, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 3390. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from certain retirement plans during periods of high unemployment; to the Committee on Ways and Means.

By Ms. JENKINS (for herself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. TIAHRT):

H.R. 3391. A bill to allow for the continuation of critical access hospital designation for certain hospitals in geographic areas experiencing population growth; to the Committee on Ways and Means.

By Ms. KOSMAS (for herself, Ms. TITUS, Mr. KLEIN of Florida, Mr. MICA, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, and Mr. POSEY):

H.R. 3392. A bill to prohibit any department or agency of the Federal Government from establishing a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 3393. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3394. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3395. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3396. A bill to amend title 5, United States Code, to prohibit agencies from enforcing rules that result in a specified economic impact until the requirements of those rules are enacted into law by an Act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 3397. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. TIERNEY:

H.R. 3398. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance; to the Committee on Transportation and Infrastructure.

By Mr. POSEY (for himself, Mr. DANIEL E. LUNGREN of California, Mr. SHADEGG, Mr. HERGER, Mr. MCCAUL, Mr. PITTS, Mr. BARTLETT, Mr. PUTNAM, Mr. BRADY of Texas, Mr. LINDER, Mr. BURTON of Indiana, Mr. BURGESS, Mr. SOUDER, Mr. LUCAS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GRAVES, Mr. LATHAM, Mr. SULLIVAN, Mr. INGLIS, Mr. BILBRAY, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mr. LATTA, Mr. MCHENRY, Mr. BROUN of Georgia, Ms. FALLIN, Mr. SCALISE, Mr. FLEMING, and Mrs. LUMMIS):

H. Res. 689. A resolution amending the Rules of the House of Representatives to ensure that Members, Delegates, and the Resident Commissioner have a reasonable amount of time to read legislation that will be voted upon, and for other purposes; to the Committee on Rules.

By Mr. BOEHNER:

H. Res. 690. A resolution raising a question of the privileges of the House.

By Mr. ARCURI (for himself, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mrs. LOWEY, and Mr. CARDOZA):

H. Res. 692. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself, Mr. GERLACH, Ms. SCHWARTZ, Mr. ANDREWS, Mr. SESTAK, Mr. LOBIONDO, Mr. DENT, Mr. HOLDEN, Mr. FATTAH, Mr. CASTLE, and Mr. PATRICK J. MURPHY of Pennsylvania):

H. Res. 693. A resolution honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. FORBES:

H. Res. 694. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a rule or order that dispenses with the first reading or considers a measure as read; to the Committee on Rules.

By Mr. RODRIGUEZ:

H. Res. 695. A resolution supporting an international park between Big Bend National Park in the United States and the protected areas of the Coahuila and Chihuahua States across the border in Mexico; to the Committee on Foreign Affairs.

¶102.44 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 62 memorializing Congress to provide for waivers from requirements attached to stimulus funding that would hamper the state's efforts to meet its Constitutional obligation to balance future budgets; to the Committee on Appropriations.

140. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 275 memorializing the Congress of the United States to designate the Honor and Remember Flag as a national emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; to the Committee on Armed Services.

141. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 311 urging the Congress of the United States to pass and the President to sign legislation instituting a national maximum interest rate for credit cards; to the Committee on Financial Services.

142. Also, a memorial of the House of Representatives of the State of Texas, relative to House Resolution No. 798 expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Financial Services.

143. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 244 urging the United States Congress to designate the month of March, 2010 as National Essential Tremor Awareness Month for the purpose of raising awareness about the nation's number one neurological condition, affecting approximately 10 million Americans; to the Committee on Energy and Commerce.

144. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 11 declaring the week of April 19 to 25, 2009, inclusive, as ''National Multicultural Cancer Awareness Week'', and encouraging promotion of policies and programs that seek to reduce cancer disparities and as a result, improve cancer prevention, detection, treatment, and followup care for all Californians; to the Committee on Energy and Commerce.

145. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 137 memorializing the Congress of the United States to enact legislation preventing unintended consequences of the Medicaid Federal Medical Assistance Percentage calculation on Louisiana's and other states' Medicaid programs caused by the substantial and temporary infusion of the public and private funds into state economics following major disasters such as hurricanes, floods and earthquakes; to the Committee on Energy and Commerce.

146. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 2 urging the United States government to urge the Mexican government to extend the deadline for submitting a claim; and urging the United States government to urge the Mexican government to accept a variety of documents, including, but not limited to, affidavits or copies of original documents, to prove that a bracero or his or her heir or beneficiary has a valid claim; to the Committee on Foreign Affairs.

147. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2009 urging the United States Congress to oppose any Federal legislation that impinges on the individual right to keep and bear arms; to the Committee on the Judiciary.

148. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 106 memorializing the Congress of the United States to rectify the imbalance in Federal transportation funding that has consistently put Michigan near the bottom of the 50 States in the percentage of Federal transportation tax dollars returned to this state each year; to

the Committee on Transportation and Infrastructure.

149. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 120 memorializing the United States Congress to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

150. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 173 memorializing the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

¶102.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ALEXANDER.
H.R. 122: Mr. MASSA.
H.R. 197: Mr. GRAVES.
H.R. 211: Mr. NADLER of New York, Mr. MARSHALL, and Mr. JOHNSON of Illinois.
H.R. 528: Mr. HIGGINS.
H.R. 574: Mr. SOUDER.
H.R. 707: Mr. SCOTT of Georgia, Mr. MAFFEI, Mr. AUSTRIA, and Mrs. MCMORRIS RODGERS.
H.R. 959: Mr. NYE.
H.R. 1020: Mr. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.
H.R. 1103: Mrs. BLACKBURN and Mr. PAYNE.
H.R. 1134: Mr. MOORE of Kansas.
H.R. 1137: Mr. FILNER.
H.R. 1147: Mr. BISHOP of New York.
H.R. 1173: Mr. BERRY.
H.R. 1182: Mr. COSTA, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. HOLDEN, and Ms. KAPTUR.
H.R. 1255: Mrs. MCMORRIS RODGERS.
H.R. 1283: Mr. ADLER of New Jersey.
H.R. 1327: Mr. MILLER of North Carolina, Mr. AUSTRIA, Mr. YOUNG of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Ms. SLAUGHTER, Mr. TURNER, Mr. MICA, and Mr. GALLEGLY.
H.R. 1346: Mr. FARR.
H.R. 1362: Mr. BISHOP of New York.
H.R. 1402: Mr. MARCHANT and Mr. WU.
H.R. 1431: Mr. WAMP.
H.R. 1466: Mr. HOLT.
H.R. 1485: Mr. GEORGE MILLER of California.
H.R. 1548: Mr. TEAGUE.
H.R. 1670: Mrs. MCMORRIS RODGERS.
H.R. 1691: Mr. GUTHRIE.
H.R. 1710: Mr. MORAN of Kansas.
H.R. 1826: Mr. MCGOVERN, Mr. COSTELLO, and Mr. LEWIS of Georgia.
H.R. 1831: Ms. KILROY, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Mr. SIRES, Mr. WAMP, Mr. PETERS, Mr. LANCE, and Mr. GUTIERREZ.
H.R. 1881: Mr. PETERS, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 1969: Mr. CONNOLLY of Virginia.
H.R. 1970: Mr. TERRY.
H.R. 1974: Mr. MASSA.
H.R. 2026: Mr. SOUDER.
H.R. 2030: Mr. COHEN and Mr. CONNOLLY of Virginia.
H.R. 2058: Mr. MCCARTHY of California.
H.R. 2125: Mr. CARNEY and Mr. NADLER of New York.
H.R. 2139: Ms. SLAUGHTER, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. PERRIELLO, and Mr. SCHOCK.
H.R. 2149: Mr. MASSA.
H.R. 2214: Mr. HONDA.
H.R. 2222: Mr. JACKSON of Illinois.
H.R. 2296: Mr. NUNES, Mr. MICA, Mr. GRAVES, and Mr. DEAL of Georgia.
H.R. 2304: Mr. KLINE of Minnesota.
H.R. 2329: Mr. HINOJOSA.
H.R. 2413: Mr. TIAHRT and Mr. BISHOP of New York.
H.R. 2414: Mr. KAGEN.
H.R. 2452: Mr. SMITH of Washington.
H.R. 2460: Mr. TIERNEY and Mr. HASTINGS of Florida.
H.R. 2478: Mr. MCCOTTER and Mr. SCHOCK.
H.R. 2480: Mr. TIERNEY.
H.R. 2578: Mr. JACKSON of Illinois.
H.R. 2699: Mr. BOREN.
H.R. 2819: Ms. WOOLSEY.
H.R. 2852: Ms. SCHAKOWSKY.
H.R. 2866: Mr. MCCOTTER.
H.R. 2882: Mr. MEEKS of New York.
H.R. 2891: Mr. STUPAK.
H.R. 2894: Mr. HOLDEN.
H.R. 2935: Ms. ROS-LEHTINEN, Mr. MITCHELL, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas.
H.R. 2941: Mr. HOLT and Mr. GRIFFITH.
H.R. 2964: Mr. LATTA.
H.R. 3017: Mr. LARSON of Connecticut.
H.R. 3042: Mr. PETERS.
H.R. 3093: Ms. NORTON.
H.R. 3147: Mr. CLEAVER.
H.R. 3167: Mr. MCCLINTOCK.
H.R. 3218: Mr. MCCAUL.
H.R. 3257: Ms. BORDALLO.
H.R. 3266: Mr. CLAY, Mr. HALL of New York, Mr. YOUNG of Florida, Mr. FILNER, and Mr. MCNERNEY.
H.R. 3308: Mr. ROGERS of Michigan, Mr. MARCHANT, and Mr. WAMP.
H.R. 3309: Mr. PAUL.
H.R. 3350: Mrs. BACHMANN and Mr. MARIO DIAZ-BALART of Florida.
H.J. Res. 1: Mr. BRIGHT.
H.J. Res. 41: Mr. DUNCAN.
H.J. Res. 42: Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. BILBRAY, and Ms. GRANGER.
H.J. Res. 47: Mr. WAMP and Mr. DOYLE.
H. Con. Res. 59: Mr. FORBES.
H. Con. Res. 74: Ms. SCHWARTZ and Mr. FRANK of Massachusetts.
H. Con. Res. 94: Mr. STARK and Mr. HOLT.
H. Con. Res. 158: Mr. BISHOP of New York and Mrs. MCMORRIS RODGERS.
H. Con. Res. 167: Mr. POSEY.
H. Con. Res. 169: Mr. ADERHOLT, Mr. LATTA, Mr. GALLEGLY, and Mr. CHAFFETZ.
H. Res. 6: Mr. KRATOVIL and Mr. DOYLE.
H. Res. 90: Mr. WAMP.
H. Res. 111: Ms. WOOLSEY, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. COURTNEY, and Mr. SALAZAR.
H. Res. 376: Mr. PAYNE, Mr. MCKEON, Mr. ROE of Tennessee, and Mr. SHULER.
H. Res. 494: Mr. FILNER, Mr. COHEN, and Mr. MARSHALL.
H. Res. 558: Mr. KENNEDY and Mr. HOLT.
H. Res. 605: Mr. MARKEY of Massachusetts, Mr. SOUDER, and Mr. SMITH of Texas.
H. Res. 619: Mr. MICA.
H. Res. 630: Mr. LEWIS of Georgia.
H. Res. 659: Mr. AL GREEN of Texas and Mr. MEEKS of New York.
H. Res. 686: Mr. WEINER, Mr. HARE, Ms. WATSON, Ms. CLARKE, Ms. BERKLEY,

¶102.46 PETITIONS

Under clause 1 of Rule XXII,

62. The SPEAKER presented a petition of City of Miami Commission, FL, relative to Resolution: R-09-0283 urging President Obama to grant temporary protective status to Haitians in the United States; directing the City Clerk to transmit a copy of this resolution to the officials as stated herein; which was referred to the Committee on the Judiciary.

THURSDAY, JULY 30, 2009 (103)

¶103.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BLUMENAUER, who laid before the House the following communication:

WASHINGTON, DC,
July 30, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶103.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Wednesday, July 29, 2009.

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

¶103.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Requirements Applicable to Undefinitized Contract Actions (DFARS Case 2008-D029) (RIN: 0750-AG29) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2938. A letter from the Chief Counsel, FEMA, Department Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1055] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2939. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting draft legislation entitled, ''Defense Production Act Reauthorization of 2009''; to the Committee on Financial Services.

2940. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8081] received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2942. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-14, proposed Letter(s) of Offer and Acceptance, pursuant to section 36(d)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2944. A letter from the Assistant Secretary and the Acting Assistant Secretary for Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 046-09, Transmittal No. DDTC 065-09, Transmittal No. DDTC 005-09, Transmittal

No. DDTC 070-09, and Transmittal No. DDTC 052-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2945. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2946. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment (Transmittal No. DDTC 074-09); to the Committee on Foreign Affairs.

2947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services (Transmittal No. DDTC 028-09); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 010-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2949. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2950. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 057-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2951. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 073-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2952. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to Germany (Transmittal No. DDTC 051-09); to the Committee on Foreign Affairs.

2953. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 067-09, certification of an application for a license for the export of defense articles of defense services to be sold under contract, pursuant to section 36(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2954. A letter from the Auditor, District of Columbia, transmitting the Office's report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2956. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2957. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-34; Introduction [Docket FAR: 2009-0001, Sequance 5], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2958. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-022, Contractor Performance Information [FAC 2005-34; FAR Case 2006-022; Item I; Docket 2008-0002; Sequence 2] (RIN: 9000-AK99) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2959. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-028, Role of Interagency Committee on Debarment and Suspension [FAC 2005-34; FAR Case 2008-028; Item III; Docket 2009-0021; Sequence 1] (RIN 9000-AL33) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2960. A letter from the Acting Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket: FAR 2009-0002, Sequence 5] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2961. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2008 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2962. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2963. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL83) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2964. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION (RIN: 3206-AL13) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2965. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2008 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2966. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0430] (RIN: 1625-AA08) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Target Fireworks, Detroit River, Detroit, MI [Docket No.: USCG-2009-0483] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pamunkey River, West Point, VA [Docket No.: USCG-2008-1175] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2969. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V PATRIOT, Massachusetts Bay, MA [Docket No. USCG-2009-0512] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2970. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD [Docket No.: USCG-2008-1119] (RIN: 1625-AA11) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2971. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Symphony Orchestra; San Diego, California [Docket No.: USCG-2009-0345] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2972. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Post 9/11 GI Bill [DOD-2009-OS-0021] (RIN: 0790- AI43) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2973. A letter from the Federal Register Liaison Officer, Department of Veterans Affairs, transmitting the Department's final rule — Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preauthorization of Durable Medical Equipment (RIN: 2900-AM9) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2974. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF DAYTON, OHIO, AND TERMINATION OF THE USER-FREE STATUS OF AIRBORNE AIRPARK IN WILMINGTON, OHIO [USCBP-2005-0091] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2975. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2008 Annual Report on operations under the War Claims Act

of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

2976. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connection Slough, Bacon Island, CA [Docket No.: USCG-2008-1141; formerly CGD11-03-005] (RIN: 1625-AA09)receivedJuly 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Veterans' Affairs.

2977. A letter from the Secretary, Department of Energy, transmitting proposed legislation to repeal subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of Title IX of the Energy Policy Act of 2005; jointly to the Committees on Science and Technology and Natural Resources.

¶103.4 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. BROUN of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

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

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

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

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

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

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

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Georgia [Mr. BROUN] will appear in the Record at this point.

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

¶103.5 DEFENSE APPROPRIATIONS FY 2010

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to House Resolution 685 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Mr. BLUMENAUER, Acting Chairman, assumed the chair; and after some time spent therein,

¶103.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part A of House Report 111-233, submitted by Mr. MURTHA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It was decided in the affirmative { Yeas ..... 269 / Nays ..... 165 }

¶103.7 [Roll No. 661]

AYES—269

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—165

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Velázquez
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—5

Fattah
Hall (NY)
McCarthy (NY)
Norton
Schwartz

So the amendment was agreed to.

¶103.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part A of House Report 111-233, submitted by Mr. FLAKE:

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

It was decided in the negative ..... { Yeas ..... 48 / Nays 373

¶103.9 [Roll No. 662]

AYES—48

Bachmann
Bachus
Barrett (SC)
Bartlett
Boustany
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Coble
Cooper
Deal (GA)
Duncan
Flake
Foster
Foxx
Garrett (NJ)
Halvorson
Hensarling
Herger
Inglis
Jenkins
Kind
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McClintock
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Paul
Petri
Pitts
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Stark
Westmoreland
Wilson (SC)

NOES—373

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Berkley
Bishop (GA)
Broun (GA)
Gohmert
Hall (NY)
Hinchey
Israel
Kingston
Lipinski
Lowey
McCarthy (NY)
McDermott
Mollohan
Murphy, Tim
Olver
Pence
Shadegg
Smith (NE)

So the amendment was not agreed to.

¶103.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part A of House Report 111-233, submitted by Mr. TIERNEY:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

It was decided in the negative ..... { Yeas ..... 124 / Nays 307

¶103.11 [Roll No. 663]

AYES—124

Arcuri
Baldwin
Berman
Biggert
Bishop (NY)
Blumenauer
Bordallo
Boswell
Braley (IA)
Bright
Brown-Waite, Ginny
Capps
Capuano
Carnahan
Castle
Castor (FL)
Chu
Coble
Crowley
Davis (CA)
DeFazio
Delahunt
Doggett
Duncan
Edwards (MD)
Ehlers
Ellsworth
Eshoo
Farr
Filner
Foster
Frank (MA)
Goodlatte
Gordon (TN)
Grijalva
Gutierrez
Halvorson
Hare
Heinrich
Himes
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jenkins
Johnson (GA)
Johnson (IL)
Kagen
Kaptur
Kilroy
Kind
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maffei
Markey (MA)
Matheson
Matsui
McCollum
McGovern
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Roybal-Allard
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Speier
Spratt
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Watt
Waxman
Weiner
Welch
Wu
Yarmuth

NOES—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hunter
Inglis
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Napolitano
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Scalise
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Towns
Turner
Upton
Walz
Wamp
Wasserman Schultz
Waters
Watson
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cole
Green, Gene
Hall (NY)
Klein (FL)
McCarthy (NY)
Rodriguez
Rush
Woolsey

So the amendment was not agreed to.

¶103.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

It was decided in the negative ..... { Yeas ..... 77; Nays ..... 347; Answered present 10

¶103.13 [Roll No. 664]

AYES—77

Bachmann
Barton (TX)
Blackburn
Blumenauer
Boehner
Boustany
Broun (GA)
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foster
Foxx
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Wamp
Westmoreland
Wittman

NOES—347

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—5

Buchanan
Edwards (TX)
Hall (NY)
Maloney
McCarthy (NY)

So the amendment was not agreed to.

¶103.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 258, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

It was decided in the negative ..... { Yeas ..... 69; Nays ..... 351; Answered present 10 }

¶103.15 [Roll No. 665]

AYES—69

Bachmann
Blackburn
Blumenauer
Boustany
Broun (GA)
Campbell
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Olver
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Teague
Terry
Walden
Westmoreland
Wittman

NOES—351

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—9

Berry
Conyers
Ellison
Hall (NY)
Hirono
Johnson, E.B.
McCarthy (NY)
Rodriguez
Rush

So the amendment was not agreed to.

¶103.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 389, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. __. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

It was decided in the negative ..... { Yeas ..... 76; Nays ..... 350; Answered present 10 }

¶103.17 [Roll No. 666]

AYES—76

Bachmann
Bishop (NY)
Blackburn
Boustany
Broun (GA)
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Connolly (VA)
Cooper
Davis (KY)
Deal (GA)
Doggett
Driehaus
Flake
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kagen
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
McCaul
McClintock
McHenry
McMahon
Minnick
Moran (KS)
Nunes
Nye
Paulsen
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Polis (CO)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Speier
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—350

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare

Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Hall (NY)
McCarthy (NY)
Stark

So the amendment was not agreed to.

¶103.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 432, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

It was decided in the negative ..... { Yeas ..... 82; Nays ..... 341; Answered present 11

¶103.19 [Roll No. 667]

AYES—82

Bachmann
Barton (TX)
Blumenauer
Blunt
Boehner
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Fortenberry
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Minnick
Moran (KS)
Myrick
Nunes
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Terry
Upton
Walden
Wamp
Westmoreland

NOES—341

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch
Wittman

NOT VOTING—5

Andrews
Edwards (TX)
Hall (NY)
Hall (TX)
McCarthy (NY)

So the amendment was not agreed to.

¶103.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 439, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

It was decided in the negative ..... { Yeas ..... 78; Nays ..... 348; Answered present 10

¶103.21 [Roll No. 668]

AYES—78

Bachmann
Blackburn
Blumenauer
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Barton (TX)
McCarthy (NY)
Rodriguez

So the amendment was not agreed to.

¶103.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 449, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC.____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

It was decided in the negative ..... { Yeas ..... 83; Nays ..... 338; Answered present 11

¶103.23 [Roll No. 669]

AYES—83

Bachmann
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Garrett (NJ)
Gingrey (GA)
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman
Wolf

NOES—338

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)

Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—7

Aderholt
Cole
Conyers
Gohmert
McCarthy (NY)
Payne
Sutton

So the amendment was not agreed to.

¶103.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 553, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000

Account	Project	Amount
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ—25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP-3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC) ...	Global Supply Chain Management.	$1,000,000

It was decided in the negative ..... { Yeas ..... 118; Nays ..... 304; Answered present 11 }

¶103.25 [Roll No. 670]

AYES—118

Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Cassidy
Castle
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Himes
Hodes
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Nunes
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Speier
Stark
Stearns
Teague
Terry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—304

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—6

Davis (IL)
Edwards (TX)
Franks (AZ)
Graves
Herger
McCarthy (NY)

So the amendment was not agreed to.

¶103.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment en bloc, printed in Part B of House Report 111-233, submitted by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

AMENDMENT NO. 2

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army CH–47 Helicopter Forward and Aft Hook Project.

AMENDMENT NO. 3

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army National Guard UH–60 Rewiring Program.

AMENDMENT NO. 4

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Internal Auxiliary Fuel Tank system.

AMENDMENT NO. 5

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a C–130 Active Noise Cancellation System.

AMENDMENT NO. 6

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Civil Air Patrol.

AMENDMENT NO. 7

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Aircraft Podded Infrared Countermeasures Systems for Air Force Reserve KC–135.

AMENDMENT NO. 8

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Skills Management Command Portal.

AMENDMENT NO. 9

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AN/AAR–47D(V)X Missile Warning System.

AMENDMENT NO. 10

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Crane Integrated Defensive Electronic Countermeasures Depot Capability.

AMENDMENT NO. 11

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Avionics Recorder Wireless Flight Download Data.

AMENDMENT NO. 12

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Composite Operational Health and Occupational Risk Tracking System.

AMENDMENT NO. 13

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Armor and Structures Transformation Initiative-Steel to Titanium.

AMENDMENT NO. 14

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Flexible Aerogel Materials Supplier Initiative.

AMENDMENT NO. 15

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the High Performance Thermal Battery Infrastructure Project.

AMENDMENT NO. 16

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aluminum Oxy-Nitride and Spinel Optical Ceramics.

AMENDMENT NO. 17

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Inventory for Defense Applications.

AMENDMENT NO. 18

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Military Global Positioning System (GPS) Receiver.

AMENDMENT NO. 19

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Metal Injection Molding Technological Improvements.

AMENDMENT NO. 20

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Production Capacity Improvement Project.

AMENDMENT NO. 21

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radiation Hardened Cryogenic Read Out Integrated Circuits.

AMENDMENT NO. 22

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Counter-Threat Finance—Global.

AMENDMENT NO. 23

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air-Supported Temper Tent.

AMENDMENT NO. 24

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the New Jersey Technology Center.

AMENDMENT NO. 25

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronics and Personal Cooling.

AMENDMENT NO. 26

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Corrosion Nanotechnology Solutions for Logistics.

AMENDMENT NO. 27

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Force Generation Synchronization Tool.

AMENDMENT NO. 28

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Logistics Operating System.

AMENDMENT NO. 29

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Fort Benning National Incident Management System Compliant Installation Operations Center.

AMENDMENT NO. 30

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Ground Combat System Knowledge Center and Technical Inspection Data Capture.

AMENDMENT NO. 31

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Initiative to Increase Minority Participation in Defense.

AMENDMENT NO. 32

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Logistics Interoperability.

AMENDMENT NO. 33

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M24 Sniper Weapons System Upgrade.

AMENDMENT NO. 34

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Command Post Tent.

AMENDMENT NO. 35

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure Remote Monitoring Systems.

AMENDMENT NO. 36

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Lens System Fabrication and Assembly.

AMENDMENT NO. 37

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Net-Centric Decision Support Environment Sense and Respond Logistics.

AMENDMENT NO. 38

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Operational/Technical Training Validation for Joint Maneuver Forces at Fort Bliss.

AMENDMENT NO. 39

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for TRANSIM Driver Training.

AMENDMENT NO. 40

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 41

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Autonomous Robotic Inspections for Aging Aircraft.

AMENDMENT NO. 42

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Engine Health Management Plus Data Repository Center.

AMENDMENT NO. 43

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Aircrew Combined System Tester (JACST).

AMENDMENT NO. 44

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvement.

AMENDMENT NO. 45

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Interoperability Coordinated Operations and Training Exercise.

AMENDMENT NO. 46

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army National Guard M939A2 Repower Program.

AMENDMENT NO. 47

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Jurisdictional Counter-Drug Task Force Training.

AMENDMENT NO. 48

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 49

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Climate Protection System.

AMENDMENT NO. 50

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an LSD–41/49 Diesel Engine Low Load Upgrade Kit.

AMENDMENT NO. 51

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hydroacoustic Low Frequency Source Generation Systems.

AMENDMENT NO. 52

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Force Protection Boats (Small).

AMENDMENT NO. 53

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Detection Adjunct Processor.

AMENDMENT NO. 54

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Deployable

Joint Command and Control Shelter Upgrade Program.

AMENDMENT NO. 55

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Adaptive Diagnostic Electronic Portable Testset.

AMENDMENT NO. 56

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure for the Pennsylvania National Guard.

AMENDMENT NO. 57

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure.

AMENDMENT NO. 58

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aircrew Body Armor and Load Carriage Vest System.

AMENDMENT NO. 59

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air National Guard Joint Threat Emitter—Savannah Combat Readiness Training Centers.

AMENDMENT NO. 60

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Virtual Interactive Combat Environment Training System for the Virginia National Guard.

AMENDMENT NO. 61

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultralight Utility Vehicles for the National Guard.

AMENDMENT NO. 62

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radio Personality Modules for SINCGARS Test Sets.

AMENDMENT NO. 63

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Temperature Refrigerated Container System.

AMENDMENT NO. 64

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Defensive Fighting Position.

AMENDMENT NO. 65

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Machine Gun Training System for the Pennsylvania National Guard.

AMENDMENT NO. 66

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Marksmanship Training System.

AMENDMENT NO. 67

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Ft. Bragg Range 74 Combined Arms Collective Training Facility.

AMENDMENT NO. 68

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the ATIS Maintenance and Enhancement Program.

AMENDMENT NO. 69

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Lightweight Camouflage Net System (ULCANS).

AMENDMENT NO. 70

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MGPTS Type III or Rapid Deployable Shelter.

AMENDMENT NO. 71

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flame Resistant High Performance Apparel.

AMENDMENT NO. 72

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Thorium/Magnesium Excavation—Blue Island.

AMENDMENT NO. 73

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Modular Glove System.

AMENDMENT NO. 74

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a WMD Multi-Sensor Response and Infrastructure Project System.

AMENDMENT NO. 75

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Autonomous Sustainment Cargo Container.

AMENDMENT NO. 76

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Atomized Magnesium Domestic Production Design and Development.

AMENDMENT NO. 77

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army Vehicle Condition Based Maintenance.

AMENDMENT NO. 78

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Portable Oxygen Concentration System.

AMENDMENT NO. 79

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ARL 3DE Model-Based Inspection and Scanning.

AMENDMENT NO. 80

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Antioxidant Micronutrient Therapeutic Countermeasures.

AMENDMENT NO. 81

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Microbial Bone Graft Product.

AMENDMENT NO. 82

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an AN/ALQ 211 Networked EW Controller.

AMENDMENT NO. 83

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aluminum Armor Project.

AMENDMENT NO. 84

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an All Composite Bus Program.

AMENDMENT NO. 85

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Tactical Laser Flashlight.

AMENDMENT NO. 86

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Reactive Armor Systems.

AMENDMENT NO. 87

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Radar Transceiver IC Development.

AMENDMENT NO. 88

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Rarefaction Weapon Engineered System.

AMENDMENT NO. 89

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Packaging Materials for Combat Rations.

AMENDMENT NO. 90

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Lithium Ion Phosphate Battery System for Army Combat Hybrid HMMWV and Other Army Vehicle Platforms.

AMENDMENT NO. 91

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lightweight Gunner Protection Kit for Lightweight MRAP Vehicle.

AMENDMENT NO. 92

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Ground EW and Signals Intelligence System.

AMENDMENT NO. 93

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Flexible Solar Photovoltaic Technologies.

AMENDMENT NO. 94

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Field Artillery Tactical Data System.

AMENDMENT NO. 95

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Digital Hydraulic Drive System.

AMENDMENT NO. 96

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Detection of Explosives.

AMENDMENT NO. 97

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Conductivity Program.

AMENDMENT NO. 98

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composites for Light Weight, Low Cost Transportation Systems using a 3+ Ring Extruder.

AMENDMENT NO. 99

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Research for Vehicles.

AMENDMENT NO. 100

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Ammunition Magazine/Mount System.

AMENDMENT NO. 101

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Armor for Force Protection.

AMENDMENT NO. 102

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Carbon Hybrid Battery for Hybrid Electric Vehicles.

AMENDMENT NO. 103

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Bonded Diamond for Optical Applications.

AMENDMENT NO. 104

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Affordable Turbine Engine Program.

AMENDMENT NO. 105

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Acid Alkaline Direct Methanol Fuel Cell.

AMENDMENT NO. 106

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Laser Guided Training Round.

AMENDMENT NO. 107

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Small Caliber Ammunition Production Modernization.

AMENDMENT NO. 108

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Magneto Inductive Remote Activation Munitions System (MI–RAMS) M156/M39 Kits and M40 Receivers.

AMENDMENT NO. 109

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Military Radio Communications Test Set.

AMENDMENT NO. 110

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Armored Wall System.

AMENDMENT NO. 111

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Microclimate Cooling Unit for M1 Abrams Tank.

AMENDMENT NO. 112

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Corps MK 1077 Flatracks.

AMENDMENT NO. 113

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Combat Assault Rifle.

AMENDMENT NO. 114

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SOPMOD II (M4 Carbine Rail System).

AMENDMENT NO. 115

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Light Mobility Vehicle—Internally Transportable Vehicle.

AMENDMENT NO. 116

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Armor Research.

AMENDMENT NO. 117

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Beneficial Infrastructure for Rotorcraft Risk Reduction.

AMENDMENT NO. 118

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Bio-Printing of Skin for Battlefield Burn Repairs.

AMENDMENT NO. 119

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Blood Safety and Decontamination Technology.

AMENDMENT NO. 120

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Breast Cancer Medical Information Network Decision Support.

AMENDMENT NO. 121

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Brownout Situational Awareness Sensor.

AMENDMENT NO. 122

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Buster/Blacklight UAV Development.

AMENDMENT NO. 123

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cadmium Emissions Reduction-Letterkenny Army Depot.

AMENDMENT NO. 124

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Capabilities Expansion of Spinel Transparent Armor Manufacturing.

AMENDMENT NO. 125

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Carbide Derived Carbon for Treatment of Combat Related Sepsis.

AMENDMENT NO. 126

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cellular Therapy for Battlefield Wounds.

AMENDMENT NO. 127

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ceramic and MMC Armor Development using Ring Extruder Technology.

AMENDMENT NO. 128

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a CERDEC Integrated Tool Control System.

AMENDMENT NO. 129

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Chronic Tinnitus Treatment Program.

AMENDMENT NO. 130

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Clinical Technology Integration for Military Health.

AMENDMENT NO. 131

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Collagen-Based Wound Dressing.

AMENDMENT NO. 132

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Combat Medic Trainer.

AMENDMENT NO. 133

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Command, Control, Communications Technology.

AMENDMENT NO. 134

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Compact Biothreat Rapid Analysis Concept.

AMENDMENT NO. 135

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Composite Small Main Rotor Blades.

AMENDMENT NO. 136

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Compostable and Recyclable Fiberboard Material for Secondary Packaging.

AMENDMENT NO. 137

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Conversion of Municipal Solid Waste to Renewable Diesel Fuel.

AMENDMENT NO. 138

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Crewmember Alert Display Development Program.

AMENDMENT NO. 139

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Current Force Common Active Protection System Radar.

AMENDMENT NO. 140

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cyber Threat Analytics.

AMENDMENT NO. 141

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support for Civil Authorities for Key Resource Protection.

AMENDMENT NO. 142

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support to Civil Authorities Automated Support System.

AMENDMENT NO. 143

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Dermal Matrix Research.

AMENDMENT NO. 144

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development of Improved Lighter-Weight IED/EFP Armor Solutions.

AMENDMENT NO. 145

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for De-Weighting Military Vehicles through Advanced Composites Manufacturing Technology.

AMENDMENT NO. 146

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Diabetes Care in the Military.

AMENDMENT NO. 147

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Production of Nanodiamond for Military Applications.

AMENDMENT NO. 148

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Drive System Composite Structural Component Risk Reduction Program.

AMENDMENT NO. 149

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Dual Stage Variable Energy Absorber.

AMENDMENT NO. 150

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Effects Based Operations Decision Support Services.

AMENDMENT NO. 151

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electric All Terrain Ultra Light Vehicle for the Minnesota National Guard.

AMENDMENT NO. 152

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electrically Charged Mesh Defense Net Troop Protection System.

AMENDMENT NO. 153

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Combat and Counter Terrorism Threat Developments to Support Joint Forces.

AMENDMENT NO. 154

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enabling Optimization of Reactive Armor.

AMENDMENT NO. 155

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancing the Commercial Joint Mapping Toolkit to Support Tactical Military Operations.

AMENDMENT NO. 156

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Intelligent Moisture and Corrosion Control for Concrete.

AMENDMENT NO. 157

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Execution of a Quality Systems Program for FDA Regulation Activities.

AMENDMENT NO. 158

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Extended Duration Silver Wound Dressing-Phase II.

AMENDMENT NO. 159

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eye-Safe Standoff Fusion Detection of CBE Threats.

AMENDMENT NO. 160

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Field Deployable Hologram Production System.

AMENDMENT NO. 161

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fire Shield.

AMENDMENT NO. 162

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flu Vaccine Technology Program.

AMENDMENT NO. 163

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Foil Bearing Supported UAV Engine.

AMENDMENT NO. 164

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fuel System Component Technology Research.

AMENDMENT NO. 165

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.

AMENDMENT NO. 166

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fused Silica for Large-Format Transparent Armor.

AMENDMENT NO. 167

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gas Engine Driven Air Conditioning.

AMENDMENT NO. 168

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Geospatial Airship Research Platform.

AMENDMENT NO. 169

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Headborne Energy Analysis and Diagnostic System.

AMENDMENT NO. 170

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Heavy Fuel Engine Family for Unmanned Systems.

AMENDMENT NO. 171

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Strength Glass Production and Qualification for Armor Applications.

AMENDMENT NO. 172

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Highlander Electro-Optical Sensors.

AMENDMENT NO. 173

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High-Volume Manufacturing Development for Thin-film Lithium Stack Battery Technologies.

AMENDMENT NO. 174

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hostile Fire Indicator for Aircraft.

AMENDMENT NO. 175

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Human Organ and Tissue Preservation Technology.

AMENDMENT NO. 176

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Drive All Terrain Vehicle.

AMENDMENT NO. 177

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Heavy Truck Vehicle.

AMENDMENT NO. 178

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Batteries for Guided Munitions.

AMENDMENT NO. 179

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms.

AMENDMENT NO. 180

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infection Prevention Program for Battlefield Wounds.

AMENDMENT NO. 181

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Infectious and Airborne Pathogen Reduction.

AMENDMENT NO. 182

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Injection Molded Ceramic Body Armor.

AMENDMENT NO. 183

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ink-based Desktop Electronic Material Technology.

AMENDMENT NO. 184

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Defense Technical Information.

AMENDMENT NO. 185

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Family of Test Equipment V6 Product Improvement Program.

AMENDMENT NO. 186

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Lightweight Tracker System.

AMENDMENT NO. 187

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligence, Surveillance and Reconnaissance (ISR) Simulation Integration Laboratory.

AMENDMENT NO. 188

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Energy Control Systems.

AMENDMENT NO. 189

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intensive Quenching for Advanced Weapon Systems.

AMENDMENT NO. 190

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Inter Turbine Burner for Turbo Shaft Engines.

AMENDMENT NO. 191

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for IR-Vascular Facial Fingerprinting.

AMENDMENT NO. 192

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IUID Data Platform.

AMENDMENT NO. 193

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Javelin Warhead Improvement Program.

AMENDMENT NO. 194

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Fires and Effects Trainer System Enhancements.

AMENDMENT NO. 195

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Precision AirDrop Systems-Wind Profiling Portable Radar.

AMENDMENT NO. 196

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Large Format Li-Ion Battery.

AMENDMENT NO. 197

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lens-Less Dual-Mode Micro Seeker for Medium-Caliber Guided Projectiles.

AMENDMENT NO. 198

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight 10-meter Antenna Mast.

AMENDMENT NO. 199

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Magnesium Parts for Military Applications.

AMENDMENT NO. 200

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Metal Alloy Foam for Armor.

AMENDMENT NO. 201

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles.

AMENDMENT NO. 202

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Packing System for Enhancing Combat Munitions Logistics.

AMENDMENT NO. 203

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Polymer Designs for Soldier Combat Optics.

AMENDMENT NO. 204

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Protective Roofing.

AMENDMENT NO. 205

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight, Battery Driven, and Battlefield Deployment Ready NG Feeding Tube Cleaner.

AMENDMENT NO. 206

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a LW25 Gun System and Demonstration.

AMENDMENT NO. 207

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M109A6 Paladin.

AMENDMENT NO. 208

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Medical Biosurveillance and Efficiency Program.

AMENDMENT NO. 209

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Medium Caliber Metal Parts Upgrade.

AMENDMENT NO. 210

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micro Inertial Navigation Unit Technology.

AMENDMENT NO. 211

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches in Support of Transformational Communications Architecture.

AMENDMENT NO. 212

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mid-Infrared Super Continuum Laser.

AMENDMENT NO. 213

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Military Drug Management Center.

AMENDMENT NO. 214

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Integrated Diagnostic and Data Analysis.

AMENDMENT NO. 215

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Mesh Network Node.

AMENDMENT NO. 216

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Power 30 kW System Power Control Unit Development Project.

AMENDMENT NO. 217

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Model for Green Laboratories and Clean Rooms.

AMENDMENT NO. 218

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mortar Anti-Personnel/Anti-Material Technology.

AMENDMENT NO. 219

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MOTS All Sky Imager.

AMENDMENT NO. 220

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-layer Co-extrusion for High Performance Packaging.

AMENDMENT NO. 221

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiplexed Human Fungal Infection Diagnostics.

AMENDMENT NO. 222

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanocrystal Source Display.

AMENDMENT NO. 223

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanofluid Coolants.

AMENDMENT NO. 224

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology for Potable Water and Water Treatment.

AMENDMENT NO. 225

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanotechnology Fuze.

AMENDMENT NO. 226

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology-Enabled Self-Healing Anti-Corrosion Coating Products.

AMENDMENT NO. 227

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Networked Reliability and Safety Early Evaluation System.

AMENDMENT NO. 228

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Neural Control of External Devices.

AMENDMENT NO. 229

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Communications System.

AMENDMENT NO. 230

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Next Generation Green, Economical and Automated Production of Composite Structures for Aerospace.

AMENDMENT NO. 231

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Wearable Video Capture System.

AMENDMENT NO. 232

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Night Vision and Electronic Sensors Directorate.

AMENDMENT NO. 233

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non-Leaching Antimicrobial Surface for Orthopedic Devices.

AMENDMENT NO. 234

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Novel Zinc Air Power Sources for Military Applications.

AMENDMENT NO. 235

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an OMNI Active Vibration Control System.

AMENDMENT NO. 236

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimization of the US Army Topographic Data Management Enterprise.

AMENDMENT NO. 237

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimizing Natural Language Processing of Open Source Intelligence.

AMENDMENT NO. 238

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pacific Command Renewable Energy Security Systems.

AMENDMENT NO. 239

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Miniature Thermal Viewer.

AMENDMENT NO. 240

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Status Monitor.

AMENDMENT NO. 241

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Plasma Sterilizer.

AMENDMENT NO. 242

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Polymeric Web Run-Flat Tire Inserts for Convoy Protection.

AMENDMENT NO. 243

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Fuel Cell Power Source.

AMENDMENT NO. 244

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Portable Mobile Emergency Broadband Systems.

AMENDMENT NO. 245

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Sensor for Toxic Gas Detection.

AMENDMENT NO. 246

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Power Efficient Microdisplay Development for US Army Night Vision.

AMENDMENT NO. 247

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guidance Kit Technology Development.

AMENDMENT NO. 248

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guided Airdropped Equipment.

AMENDMENT NO. 249

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predictive Casting Modeling for Rapid Production of Critical Defense Components.

AMENDMENT NO. 250

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Printed and Conformal Electronics for Military Applications.

AMENDMENT NO. 251

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protein Hydrogel for Surgical Repair of Battlefield Injuries.

AMENDMENT NO. 252

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Qualification and Insertion of New High Temperature Domestic Sourced PES for Military Aircraft.

AMENDMENT NO. 253

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Response Force Projection Systems.

AMENDMENT NO. 254

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Wound Healing Cell Technology.

AMENDMENT NO. 255

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rare Earth Mining Separation and Metal Production.

AMENDMENT NO. 256

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reactive Materials.

AMENDMENT NO. 257

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Recovery, Recycle, and Reuse of DOE Metals for DoD Applications.

AMENDMENT NO. 258

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

AMENDMENT NO. 259

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reducing First Responder Casualties with Physiological Monitoring.

AMENDMENT NO. 260

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Bio-Medical Detector.

AMENDMENT NO. 261

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Scalable Efficient Power for Armament Systems and Vehicles Dual Use.

AMENDMENT NO. 262

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Self Powered Prosthetic Limb Technology.

AMENDMENT NO. 263

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Sensor Tape Physiological Monitoring.

AMENDMENT NO. 264

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shared Vision.

AMENDMENT NO. 265

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a SHARK Precision Guided Artillery Round—105mm.

AMENDMENT NO. 266

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery.

AMENDMENT NO. 267

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silver Fox and Manta Unmanned Aerial Systems.

AMENDMENT NO. 268

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Machine Platform Initiative.

AMENDMENT NO. 269

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Oil Sensor.

AMENDMENT NO. 270

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Smart Wound Dressing for MRSA Infected Battlefield Wounds.

AMENDMENT NO. 271

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Soldier Situational Awareness Wristband.

AMENDMENT NO. 272

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Solid Oxide Fuel Cell Powered Tactical Charger.

AMENDMENT NO. 273

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Solid State Process of Titanium Alloys for Advanced Material Armaments.

AMENDMENT NO. 274

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Specialized Compact Automated Mechanical Clearance Platform.

AMENDMENT NO. 275

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Standard Ground Station—Enhancement Program.

AMENDMENT NO. 276

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Superlattice Semiconductors for Mobile SS Lighting and Solar Power Applications.

AMENDMENT NO. 277

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Surveillance Augmentation Vehicle.

AMENDMENT NO. 278

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Co-generation System.

AMENDMENT NO. 279

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Metal Fabrication System (TacFab).

AMENDMENT NO. 280

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tamper Proof Organic Packaging as Applied to Remote Armament Systems.

AMENDMENT NO. 281

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technologies for Military Equipment Replenishment.

AMENDMENT NO. 282

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Telepharmacy Robotic Medicine Device Unit.

AMENDMENT NO. 283

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Testing of Microneedle Device for Multiple Applications.

AMENDMENT NO. 284

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tire to Track Transformer System for Light Vehicles.

AMENDMENT NO. 285

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Treatment of Battlefield Spinal Cord and Burn Injuries.

AMENDMENT NO. 286

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tungsten

Heavy Alloy Penetrator and Warhead Development.

AMENDMENT NO. 287

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Transmission/Gearbox Galvanic Corrosion Reduction.

AMENDMENT NO. 288

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Metallic Armor.

AMENDMENT NO. 289

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Weight Transmissions.

AMENDMENT NO. 290

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Control.

AMENDMENT NO. 291

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Unmanned Robotic System Utilizing a Hydrocarbon Fueled Solid Oxide Fuel Cell System.

AMENDMENT NO. 292

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Vanadium Safety Readiness.

AMENDMENT NO. 293

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Video Compression Technology.

AMENDMENT NO. 294

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Voice Recognition and Cross Platform Speech Interface Upgrades.

AMENDMENT NO. 295

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for VTOL Man-Rated UAV and UGV for Medical Multi-Missions and CASEVAC.

AMENDMENT NO. 296

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Waterside Wide Area Tactical Coverage and Homing.

AMENDMENT NO. 297

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wireless HUMS for Condition Based Maintenance of Army Helicopters.

AMENDMENT NO. 298

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wireless Medical Monitoring System.

AMENDMENT NO. 299

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for 3D Bias Woven Perform Development.

AMENDMENT NO. 300

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Propulsion Non-Tactical Vehicle.

AMENDMENT NO. 301

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Elecromagnetic Location of IEDs Defeat System.

AMENDMENT NO. 302

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Deformable Mirrors for High Energy Laser Weapons.

AMENDMENT NO. 303

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Electronic Components for Sensor Arrays.

AMENDMENT NO. 304

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lithium Battery Scale-up and Manufacturing.

AMENDMENT NO. 305

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Modular Avionics for Operationally Responsive Satellite Use.

AMENDMENT NO. 306

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Vehicle Propulsion Center.

AMENDMENT NO. 307

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ALC Logistics Integration Environment.

AMENDMENT NO. 308

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Algae-Derived Jet Fuel for Air Force Applications.

AMENDMENT NO. 309

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AT–6B Demonstration for ANG.

AMENDMENT NO. 310

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–1 AESA Radar Operational Utility Evaluation.

AMENDMENT NO. 311

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–52 Tactical Data Link Capability.

AMENDMENT NO. 312

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Missile Technology.

AMENDMENT NO. 313

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a BATMAV Program Miniature Digital Data Link.

AMENDMENT NO. 314

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Big Antennas Small Structures Efficient Tactical UAV.

AMENDMENT NO. 315

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Body Armor

Improved Ballistic Protection, Research and Development.

AMENDMENT NO. 316

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Command and Control Service Level Management (C2SLM) Program.

AMENDMENT NO. 317

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Corrosion Detection and Visualization Program.

AMENDMENT NO. 318

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for COTS Technology for Space Command and Control.

AMENDMENT NO. 319

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cyber Attack and Security Environment.

AMENDMENT NO. 320

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development and Testing of Advanced Hybrid Rockets for Space Applications.

AMENDMENT NO. 321

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Distributed Mission Interoperability Toolkit (DMIT).

AMENDMENT NO. 322

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Manufacturing of 45nm Electronics.

AMENDMENT NO. 323

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Efficient Utilization of Transmission Hyperspace.

AMENDMENT NO. 324

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eglin AFB Range Operations Control Center.

AMENDMENT NO. 325

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Transportable Renal Replacement Therapy for Battlefield Applications.

AMENDMENT NO. 326

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for EMI Grid Fabrication Technology.

AMENDMENT NO. 327

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Florida National Guard Total Force Integration.

AMENDMENT NO. 328

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Microelectronics and Materials.

AMENDMENT NO. 329

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for GAPS/AWS Horizontal Integration.

AMENDMENT NO. 330

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Hawaii Microalgae Biofuel Project.

AMENDMENT NO. 331

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Bandwith, High Energy Storage, Exawatt Laser Glass Development.

AMENDMENT NO. 332

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Energy Li-Ion Technology for Aviation Batteries.

AMENDMENT NO. 333

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Pressure Pure Air Generator System.

AMENDMENT NO. 334

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Bearings.

AMENDMENT NO. 335

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing.

AMENDMENT NO. 336

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Engine Starter/Generator.

AMENDMENT NO. 337

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Propulsion Analysis and Spacecraft Engineering Tools (IPAT/ISET).

AMENDMENT NO. 338

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Area, APVT Materials Development for High Power Devices.

AMENDMENT NO. 339

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Laser Peening for Friction Stir Welded Aerospace Structures.

AMENDMENT NO. 340

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.

AMENDMENT NO. 341

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Low-Defect Density Gallium Nitride Materials for High-Performance Electronic Devices.

AMENDMENT NO. 342

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches for Next Generation Modular Satellites.

AMENDMENT NO. 343

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multilingual Text Mining Platform for Intelligence Analysts.

AMENDMENT NO. 344

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Mode Propulsion Phase IIA; High Performance Green Propellant.

AMENDMENT NO. 345

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Object.

AMENDMENT NO. 346

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Open Source Research Centers.

AMENDMENT NO. 347

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Planar Lightwave Circuit Development for High Power Military Laser Applications.

AMENDMENT NO. 348

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predator C.

AMENDMENT NO. 349

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Production of Nanocomposites for Aerospace Applications.

AMENDMENT NO. 350

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reconfigurable Secure Computing.

AMENDMENT NO. 351

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rivet Joint Services Oriented Architecture.

AMENDMENT NO. 352

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Senior Scout Communications Intelligence (COMINT) Capability Upgrade.

AMENDMENT NO. 353

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Small Turbofan Versatile Affordable Advanced Turbine Engine Program.

AMENDMENT NO. 354

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technical Order Modernization Environment.

AMENDMENT NO. 355

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Watchkeeper.

AMENDMENT NO. 356

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wavelength Agile Spectral Harmonic Oxygen Sensor and Cell-Level Battery Controller.

AMENDMENT NO. 357

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wire Integrity Technology.

AMENDMENT NO. 358

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Battery Technology.

AMENDMENT NO. 359

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Decision Support System.

AMENDMENT NO. 360

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Development of Antiviral Prophylactics and Therapeutics.

AMENDMENT NO. 361

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Technologies Sensors and Payloads/Unattended SIGINT Node.

AMENDMENT NO. 362

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AELED IED/WMD Electronic Signature Detection.

AMENDMENT NO. 363

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Affordable Miniature FOPEN Radar Special operations Craft—Riverine (SOC–R).

AMENDMENT NO. 364

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Affordable Robust Mid-Sized Unmanned Ground Vehicle.

AMENDMENT NO. 365

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AESA Technology Insertion Program.

AMENDMENT NO. 366

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Control and Video Sensing for Robots.

AMENDMENT NO. 367

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Machine Vision for Mapping and Investigation of Remote Sites.

AMENDMENT NO. 368

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battle-Proven Packbot.

AMENDMENT NO. 369

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Biometric Optical Surveillance System.

AMENDMENT NO. 370

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Neurotoxin Research.

AMENDMENT NO. 371

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Toxin Treatment Therapy.

AMENDMENT NO. 372

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Broad Spectrum Therapeutic Countermeasure to OP Nerve Agents.

AMENDMENT NO. 373

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for California Enhanced Defense Small Manufacturing Suppliers Program.

AMENDMENT NO. 374

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Carbon Nanotube Thin Film Near Infrared Detector.

AMENDMENT NO. 375

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Resistance Clothing.

AMENDMENT NO. 376

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Threat Reduction Coating.

AMENDMENT NO. 377

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Copper-Base Casting Technology Applications.

AMENDMENT NO. 378

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Corrosion Resistant Ultrahigh-Strength Steel for Landing Gear.

AMENDMENT NO. 379

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Covert Waveform for Software Defined Radios.

AMENDMENT NO. 380

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Distributed Network Swtiching and Security.

AMENDMENT NO. 381

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for DLA VetBiz Initiative for National Sustainment.

AMENDMENT NO. 382

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for End to End Semi Fab Alpha Tool.

AMENDMENT NO. 383

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancement of Geo-location Systems.

AMENDMENT NO. 384

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Friendly Nanometal Electroplating Processes for Cadmium and Chromium Replacement.

AMENDMENT NO. 385

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Facility Security Using Tactical Surveys.

AMENDMENT NO. 386

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flashlight Soldier-to-Soldier Combat Identification System.

AMENDMENT NO. 387

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a GMTI Radar for Class II UAVs.

AMENDMENT NO. 388

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hand-held, Lethal Small Unmanned Aircraft System.

AMENDMENT NO. 389

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

AMENDMENT NO. 390

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hand-Held Apparatus for Mobile Mapping and Expedited Reporting.

AMENDMENT NO. 391

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for helicopter Cable Warning and Obstacle Avoidance.

AMENDMENT NO. 392

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Accuracy Network Determination System—Intelligent Optical Networks.

AMENDMENT NO. 393

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Speed Optical Interconnects for Next Generation Supercomputing.

AMENDMENT NO. 394

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Power Generating System.

AMENDMENT NO. 395

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for HyperAcute Vaccine Development.

AMENDMENT NO. 396

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improving Support to the Warfighter.

AMENDMENT NO. 397

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Analysis Environment.

AMENDMENT NO. 398

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Rugged Checkpoint Container.

AMENDMENT NO. 399

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR–GSA).

AMENDMENT NO. 400

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Gulf Range Complex Test and Training.

AMENDMENT NO. 401

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Services Aircrew Mask Don/Doff Inflight Upgrade.

AMENDMENT NO. 402

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lifetime Power for Wireless Control Sensors.

AMENDMENT NO. 403

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Stabilized Turret.

AMENDMENT NO. 404

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Material, Design and Fabrication Solutions for Advanced SEAL Delivery System External Structural Components.

AMENDMENT NO. 405

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for MEMS Sensors for Real-Time Sensing of Weaponized Pathogens.

AMENDMENT NO. 406

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniature Day Night Sight for Crew Served Weapons.

AMENDMENT NO. 407

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniaturized Chemical Detector for Chemical Warfare Protection.

AMENDMENT NO. 408

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived Bioweapons.

AMENDMENT NO. 409

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Missile Activity and Characteristics—Releasable.

AMENDMENT NO. 410

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Moldable Fabric Armor.

AMENDMENT NO. 411

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mosaic Camera Technology Transition.

AMENDMENT NO. 412

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-target Shipping Container Interrogation System Mobile Continuous Air Monitor.

AMENDMENT NO. 413

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for National Radio Frequency Research, Development and Technology Transfer.

AMENDMENT NO. 414

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optical Surveillance Equipment.

AMENDMENT NO. 415

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Device for Latent Fingerprint Identification.

AMENDMENT NO. 416

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Rapid Bacterial Warfare Detection Unit.

AMENDMENT NO. 417

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Potent Human Monoclonal Antibodies Against BoNT A, B and E Suited for Mass Production and Treatment of Large Populations.

AMENDMENT NO. 418

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protective Self-Decontaminating Surfaces.

AMENDMENT NO. 419

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Radio Inter-Operability System.

AMENDMENT NO. 420

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reduced Cost Supply Readiness.

AMENDMENT NO. 421

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Regenerative Filtration System for CBRN Defense.

AMENDMENT NO. 422

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote VBIED Detection and Defeat System.

AMENDMENT NO. 423

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Rigid Aeroshell Variable Bouyancy Air Vehicle.

AMENDMENT NO. 424

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Science, Technology, Engineering and Mathematics (STEM) Initiative.

AMENDMENT NO. 425

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Sea Catcher UAS Launch and Recovery System.

AMENDMENT NO. 426

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure, Miniaturized, Hybrid, Free Space, Optical Communications.

AMENDMENT NO. 427

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Self-decontaminating Polymer System for Chemical and Biological Warfare Agents.

AMENDMENT NO. 428

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical, Cargo, and Rotary Wing Aircraft Decon.

AMENDMENT NO. 429

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Thermal Pointer/Illuminator for Force Protection.

AMENDMENT NO. 430

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Total Perimeter Surveillance.

AMENDMENT NO. 431

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UAV Directed Energy Weapons Systems Payloads.

AMENDMENT NO. 432

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

AMENDMENT NO. 433

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Under-Vehicle Inspection System.

AMENDMENT NO. 434

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Unified Management Infrastructure System.

AMENDMENT NO. 435

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.

AMENDMENT NO. 436

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—SOCRATES High Assurance Platform Program.

AMENDMENT NO. 437

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an X-Band/W-Band Solid State Power Amplifier.

AMENDMENT NO. 438

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a 76mm Swarmbuster Capability.

AMENDMENT NO. 439

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

AMENDMENT NO. 440

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Accelerating Fuel Cells Manufacturability.

AMENDMENT NO. 441

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Battery System for Military Avionics Power Systems.

AMENDMENT NO. 442

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Capacity Build 12 and 14.

AMENDMENT NO. 443

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Manufacturing for Composite High-Speed Boat Design.

AMENDMENT NO. 444

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Fuel Filtration System.

AMENDMENT NO. 445

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Logistics Fuel Reformer for Fuel Cells (Phase II).

AMENDMENT NO. 446

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Manufacturing for Submarine Bow Domes and Rubber Boats.

AMENDMENT NO. 447

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aegis Research and Development.

AMENDMENT NO. 448

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air Readiness/Effectiveness Measurement Program.

AMENDMENT NO. 449

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

AMENDMENT NO. 450

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Arc Fault Circuit Breaker with Arc Location.

AMENDMENT NO. 451

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Automated Missile Tracking.

AMENDMENT NO. 452

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.

AMENDMENT NO. 453

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous UUV Delivery and Communication System Integration.

AMENDMENT NO. 454

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Bow Lifting Body Project.

AMENDMENT NO. 455

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Command and Control System Module.

AMENDMENT NO. 456

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Common Digital Sensor Architecture.

AMENDMENT NO. 457

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Safety System Controller.

AMENDMENT NO. 458

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Continuous Active Sonar for Torpedo DCL Systems.

AMENDMENT NO. 459

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cooperative Engagement Capability.

AMENDMENT NO. 460

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Countermine LIDAR UAV-Based Systems.

AMENDMENT NO. 461

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Motion Actuation Systems.

AMENDMENT NO. 462

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an EP–3E Requirements Capability Migration Systems Integration Lab.

AMENDMENT NO. 463

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Floating Area Network Littoral Sensor Grid.

AMENDMENT NO. 464

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flow Path Analysis Tool.

AMENDMENT NO. 465

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Power Technology.

AMENDMENT NO. 466

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an HBCU Applied Research Incubator.

AMENDMENT NO. 467

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Density Power Conversion and Distribution Equipment.

AMENDMENT NO. 468

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Power Density Motor Drive.

AMENDMENT NO. 469

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Highly Integrated Siloxane Optical Interconnect for Military Avionics.

AMENDMENT NO. 470

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Shock 100 Amp Current Limiting Circuit Breaker.

AMENDMENT NO. 471

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Temperature Superconductor Trap Field Magnet Motor.

AMENDMENT NO. 472

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.

AMENDMENT NO. 473

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Image-Based Navigation and Precision Targeting.

AMENDMENT NO. 474

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Improved Kinetic Energy Cargo Round.

AMENDMENT NO. 475

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infrared Materials Laboratory.

AMENDMENT NO. 476

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Advanced Ship Control.

AMENDMENT NO. 477

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Condition Assessment and Reliability Engineering.

AMENDMENT NO. 478

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Power System Power Dense Harmonic Filter Design.

AMENDMENT NO. 479

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Psycho-Social Healthcare Demonstration Project.

AMENDMENT NO. 480

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integration of Advanced Wide Field of View Sensor with Reusable, Reconfigureable Payload Processing Testbed System.

AMENDMENT NO. 481

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Retrieval of Imagery.

AMENDMENT NO. 482

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IP over Power Line Carrier Network Integration with ICAS.

AMENDMENT NO. 483

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Explosive Ordnance Disposal Diver Situational Awareness System.

AMENDMENT NO. 484

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.

AMENDMENT NO. 485

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Kinetic Hydropower System Turbine.

AMENDMENT NO. 486

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Landing Craft Composite Lift Fan.

AMENDMENT NO. 487

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Optimization Remote Lighting System.

AMENDMENT NO. 488

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Phalanx.

AMENDMENT NO. 489

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Composite Structure Development for Aerospace Vehicles.

AMENDMENT NO. 490

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lithium Ion Storage Advancement for Aircraft Applications.

AMENDMENT NO. 491

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Frequency Active Towed Sonar System Organic ASW Capability.

AMENDMENT NO. 492

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Signature Defensive Weapon System for Surface Combatant Craft.

AMENDMENT NO. 493

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Maintenance Free Operating Period.

AMENDMENT NO. 494

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Maintenance Planning and Assessment Technology Insertion.

AMENDMENT NO. 495

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Management of Lung Injury by Micronutrients.

AMENDMENT NO. 496

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Corps Cultural and Language Training Platform.

AMENDMENT NO. 497

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Mammal Awareness, Alert and Response Systems.

AMENDMENT NO. 498

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Mammal Detection System.

AMENDMENT NO. 499

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Micro-Drive for Future HVAC Systems.

AMENDMENT NO. 500

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Upset Recovery Training.

AMENDMENT NO. 501

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile, Oxygen, Ventilation and External (MOVES) System.

AMENDMENT NO. 502

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Advanced Vision System.

AMENDMENT NO. 503

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mold-in-Place Coating Development for the U.S. Submarine Fleet.

AMENDMENT NO. 504

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Moving Target Indicator Scout Radar.

AMENDMENT NO. 505

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Mission Unmanned Surface Vessel.

AMENDMENT NO. 506

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a NAVAIR High Fidelity Oceanographic Library.

AMENDMENT NO. 507

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Advanced Threat Simulator.

AMENDMENT NO. 508

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Electronic Warfare Simulator.

AMENDMENT NO. 509

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Scalable Lean Manufacturing Initiative—Phase Two.

AMENDMENT NO. 510

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Shipboard Integrated Power—Fuel Efficiency and Advanced Capability Enhancer.

AMENDMENT NO. 511

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non Traditional Ballistic Fiber and Fabric Weaving Applications for Force Protection.

AMENDMENT NO. 512

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Open Source Naval and Missile Database Reporting System.

AMENDMENT NO. 513

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Out of Autoclave Composite Processing.

AMENDMENT NO. 514

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Paragon (Frequency Extension).

AMENDMENT NO. 515

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Passive RFID Development.

AMENDMENT NO. 516

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Persistent Autonomous Maritime Surveillance.

AMENDMENT NO. 517

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Persistent Surveillance Wave Powerbuoy System.

AMENDMENT NO. 518

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Photovoltaic Rooftop Systems for Military Housing.

AMENDMENT NO. 519

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Engagement Technologies for Unmanned Systems.

AMENDMENT NO. 520

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pure Hydrogen Supply from Logistics Fuels.

AMENDMENT NO. 521

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Quiet Drive Advanced Rotary Actuator.

AMENDMENT NO. 522

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Regenerative Fuel Cell Back-up Power.

AMENDMENT NO. 523

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ship Model Testing.

AMENDMENT NO. 524

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Shipboard Wireless Maintenance Assistant.

AMENDMENT NO. 525

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shipboard Wireless Network.

AMENDMENT NO. 526

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silicon Carbide Wafer Production—Process Development for Low Defect Power Electronics.

AMENDMENT NO. 527

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SSBN(X) Systems Development.

AMENDMENT NO. 528

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Automated Test and Re-Test.

AMENDMENT NO. 529

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Fatline Vector Sensor Towed Array.

AMENDMENT NO. 530

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Navigation Decision Aids.

AMENDMENT NO. 531

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Panoramic Awareness System.

AMENDMENT NO. 532

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine System Biometrics Access Control.

AMENDMENT NO. 533

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical High Speed Anti-Radiation Missile Propulsion Demonstration.

AMENDMENT NO. 534

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Ohio Class Replacement Composite Non-Pressure Hull Fairing.

AMENDMENT NO. 535

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Voyage Repair Team Tool Management.

AMENDMENT NO. 536

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wide Area Sensor Force Protection Targeting.

AMENDMENT NO. 537

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Workforce Requirements Planning—Team Enhancement.

AMENDMENT NO. 538

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for X–49A Envelope Expansion Modifications.

AMENDMENT NO. 539

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battlefield Sensor Netting.

AMENDMENT NO. 540

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Small Arms Protective Insert.

AMENDMENT NO. 541

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Near Infrared Optical Augmentation System.

AMENDMENT NO. 542

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Aiming and Sighting Optical Retrofit.

AMENDMENT NO. 543

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligent Graphics Torpedo Test Set Troubleshooting Maintainers Aid.

AMENDMENT NO. 544

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Torpedo P5U Test Equipment Modernization.

AMENDMENT NO. 545

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Life Support for Trauma and Transport.

AMENDMENT NO. 546

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for environmentally Sealed, Ruggedized Avionics Displays.

AMENDMENT NO. 547

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for RDT&E for the Family of Heavy Tactical Vehicles (FHTV).

AMENDMENT NO. 548

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hyper Spectral Sensor for Improved Force Protection.

AMENDMENT NO. 549

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Driver Situational Awareness.

AMENDMENT NO. 550

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Clinical Trial to Investigate Efficacy of Human Skin Substitute.

AMENDMENT NO. 551

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army/Joint STARS Surveillance and Control Data Link Technology Refresh.

AMENDMENT NO. 552

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the MacDill Air Force Base Online Technology Program.

AMENDMENT NO. 553

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000

Account	Project	Amount
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM / STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/ Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ–25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP–3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC)	Global Supply Chain Management.	$1,000,000

It was decided in the negative ..... { Yeas ..... 82; Nays ..... 342; Answered present 11 }

¶103.27 [Roll No. 671]

AYES—82

Bachmann
Blackburn
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Himes
Hoekstra
Issa
Jenkins
Johnson (IL)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Marchant
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Pence
Petri
Pitts
Price (GA)
Quigley
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Tiberi
Walden
Wamp
Westmoreland
Wittman

NOES—342

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)

Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—4

Edwards (MD)
McCarthy (NY)
Tonko
Waters

So the amendment was not agreed to.

¶103.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part C of House Report 111-233, submitted by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title II under the heading ''Operation and Maintenance, Marine Corps'' shall be available for the MGPTS Type III or Rapid Deployable Shelter project, and the amount otherwise provided under such heading is hereby reduced by $3,000,000.

It was decided in the negative { Yeas ..... 81 / Nays ..... 353 }

¶103.29 [Roll No. 672]

AYES—81

Bachmann
Barrett (SC)
Blackburn
Blunt
Boehner
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Walden
Wamp
Westmoreland
Wittman

NOES—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

McCarthy (NY)
Pingree (ME)
Sablan
Sutton
Waters

So the amendment was not agreed to.

¶103.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in Part C of House Report 111-233, submitted by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title IV under the heading ''Research, Development, Test and Evaluation, Army'' shall be available for the Model for Green Laboratories and Clean Rooms project, and the amount otherwise provided under such heading is hereby reduced by $1,500,000.

It was decided in the negative { Yeas ..... 99 / Nays ..... 338 }

¶103.31 [Roll No. 673]

AYES—99

Austria
Bachmann
Barrett (SC)
Bean
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn

Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller, Gary
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—338

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—2

McCarthy (NY)
Rush

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. ALTMIRE, assumed the Chair.

When Mr. HOLDEN, Acting Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to House Resolution 685, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 8, line 11, before the period at the end, insert the following: ''*: Provided*, That $60,199,000 shall be made available for the Joint POW/MIA Accounting Command''.

Page 8, line 11, after the dollar amount, insert the following: ''(increased by $1,000,000) (reduced by $1,000,000)''.

Page 103, line 3, strike ''$10,000,000'' and insert ''12,000,000''.

Page 118, after line 15, insert the following new sections:

SEC. 8120. None of the funds appropriated or otherwise made available in this Act may be used for advance procurement of the F–22 aircraft: *Provided*, That $368,800,000 of the funds made available in title III under the heading ''Aircraft Procurement, Air Force'' may be available for the following programs in the following amounts:

(1) $64,000,000 for production line shut down activities for the F–22.

(2) $138,800,000 for spare engines for F–22 and C–17 aircraft.

(3) $79,000,000 for LAIRCM kits for the Air National Guard.

(4) $37,000,000 for advanced targeting pods.

(5) $50,000,000 for advanced radar development.

SEC. 8121. The amount appropriated in title VI under the heading ''Defense Health Program'' for operation and maintenance is hereby reduced by $26,000,000 and the amount appropriated under such heading for research, development, test, and evaluation is hereby increased by $26,000,000.

SEC. 8122. None of the funds appropriated or otherwise made available in this Act may be used to award to a contractor, or convert to performance by a contractor, the provision of utilities at the United States Military Academy at West Point.

SEC. 8123. The amounts otherwise provided by this Act are revised by reducing the amount made available under title II under the heading ''Operation and Maintenance, Air Force'', and increasing the amount available under title VI under the heading ''Chemical Agents and Munitions Destruction, Defense'', by $50,000,000.

SEC. 8124. None of the funds appropriated or otherwise made available in this Act may be used by the Secretary of the Army to convert government-owned ammunition production assets to the private sector.

Page 122, line 3, strike ''*Provided*, That'' and insert ''*Provided*, That up to $241,503,000 of the amount under this heading shall be transferred to the Coast Guard 'Operating Expenses' account: *Provided further*, That''.

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the use of hyperbaric oxygen therapy (in this section referred to as ''HBOT'') under the Secretary of Defense. Such report shall include the following:

(1) The number of members of the Armed Forces, veterans, and civilians being treated with HBOT.

(2) The types of conditions being treated with HBOT and the respective success rates for each condition.

(3) The current inventory of all hyperbaric chambers being used by the Secretary of Defense (including the locations, the purposes, and the rate of use of such chambers).

(4) Any plans for expanding the use of HBOT for treatment.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. FRELINGHUYSEN moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

Page 2, line 22, after the dollar amount, insert ''(increased by $100,000,000)

Page 26, line 9, after the dollar amount, insert ''(increased by $304,800,000)''.

Page 29, line 21, after the dollar amount, insert ''(reduced by $404,800,000)''.

In section 8120, strike ''None of the funds appropriated'' and all that follows through ''$368,800,000 of the funds'' and insert ''Funds''.

In section 8120, strike paragraph (1) (and redesignate subsequent paragraphs accordingly):

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. FRELINGHUYSEN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 169 / Nays 261

¶103.32 [Roll No. 674]

AYES—169

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Perriello
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Scott (GA)
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—261

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

McCarthy (NY) McHugh Shuster

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 30

¶103.33 [Roll No. 675]

YEAS—400

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tanner

Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—30

Baldwin
Blumenauer
Campbell
Duncan
Ellison
Filner
Flake
Frank (MA)
Griffith
Johnson (IL)
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
McDermott
Miller, George
Moore (WI)
Paul
Payne
Royce
Schakowsky
Sensenbrenner
Serrano
Speier
Stark
Tierney
Towns
Waters
Watt
Welch

NOT VOTING—3

McCarthy (NY)
Murphy, Tim
Spratt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶103.34 PROVIDING FOR CONSIDERATION OF H.R. 2749

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 691):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶103.35 ADJOURNMENT OF THE TWO HOUSES

Ms. SLAUGHTER, submitted the following privileged concurrent resolution (H. Con. Res. 172):

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. LUCAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 191

¶103.36 [Roll No. 676]

YEAS—231

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gerlach
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Young (AK)

NAYS—191

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Maffei
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg

Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—11

Grijalva
Lofgren, Zoe
Mack
McCarthy (NY)
Payne
Ryan (OH)
Sanchez, Loretta
Schwartz
Van Hollen
Yarmuth
Young (FL)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶103.37 H. RES. 691—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business is to be the question of agreeing to said resolution (H. Res. 691) providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 249 / Nays 180

¶103.38 [Roll No. 677]

YEAS—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—4

McCarthy (NY)
Price (GA)
Sanchez, Loretta
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶103.39 H.R. 2728—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2728) to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 44

¶103.40 [Roll No. 678]

AYES—383

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin

Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—44

Akin
Bartlett
Blackburn
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Cassidy
Coble
Coffman (CO)
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Herger
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Lamborn
Lummis
Marchant
McHenry
Miller (FL)
Neugebauer
Olson
Paul
Petri
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Stearns
Westmoreland
Wilson (SC)

NOT VOTING—6

Berman
McCarthy (NY)
Moore (WI)
Price (GA)
Sanchez, Loretta
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶103.41 H.R. 2510—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2510) to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶103.42 COMMUNICATION FROM COMMITTEE CHAIRMAN—APPOINTMENT—UNITED STATES COAST GUARD ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2009.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking member John L. Mica (Florida) to serve on the Board of Visitors.

Since is founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of ''educating, training, and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country.'' The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶103.43 PROVIDING FOR CONSIDERATION OF H.R. 3269

Ms. PINGREE of Maine, by direction of the Committee on Rules, reported (Rept. No. 111–237) the resolution (H. Res. 697) providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

When said resolution and report were referred to the House Calendar and ordered printed.

¶103.44 FOOD SAFETY ENHANCEMENT

Mr. DINGELL, pursuant to House Resolution 691, called up for consideration the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 691, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, the following amendment in the nature of a substitute printed in House Report 111-235, was considered as agreed to:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Food Safety Enhancement Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Rules of construction.
Sec. 5. USDA exemptions.
Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

Sec. 101. Changes in registration of food facilities.
Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.
Sec. 103. Performance standards.
Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
Sec. 105. Risk-based inspection schedule.

Sec. 106. Access to records.
Sec. 107. Traceability of food.
Sec. 108. Reinspection and food recall fees applicable to facilities.
Sec. 109. Certification and accreditation.
Sec. 110. Testing by accredited laboratories.
Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
Sec. 112. Reportable food registry; exchange of information.
Sec. 113. Safe and secure food importation program.
Sec. 114. Infant formula.

Subtitle B—Intervention

Sec. 121. Surveillance.
Sec. 122. Public education and advisory system.
Sec. 123. Research.

Subtitle C—Response

Sec. 131. Procedures for seizure.
Sec. 132. Administrative detention.
Sec. 133. Authority to prohibit or restrict the movement of food.
Sec. 134. Criminal penalties.
Sec. 135. Civil penalties for violations relating to food.
Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

Sec. 201. Food substances generally recognized as safe.
Sec. 202. Country of origin labeling.
Sec. 203. Exportation certificate program.
Sec. 204. Registration for commercial importers of food; fee.
Sec. 205. Registration for customs brokers.
Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
Sec. 208. Dedicated foreign inspectorate.
Sec. 209. Plan and review of continued operation of field laboratories.
Sec. 210. False or misleading reporting to FDA.
Sec. 211. Subpoena authority.
Sec. 212. Whistleblower protections.
Sec. 213. Extraterritorial jurisdiction.
Sec. 214. Support for training institutes.
Sec. 215. Bisphenol A in food and beverage containers.
Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

(1) any cause of action under State law; or

(2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.''.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

''(1)(A) The term 'facility' means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

''(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

''(C)(i) The term 'retail food establishment' means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

''(ii) Such term includes—

''(I) grocery stores;

''(II) convenience stores;

''(III) vending machine locations; and

''(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

''(iii) A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

''(D)(i) The term 'farm' means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

''(ii) Such term includes—

''(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

''(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

''(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

''(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

''(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

''(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause

(ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

''(iv) The term 'harvesting' includes washing, trimming of outer leaves of, and cooling produce.

''(E) The term 'consumer' does not include a business.''.

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking ''require that'' and inserting ''require that, on or before December 31 of each year,''; and

(ii) by striking ''food for consumption in the United States'' and inserting ''food for consumption in the United States or for export from the United States'';

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting ''and pay the registration fee required under section 743'' after ''submit a registration to the Secretary'' each place it appears;

(C) in the first sentence of paragraph (2), by inserting ''in electronic format'' after ''submit''; and

(D) in paragraph (4), by inserting after the first sentence the following: ''The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.''.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as amended by paragraph (1), is amended by striking ''containing information'' and all that follows and inserting the following: ''containing information that identifies the following:

''(A) The name, address, and emergency contact information of the facility being registered.

''(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

''(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

''(D) All trade names under which the facility conducts business related to food.

''(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

''(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

''(G) The unique facility identifier of the facility, as specified under section 1011.

''(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.''.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

''(5) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

''(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

''(i) notice to the facility of the intent to suspend the registration; and

''(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

''(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

''(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(6) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

''(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

''(ii) the required registration fee has not been paid within 30 days after the date due.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

''(A) The number of facilities registered under this section.

''(B) The number of such facilities that are domestic.

''(C) The number of such facilities that are foreign.

''(D) The number of such facilities that are high-risk.

''(E) The number of such facilities that are low-risk.

''(F) The number of such facilities that hold food.

''(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.''.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

''PART 6—FEES RELATING TO FOOD

''SEC. 743. FACILITY REGISTRATION FEE.

''(a) IN GENERAL.—

''(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

''(2) PAYABLE DATE.—A fee under this section shall be payable—

''(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

''(B) for any other facility—

''(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

''(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

''(b) FEE AMOUNTS.—

''(1) IN GENERAL.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

''(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

''(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than $175,000 in aggregate fees under this section for such fiscal year.

''(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

''(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

''(3) ADJUSTMENT FACTOR.—In this subsection, the term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

''(e) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in

the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs of food safety activities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the regulated industry, consumers, and other interested stakeholders.

''(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'costs of food safety activities' means the expenses incurred in connection with food safety activities for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

''(B) laboratory capacity;

''(C) management of information, and the acquisition, maintenance, and repair of technology resources;

''(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(E) collecting fees under this section and accounting for resources allocated for food safety activities.

''(2) The term 'food safety activities' means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).''.

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2) and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

''(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

''(1) conduct a hazard analysis (or more than one if appropriate);

''(2) identify and implement effective preventive controls;

''(3) monitor preventive controls;

''(4) institute corrective actions when—

''(A) monitoring shows that preventive controls have not been properly implemented; or

''(B) monitoring and verification show that such controls were ineffective;

''(5) conduct verification activities;

''(6) maintain records of monitoring, corrective action, and verification; and

''(7) reanalyze for hazards.

''(b) IDENTIFICATION OF HAZARDS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally or that may be unintentionally introduced.

''(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely to occur in the absence of preventive controls.

''(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

''(c) PREVENTIVE CONTROLS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

''(2) IDENTIFIED BY THE SECRETARY.—

''(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

''(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

''(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

''(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

''(1) no affected product from such facility enters commerce; and

''(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

''(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

''(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

''(2) the facility is conducting monitoring in accordance with subsection (d);

''(3) the facility is taking effective corrective actions under subsection (e); and

''(4) the preventive controls are effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

''(g) REQUIREMENT TO REANALYZE AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the evaluation under subsection (b) for the facility and, as necessary, revise the hazard analysis under subsection (b)(3) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the hazard analysis; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

''(i) DEFINITIONS.—For purposes of this section:

''(1) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to be registered under section 415.

''(2) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

''(A) Sanitation procedures and practices.

''(B) Supervisor, manager, and employee hygiene training.

''(C) Process controls.

''(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

''(E) Good manufacturing practices.

''(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

''(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

''(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

"SEC. 418A. FOOD SAFETY PLAN.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a 'food safety plan').

''(b) CONTENTS.—The food safety plan shall include each of the following elements:

''(1) The hazard analysis and any reanalysis conducted under section 418.

''(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

''(3) A description of the procedures for monitoring preventive controls.

''(4) A description of the procedures for taking corrective actions.

''(5) A description of verification activities for the preventive controls, including validation that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

''(6) A description of the facility's recordkeeping procedures.

''(7) A description of the facility's procedures for the recall of articles of food, whether voluntarily or when required under section 422.

''(8) A description of the facility's procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

''(9) A description of the facility's procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

''(10) A description of the facility's procedures to implement the science-based performance standards issued under section 419.''.

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) SMALL BUSINESSES.—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) CONSIDERATION.—When implementing sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) EFFECTIVE DATE.—

(A) GENERAL RULE.—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.—

(1) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

''(k) If it is manufactured or processed in a facility that is in violation of section 418B.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

''(a) AUTHORITY.—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

''(b) CONSIDERATIONS.—The Secretary shall require submissions under subsection (a)—

''(1) as the Secretary determines feasible and appropriate; and

''(2) taking into consideration available data and information on the potential risks posed by the facility.

''(c) BEGINNING DATE.—The date specified in this subsection is the sooner of—

''(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

''(2) the date that is 2 years after the date of the enactment of this section.

''(d) PILOT PROJECTS.—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

''(e) FEASIBILITY STUDY.—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good

manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

''(f) LIMITATIONS.—Nothing in this section shall be construed—

''(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

''(2) to limit the Secretary's authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

''(g) DEFINITION.—In this section, the term 'category 1 facility' means a category 1 facility within the meaning of section 704(h).''.

(c) FOOD DEFENSE.—

(1) ADULTERATION.—Section 402(j), as added by subsection (a), is amended by striking ''and 418A'' and inserting '', 418A, or 418C''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 418C. FOOD DEFENSE.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a 'food defense plan').

''(b) CONTENTS.—The food defense plan shall include each of the following elements:

''(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

''(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

''(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

''(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

''(A) to reduce the likelihood of recurrence of the failure; and

''(B) to assess the consequences of the failure.

''(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

''(6) A description of the facility's recordkeeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

''(c) HAZARD.—For purposes of this section, the term 'hazard that may be intentionally introduced, including by an act of terrorism' means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

''(1) a targeting assessment tool recommended by the Secretary by guidance; or

''(2) a comparable targeting assessment tool.

''(d) FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.—

''(1) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

''(2) ALTERNATIVE MEASURES.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

''(e) REQUIREMENT TO REASSESS AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the food defense assessment; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(f) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

''(g) ACCESS TO PLAN.—

''(1) ON INSPECTION.—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

''(2) NONDISCLOSURE.—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.''.

(3) PROHIBITION.—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after ''entitled to protection'' the following: ''or a food defense plan, or any information derived from such a plan, under section 418C''.

SEC. 103. PERFORMANCE STANDARDS.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

''(l) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.''.

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

''SEC. 419. PERFORMANCE STANDARDS.

''(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate, to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

''(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

''(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

''(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.''.

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

''(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.''.

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

''SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

''(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

''(1) that are a fruit, vegetable, nut, or fungus; and

''(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

''(b) CONTENTS.—The regulations under subsection (a)—

''(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

''(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

''(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

''(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

''(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

''(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

''(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(6) may provide for coordination of education and enforcement activities;

''(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

''(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

''(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

''(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.''.

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled ''Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables'' (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

''(h)(1) Each facility registered under section 415 shall be inspected—

''(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

''(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

''(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

''(B) at a frequency determined pursuant to a risk-based schedule.

''(2) For purposes of paragraph (1)(A), the Secretary—

''(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

''(B) may limit such recognition to inspections of specific commodities or food types.

''(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

''(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

''(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

''(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

''(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

''(5) The Secretary—

''(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

''(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

''(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

''(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

''(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary's recommendations in such report; and

''(ii) after such publication, implement the adjustments; and

''(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

''(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

''(A) the type of food manufactured, processed, packed, or held at the facility;

''(B) the compliance history of the facility;

''(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

''(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

''(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.''.

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(a) RECORDS ACCESS.—

''(1) RECORDS ACCESS DURING AN INSPECTION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in

the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

''(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

''(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

''(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

''(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives, holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

''(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator, or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years

''(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

''(3) LIMITED RECORDS ACCESS ON FARMS.—

''(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

''(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

''(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

''(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

''(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

''(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

''(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

''(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

''(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

''(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable, nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

''(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

''(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

''(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

''(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.''.

(b) REGULATIONS CONCERNING RECORDKEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(b) REGULATIONS CONCERNING RECORDKEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant's suppliers and subsequent distribution other than to consumers.''.

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking ''(excluding farms or restaurants)'' and inserting ''(excluding farms, except as provided in section 414(a)(3))'';

(B) by inserting ''receives,'' before ''holds'';

(C) by striking ''described in section 414'' and inserting ''described in or required under section 414''; and

(D) by striking ''when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A''; and

(2) in the fourth sentence—

(A) by striking ''the preceding sentence'' and inserting ''either of the preceding two sentences''; and

(B) by inserting ''recipes for food,'' before ''financial data,''.

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting '', the violation of any requirement of the food tracing system under section 414(c);'' before ''or the refusal to permit access to or verification or copying of any such required record''.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the requirements of section 414 have not been complied with regarding such article,'' before ''then such article shall be refused admission''.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) TRACING SYSTEM FOR FOOD.—

''(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

''(2) INFORMATION GATHERING.—

''(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

''(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

''(I) maintain the full pedigree of the origin and previous distribution history of the food;

''(II) link that history with the subsequent distribution of the food;

''(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

''(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

''(ii) to the extent practicable, assess—

''(I) the costs and benefits associated with the adoption and use of such technologies;

''(II) the feasibility of such technologies for different sectors of the food industry; and

''(III) whether such technologies are compatible with the requirements of this subsection.

''(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

''(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

''(3) REGULATION.—

''(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as practicable but no longer than 2 business days.

''(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

''(i) the establishment and maintenance of lot numbers;

''(ii) a standardized format for pedigree information; and

''(iii) the use of a common nomenclature for food.

''(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

''(i) shall coordinate with the Secretary of Agriculture; and

''(ii) take into account the nature of the impact of the regulations on farms.

''(4) EXEMPTIONS AND LIMITATIONS.—

''(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

''(i) produced on a farm; and

''(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

''(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

''(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

''(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) The term 'grain or similarly handled commodity' means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

''(II) The term 'warehouse operator' has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

''(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

''(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D), the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

''(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

''(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph (A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.''.

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

''SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

''(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

''(1) that—

''(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

''(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

''(2) during such fiscal year is subject to a food recall.

''(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

''(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

''(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs referred to in subsection (b).

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an entity as a result of a food recall that the Secretary determines was inappropriately ordered.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

''(aa) If it is part of a shipment offered for import into the United States and such shipment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: ''If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.'';

(2) in the second sentence of section 801(b), by striking ''the fourth sentence'' and inserting ''the fifth sentence''; and

(3) by adding at the end of section 801 the following:

''(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

''(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

''(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a

threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

''(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

''(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the certification include additional information regarding compliance.

''(C) ADEQUATE GOVERNMENT CONTROLS.—

''(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or territory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

''(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

''(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term 'qualified certifying entity' means—

''(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

''(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

''(3) NO CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

''(B) REGULATIONS.—Such regulations shall require that—

''(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

''(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

''(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

''(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

''(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

''(vi) the qualified certifying entity shall—

''(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

''(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

''(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

''(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

''(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

''(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

''(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

''(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

''(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

''(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

''(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

''(C) DEFINITIONS.—In this paragraph:

''(i) The term 'anything of value' includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

''(ii) The term 'direct financial interest' does not include any ownership of mutual funds that have a financial interest in a company.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

''(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

''(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certifications from a qualified certifying entity, the Secretary may—

''(A) observe on-site audits of qualified certifying entities by such accreditation body; or

''(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

''(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

''(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.''.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).''.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 714. TESTING BY ACCREDITED LABORATORIES.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

''(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

''(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

''(2) INDEPENDENCE OF LABORATORY.—

''(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

''(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

''(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

''(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

''(1) observe onsite audits of laboratories by such accreditation bodies; or

''(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an onsite audit of the laboratory, which shall include access to, and copying and verification of, any related records.

''(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

''(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

''(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

''(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

''(1) the results of all analyses conducted by the laboratory on each sample of such article; and

''(2) all information the Secretary deems appropriate to—

''(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

''(B) identify the article tested;

''(C) evaluate the analytical results; and

''(D) determine whether the requirements of this section have been met.

''(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

''(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

''(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

''(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

''(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.''.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following:

''(vv)(1) The failure to notify the Secretary in violation of section 420(a).

''(2) The failure to comply with any order issued under section 420.''.

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following:

''SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

''(a) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—

''(1) IN GENERAL.—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

''(b) VOLUNTARY RECALL.—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

''(1) recall such article; and

''(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(c) ORDER TO CEASE DISTRIBUTION.—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

''(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(e) ORDER TO RECALL.—

''(1) AMENDMENT.—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

''(2) CONTENTS.—An amended order under paragraph (1) shall—

''(A) specify a timetable in which the recall will occur;

''(B) require periodic reports to the Secretary describing the progress of the recall; and

''(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

''(3) NONDELEGATION.—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(f) EMERGENCY RECALL ORDER.—

''(1) IN GENERAL.—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

''(A) to immediately recall such article; and

''(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(2) ACTION FOLLOWING ORDER.—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(3) NONDELEGATION.—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

''(g) NOTICE TO CONSUMERS AND HEALTH OFFICIALS.—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

''(h) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

''(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, an article under any other provision of this Act or the Public Health Service Act; or

''(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.''.

(c) ARTICLES SUBJECT TO REFUSAL.—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting ''or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,'' before ''then such article shall be refused admission''.

(d) EFFECTIVE DATE.—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act, as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) REPORTABLE FOOD REGISTRY.—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking ''means a person'' and all that follows through the end of paragraph (1) and inserting the following: ''means—

''(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

''(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

''(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

''(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.'';

(2) in subsection (b), by adding at the end the following:

''(3) REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.'';

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''following a timely review of any reasonably available data and information,'' after ''reportable food,'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

''(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

''(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

''(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

''(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

''(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and''; and

(4) in subsection (e)—

(A) in paragraph (1), by inserting ''if the responsible party is required to register'' after ''415(a)(3)''; and

(B) by adding at the end the following:

''(12) Such additional information as the Secretary deems appropriate.''.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) The Secretary''; and

(2) by adding at the end the following:

''(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

''(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

''(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

''(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

''(A) to any foreign government agency; or

''(B) any international organization established by law, treaty, or other governmental action and having responsibility—

''(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

''(ii) to promote and coordinate public health efforts,

if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

''(c) Except where specifically prohibited by statute, the Secretary may disclose to the public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

''(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

''(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

''(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.''.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking ''or to the courts when relevant in any judicial proceeding under this Act,'' and inserting ''to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708,''.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

''(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

''(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

''(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

''(3) provides supporting information to the Secretary.

''(b) GUIDELINES.—

''(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs, such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

''(2) FACTORS.—Such guidelines shall take into account the following factors:

''(A) The personnel of the person importing the food.

''(B) The physical and procedural safety and security of such person's food supply chain.

''(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

''(D) Vendor and supplier information.

''(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

''(F) Such other factors as the Secretary determines necessary.''.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

''(bb) If it is a new infant formula and—

''(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

''(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

''(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.''.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking ''(c)(1)'' at the end and inserting ''(d)(1), subject to subsection (d)(2)(B)'';

(2) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting '', and''; and

(C) by adding at the end the following:

''(E) information on any new ingredient in accordance with paragraph (2)(A).'';

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

''(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

''(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

''(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

''(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

''(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.''.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) REVIEW.—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting ''and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case'' after ''in any such case shall be tried by jury''.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) AMENDMENTS.—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking ''credible evidence or information indicating'' and inserting ''reason to believe'';

(2) in paragraph (1)(A), by striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated, misbranded, or otherwise in violation of this Act'';

(3) in paragraph (2), by striking ''30'' and inserting ''60'';

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms ''five'' and ''five-day'' and inserting ''fifteen'' and ''fifteen-day'', respectively.

(b) REGULATIONS.—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is amended by adding at the end by adding the following:

''(ww) The violation of a prohibition or restriction under section 304(i).''.

(b) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

''(i) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.—

''(1) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.—

''(A) IN GENERAL.—

''(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

''(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

''(2) NOTIFICATION PROCEDURES.—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected by the proposed action;

''(B) issue a public announcement of the proposed action; and

''(C) publish in the Federal Register—

''(i) the findings of the Secretary that support the proposed action;

''(ii) a statement of the reasons for the proposed action; and

''(iii) a description of the proposed action, including—

''(I) the area affected; and

''(II) an estimate of the anticipated duration of the action.

''(3) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

''(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

''(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

''(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

''(B) issue a public announcement of the continuation of the action; and

''(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

''(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).''.

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any''; and

(2) by adding at the end the following:

''(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

''(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $20,000 in the case of an individual, not to exceed $50,000 in a single proceeding; and

''(ii) $250,000 in the case of any other person, not to exceed $1,000,000 in a single proceeding.

''(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $50,000 in the case of an individual, not to exceed $100,000 in a single proceeding; and

''(ii) $500,000 in the case of any other person, not to exceed $7,500,000 in a single proceeding.

''(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

''(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

''(yy) The failure to submit information relating to food that is required by or under section 801.''.

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

''(r) DOCUMENTATION.—

''(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

''(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.''.

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

''Substances Generally Recognized as Safe

''(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration's public Web site.

''(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

''(3) In this subsection, the term 'GRAS food substance' means a substance excluded from the definition of the term 'food additive' in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.''.

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

''(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

''(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.''.

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting ''from the United States'' after ''exports''; and

(B) by striking ''a drug, animal drug, or device'' and inserting ''a food (including animal feed), drug, animal drug, or device'';

(2) in subparagraph (A)(i)—

(A) by striking ''in writing''; and

(B) by striking ''exported drug, animal drug, or device'' and inserting ''exported food, drug, animal drug, or device'';

(3) in subparagraph (A)(ii)—

(A) by striking ''in writing'';

(B) by striking ''the drug, animal drug, or device'' and inserting ''the food, drug, animal drug, or device''; and

(C) by striking ''the drug or device'' and inserting ''the food, drug, or device'';

(4) by redesignating subparagraph (B) as subparagraph (C);

(5) by inserting after subparagraph (A) the following:

''(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.''; and

(6) by adding at the end the following:

''(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.''.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

''(zz) The failure to register in accordance with section 801(s).''.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

''(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).''.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

''(s) REGISTRATION OF IMPORTERS.—

''(1) REGISTRATION.—The Secretary shall require an importer of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

''(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

''(B) The measures under subparagraph (A) shall ensure that the importer of a food—

''(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

''(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

''(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

''(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

''(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

''(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

''(3) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

''(i) a violation of this Act; or

''(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

''(B) REQUEST.—The importer whose registration is suspended may request that the Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

''(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(4) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.''.

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

''PART 7—IMPORTERS OF FOOD

''SEC. 744. IMPORTERS OF FOOD.

''(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

''(b) AMOUNT OF FEE.—

''(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

''(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

''(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for

fees under this section such sums as may be necessary.''.

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

''(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting ''or 801(t)'' after ''801(s)''.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting ''or a customs broker'' after ''by an importer''; and

(B) by inserting ''or 801(t)'' after ''801(s)''.

(3) REGISTRATION.—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

''(t) REGISTRATION OF CUSTOMS BROKER.—

''(1) REGISTRATION.—The Secretary shall require a customs broker, with respect to the importation of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the customs broker is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(3) NOTIFICATION.—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

''(4) EXEMPTIONS.—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.

''(5) CIVIL PENALTIES.—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).''.

(4) REGULATIONS.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

''(j) BROKERS.—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

''SEC. 1011. UNIQUE FACILITY IDENTIFIER.

''(a) REGISTRATION OF FACILITY OR ESTABLISHMENT.—A person required to register a facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

''(b) REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

''(c) GUIDANCE.—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

''(d) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.''.

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

''(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.''.

(b) FOREIGN INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting '', including any such food factory, warehouse, or establishment whether foreign or domestic,'' after ''factory, warehouse, or establishment''; and

(2) in the third sentence, by inserting '', including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,'' after ''factory, warehouse, establishment, or consulting laboratory''.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

''(k) DEDICATED FOREIGN INSPECTORATE.—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.''.

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) SUBMISSION OF PLAN.—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b), the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) SPECIFIED LABORATORIES AND OFFICES.—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) CONGRESSIONAL REVIEW.—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) IN GENERAL.—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after ''device'' the following: '', food,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to submissions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) PROHIBITED ACT.—Section 301(f) is amended by inserting before the period ''or the failure or refusal to obey a subpoena issued pursuant to section 311''.

(b) AMENDMENT.—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

''SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

''(a) IN GENERAL.—For the purpose of—

''(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

''(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food,

the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

''(b) TIMING OF COMPLIANCE.—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

''(c) SERVICE OF SUBPOENA.—

''(1) IN GENERAL.—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business.

''(2) CORPORATIONS AND OTHER ENTITIES.—Service on a domestic or foreign corporation,

partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

''(3) PERSON OUTSIDE U.S. JURISDICTION.—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

''(4) PROOF OF SERVICE.—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

''(d) PAYMENT OF WITNESSES.—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

''(e) ENFORCEMENT.—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

''(f) NONDISCLOSURE.—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

''(1) furtherance of a potential violation under investigation;

''(2) endangerment to the life or physical safety of any person;

''(3) flight or other action to avoid prosecution or other enforcement remedies;

''(4) destruction of or tampering with evidence; or

''(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

''(g) RELATION TO OTHER PROVISIONS.—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

''(h) NONDELEGATION.—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.''.

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

''SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

''(a) IN GENERAL.—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

''(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate the misconduct);

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

''(3) to refuse to commit or assist in any such violation.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) ISSUANCE OF ORDER.—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

''(A) to take affirmative action to abate the violation;

''(B) to—

''(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

''(ii) restore the terms, conditions, and privileges associated with his or her employment; and

''(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.''.

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

''(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.''.

(b) JURISDICTION.—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

''SEC. 312. EXTRATERRITORIAL JURISDICTION.

''There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.''.

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) NOTICE OF DETERMINATION.—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults,

for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) NOTICE OF ACTIONS TO BE TAKEN.—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) RULE OF CONSTRUCTION.—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

''(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

''(1) the product and its packaging bear the statement: 'This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.'; or

''(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

''SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

''(1) the content of lead in ceramicware and its glaze;

''(2) existing Federal laws and regulations governing lead in ceramicware;

''(3) as appropriate, existing industry practices and guidelines; and

''(4) the labeling requirements applicable under this Act.

''(b) TOPICS.—The education under this section shall address—

''(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

''(2) the safety of ceramicware that is aged or damaged;

''(3) the use of ceramicware in microwave ovens;

''(4) the storage of foods in ceramicware;

''(5) the use of home lead test kits by consumers;

''(6) the use of ceramicware by children and women of childbearing age; and

''(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.''.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 691, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LUCAS moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 21, lines 3 and 4, strike subparagraph (B) and insert the following:

''(B) shall only be collected and available as follows:

''(i) Fifty percent shall be available to defray the costs of additional safety inspection of food in the United States.

''(ii) Fifty percent shall be available for use under section 137 of the Food Safety Enhancement Act of 2009.

Page 23, line 8, strike ''and''.

Page 23, line 11, strike the period and insert ''; and''.

Page 23, after line 11, insert the following:

''(F) preemptive purchase of product from facilities as defined in section 415.''.

At the end of subtitle C of title I add the following (and revise the table of contents in section 2 accordingly):

SEC. 137. PREEMPTIVE PURCHASE.

(a) IN GENERAL.—From the fees collected under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by section 102, the Secretary of Health and Human Services may make a preemptive purchase related to activities by the Government in carrying out any provision of this Act or an amendment made by this Act.

(b) LIMITATION.—Notwithstanding subsection (a), the Secretary shall not make any payment under such subsection in excess of the amount of fees available under section 743(e)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act, as added by section 102.

Pending consideration of said motion to recommit with instructions.

¶103.45 POINT OF ORDER

Mr. DINGELL made a point of order against said motion, and said:

''Under rule XVI, clause 7, and the language of the rule, it says no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And I'd point out that that is applicable to the questions before us. I would note that the language of the motion does take and separates the receipts that will be gotten from the registration fees, so that 50 percent are available to defray the costs of additional safety inspection of food; but 50 percent shall be available for use under section 137. But the purpose of that is, rather, for the preemptive purchase of product from facilities as defined in section 415. This allows the broadest kind of purchase of food.

''The legislation itself allows certain specific actions, none of which involve purchase of food, particularly under such broad circumstances as the motion allows. The bill only allows expenditure of these registration fees for the following purpose: records access, traceability, recall authority, authority to detain, subpoena authority, prohibition or restriction on the movement of bad food. No further authorities for purchase or expenditure of this money are permitted.

''This goes well beyond the fundamental purpose of the legislation and, as such, it constitutes a violation of the rules, going beyond that which is the fundamental purpose of the legislation and so constituting a violation of rule XVI, clause 7 of being not germane.''.

Mr. LUCAS was recognized to speak to the point of order and said:

''Mr. Speaker, the nature of this bill contemplates a number of different things that try to address and protect the supply of domestic food in this country, food in general, I should say. The bill, the language offered, the motion, refers to using 50 percent of these fees collected under section 137 of the motion, which is referenced on the second page. This is just an additional item to all of the things already outlined in the bill in its present form.''.

Mr. DINGELL was further recognized and said:

''Mr. Speaker, I would observe that the language of the legislation nowhere authorizes purchase of food. Under the number of the legislation appears the language, to amend the Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. And then, down there where you follow, following the words, a bill, and it says, to amend the Federal Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. Nowhere in the legislation, in my reading, have I been able to find the authorization for the purchase of food or the purchase of food to achieve safety.

''I would observe that the language of the motion to recommit permits the purchase of the food without restriction, without restraint or limit. It is some of the grandest authority that is given and well beyond any authority which Food and Drug now has or seeks. Food and Drug has no authority in this area whatsoever for the purchase of food. And the purchasing of food is not for the purpose of protecting the American people, of seeing to it that Food and Drug can properly assure the safety of the food or the protection of the American consumers. And the language that is, I think, most particularly descriptive of what the proposal does, it follows line 3 at page 2. It says, the Secretary of Health—and this is, I'm reading at line 6—the Secretary of Health and Human Services may make a preemptive purchase related to activities by the government in carrying out any provisions of this act or amendment made by this act.

''That might be good language for the Committee on Agriculture to present to the House, but it is no language that you will find in Food and

Drug and none that would be suggested by the commerce committee.''.

The SPEAKER pro tempore, Mr. CAPUANO, overruled the point of order, and said:

''The gentleman from Michigan makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Oklahoma is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

''The bill, as perfected, amends the Federal Food, Drug, and Cosmetic Act to improve the safety of food. It grants the Secretary of Health and Human Services authority to issue mandatory performance standards for reducing hazards and requires the Secretary to conduct risk-based inspections. It also expands the Secretary's access to food safety records and increases the Secretary's ability to oversee the safety of imported food, requiring safety-related documentation for potentially unsafe imported food as a condition of import.

''In most pertinent part to the question at hand, the bill provides the Secretary with sundry tools to address an outbreak of food-borne illness. These include a system for the rapid tracing of the origin of food, authority to mandate recalls of contaminated food, and authority to quarantine geographic areas of the United States from which the Secretary reasonably believes contaminated food has originated.

''The amendment proposed in the motion to recommit contemplates allowing the Secretary to preemptively purchase food as a matter of food safety, as in the context of section 415 of the Act. The amendment also would make a portion of the proceeds of certain fees contemplated by the bill available only for such preemptive purchases.

''The Chair finds that the amendment pursues the same fundamental purpose of the bill by a method that dwells within the range of methods employed by the bill. The Chair therefore holds that the amendment is germane.

''Accordingly, the point of order is overruled. The motion is in order. ''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the nays had it.

Mr. LUCAS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 186 / Nays ..... 240 }

¶103.46 [Roll No. 679]

YEAS—186

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—240

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Adler (NJ)
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

So the motion to recommit was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. SHIMKUS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 283 / Nays ..... 142 }

¶103.47 [Roll No. 680]

AYES—283

Abercrombie
Ackerman
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn

Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth
Young (FL)

NOES—142

Aderholt
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Davis (TN)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
Kingston
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pingree (ME)
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)

NOT VOTING—8

Adler (NJ)
Akin
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶103.48 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 3183. An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3183) ''An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Messrs. DORGAN, BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Messrs. REED, LAUTENBERG, HARKIN, TESTER, INOUYE, BENNETT, COCHRAN, MCCONNELL, AND BOND, Mrs. HUTCHISON, Messrs. SHELBY, ALEXANDER, AND VOINOVICH, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1391. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1392. An Act to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An Act to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes.

¶103.49 H.R. 1752—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1752) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

Mr. LATHAM demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 282 / Nays 144

¶103.50 [Roll No. 681]

AYES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney

Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wu
Yarmuth
Young (AK)

NOES—144

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Clyburn
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jackson (IL)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kingston
Kissell
Kline (MN)
Kratovil
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOT VOTING—7

Baird
Berman
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶103.51 H. RES. 535 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 535) commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶103.52 H. RES. 550—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 550) recognizing the ''Day of the African Child'' on June 16, 2009, devoted to the theme of child survival and to emphasize the importance of reducing maternal, newborn, and child deaths in Africa.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶103.53 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶103.54 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO LEBANON

The SPEAKER pro tempore, Mr. KRATOVIL, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–59).

¶103.55 ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 838. An Act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

¶103.56 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1513. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

And then,

¶103.57 ADJOURNMENT

On motion of Mr. GOHMERT, at 11 o'clock and 27 minutes p.m., the House adjourned.

¶103.58 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; with an amendment (Rept. 111–236). Referred to the Committee of the Whole House on the state of the Union.

Mr. McGOVERN: Committee on Rules. House Resolution 697. Resolution providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions (Rept. 111–237). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111–238). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS. Committee on Oversight and Government Reform. H.R. 2392. A bill to improve the effectiveness of the Governor's collection, analysis, and dissemination of business information by using modern interactive data technologies; with an amendment (Rept. 111–239). Referred to the Committee of the Whole House on the state of the Union.

¶103.59 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LARSON of Connecticut (for himself and Mr. TIBERI):

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. SCALISE, Mrs. BACHMANN, Mr. SOUDER, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. JORDAN of Ohio, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. CASSIDY, Mr. LAMBORN, Mr. FLEMING, Mrs. LUMMIS, Mr. WAMP, Mr. MARCHANT, Mr. ROONEY, Mr. COFFMAN of Colorado, and Ms. FALLIN):

H.R. 3400. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, the Judiciary, Rules, the Budget, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. POE of Texas):

H.R. 3401. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 3402. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, and Mr. GEORGE MILLER of California):

H.R. 3403. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. HIRONO, Mr. NADLER of New York, Ms. BORDALLO, Mr. FARR, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. PETERS, Mr. DINGELL, and Mrs. CAPPS):

H.R. 3404. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of certain unemployment benefits and the temporary availability of further additional emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mr. CASTLE):

H.R. 3405. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3406. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts reimbursed by an individual's employer for certain dietary supplements and meal replacement products; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. MICHAUD, and Mr. BROWN of South Carolina):

H.R. 3407. A bill to amend title 38, United States Code, to make certain improvements to laws administered by the Secretary of Veterans Affairs relating to benefits for severely injured veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT (for himself, Mr. NEAL of Massachusetts, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Ms. BERKLEY, Mr. SHIMKUS, Mr. COHEN, Mr. SHERMAN, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. CARDOZA, Mr. KIND, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mr. HELLER, and Mr. CROWLEY):

H.R. 3409. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VISCLOSKY, and Mrs. HALVORSON):

H.R. 3410. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 3411. A bill to exempt certain coastal barrier areas in Florida from limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Ms. ROS-LEHTINEN):

H.R. 3412. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. CAPITO (for herself and Mr. SPACE):

H.R. 3413. A bill to authorize the National Telecommunications and Information Administration of the Department of Commerce to make grants for the establishment of information technology centers in rural areas; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. PENCE, Mr. ELLSWORTH, and Mr. HILL):

H.R. 3414. A bill to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Otis Bowen Comfort Home''; to the Committee on Veterans' Affairs.

By Mr. COSTELLO:

H.R. 3415. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Financial Services.

By Mr. DAVIS of Alabama:

H.R. 3416. A bill to extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. COFFMAN of Colorado, Mr. POLIS, Ms.

MARKEY of Colorado, Mr. SALAZAR, and Mr. PERLMUTTER):

H.R. 3417. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3418. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WEXLER, Mr. COHEN, Mr. KUCINICH, Ms. ROS-LEHTINEN, Ms. NORTON, Mrs. NAPOLITANO, Ms. FUDGE, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, and Ms. WASSERMAN SCHULTZ):

H.R. 3419. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. JONES, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. BISHOP of New York, Mr. TONKO, and Mr. GRIJALVA):

H.R. 3420. A bill to improve and enhance substance use disorder programs for members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Ms. KILROY (for herself, Mr. GUTIERREZ, Mr. MINNICK, Mr. PERRIELLO, Ms. SCHAKOWSKY, Mr. BACA, Ms. SPEIER, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, Ms. FUDGE, Ms. KAPTUR, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself and Mr. LATHAM):

H.R. 3422. A bill to amend title XVIII of the Social Security Act to make temporary improvements to the Medicare inpatient payment adjustment for low-volume hospitals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself and Mr. INGLIS):

H.R. 3423. A bill to impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3424. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3425. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act in 1968; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Ms. SLAUGHTER, Mr. MARKEY of Massachusetts, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. DELAURO, Ms. MCCOLLUM, Mr. SERRANO, Mr. GRIJALVA, and Mr. HARE):

H.R. 3426. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network; to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H.R. 3427. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REICHERT:

H.R. 3428. A bill to amend the Emergency Economic Stabilization Act of 2008 to require a corresponding reduction in the authorization to purchase each time a repayment is made for assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 3429. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. LEWIS of Georgia, and Mr. RUSH):

H.R. 3430. A bill to establish a Medicare DSH pilot program under which participants shall establish collaborative care networks to reduce the use of emergency departments, inpatient and other expensive resources of hospitals and other providers and provide more comprehensive and coordinated care to low-income individuals, including those without health insurance coverage, and to establish a Collaborative Care Network Center; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Mr. BOREN):

H.R. 3431. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. PAUL):

H.R. 3432. A bill to amend the Internal Revenue Code of 1986 to allow long-distance rural commuters a deduction during periods when the local price of gasoline exceeds $3 per gallon; to the Committee on Ways and Means.

By Mr. WITTMAN:

H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. DONNELLY of Indiana:

H.R. 3434. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 172. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ALEXANDER:

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the Federal Government should not levy any additional taxes on firearms or firearm ammunition during the current economic hardship; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H. Res. 696. A resolution acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming; to the Committee on Education and Labor.

By Mr. JONES:

H. Res. 698. A resolution expressing the sense of the House of Representatives that the fatal crash of an MV-22 aircraft on April 8, 2000, in Marana, Arizona, was not a result of aircrew human factors or pilot error; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. CLEAVER):

H. Res. 699. A resolution expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself and Mr. EHLERS):

H. Res. 700. A resolution expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 701. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Natural Resources.

By Mr. REICHERT:

H. Res. 702. A resolution directing the Comptroller General of the United States to submit reports ensuring the effectiveness of Federal programs and amending the Rules of the House of Representatives to require that certain standing committees of the House hold at least one hearing on each such report that falls within their jurisdiction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶103.60 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

152. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 43 expressing opposition to the federal rule change to eliminate a health

care professional's right to refrain from performing morally-objectionable procedures; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Minnesota, relative to Chapter No. 171 memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; and urging the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803–804, chapter 103; to the Committee on Natural Resources.

154. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 34 requesting the United States Congress to enact the Education Begins at Home Act; jointly to the Committees on Education and Labor and Armed Services.

¶103.61 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HIMES, Mr. WAXMAN, Mr. HONDA, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 108: Mr. SMITH of New Jersey.
H.R. 213: Mr. BACHUS and Mr. BAIRD.
H.R. 275: Mr. SOUDER.
H.R. 303: Mr. PAUL.
H.R. 333: Mr. PAUL.
H.R. 422: Mr. SCOTT of Georgia.
H.R. 430: Mr. LATTA.
H.R. 433: Mr. LATTA.
H.R. 444: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAHLKEMPER, and Mr. BOREN.
H.R. 503: Mr. DREIER.
H.R. 557: Mr. YOUNG of Florida.
H.R. 571: Mr. SCHOCK and Mr. ENGEL.
H.R. 614: Mr. FORBES.
H.R. 621: Mr. FOSTER, Mr. TONKO, Mr. SCHOCK, and Ms. KILROY.
H.R. 648: Mr. SESTAK.
H.R. 658: Mr. FRANK of Massachusetts.
H.R. 668: Mr. MORAN of Kansas.
H.R. 678: Mr. PLATTS.
H.R. 690: Mr. CROWLEY, Mr. MATHESON, Mr. SIRES, and Mr. LINDER.
H.R. 699: Mr. CHANDLER.
H.R. 734: Ms. KAPTUR, Mr. KISSELL, Mr. AL GREEN of Texas, and Mr. JOHNSON of Georgia.
H.R. 743: Mr. PAUL and Mr. DUNCAN.
H.R. 874: Mr. SESTAK.
H.R. 886: Mr. GUTIERREZ.
H.R. 953: Mr. MANZULLO.
H.R. 977: Mr. RAHALL, Mr. WEXLER, Mr. PASCRELL, Mr. HALL of New York, and Mr. BRIGHT.
H.R. 1017: Mr. HEINRICH.
H.R. 1074: Mr. MARSHALL, Mr. ALTMIRE, and Mr. ROHRABACHER.
H.R. 1079: Mr. SHERMAN.
H.R. 1094: Mr. MICHAUD, Mr. MCNERNEY, Mr. KANJORSKI, Mr. PAUL, and Mr. BOUSTANY.
H.R. 1101: Mr. LARSEN of Washington.
H.R. 1177: Mr. MARSHALL, Mr. LUETKEMEYER, and Mr. MCCOTTER.
H.R. 1206: Mrs. BACHMANN.
H.R. 1207: Mr. JACKSON of Illinois and Mr. PAYNE.
H.R. 1208: Mr. ISSA and Mr. AKIN.
H.R. 1221: Mr. GRAVES.
H.R. 1235: Mr. CAO, Mr. CHAFFETZ, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. CONYERS.
H.R. 1278: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. NADLER of New York, Mr. FILNER, Ms. MCCOLLUM, Mr. SKELTON, Mr. CONYERS, and Mr. JOHNSON of Georgia.
H.R. 1283: Mr. THOMPSON of Mississippi and Mr. AL GREEN of Texas.
H.R. 1313: Mr. CANTOR.
H.R. 1327: Mr. SESSIONS.
H.R. 1362: Ms. DELAURO and Mr. BAIRD.
H.R. 1431: Mr. KLINE of Minnesota.
H.R. 1454: Mr. DUNCAN and Mr. WELCH.
H.R. 1547: Mr. GONZALEZ.
H.R. 1552: Mr. QUIGLEY.
H.R. 1557: Mr. QUIGLEY.
H.R. 1578: Mr. GRIJALVA, Mr. FATTAH, Mr. SABLAN, Mr. GRAYSON, Mr. SCOTT of Virginia, and Mr. HINOJOSA.
H.R. 1596: Mr. LYNCH, Mr. SIRES, and Mr. GUTIERREZ.
H.R. 1605: Mr. MORAN of Virginia.
H.R. 1616: Mr. HIMES.
H.R. 1625: Mr. SCHAUER and Mr. CONYERS.
H.R. 1645: Mr. HIMES.
H.R. 1660: Mr. HIGGINS.
H.R. 1682: Mr. AKIN.
H.R. 1716: Mr. ROTHMAN of New Jersey.
H.R. 1718: Mr. TAYLOR.
H.R. 1826: Mr. MICHAUD and Mr. SERRANO.
H.R. 1828: Mr. GRIJALVA.
H.R. 1831: Mr. TEAGUE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.
H. R. 1908: Mr. LATOURETTE.
H.R. 1977: Mr. SIRES.
H.R. 2017: Mr. SMITH of Nebraska.
H.R. 2030: Mr. FILNER.
H.R. 2083: Mr. LATHAM.
H.R. 2122: Mr. ISSA.
H.R. 2139: Mr. PETERS, Mr. INGLIS, and Mr. DENT.
H.R. 2143: Mr. QUIGLEY.
H.R. 2149: Mr. HALL of New York and Mr. ISRAEL.
H.R. 2170: Mrs. MCMORRIS RODGERS.
H.R. 2194: Mr. LEE of New York, Ms. SLAUGHTER, Mr. MICA, Mr. TURNER, Mr. RYAN of Ohio, Mr. SKELTON, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. PASCRELL, Ms. DELAURO, Ms. DEGETTE, Mr. ROHRABACHER, and Mr. CUMMINGS.
H.R. 2198: Mr. FLEMING.
H.R. 2222: Ms. KOSMAS and Mr. ISRAEL.
H.R. 2254: Mr. WELCH, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PAUL, Mr. HONDA and Ms. BERKLEY.
H.R. 2262: Mr. CARSON of Indiana, Ms. WOOLSEY, Ms. SPEIER, Mr. LEWIS of Georgia, and Mr. SHERMAN.
H.R. 2268: Mr. THOMPSON of California.
H.R. 2296: Mr. PITTS, Mr. MANZULLO, Mr. ALEXANDER, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. ROHRABACHER, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. HARPER, and Mr. ROE of Tennessee.
H.R. 2305: Mr. MARSHALL, Mr. HERGER, and Mr. GORDON of Tennessee.
H. R. 2329: Mr. SCHOCK.
H.R. 2373: Mr. MCCAUL.
H.R. 2425: Mrs. MCMORRIS RODGERS.
H.R. 2478: Mr. HIMES.
H.R. 2480: Ms. MATSUI and Mr. LANCE.
H.R. 2493: Mr. MARCHANT, Mr. POSEY, and Ms. FALLIN.
H.R. 2497: Ms. LEE of California.
H.R. 2516: Mr. FRELINGHUYSEN.
H.R. 2517: Mr. LEWIS of Georgia.
H.R. 2520: Mr. LATOURETTE.
H.R. 2523: Mr. KENNEDY.
H.R. 2542: Mr. LARSEN of Washington.
H.R. 2567: Mr. DOGGETT.
H.R. 2625: Ms. SPEIER, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Mr. HOLT.
H. R. 2626: Mr. BARTLETT.
H.R. 2681: Ms. CLARKE.
H.R. 2698: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2699: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2730: Mr. HOLT.
H.R. 2766: Mr. GRIJALVA.
H.R. 2808: Mrs. MCMORRIS RODGERS.
H.R. 2866: Ms. LEE of California and Mr. BERMAN.
H.R. 2897: Mr. QUIGLEY, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Mr. CARNEY, and Ms. SCHAKOWSKY.
H.R. 2909: Mr. FRANK of Massachusetts.
H.R. 2935: Ms. DELAURO, Mr. NADLER of New York, Ms. RICHARDSON, and Ms. TSONGAS.
H.R. 2936: Mr. SPACE.
H.R. 2941: Mr. LARSEN of Washington, Mr. MEEK of Florida, Mrs. MCMORRIS RODGERS, Ms. DEGETTE, Mr. PAYNE, and Mr. UPTON.
H. R. 2969: Mr. GRIJALVA.
H.R. 3003: Mr. MCDERMOTT.
H.R. 3006: Ms. WATERS.
H.R. 3035: Mr. PAUL and Ms. BERKLEY.
H.R. 3039: Mr. DREIER.
H.R. 3042: Mrs. CHRISTENSEN and Mr. COURTNEY.
H.R. 3043: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 3044: Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. KLEIN of Florida, Mr. OLSON, Mr. DENT, Mr. GRAVES, and Mr. MCCAUL.
H.R. 3070: Ms. CHU, Mr. FALEOMAVAEGA, Ms. HIRONO, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. HONDA, Ms. CLARKE, Mr. GRAYSON, and Mr. CONNOLLY of Virginia.
H.R. 3085: Mr. GRIJALVA.
H.R. 3107: Mr. BILIRAKIS, Mr. PENCE, Mr. ROYCE, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, and Mr. LAMBORN.
H.R. 3110: Ms. JACKSON-LEE of Texas.
H.R. 3116: Mr. LANGEVIN.
H.R. 3157: Mr. WALZ, Mr. KLINE of Minnesota, Mr. PAULSEN, Ms. MCCOLLUM, Mr. ELLISON, Mrs. BACHMANN, and Mr. OBERSTAR.
H.R. 3164: Mr. KENNEDY and Mr. WU.
H.R. 3167: Mr. ALEXANDER.
H.R. 3186: Mr. WITTMAN.
H.R. 3197: Ms. NORTON.
H.R. 3218: Ms. FOXX.
H.R. 3231: Mr. MANZULLO, Mr. BLUNT, and Mr. ALEXANDER.
H.R. 3233: Mr. MASSA.
H.R. 3235: Mr. LATTA.
H.R. 3245: Mr. FRANK of Massachusetts and Mr. MAFFEI.
H.R. 3246: Mr. MASSA.
H.R. 3257: Mr. MCGOVERN and Mr. SCHIFF.
H.R. 3259: Mr. FILNER.
H.R. 3260: Mr. HIGGINS.
H.R. 3265: Mr. GRIJALVA.
H.R. 3266: Mr. JONES and Ms. KAPTUR.
H.R. 3273: Mr. INGLIS.
H.R. 3274: Mr. YOUNG of Alaska and Mr. BROWN of South Carolina.
H.R. 3286: Ms. FUDGE.
H.R. 3289: Mr. GORDON of Tennessee.
H.R. 3300: Mr. PERLMUTTER.
H.R. 3308: Mr. LATHAM.
H.R. 3310: Mr. KLINE of Minnesota and Mr. WITTMAN.
H.R. 3339: Mr. LUJÁN.
H.R. 3341: Mr. MCCLINTOCK, Mr. PLATTS, Mr. PITTS, and Mrs. BACHMANN.
H.R. 3356: Mr. POSEY, Mrs. BACHMANN, Mr. AKIN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. SHADEGG, Ms. FALLIN, Mr. BARTLETT, Mr. LINDER, and Mr. SESSIONS.
H.R. 3360: Mr. CAPUANO.
H.R. 3376: Mr. COBLE, Mr. MICA, and Mr. YOUNG of Alaska.
H.R. 3382: Mr. BARRETT of South Carolina, Mr. CHILDERS, Mr. COBLE, and Mr. STUPAK.
H.R. 3394: Mr. ROHRABACHER.
H. Con. Res. 42: Mr. WATT, Mr. FILNER, and Mr. JOHNSON of Georgia.
H. Con. Res. 43: Mr. FILNER and Mr. JOHNSON of Georgia.
H. Con. Res. 44: Mr. JOHNSON of Georgia.
H. Con. Res. 67: Mr. GRIJALVA.
H. Con. Res. 73: Mr. GRIJALVA, Mr. JOHNSON of Georgia, and Mr. LEWIS of Georgia.
H. Con. Res. 129: Mr. WITTMAN and Mr. TAYLOR.
H. Con. Res. 144: Mr. REICHERT.
H. Con. Res. 157: Mrs. BACHMANN and Mr. POE of Texas.
H. Con. Res. 160: Mr. MURTHA, Mr. SHULER, Mr. SESTAK, and Mr. WELCH.
H. Con. Res. 163: Ms. MARKEY of Colorado, Mr. AL GREEN of Texas, Mr. SHULER, Mr. HOLT, and Ms. MCCOLLUM.
H. Con. Res. 169: Mr. MILLER of Florida, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Ms. FOXX, and Mr. ROGERS of Kentucky.

H. Res. 32: Mr. AL GREEN of Texas.
H. Res. 57: Mr. MANZULLO.
H. Res. 150: Mr. WATT, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.
H. Res. 175: Mr. MINNICK.
H. Res. 467: Mr. SPACE.
H. Res. 487: Mr. BOUSTANY, Mr. RADANOVICH, Mr. SMITH of Texas, and Mr. SESSIONS.
H. Res. 494: Ms. SHEA-PORTER.
H. Res. 513: Mr. POE of Texas.
H. Res. 550: Mr. STARK.
H. Res. 554: Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WITTMAN, and Mr. WHITFIELD.
H. Res. 577: Mr. PENCE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mr. TERRY, Mr. DEAL of Georgia, Mr. BUYER, and Mr. BARTON of Texas.
H. Res. 581: Mr. THORNBERRY, Mr. ALEXANDER, and Mr. COLE.
H. Res. 604: Mr. BURGESS, Mr. POE of Texas, Mr. BILIRAKIS, Mr. PENCE, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LAMBORN.
H. Res. 619: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, and Mr. ROONEY.
H. Res. 627: Mr. SHUSTER, Ms. SHEA-PORTER, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. JOHNSON of Georgia, Mr. ROHRABACHER, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. SNYDER, Mr. LOBIONDO, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. MASSA, Mr. Bright, Mrs. DAVIS of California, Mr. WITTMAN, Mr. REHBERG, Mr. ORTIZ, Mr. WU, Mr. FILNER, Mr. BERMAN, Mr. RODRIGUEZ, Mr. MINNICK, Ms. BEAN, Mr. ARCURI, Ms. SCHWARTZ, Ms. KOSMAS, Mr. KLEIN of Florida, Mr. KIND, Mr. KLINE of Minnesota, Mr. COOPER, Ms. GIFFORDS, Mr. HONDA, and Mr. POE of Texas.
H. Res. 638: Mr. GENE GREEN of Texas, Mr. MEEKS of New York, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. POE of Texas, Mr. WAMP, Mr. HENSARLING, Mr. ROHRABACHER, Mr. CARNAHAN, Mr. BLUNT, Mr. TANNER, and Mr. AL GREEN of Texas.
H. Res. 659: Ms. LEE of California, Mr. RANGEL, Mr. WATT, Mr. BARROW, Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. CUMMINGS, Mr. COHEN, and Mr. DAVIS of Alabama.
H. Res. 663: Mr. MILLER of Florida.
H. Res. 666: Mr. POE of Texas.
H. Res. 676: Ms. GIFFORDS.
H. Res. 677: Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. SNYDER, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. HONDA, and Mr. ACKERMAN.
H. Res. 679: Mr. AL GREEN of Texas.
H. Res. 686: Mr. JORDAN of Ohio, Mr. COHEN, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. KILDEE, Mr. CONYERS, Ms. MATSUI, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. DRIEHAUS, Mr. GARRETT of New Jersey, Mr. NYE, Mr. HILL, Mr. CHILDERS, Mr. BERRY, Mr. MINNICK, Mr. RUPPERSBERGER, Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. CHU, Mr. MCDERMOTT, Mrs. HALVORSON, Mr. LEVIN, Mr. BARROW, Mr. TANNER, Mr. CARDOZA, Mr. PETERSON, Mr. PERRIELLO, Ms. KILROY, Mr. WEXLER, Mr. MOLLOHAN, Mr. HALL of New York, Mr. SALAZAR, Mr. SCHRADER, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. STARK, Mr. FATTAH, Ms. SUTTON, Mr. PALLONE, Ms. DEGETTE, Mr. MURTHA, Mr. LEWIS of California, Mr. BRIGHT, Mr. SPRATT, Mr. DELAHUNT, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. SCHAUER, Mr. DAVIS of Illinois, Mr. TEAGUE, Ms. CASTOR of Florida, Mr. BUTTERFIELD, Ms. KOSMAS, Ms. ESHOO, Mr. BECERRA, Mr. KIND, Mr. RUSH, Mr. LANCE, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. CARNEY, Mr. SHERMAN, Mr. COSTELLO, Mr. BERMAN, Mr. TONKO, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. DINGELL, Mr. MILLER of North Carolina, Mr. KUCINICH, Ms. JENKINS, Mr. BOCCIERI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. MURPHY of New York, Mr. LYNCH, Mr. LANGEVIN, Ms. MOORE of Wisconsin, Mr. QUIGLEY, Mr. RANGEL, Mr. BOREN, Mr. MOORE of Kansas, Mr. SHULER, Mr. ANDREWS, Mr. MORAN of Virginia, Ms. DELAURO, Mr. KENNEDY, Mr. ACKERMAN, Mr. HINCHEY, Ms. SPEIER, Mr. PERLMUTTER, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. OLVER, Mr. FOSTER, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. COLE, Mr. BILBRAY, Mr. TIAHRT, Mr. BUYER, Mr. POE of Texas, Mr. JONES, Mr. BARTLETT, Mr. CUMMINGS, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. CAMPBELL, Mr. LATTA, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. PIERLUISI, and Mr. BACHUS.
H. Res. 689: Mr. ROONEY.

¶103.62 PETITIONS

Under clause 1 of Rule XXII,

63. The SPEAKER presented a petition of Mayor and City Commission of the City of Wilton Manors, Florida, relative to Resolution No. 3415 urging the President and the United States Congress to adopt the Military Readiness Enhancement Act Of 2009 (H.R. 1283), which eliminates the ''Don't Ask, Don't Tell'' Policy and. among other things, adopts a policy of non-discrimination on the basis of sexual orientation within the United States Armed Forces; which was referred to the Committee on Armed Services.

¶103.63 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Mr. ADLER of New Jersey.

FRIDAY, JULY 31, 2009 (104)

The House was called to order by the SPEAKER.

¶104.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, July 30, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶104.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2978. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's ''Major'' final rule — Conservation Reserve Program (RIN 0560-AH80) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2979. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1059] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2980. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation [Docket No.: FDA-2000-N-0190 (Formerly Docket No. 2000N-0504)] (RIN: 0910-AC14) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2981. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Amarillo, Texas) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2982. A letter from the Acting Assistant Secretary for Export Admnistration, Department of Commerce, transmitting the Department's final rule — Addition and Removal of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States; Removal of Persons based on ERC Annual Review and Removal Requests; and Entry Modified for Purposes of Clarification [Docket No.: 090414651-91046-01] (RIN:0694-AE59) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2983. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq, pursuant to Section 9204 of the Supplemental Appropriations Act for 2008, Pub. L. 110-252 and Section 1508(c) of the Department of Defense Authorization Act for 2009, Pub. L. 110-417; to the Committee on Foreign Affairs.

2984. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-009, Prohibition on Contraction with Inverted Domestic Corporations [FAC 2005-34; FAR Case 2008-009; Item II; Docket 2009-0020, Sequence 1] (RIN: 900-AL28) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2985. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XP50) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2986. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turboshaft Engines [Docket No.: FAA-2008-0681; Directorate Identifier 2008-NE-13-AD; Amendment 39-15805; AD 2009-03-04] (RIN: 2120-AA4) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2987. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation, Maggie Fisher Memorial Great South Bay Cross Bay Swim, Great South Bay, NY [Docket No. USCG-2009-0302] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2988. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, VA [Docket No.: USCG-2009-0405] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

2989. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training, San Clemente Island, CA [Docket No.: USCG-2009-0455] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2990. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River, Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No. USCG-2009-0202] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2991. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Establishment of Suspension and Revocation National Center of Expertise [Docket No.: USCG-2009-0314] (RIN:1625-ZA22) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2992. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Event; Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District [Docket No.: USCG-2009-0252] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2993. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Consumer Price Index Adjustments of Oil Pollution Act Of 1990 Limits of Liability — Vessels and Deepwater Ports [Docket No.: USCG-2008-0007] (RIN:1625-AB25) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2994. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Summer Marine Events, Coastal Massachusetts. [Docket No. USCG-2009-0448] (RIN: 1625-AA08) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2995. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Access Destinations Fireworks Display, San Diego Bay, CA [Docket No.: USCG-2009-0513] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2996. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines [Docket No. FAA-2008-0925; Directorate Identifier 98-ANE-49-AD; Admendment 39-15816; AD 2009-04-10] (RIN: 2120-AA64) Received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2997. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A, PW206B, PW206B2, PW206C PW206D, PW206E, PW207C, PW207D, and PW207E Turboshaft Engines [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2998. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IRF Altitudes; Miscellaneous Amendments [Docket No.: 30653; Amdt. No. 479] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2999. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 DF Airplanes [Docket No.: FAA-2008-1360; Directorate Identifier 2008-NM-075-AD; Amendment 39-15791; AD 2009-02-01] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3000. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 182Q and 182R Airplanes [Docket No.: FAA -2008-1205; Directorate Identifier 2008-CE-062-AD; Amendment 39-15811; AD 2009-04-05] (RIN:2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3001. A letter from the Program Analyst, Department of Transportation, transmitting the Department's ''Major'' final rule — Part 121 Pilot Age Limit [Docket No.: FAA-2006-26139; Amendment Nos. 61-123 and 121-344] (RIN: 2120-AJ01) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3002. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of class D and E Airspace; King Salmon, AK [Docket No.: FAA-2008-1162; Airspace Docket No. 08-AAL-33] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3003. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, AND -145EP Airplanes [Docket No.: FAA-2008-0271; Directorate Identifier 2007-NM-267-AD; Amendment 39-15784; AD 2009-01-05] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3004. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-0644; Directorate Identifier 2007-NM-321-AD; Amendment 39-15659; AD 2008-18-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3005. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0130; Directorate Identifier 2008-NM-225-AD; Amendment 39-15817; AD 2009-04-11] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3006. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, and DC-9-50 Series Airplanes [Docket No.: FAA-2008-0736; Directorate Identifier 2008-NM-102-AD; Amendment 39-15804; AD 2009-03-03] (RIN 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3007. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & CO KG G103 Series Gliders [Docket No.: FAA-2008-1078 Directorate Identifier 2008-CE-051-AD; Amendment 31-15814; AD 2009-04-08] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3008. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes [Docket No.: FAA-2008-1199; Directorate Identifier 2008-NM-207-AD; Amendment 39-15781; AD 2008-24-51] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3009. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines [Docket No.: FAA-2007-28413; Directorate Identifier 2007-NE-25-AD; Amendment 39-15826; AD 2009-05-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3010. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No.: FAA-2008-0657; Directorate Identifier 2007-NM-296-AD; Amendment 39-15787; AD 2009-01-08] (RIN: 2120-A64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's ''Major'' final rule — Broadband Technology Opportunities Program (RIN: 0660-ZA28) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Agriculture.

¶104.3 PROVIDING FOR CONSIDERATION OF H.R. 3269

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 697):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member

of the Committee on the Financial Services; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Frank of Massachusetts or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment in the nature of a substitute printed in the report of the Committee on Rules, if offered by Representative Garrett of New Jersey or his designee, which shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. In the engrossment of H.R. 3269, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

When said resolution was considered.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶104.4 MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 172. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

¶104.5 PRACTICES OF FINANCIAL INSTITUTIONS

Mr. FRANK of Massachusetts, pursuant to House Resolution 697, called up for consideration the bill (H.R. 3296) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote to executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

Pending consideration of said bill.

Pursuant to House Resolution 697, the amendment in the nature of a substitute, recommended by the Committee on Financial Services now printed in the bill was considered as agreed to.

When said bill was considered.

After debate,

Pursuant to House Resolution 697, the following amendment numbered 1, as modified, printed in House Report 111-237, was submitted by Mr. FRANK of Massachusetts:

Page 3, line 8, strike ''(a) AMENDMENT.—''.

Page 7, strike lines 1 through 14.

Page 17, after line 4, insert the following:

(f) LIMITATION.—No regulation promulgated pursuant to this section shall require the recovery of incentive-based compensation under compensation arrangements in effect on the date of enactment of this Act, provided such compensation agreements are for a period of no more than 24 months. Nothing in this Act shall prevent or limit the recovery of incentive-based compensation under any other applicable law.

Page 17, line 5, strike ''(f)'' and insert ''(g)''.

After debate,

The question being put, viva voce,

Will the House agree to said amendment, as modified?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said amendment, as modified, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 697, announced that further proceedings on the question were postponed

Pursuant to House Resolution 697, the following further amendment in the nature of a substitute numbered 2, printed in House Report 111-237, was submitted by Mr. GARRETT of New Jersey:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Corporate and Financial Institution Compensation Fairness Act of 2009''.

SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.

(a) AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(i) TRIENNIAL ADVISORY SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—A proxy or consent or authorization for an annual meeting of the shareholders to elect directors (or a special meeting in lieu of such meeting) occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), shall provide for a separate shareholder advisory vote, at least once every 3 years, to approve the issuer's executive compensation policies and practices as set forth pursuant to the Commission's disclosure rules. The shareholder vote shall be advisory in nature and shall not be binding on the issuer or its board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation for meetings of shareholders at which such an advisory vote on executive compensation is not to be conducted.

''(2) OPT OUT.—If not less than ⅔ of votes cast at a meeting of shareholders on a proposal to opt out of the triennial shareholder advisory vote on executive compensation required under paragraph (1) are cast in favor of such a proposal, then such shareholder advisory vote required under such paragraph shall not be required to take place for a period of 5 years following the vote approving such proposal.

''(3) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

''(A) DISCLOSURE.—In any proxy or consent solicitation material for a meeting of the shareholders occurring on or after the date that is 6 months after the date on which final rules are issued under paragraph (4), at which shareholders are asked to approve an acquisition, merger, consolidation, or proposed sale or other disposition of all or substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy or consent solicitation material, in a clear and simple tabular form in accordance with regulations to be promulgated by the Commission, any agreements or understandings that such person has with the named executive officers (as such term is defined in the rules promulgated by the Commission) of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that is based on or otherwise relates to the acquisition, merger, consolidation, sale, or other dispositions of all or substantially all of the assets of the issuer, and the aggregate total of all such compensation that may (and the conditions upon which it may) be paid or become payable to or on behalf of such named executive officer.

''(B) SHAREHOLDER APPROVAL.—Any proxy or consent or authorization relating to the proxy or consent solicitation material containing the disclosure required by subparagraph (A) shall provide for a separate shareholder vote to approve such agreements or understandings and compensation as disclosed. A vote by the shareholders shall not be binding on the corporation or the board of directors of the issuer or the person making the solicitation and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board.''

''(4) RULEMAKING.—Not later than 1 year after the date of the enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall issue rules and regulations to implement this subsection.''.

(b) STUDY AND REPORT.—The Securities and Exchange Commission shall conduct a study and review of the results of shareholder advisory votes on executive compensation held pursuant to this section and the effects of such votes. Not later than 5 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit a report to the Congress on the results of the study and review required by this subsection.

SEC. 3. COMPENSATION COMMITTEE INDEPENDENCE.

(a) STANDARDS RELATING TO COMPENSATION COMMITTEES.—The Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after section 10A the following new section:

''SEC. 10B. STANDARDS RELATING TO COMPENSATION COMMITTEES.

''(a) COMMISSION RULES.—

''(1) IN GENERAL.—Effective not later than 270 days after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of any portion of subsections (b) through (f).

''(2) OPPORTUNITY TO CURE DEFECTS.—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have an opportunity to cure any

defects that would be the basis for a prohibition under paragraph (1) before the imposition of such prohibition.

''(3) EXEMPTION AUTHORITY.—The Commission may exempt certain categories of issuers from the requirements of subsections (b) through (f), where appropriate in view of the purpose of this section. In determining appropriate exemptions, the Commission shall take into account, among other considerations, the potential impact on smaller reporting issuers.

''(4) NO FEDERAL PREEMPTION.—If the law of the State under which an issuer is incorporated provides for a procedure for the board of directors to establish an independent compensation committee, then such State law shall be controlling and nothing in this section shall preempt such State law.

''(b) INDEPENDENCE OF COMPENSATION COMMITTEES.—

''(1) IN GENERAL.—Each member of the compensation committee of the board of directors of the issuer shall be a member of the board of directors of the issuer, and shall otherwise be independent.

''(2) CRITERIA.—The Commission shall, by rule, establish the criteria for determining whether a director is independent for purposes of this subsection. Such rules shall require that a member of a compensation committee of an issuer may not, other than in his or her capacity as a member of the compensation committee, the board of directors, or any other board committee—

''(A) accept any consulting, advisory, or other compensatory fee from the issuer; or

''(B) be an affiliated person of the issuer or any subsidiary thereof.

''(3) EXEMPTION AUTHORITY.—The Commission may exempt from the requirements of paragraph (2) a particular relationship with respect to compensation committee members, where appropriate in view of the purpose of this section.

''(4) DEFINITION.—As used in this section, the term 'compensation committee' means—

''(A) a committee (or equivalent body) established by and amongst the board of directors of an issuer for the purpose of determining and approving the compensation arrangements for the executive officers of the issuer; and

''(B) if no such committee exists with respect to an issuer, the independent members of the entire board of directors.

''(c) INDEPENDENCE STANDARDS FOR COMPENSATION CONSULTANTS AND OTHER COMMITTEE ADVISORS.—The charter of the compensation committee of the board of directors of an issuer shall set forth that any outside compensation consultant formally engaged or retained by the compensation committee shall meet standards for independence to be promulgated by the Commission.

''(d) COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.—

''(1) IN GENERAL.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent compensation consultant. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

''(2) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of the Corporate and Financial Institution Compensation Fairness Act of 2009, each issuer shall disclose in the proxy or consent material, in accordance with regulations to be promulgated by the Commission whether the compensation committee of the issuer retained and obtained the advice of a compensation consultant meeting the standards for independence promulgated pursuant to subsection (c).

''(e) AUTHORITY TO ENGAGE INDEPENDENT COUNSEL AND OTHER ADVISORS.—The compensation committee of each issuer, in its capacity as a committee of the board of directors, shall have the authority, in its sole discretion, to retain and obtain the advice of independent counsel and other advisers meeting the standards for independence promulgated pursuant to subsection (c), and the compensation committee shall be directly responsible for the appointment, compensation, and oversight of the work of such independent counsel and other advisers. This provision shall not be construed to require the compensation committee to implement or act consistently with the advice or recommendations of such independent counsel and other advisers, and shall not otherwise affect the compensation committee's ability or obligation to exercise its own judgment in fulfillment of its duties.

''(f) FUNDING.—Each issuer shall provide for appropriate funding, as determined by the compensation committee, in its capacity as a committee of the board of directors, for payment of compensation—

''(1) to any compensation consultant to the compensation committee that meets the standards for independence promulgated pursuant to subsection (c); and

''(2) to any independent counsel or other adviser to the compensation committee.''.

(b) STUDY AND REVIEW REQUIRED.—

(1) IN GENERAL.—The Securities Exchange Commission shall conduct a study and review of the use of compensation consultants meeting the standards for independence promulgated pursuant to section 10B(c) of the Security Exchange Act of 1934 (as added by subsection (a)), and the effects of such use.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study and review required by this paragraph.

After debate,

On demand of Mr. GARRETT of New Jersey, by unanimous consent, the time for debate was extended by 10 minutes to be equally divided and controlled by Mr. FRANK of Massachusetts, and Mr. GARRETT of New Jersey.

After further debate,

Pursuant to House Resolution 697, the previous question was ordered on the bill, as amended, the amendment numbered 1, as modified, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to the further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. GARRETT of New Jersey, demanded a recorded vote on agreeing to said further amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 697, announced that further proceedings on the question were postponed.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 1(c) of rule XIX, announced further proceedings on the questions were postponed.

¶104.6 ORDER OF BUSINESS—ON CONSIDERATION OF H.R. 3435

On motion of Mr. PERLMUTTER, by unanimous consent,

Ordered, That the Speaker be authorized on this legislative day to entertain a motion to suspend the rules relating to the bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

¶104.7 CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

Mr. OBEY moved to suspend the rules and pass the bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. OBEY and Mr. LEWIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	316
Nays	109
Answered present	2

¶104.8 [Roll No. 682]

YEAS—316

Abercrombie	Boustany	Clay
Ackerman	Brady (PA)	Cleaver
Aderholt	Braley (IA)	Clyburn
Adler (NJ)	Bright	Coble
Altmire	Brown, Corrine	Cohen
Andrews	Brown-Waite, Ginny	Connolly (VA)
Arcuri	Burton (IN)	Conyers
Austria	Butterfield	Cooper
Baca	Buyer	Costa
Bachus	Calvert	Costello
Baldwin	Camp	Courtney
Barrow	Campbell	Crowley
Barton (TX)	Cao	Cuellar
Bean	Capito	Cummings
Becerra	Capps	Dahlkemper
Berkley	Capuano	Davis (AL)
Berman	Cardoza	Davis (CA)
Berry	Carnahan	Davis (IL)
Biggert	Carney	Davis (KY)
Bilbray	Carson (IN)	Davis (TN)
Bishop (GA)	Cassidy	DeFazio
Bishop (NY)	Castle	DeGette
Blunt	Castor (FL)	Delahunt
Boccieri	Chandler	DeLauro
Bono Mack	Childers	Diaz-Balart, L.
Boren	Chu	Diaz-Balart, M.
Boswell	Clarke	Dicks
Boucher		Dingell

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—109

Akin
Alexander
Bachmann
Baird
Barrett (SC)
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Boozman
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Doggett
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kirkpatrick (AZ)
Lamborn
Latta
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marshall
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Polis (CO)
Posey
Price (GA)
Radanovich
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Sullivan
Thornberry
Tierney
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—2

Buchanan
Deal (GA)

NOT VOTING—6

Gohmert
Harper
Linder
McCarthy (NY)
McCaul
Salazar

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.9 PRACTICES OF FINANCIAL INSTITUTIONS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 1(c) of rule XIX, proceedings were resumed on the bill (H.R. 3296) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote to executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

The SPEAKER pro tempore, Mr. HOLDEN, announced the unfinished business to be the question on agreeing to amendment numbered 1, as modified, by Mr. FRANK of Massachusetts.

The question being put,

Will the House agree to said amendment, as modified?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 242 / Nays 178

¶104.10 [Roll No. 683]

AYES—242

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson

Paul
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Gohmert
Harper
Linder
McCarthy (NY)
McCaul
McCollum
McMorris Rodgers
Olver
Paulsen
Salazar
Schock
Wamp
Waxman

So the amendment numbered 1, as modified, was agreed to.

The SPEAKER pro tempore, Mr. HOLDEN, announced the further unfinished business to be question on agreeing to further amendment in the nature of a substitute numbered 2, by Mr. GARRETT of New Jersey.

The question being put,

Will the House agree to said further amendment in the nature of a substitute?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 179 / Nays 244

¶104.11 [Roll No. 684]

AYES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—10

Bilbray
Gohmert
Gutierrez
Harper
Linder
McCarthy (NY)
McCaul
Pingree (ME)
Salazar
Wamp

So the further amendment in the nature of a substitute numbered 2, was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SESSIONS moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of section 14(i) of the Securities Exchange Act of 1934 (as added by section 2 of the bill), insert the following:

''(6) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence the vote under such paragraphs of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

''(A) the identity of all persons or entities engaged in activities to influence such a vote;

''(B) the activities engaged in to influence such a vote; and

''(C) the amount of money expended on activities to influence such a vote.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 178 / Nays 244

¶104.12 [Roll No. 685]

AYES—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOT VOTING—11

Gohmert
Harper
Linder
McCarthy (NY)
McCaul
McHugh
Rangel
Salazar
Skelton
Wamp
Woolsey

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 185

¶104.13 [Roll No. 686]

AYES—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland

Whitfield	Wittman	Young (AK)
Wilson (SC)	Wolf	Young (FL)

NOT VOTING—11

Gohmert	Linder	McHugh
Grijalva	Markey (MA)	Salazar
Harper	McCarthy (NY)	Wamp
Lee (NY)	McCaul	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.14 NATIONAL WEEKEND OF REMEMBRANCE

On motion of Mr. OBERSTAR, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the following concurrent resolution (H. Con. Res. 171):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL WEEKEND OF REMEMBRANCE EVENT.

(a) IN GENERAL.—The White House Commission on Remembrance (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event (in this resolution referred to as the ''event'') on the Capitol Grounds to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

(b) DATE OF EVENT.—The event shall be held on September 26, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶104.15 SIDNEY M. ARONOVITZ UNITED STATES COURTHOUSE

On motion of Mr. OBERSTAR, by unanimous consent, called up for consideration the bill (H.R. 2913) to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶104.16 ADVERSE REPORT ON H. RES. 636

Mr. COHEN, by direction of the Committee on the Judiciary, submitted a privileged adverse report (Rept. No. 111–242) on the resolution (H. Res. 636) directing the Attorney General to transmit to the House of Representatives all information relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States; referred to the House Calendar and ordered printed.

¶104.17 NATIONAL SAVE FOR RETIREMENT WEEK

On motion of Ms. SCHWARTZ, by unanimous consent, the Committee on Ways and Means was discharged from further consideration of the following resolution (H. Res. 662):

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for one's retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law;

Whereas many workers who are saving for retirement in tax-preferred vehicles have experienced declines in their account values as a result of the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans including retirement savings strategies, and to take advantage of the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 18 through October 24, 2009, has been designated as ''National Save for Retirement Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues estimated to be in excess of $120,400,000,000 for the 2008 fiscal year budget;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement, and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶104.18 WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

On motion of Mr. COHEN, by unanimous consent, the Committee on the Judiciary was discharged from further consideration of the joint resolution of the Senate (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

When said joint resolution was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶104.19 GOSPEL HERITAGE MUSIC MONTH

On motion of Mr. CLAY, by unanimous consent, the Committee on Oversight and Government Reform was discharged from further consideration of the joint resolution (H.J. Res. 12) expressing support for designation of September 2009 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶104.20 GOLD STAR MOTHERS DAY

On motion of Mr. CLAY, by unanimous consent, the Committee on Oversight and Government Reform was discharged from further consideration of the following resolution (H. Res. 513):

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;

Whereas Americans honor themselves and the mothers of America when they revere and emphasize the role of the home and the family as the true foundations of the United States;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas the last Sunday in September, which in 2009 is September 27, is observed as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and purpose of Gold Star Mothers Day, which is observed in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; and

(2) urges the President to issue a proclamation calling upon the people of the United States to observe Gold Star Mothers Day with appropriate ceremonies and activities.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶104.21 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. MAFFEI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 30, 2009.

Hon. NANCY PELOSI,

Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Today, on July 30, 2009, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. 542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR.

Enclosures.

RESOLUTION—DOCKET 2819—BLACK RASCAL CREEK, MERCED, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the reports on the Sacramento-San Joaquin Basin Streams, California, published as House Document No. 367, 81st Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, and other related purposes in the vicinity of the Black Rascal Creek Watershed, Merced, California.

RESOLUTION—DOCKET 2820—DEADMAN'S RUN, LINCOLN, NEBRASKA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the reports of the Chief of Engineers on the Missouri River and Tributaries, published as House Document Numbered 475, 78th Congress, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the Deadman's Run Watershed, located in the vicinity of Lincoln, Nebraska.

RESOLUTION—DOCKET 2821—HYDROELECTRIC POWER, UPPER MISSISSIPPI RIVER SYSTEM, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Corps of Engineers, entitled Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in determining the feasibility of incorporating hydroelectric power into the improvements of the navigable portions of the Upper Mississippi and Illinois River system, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶104.22 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 172. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

¶104.23 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3357. An Act to restore sums to the Highway Trust Fund and for other purposes.

¶104.24 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1107. An Act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

¶104.25 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 31, 2009 she presented to the President of the United States, for his approval, the following bill:

H.R. 838. An Act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

¶104.26 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

April 21, 2009:

H.R. 1388. An Act entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.

May 7, 2009:

H.R. 1626. An Act to make technical amendments to laws containing time periods affecting judicial proceedings.

May 12, 2009:

H.R. 586. An Act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

May 22, 2009:

H.R. 627. An Act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

June 2, 2009:

H.R. 131. An Act to establish the Ronald Reagan Centennial Commission.

June 19, 2009:

H.R. 663. An Act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

H.R. 918. An Act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 1284. An Act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

H.R. 1595. An Act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building''.

H.R. 2675. An Act to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

June 22, 2009:

H.R. 1256. An Act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the

Federal Employees' Retirement System, and for other purposes.

June 24, 2009:

H.R. 2346. An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

June 26, 2009:

H.J. Res. 40. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

June 30, 2009:

H.R. 813. An Act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837. An Act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

H.R. 2344. An Act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

July 1, 2009:

H.R. 1777. An Act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

July 27, 2009:

H.R. 2632. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

July 28, 2009:

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

¶104.27 SENATE BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

April 23, 2009:

S. 520. An Act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''.

April 24, 2009:

S. 383. An Act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and Responsibilities, and for other purposes.

May 7, 2009:

S.J. Res. 8. A joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

May 8, 2009:

S. 39. An Act to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze''.

May 15, 2009:

S. 735. An Act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

May 20, 2009:

S. 386. An Act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 896. An Act to prevent mortgage foreclosures and enhance mortgage credit availability.

May 22, 2009:

S. 454. An Act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

June 30, 2009:

S. 407. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

S. 615. An Act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

July 1, 2009:

S. 615. An Act to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

And then,

¶104.28 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to House Concurrent Resolution 172, at 5 o'clock and 54 minutes p.m., the House adjourned until 2 p.m. on Tuesday, September 8, 2009.

¶104.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2913. A bill to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse'' (Rept. 111–240). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2053. A bill to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse'' (Rept. 111–241). Referred to the House Calendar.

Mr. CONYERS: Committee on Judiciary. House Resolution 636. Resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States, adversely (Rept. 111–242). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2651. A bill to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes (Rept. 111–243). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2989. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans, to amend such Act to provide for independent investment advice for participants and beneficiaries under individual account plans, and to amend such Act and the Internal Revenue Code of 1986 to provide transitional relief under certain pension funding rules added by the Pension Protection Act of 2006; with an amendment (Rept. 111–244, Pt. 1). Ordered to be printed.

¶104.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than September 30, 2009.

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than October 16, 2009.

¶104.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBEY (for himself, Mr. ISRAEL, Mr. CHANDLER, Mr. KILDEE, Ms. SUTTON, and Mr. BRALEY of Iowa):

H.R. 3435. A bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program; considered and passed.

By Mr. CUMMINGS:

H.R. 3436. A bill to require chief executive officers of certain financial institutions that receive assistance under title I of the Emergency Economic Stabilization Act of 2008, under the 3rd undesignated paragraph of section 13 of the Federal Reserve Act, or from the Secretary of the Treasury or the Federal Deposit Insurance Corporation under any other provision of law to submit financial disclosures under the Ethics in Government Act of 1978 to the Secretary of the Treasury, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3437. A bill to amend the Post-Katrina Emergency Management Reform Act of 2006 to direct the Administrator of the Federal Emergency Management Agency to develop lifecycle plans and tracking procedures for housing units provided to individuals and households to respond to disaster-related housing needs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 3438. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. DAVIS of Illinois, Mr. PASCRELL, and Mr. MORAN of Virginia):

H.R. 3439. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. ROSKAM, Mr. ADLER of New Jersey, Mr. LANCE, and Mr. CANTOR):

H.R. 3440. A bill to amend the Internal Revenue Code of 1986 to allow dealers in real estate to use the installment sales method; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. MAFFEI, Mr. SIRES, Mr. MASSA, Mr. BOCCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KAGEN, Mr. MINNICK, and Mr. FILNER):

H.R. 3441. A bill to provide for automatic enrollment of veterans returning from combat zones into the VA medical system, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HODES:

H.R. 3442. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending caps for each of fiscal years 2011 through 2013; to the Committee on the Budget.

By Mr. CLEAVER:

H.R. 3443. A bill to amend the Internal Revenue Code of 1986 to modify the private activity bond rules to except certain uses of intellectual property from the definition of private business use; to the Committee on Ways and Means.

By Mr. FARR:

H.R. 3444. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. MEEK of Florida):

H.R. 3445. A bill to amend the Internal Revenue Code of 1986 to allow baby formula to be reimbursed under a health flexible spending arrangement if the mother has had a mastectomy and is medically unable to breastfeed; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 3446. A bill to provide for a competitive program making grants to seaport governing bodies for the acquisition of fuel efficient and low emission equipment and systems at port facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 3447. A bill to amend the Internal Revenue Code of 1986 to implement on-going appropriations for withdrawals from the Harbor Maintenance Trust Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. REHBERG, Mr. BACHUS, Mr. OLSON, Mr. CRENSHAW, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. FLEMING, and Mr. PAULSEN):

H.R. 3448. A bill to establish an expedited schedule for the issuance of a Combined Construction and Operating License for nuclear reactors that meet certain conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Mr. BRADY of Pennsylvania, Mr. WALZ, Mr. HOLT, Mr. COURTNEY, Mr. HALL of New York, Ms. SCHAKOWSKY, Mr. HONDA, Mr. MCGOVERN, Ms. WOOLSEY, Mr. SMITH of Washington, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CARNAHAN, Ms. GIFFORDS, Ms. HARMAN, Mr. LOEBSACK, Ms. LORETTA SANCHEZ of California, Mr. ABERCROMBIE, Mr. MICHAUD, Mr. JONES, Mr. HARE, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. JOHNSON of Georgia, and Ms. WASSERMAN SCHULTZ):

H.R. 3449. A bill to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas (for herself, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. HARE, Mr. POE of Texas, Mr. MASSA, Mr. COHEN, Mr. BERRY, Mr. FALEOMAVAEGA, Mr. TONKO, Mr. KUCINICH, Mr. REYES, Ms. CORRINE BROWN of Florida, and Mr. ROTHMAN of New Jersey):

H.R. 3450. A bill to prohibit certain restraints of competition adversely affecting automobile dealers; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3451. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require mortgagees for mortgages in default to engage in reasonable loss mitigation activities, and for other purposes; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 3452. A bill to impose a tax on Wall Street bonuses received from TARP recipients and direct revenue to mortgage workouts; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE (for himself and Mr. CAO):

H.R. 3453. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make improvements in the provision of Federal disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Ms. FALLIN):

H.R. 3454. A bill to amend title XVIII of the Social Security Act to reform payments and coverage for hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Mr. MCCOTTER, Ms. SUTTON, Mr. BOCCIERI, Mr. KUCINICH, Ms. KILROY, Mr. WILSON of Ohio, and Ms. KAPTUR):

H.R. 3455. A bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding a voluntary employees' beneficiary association with respect to former employees of Delphi Corporation; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 3456. A bill to designate the facility of the United States Postal Service located at 1900 West Gray Street in Houston, Texas, as the ''Hazel Hainsworth Young Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. LOWEY, Mr. MICHAUD, and Mr. PERRIELLO):

H.R. 3457. A bill to amend the Truth in Lending Act to provide coverage under such Act for credit cards issued to small businesses, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY of Massachusetts (for himself and Ms. ESHOO):

H.R. 3458. A bill to amend the Communications Act of 1934 to establish a national broadband policy, safeguard consumer rights, spur investment and innovation, and for related purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD:

H.R. 3459. A bill to provide comprehensive reform regarding medical malpractice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. INSLEE, Mr. DREIER, Mr. HUNTER, Mrs. DAVIS of California, Mr. CALVERT, Mrs. BONO MACK, Mr. ISSA, and Mr. TEAGUE):

H.R. 3460. A bill to amend the Clean Air Act to include algae-based biofuel in the renewable fuel program and amend the Internal Revenue Code of 1986 to include algae-based biofuel in the cellulosic biofuel producer credit; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. MORAN of Kansas, Mr. ISRAEL, and Mr. HEINRICH):

H.R. 3461. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. CONAWAY, Ms. SUTTON, and Mr. CULBERSON):

H.R. 3462. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business energy-related property; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. LINDER, Mr. NUNES, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, Mr. ROSKAM, Mr. BOEHNER, Mr. PENCE, Mr. THORNBERRY, Mr. PITTS, and Mr. LUCAS):

H.R. 3463. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. MANZULLO, Mr. LATHAM, Mr. BOSWELL, Mr. LOEBSACK, Mr. KING of Iowa, Mr. REHBERG, and Mr. KAGEN):

H.R. 3464. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization; to the Committee on Financial Services.

By Mr. BUTTERFIELD (for himself, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. BORDALLO, Mr. RUSH, and Mrs. LOWEY):

H.R. 3465. A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H.R. 3466. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY:

H.R. 3467. A bill to amend title 38, United States Code, to provide for a monthly housing stipend under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs for individuals pursuing programs of education offered through distance learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASTLE (for himself, Mr. GERLACH, and Mr. LOBIONDO):

H.R. 3468. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and the Employee Retirement Income Security Act of 1974 to promote the use of prevention and wellness programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida (for herself, Mr. BERMAN, Mr. BISHOP of New York, Mr. BOCCIERI, Ms. BORDALLO, Mr. BOREN, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Mr. CHILDERS, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Ms. FUDGE, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Ms. LEE of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. NYE, Mr. OLVER, Mr. ORTIZ, Mr. PAYNE, Mr. RAHALL, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SARBANES, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SIRES, Mr. SNYDER, Mr. SPACE, Ms. SUTTON, Mr. TAYLOR, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WU, and Mr. YOUNG of Florida):

H.R. 3469. A bill to amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 3470. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. HODES, Mr. STARK, Mr. FILNER, Mr. KUCINICH, and Mr. GONZALEZ):

H.R. 3471. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER:

H.R. 3472. A bill to provide for health insurance coverage premium discounts for healthy behavior and improvements toward healthy behavior; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Alabama:

H.R. 3473. A bill to direct the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act to carry out pilot programs to permit States to test the feasibility of using alternative methods, including the use of advanced electronic technologies and the Internet, to enable absent uniformed services voters to register to vote and vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. GRIJALVA, and Mr. SCOTT of Virginia):

H.R. 3474. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes; to the Committee on Education and Labor.

By Mr. FORBES:

H.R. 3475. A bill to amend the Public Health Service Act to double the amount of funds authorized to be appropriated to the National Institutes of Health for medical research with the greatest potential for near-term clinical benefit; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself and Mr. CARNEY):

H.R. 3476. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Natural Resources.

By Mr. GOHMERT (for himself, Mr. BROWN of Georgia, Mr. ALDERHOLT, Mr. LAMBORN, Mr. MILLER of Florida, Mr. FORBES, Mr. BOOZMAN, Mr. PENCE, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. JORDAN of Ohio, Mr. FRANKS of Arizona and Mr. KING of Iowa):

H.R. 3477. A bill to direct the Architect of the Capitol to acquire and place a historical plaque to be permanently displayed in National Statuary Hall recognizing the seven decades of Christian church services being held in the Capitol from 1800 to 1868, which included attendees James Madison and Thomas Jefferson; to the Committee on House Administration.

By Mr. GOHMERT:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to modify rules relating to health savings accounts, to provide payments for a health savings account and for a high deductible health plan instead of entitlement to benefits under Medicare, Medicaid, and SCHIP, to give more control and coverage to patients, to lower health care costs through increased price transparency, and to require immigrants to have a health savings account and high deductible health coverage at time of admission; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3479. A bill to eliminate duplicative Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. CAMPBELL, Mr. FORTENBERRY, Ms. DELAURO, Mr. NADLER of New York, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. HARE, Mr. PASCRELL, Mr. BLUMENAUER, Mr. GALLEGLY, Mr. BERMAN, Mr. LEWIS of Georgia, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. HOLT, Ms. HIRONO, Mr. SERRANO, Mrs. MALONEY, Ms. LEE of California, Mr. COHEN, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Mr. MARKEY of Massachusetts, Mr. SHERMAN, Mr. PRICE of North Carolina, and Mr. FARR):

H.R. 3480. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 3481. A bill to provide for the protection of the quality of water in the Lower Colorado River and the development and implementation of a comprehensive plan for the prevention and elimination of pollution in the Lower Colorado River and the maintenance of a healthy Lower Colorado River ecosystem; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 3482. A bill to make renewable energy production a priority on certain public lands for the purpose of responsibly producing clean, affordable power for the American people; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 3483. A bill to reform the medical liability system, improve access to health care for rural and indigent patients, enhance access to affordable prescription drugs, and for

other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 3484. A bill to amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself and Mr. CROWLEY):

H.R. 3485. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. MCHUGH, Ms. MOORE of Wisconsin, Mr. LEVIN, Ms. SLAUGHTER, Mr. PETERS, Mrs. DAHLKEMPER, Mr. LATOURETTE, Mr. MASSA, Mr. COSTA, Mr. KUCINICH, Mr. KAGEN, and Mr. POSEY):

H.R. 3486. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 3487. A bill to require the Secretary of State and the Attorney General to take certain actions against specified foreign nationals involved in actions relating to international child abduction, regardless of whether a country is a party to the Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mr. KIRK, Mr. SULLIVAN, Mrs. BONO MACK, Mr. BOREN, Mr. WEXLER, Mr. DELAHUNT, Mr. KLEIN of Florida, Mr. HIGGINS, Mr. BARTLETT, Ms. SCHWARTZ, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. LANGEVIN, Mr. HOLT, Mr. THOMPSON of California, Mr. SIRES, Mr. CARNAHAN, Mr. INSLEE, Mr. WELCH, Mr. TONKO, Ms. SUTTON, Mr. MASSA, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. WITTMAN, Mr. ENGEL, and Mrs. CAPPS):

H.R. 3488. A bill to direct the Secretary of Energy to carry out the Clean Cities program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACKSON of Illinois (for himself, Mr. WATT, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. DAVIS of Alabama, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. NADLER of New York, and Mrs. DAVIS of California):

H.R. 3489. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes; to the Committee on House Administration.

By Mr. JOHNSON of Illinois (for himself and Mr. ABERCROMBIE):

H.R. 3490. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for employer-provided wellness programs; to the Committee on Ways and Means.

By Mr. KAGEN (for himself and Mr. FRANK of Massachusetts):

H.R. 3491. A bill to amend title 38, United States Code, to establish a presumption of service connection for certain cancers occurring in veterans who served in the Republic of Vietnam and were exposed to certain herbicide agents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI:

H.R. 3492. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI:

H.R. 3493. A bill to amend title 5, United States Code, to limit the number of local wage areas allowable within a General Schedule pay locality; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H.R. 3494. A bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes; to the Committee on Armed Services.

By Ms. KAPTUR:

H.R. 3495. A bill to amend title XVIII of the Social Security Act to ensure access to quality home health services for all Americans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H.R. 3496. A bill to authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. VAN HOLLEN, and Mr. MCDERMOTT):

H.R. 3497. A bill to amend the Internal Revenue Code of 1986 to provide that indebtedness incurred by a partnership in acquiring securities and commodities is not treated as acquisition indebtedness for purposes of determining the unrelated business taxable income of organizations which are partners with limited liability; to the Committee on Ways and Means.

By Mrs. LUMMIS (for herself, Mr. THOMPSON of Mississippi, Ms. SHEA-PORTER, Mr. SIMPSON, Mr. ADERHOLT, and Mr. PRICE of North Carolina):

H.R. 3498. A bill to amend section 119 of title 17, United States Code, and the Communications Act of 1934 to permit satellite carriers to retransmit the signals of certain noncommercial, educational broadcast stations outside their local markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 3499. A bill to amend the Trademark Act of 1946 to allow civil actions against persons who use trademarks that are misleading as to the origin of goods in certain cases; to the Committee on the Judiciary.

By Mr. MAFFEI:

H.R. 3500. A bill to amend the Internal Revenue Code of 1986 to extend and modify the benefits available in empowerment zones and other tax-incentive areas; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 3501. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for pet care expenses; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. CONNOLLY of Virginia, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. ELLSWORTH, Ms. ESHOO, Mr. KIRK, Mr. ADLER of New Jersey, Mr. MCGOVERN, Mr. BOSWELL, Mr. THORNBERRY, Mr. VAN HOLLEN, and Mr. THOMPSON of California):

H.R. 3502. A bill to amend the Public Health Service Act to establish an Office of Mitochondrial Medicine at the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself, Mr. PETRI, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. MARKEY of Massachusetts, Mr. MORAN of Virginia, Mr. CONYERS, Mr. GRIJALVA, Mrs. CAPPS, Mr. FARR, Mr. OLVER, Mr. STARK, Mr. SCHIFF, Mr. KENNEDY, Ms. DELAURO, Ms. LEE of California, Mr. NADLER of New York, Mr. HONDA, Mr. BERMAN, Ms. NORTON, Mr. WEXLER, Mr. PAYNE, Mr. KILDEE, Ms. ESHOO, and Mr. GORDON of Tennessee):

H.R. 3503. A bill to ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin in a manner that protects and enhances local communities, ensures effective expenditure of Federal resources, and maintains reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 3504. A bill to provide for a 2 percent rescission of unobligated funds previously appropriated under the American Recovery and Reinvestment Act of 2009 to be used by the Secretary of Veterans Affairs to hire claims processors; to the Committee on Appropriations, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself and Mr. ROONEY):

H.R. 3505. A bill to increase the supply of American made energy, reduce energy costs to the American taxpayer, provide a long term energy framework to reduce dependence on foreign oil, tap into American sources of energy, and reduce the size of the Federal deficit; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. ROSKAM, and Mr. MOORE of Kansas):

H.R. 3506. A bill to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes; to the Committee on Financial Services.

By Mr. PAULSEN (for himself and Mr. WALZ):

H.R. 3507. A bill to amend title 38, United States Code, to provide for an increase in the rates of survivors' and dependents' educational assistance payable by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PAULSEN (for himself, Mr. AKIN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mrs. MCMORRIS RODGERS, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. KIRK, Mr. ROSKAM, Mrs. BIGGERT, Mr. MCCARTHY of California, Mr. CASSIDY, Mrs. LUMMIS, Mr. ROONEY, Mr. DAVIS of Kentucky, Mr. LANCE, Mr. PENCE, and Mrs. BACHMANN):

H.R. 3508. A bill to amend the Internal Revenue Code of 1986 to provide for improved treatment of HSA account provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON (for himself, Mr. LUCAS, Mr. HOLDEN, Mr. GOODLATTE, Mr. ELLSWORTH, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. KRATOVIL, Ms. MARKEY of Colorado, Mr. CONAWAY, Ms. JENKINS, Mr. MURPHY of New York, Mr. KISSELL, Mr. ROGERS of Alabama, Ms. HERSETH SANDLIN, Mr. CASSIDY, Mr. WELCH, Mr. MASSA, Mr. BRIGHT, Mr. POMEROY, and Mr. CHILDERS):

H.R. 3509. A bill to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987; to the Committee on Agriculture.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. SARBANES, Ms. BORDALLO, Mr. MCDERMOTT, Mr. CONNOLLY of Virginia, Ms. JACKSON-LEE of Texas, Mr. HODES, Ms. NORTON, and Mr. PLATTS):

H.R. 3510. A bill to establish a scholarship program to encourage outstanding graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN:

H.R. 3511. A bill to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. SCALISE:

H.R. 3512. A bill to amend title 18, United States Code, to prevent misrepresentation of their ages by on-line predators as a means for the enticement of children; to the Committee on the Judiciary.

By Mr. SCALISE:

H.R. 3513. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.R. 3514. A bill to amend the Columbia River Gorge National Scenic Area Act; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself, Mr. MANZULLO, and Mr. SMITH of Washington):

H.R. 3515. A bill to make improvements in the electronic filing of export data, to strengthen enforcement authorities with respect to the Export Administration Regulations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. AL GREEN of Texas, Mr. HOLT, Mr. KLEIN of Florida, Mr. ADLER of New Jersey, Mr. ENGEL, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. NADLER of New York, Mr. GRAYSON, Ms. BERKLEY, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. WEINER, Mr. COHEN, Ms. KILROY, and Mr. HALL of New York):

H.R. 3516. A bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from divesting certain qualified securities of business entities engaged in Iran or Sudan discouraged activities; to the Committee on Ways and Means.

By Mr. SIRES (for himself, Mrs. NAPOLITANO, and Mr. CARNAHAN):

H.R. 3517. A bill to amend titles 23 and 49, United States Code, to enhance employer involvement in transportation planning and to create and expand commuter benefit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CONYERS, Mr. HIGGINS, Mr. HINCHEY, Ms. KAPTUR, Mr. KENNEDY, Mr. KING of New York, Mr. MCHUGH, Mr. PASCRELL, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Mr. SIRES, Ms. SUTTON, Mr. THOMPSON of California, Mr. WU, Mrs. CHRISTENSEN, Mr. LANGEVIN, Ms. PINGREE of Maine, Mr. TONKO, Mr. CARNEY, Mrs. DAHLKEMPER, Mr. MCGOVERN, Mr. KILDEE, Mr. WELCH, and Mr. ARCURI):

H.R. 3518. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. BOSWELL, Mr. BACA, Mr. CONAWAY, Mr. HOLDEN, Mr. LATHAM, Mr. LUCAS, Mr. LUETKEMEYER, Mr. MASSA, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. SIMPSON, Mr. SCHRADER, Mr. WALZ, Mr. THORNBERRY, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. SCHOCK, and Mr. LATTA):

H.R. 3519. A bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Nebraska (for himself, Mr. ROHRABACHER, and Mr. LANCE):

H.R. 3520. A bill to amend the Internal Revenue Code of 1986 to exclude capital gains on sales and exchanges of residences purchased in a foreclosure sale; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 3521. A bill to encourage States to expand the protections offered to victims of sex offenses who are not in a familiar or dating relationship with the perpetrators of such offenses; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. RYAN of Ohio):

H.R. 3522. A bill to direct the Secretary of Veterans Affairs to provide grants and assistance to States to conduct outreach to veterans regarding hardship and priority under the Department of Veterans Affairs patient enrollment system; to the Committee on Veterans' Affairs.

By Mr. TEAGUE (for himself and Mr. BILBRAY):

H.R. 3523. A bill to direct the Secretary of Energy to provide for the establishment of accreditation standards relating to biofuel engineering, to provide support for undergraduate and graduate degree programs that create the engineering skills necessary to support biofuel production, and for other purposes; to the Committee on Science and Technology.

By Mr. THOMPSON of California (for himself and Mr. SALAZAR):

H.R. 3524. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from the gross estate for certain farmlands and lands subject to qualified conservation easements, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. HELLER):

H.R. 3525. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of bonds issued to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies; to the Committee on Ways and Means.

By Ms. WATSON:

H.R. 3526. A bill to provide definitions of terms and services related to community-based gang intervention to ensure that funding for such intervention is utilized in a cost-effective manner and that community-based agencies are held accountable for providing holistic, integrated intervention services, and for other purposes; to the Committee on Education and Labor.

By Mr. WEINER (for himself, Mr. FRANK of Massachusetts, and Mr. GARY G. MILLER of California):

H.R. 3527. A bill to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multifamily housing projects with elevators and for extremely high-cost areas; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 3528. A bill to establish a grants program to assist States and units of local governments to establish and expand programs that employ global positioning system technologies as alternative sentencing options, and for other purposes; to the Committee on the Judiciary.

By Mr. WELCH (for himself, Mr. SHUSTER, Mr. MASSA, Ms. BORDALLO, and Ms. PINGREE of Maine):

H.R. 3529. A bill to amend the Small Business Act to increase the maximum loan amount under the Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. WELCH:

H.R. 3530. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. HONDA, Ms. ROYBAL-ALLARD, and Mr. POLIS):

H.R. 3531. A bill to provide protection for children affected by the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. HONDA):

H.R. 3532. A bill to amend the Chinese Student Protection Act of 1992 to eliminate the offset in per country numerical level required under that Act; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. SMITH of Texas):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress that the President should recognize the importance of auto dealerships to communities across the country by encouraging remedies for those franchises eliminated during recent car manufacturer bankruptcies; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BUYER, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. STUPAK, Mr. KILDEE, Mr. EHLERS, Mr. PETERS, Mr. CAMP, Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. ROGERS of Michigan):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to commemorate the War of 1812 and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. HONDA, and Mr. CARDOZA):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that secondary schools should begin the school day no earlier than 9:00 in the morning; to the Committee on Education and Labor.

By Mr. REICHERT (for himself and Mr. STUPAK):

H. Con. Res. 177. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as ''Celebrate Safe Communities'' Week, and October as ''Crime Prevention Month''; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself and Mr. HOEKSTRA):

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that we honor, commemorate and celebrate the historic ties of the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and the settlement and enduring values of New Netherland which permeate American society up until today; to the Committee on Foreign Affairs.

By Mr. FOSTER (for himself, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Mr. LIPINSKI, Mr. JACKSON of Illinois, Ms. BEAN, Mr. JOHNSON of Illinois, Mr. KIRK, Mrs. BIGGERT, Mr. MANZULLO, Mr. ROSKAM, Ms. SCHAKOWSKY, Mr. QUIGLEY, Mr. HARE, Mr. SCHOCK, Mrs. HALVORSON, and Mr. GUTIERREZ):

H. Res. 703. A resolution congratulating Mark Buehrle of the Chicago White Sox on pitching a perfect game on July 23, 2009; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 704. A resolution deploring the ongoing violence by Iraqi security forces against the residents of Camp Ashraf in Iraq; to the Committee on Foreign Affairs.

By Mr. MINNICK (for himself and Mr. WOLF):

H. Res. 705. A resolution condemning hard-labor prison camps in the Democratic People's Republic of Korea as an egregious violation of human rights; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. RAHALL, Mr. BOUSTANY, Mr. ACKERMAN, Mr. CARNAHAN, Ms. KAPTUR, and Mr. DELAHUNT):

H. Res. 706. A resolution congratulating the people of Lebanon on successfully conducting free, fair, and democratic parliamentary elections on June 7, 2009; to the Committee on Foreign Affairs.

By Mr. POLIS (for himself, Mr. GUTHRIE, and Mr. ALEXANDER):

H. Res. 707. A resolution expressing support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week; to the Committee on Education and Labor.

By Mr. SCHOCK (for himself and Ms. SCHAKOWSKY):

H. Res. 708. A resolution congratulating Nancy Goodman Brinker for receiving the Presidential Medal of Freedom; to the Committee on Oversight and Government Reform.

By Ms. CASTOR of Florida (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Ms. BORDALLO, Mr. GONZALEZ, Ms. NORTON, Mr. MASSA, Mr. KIRK, Ms. ROYBAL-ALLARD, Mr. SESTAK, Mr. RUSH, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. BOSWELL, Ms. MCCOLLUM, Mr. MOORE of Kansas, Mr. HINOJOSA, Ms. DELAURO, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. SARBANES, Mr. DAVIS of Illinois, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 709. A resolution supporting the goals and ideals of National Immunization Awareness Month to raise awareness of the benefits of immunization; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida (for herself, Mr. ADLER of New Jersey, Mr. BOYD, Mr. BUCHANAN, Mrs. CAPPS, Mr. CASSIDY, Mr. CASTLE, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. HALL of New York, Ms. HARMAN, Mr. HOLT, Mr. KENNEDY, Ms. KOSMAS, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Mr. INSLEE, Mr. MACK, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MELANCON, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. PALLONE, Mr. PAYNE, Mr. PIERLUISI, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Mr. ROTHMAN of New Jersey, Mr. SARBANES, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SIRES, Ms. SPEIER, Mr. STARK, Mr. WITTMAN, Mr. WU, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. SERRANO):

H. Res. 710. A resolution supporting the goals and ideals of ''National Estuaries Day''; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H. Res. 711. A resolution calling on the United States Government and the international community to address the human rights and humanitarian needs of Sri Lanka's Tamil internally displaced persons (IDPs) currently living in government-run camps by supporting the release of such IDPs, implementing and facilitating an independent oversight of the process of release and resettlement, and allowing foreign aid groups to provide relief and resources to such IDPs; to the Committee on Foreign Affairs.

By Mr. FILNER (for himself, Mr. GRAVES, Mr. WILSON of South Carolina, and Mr. DAVIS of Tennessee):

H. Res. 712. A resolution commending the people of Iraqi Kurdistan for reaffirming in the July 25, 2009, parliamentary elections the region's dedication to democratic ideals and congratulating all the political slates and candidates that participated in the elections, and for other purposes; to the Committee on Foreign Affairs.

By Mr. AL GREEN of Texas (for himself and Mr. HENSARLING):

H. Res. 713. A resolution recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers whose franchises have been terminated through no fault of their own be given an opportunity of first consideration once the auto market rebounds and stabilizes; to the Committee on Energy and Commerce.

By Mr. INGLIS (for himself, Mr. DEFAZIO, Mrs. BACHMANN, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. CONAWAY, Mr. COBLE, Mr. RADANOVICH, and Mr. LAMBORN):

H. Res. 714. A resolution expressing the sense of the House of Representatives that any interest or dividends repaid to the government through the Troubled Asset Relief Program should be used solely for debt reduction, consistent with the authorizing legislation and Article One, Section Nine of the United States Constitution; to the Committee on Financial Services.

By Ms. KAPTUR:

H. Res. 715. A resolution recognizing the 70th anniversary of the Soviet and Nazi invasion of Poland and the pivotal role Poland has assumed at freedom's edge since gaining independence; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mrs. MCMORRIS RODGERS, Mr. WAXMAN, Mr. SCHIFF, Mr. SHERMAN, Ms. MATSUI, Mr. BERMAN, Mr. WEXLER, and Ms. DELAURO):

H. Res. 716. A resolution recognizing Gail Abarbanel and the Rape Treatment Center, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Res. 717. A resolution supporting the goals and ideals of ''National Passport Month''; to the Committee on Foreign Affairs.

By Ms. MATSUI (for herself and Mr. KING of New York):

H. Res. 718. A resolution recognizing September 11 as a ''National Day of Service and Remembrance''; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT:

H. Res. 719. A resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; to the Committee on Transportation and Infrastructure.

By Ms. WATSON (for herself, Mr. ROHRABACHER, Ms. HIRONO, Mr. MCDERMOTT, Mr. DINGELL, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. GRAYSON, Mr. SCOTT of Georgia, Mr. BLUMENAUER, Mr. TOWNS, Mr. CONYERS, Mr. BACA, Ms. WOOLSEY, Ms. SHEA-PORTER, Ms. EDWARDS of Maryland, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. COSTA, Mr. JACKSON of Illinois, Mr. PALLONE, Ms. SUTTON, Ms. KAPTUR, Ms. ESHOO, Mrs. NAPOLITANO, Mr. SIRES, Ms. VELÁZQUEZ, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Ms. SPEIER, Ms. CORRINE BROWN of Florida, Mr. ISSA, Mr. CUMMINGS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. LEE of California, Ms. DEGETTE, Ms. BALDWIN, Ms. FUDGE, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. HOYER, Mr. HARE, Mr.

CONNOLLY of Virginia, Mr. KILDEE, Mr. HASTINGS of Florida, and Ms. HARMAN):

H. Res. 720. A resolution commending Serena Williams for her victory in the 2009 Wimbledon Women's Singles Championship and the 2009 Wimbledon Doubles Championship; to the Committee on Oversight and Government Reform.

¶104.32 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

155. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 352 urging the United States Congress to enact H.R. 1633 of the 111th Congress, the ''Honor the Written Intent of our Soldier Heroes Act''; to the Committee on Armed Services.

156. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE RESOLUTION NO. 145 memorializing the Congress of the United States to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; to the Committee on Financial Services.

157. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 106 memorializing the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to regulate auditory volume standards for commercial advertisements broadcast on television; to the Committee on Energy and Commerce.

158. Also, a memorial of the House of Representatives of the State of Texas, relative to H.R. No. 1085 urging the United States Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; to the Committee on Oversight and Government Reform.

159. Also, a memorial of the General Assembly of the State of Indiana, relative to Senate Resolution Sixty-two encouraging the Indiana Congressional Delegation and Senators to oppose legislation that would impede states' rights; to the Committee on the Judiciary.

160. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 32 memorializing the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2009 (H.R. 235 or R.S. 484) or similar instrument; to the Committee on Ways and Means.

¶104.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. WATERS.

H.R. 39: Mr. KUCINICH, Mr. STARK, and Mr. PRICE of North Carolina.

H.R. 197: Mr. ROHRABACHER and Mr. DAVIS of Tennessee.

H.R. 204: Mr. JACKSON of Illinois, Mr. DELAHUNT, and Mr. DEFAZIO.

H.R. 211: Mr. TONKO.

H.R. 235: Mr. HEINRICH, Mrs. BACHMANN, and Mr. CASSIDY.

H.R. 270: Mrs. BLACKBURN.

H.R. 272: Mr. JOHNSON of Illinois.

H.R. 294: Mrs. BLACKBURN.

H.R. 303: Mrs. BLACKBURN, Mr. ROTHMAN of New Jersey, Ms. KAPTUR, and Mr. JOHNSON of Georgia.

H.R. 333: Mrs. BLACKBURN and Mr. AKIN.

H.R. 413: Mr. KING of New York, Mr. SULLIVAN, Mr. SHIMKUS, Mr. ROONEY, and Mr. ROGERS of Michigan.

H.R. 442: Mr. MARSHALL, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. MARIO DIAZ-BALART of Florida, Mr. WALDEN, and Mr. TIM MURPHY of Pennsylvania.

H.R. 501: Mr. MCGOVERN.

H.R. 510: Ms. DELAURO and Mr. ENGEL.

H.R. 544: Mr. BILIRAKIS.

H.R. 571: Ms. TITUS, Mr. SIRES, Ms. SCHWARTZ, Mr. BISHOP of Utah, and Mr. LEE of New York.

H.R. 593: Mrs. BLACKBURN.

H.R. 606: Mr. BLUMENAUER.

H.R. 621: Mr. MELANCON, Mr. NADLER of New York, Mr. KING of Iowa, Mr. MCCLINTOCK, Ms. JENKINS, Mr. GARY G. MILLER of California, Mr. REICHERT, Mr. LUETKEMEYER, Mr. BROUN of Georgia, Mr. BILIRAKIS, Mr. BACHUS, Mr. THORNBERRY, Mrs. MYRICK, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. OLSON, Mr. VISCLOSKY, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. TIAHRT, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. BOCCIERI, and Mr. WITTMAN.

H.R. 644: Mr. HOLT and Mr. POLIS.

H.R. 646: Mr. GARY G. MILLER of California.

H.R. 658: Mr. MCCLINTOCK.

H.R. 666: Mr. BISHOP of New York.

H.R. 667: Mr. WU, Mr. MCCOTTER and Mr. BOSWELL.

H.R. 676: Ms. CHU.

H.R. 690: Mr. QUIGLEY and Mr. WELCH.

H.R. 708: Mr. TURNER and Mr. WITTMAN.

H.R. 718: Mr. BUTTERFIELD.

H.R. 744: Mrs. BLACKBURN.

H.R. 750: Mr. CARSON of Indiana.

H.R. 775: Mr. DAVIS of Illinois, Mr. DANIEL E. LUNGREN of California, Mr. AKIN, Mr. TONKO, and Mr. TIBERI.

H.R. 795: Mr. VAN HOLLEN and Mr. CONNOLLY of Virginia.

H.R. 802: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 811: Mrs. BLACKBURN.

H.R. 836: Ms. KOSMAS, Mr. PETERSON, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H.R. 847: Mr. COURTNEY.

H.R. 868: Mr. MOORE of Kansas and Ms. DEGETTE.

H.R. 953: Mrs. BLACKBURN.

H.R. 1020: Mr. SERRANO.

H.R. 1034: Mr. SHULER and Mr. PLATTS.

H.R. 1053: Mr. CANTOR.

H.R. 1074: Mr. MARIO DIAZ-BALART of Florida, Mr. WALDEN, and Mr. GOODLATTE.

H.R. 1075: Mrs. BLACKBURN.

H.R. 1079: Mrs. BLACKBURN.

H.R. 1103: Ms. BERKLEY.

H.R. 1117: Mr. INGLIS.

H.R. 1132: Mr. TANNER, Mr. HODES, Mr. BUTTERFIELD, Mrs. BACHMANN, Mr. BISHOP of Georgia, Mr. SKELTON, Mr. KILDEE, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. BUYER, Mr. HARE, Mr. HALL of New York, Mr. PETERS, Mr. BOEHNER, Mr. BARTLETT, Mr. DANIEL E. LUNGREN of California, Mr. TIBERI, Mr. CRENSHAW, Mr. LUETKEMEYER, Mrs. BONO MACK, Mr. BRIGHT, Mr. PENCE, Mr. PAUL, Mr. WALZ, Mr. NEAL of Massachusetts, Mr. ETHERIDGE, Mr. CONNOLLY of Virginia, Mr. KLEIN of Florida, Mr. FORBES, Mr. PERRIELLO, Mr. MCCARTHY of California, and Ms. FOXX.

H.R. 1162: Mr. HEINRICH.

H.R. 1179: Mr. RYAN of Ohio and Mr. WELCH.

H.R. 1194: Mr. LARSEN of Washington, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Ms. FOXX, and Mr. SAM JOHNSON of Texas.

H.R. 1201: Mrs. HALVORSON.

H.R. 1203: Mr. LARSON of Connecticut and Mrs. BACHMANN.

H.R. 1204: Mr. BRIGHT.

H.R. 1205: Mr. PRICE of North Carolina, Mr. REICHERT, and Mr. CONNOLLY of Virginia.

H.R. 1207: Mr. OBERSTAR.

H.R. 1208: Mr. WOLF.

H.R. 1215: Ms. CHU.

H.R. 1250: Mr. SOUDER, Mrs. BONO MACK, Mr. DUNCAN, Mr. WAMP, and Mr. SAM JOHNSON of Texas.

H.R. 1283: Mr. WATT.

H.R. 1289: Mr. HODES.

H.R. 1302: Mrs. BLACKBURN.

H.R. 1321: Ms. HERSETH SANDLIN.

H.R. 1326: Mr. ARCURI.

H.R. 1346: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1351: Ms. LEE of California, Mr. BOUCHER, Mr. FILNER, and Mr. BARTLETT.

H.R. 1352: Mr. ARCURI and Mr. PLATTS.

H.R. 1362: Mr. LANGEVIN, Mr. LIPINSKI, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1428: Ms. SHEA-PORTER, Mr. EDWARDS of Texas, Mr. MITCHELL, and Mr. GUTIERREZ.

H.R. 1441: Mr. ADLER of New Jersey.

H.R. 1454: Mr. ARCURI.

H.R. 1470: Ms. SPEIER.

H.R. 1478: Mr. SHERMAN, Mr. HOLT, and Mr. JOHNSON of Illinois.

H.R. 1490: Mr. ELLISON, Mr. SHERMAN, and Mr. HARE.

H.R. 1526: Mr. BRALEY of Iowa.

H.R. 1551: Mr. BRALEY of Iowa and Mr. HIGGINS.

H.R. 1608: Ms. PINGREE of Maine.

H.R. 1616: Mr. LANGEVIN.

H.R. 1618: Mr. LATOURETTE.

H.R. 1646: Mr. AKIN, Mr. JOHNSON of Illinois, and Mrs. DAHLKEMPER.

H.R. 1670: Mr. DOGGETT.

H.R. 1681: Mr. DEFAZIO.

H.R. 1684: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1686: Mr. MASSA, Mr. HOLDEN, and Ms. ROYBAL-ALLARD.

H.R. 1700: Ms. FUDGE and Ms. CASTOR of Florida.

H.R. 1740: Mr. COOPER, Mr. GUTHRIE, and Mr. BLUMENAUER.

H.R. 1774: Mr. WEXLER.

H.R. 1791: Mr. QUIGLEY.

H.R. 1800: Ms. ZOE LOFGREN of California.

H.R. 1815: Mr. BROUN of Georgia.

H.R. 1826: Mr. RANGEL and Mr. TONKO.

H.R. 1829: Mr. CONNOLLY of Virginia.

H.R. 1831: Ms. TITUS, Mr. VAN HOLLEN, Mr. GRIFFITH, Mr. DAVIS of Tennessee, Mr. LUJÁN, Mr. LEE of New York, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, and Ms. SPEIER.

H.R. 1835: Mr. BONNER.

H.R. 1844: Mr. ALEXANDER and Mr. COURTNEY.

H.R. 1846: Mr. ORTIZ.

H.R. 1849: Mr. HILL, Mr. ARCURI, Mr. WEXLER, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. DAVIS of Illinois, Mrs. CAPPS, Ms. WOOLSEY, Mr. CHANDLER, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Mr. CAPUANO, Mr. SHULER, Mr. TANNER, Mr. MORAN of Kansas, Mr. MILLER of Florida, Mr. DAVIS of Tennessee, Mr. GRAYSON, Mr. MELANCON, Ms. ZOE LOFGREN of California, Ms. VELÁZQUEZ, Ms. BALDWIN, Mr. LANGEVIN, Mr. HIGGINS, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Mrs. CAPITO, Mr. WAMP, Ms. FALLIN, Mr. BRALEY of Iowa, and Mr. POMEROY.

H.R. 1881: Ms. LEE of California.

H.R. 1894: Mr. DEFAZIO.

H.R. 1908: Mr. KLINE of Minnesota.

H.R. 1925: Mr. HEINRICH.

H.R. 1956: Mr. PETERSON.

H.R. 1977: Mr. HOLT.

H.R. 1987: Mr. MCCOTTER.

H.R. 2000: Ms. KAPTUR, Mr. CARNAHAN, Mr. OBERSTAR, Mr. ETHERIDGE, Ms. PINGREE of Maine, Mr. KENNEDY, Mr. MILLER of North Carolina, Mr. CLYBURN, Mr. MOORE of Kansas, Mr. MATHESON, Mr. LANCE, Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mr. WATT, Mr. ROSS, Mr. BISHOP of Utah, and Mr. GEORGE MILLER of California.

H.R. 2006: Mr. KUCINICH.
H.R. 2024: Mr. FILNER.
H.R. 2054: Mrs. MALONEY and Mr. KENNEDY.
H.R. 2055: Mr. KIND, Mr. HONDA, and Ms. BORDALLO.
H.R. 2057: Ms. FUDGE, Mr. PERRIELLO, and Mr. SIRES.
H.R. 2058: Mr. TERRY, Mr. ISSA, and Mrs. BLACKBURN.
H.R. 2067: Mr. FATTAH and Mr. ENGEL.
H.R. 2089: Mr. TONKO.
H.R. 2095: Mr. MOORE of Kansas.
H.R. 2102: Mr. HEINRICH.
H.R. 2106: Mr. JOHNSON of Illinois.
H.R. 2125: Mr. ADERHOLT.
H.R. 2139: Mr. LEWIS of Georgia.
H.R. 2149: Mr. ROGERS of Kentucky.
H.R. 2190: Mr. DELAHUNT and Mr. HINCHEY.
H.R. 2193: Mr. ALEXANDER.
H.R. 2194: Mr. CRENSHAW, Mr. BRIGHT, Ms. KILROY, and Mr. CHANDLER.
H.R. 2195: Mr. PAULSEN, Ms. NORTON, Mr. AL GREEN of Texas, Mr. DEFAZIO, Ms. RICHARDSON, Mr. BARTLETT, Mr. Austria, Mr. CAO, and Mr. MASSA.
H.R. 2213: Mr. CONNOLLY of Virginia.
H.R. 2222: Mr. TONKO.
H.R. 2243: Mr. SCHRADER, Mr. ROGERS of Michigan, Mrs. BLACKBURN, and Mr. HEINRICH.
H.R. 2246: Mr. TONKO and Mr. PERLMUTTER.
H.R. 2248: Mr. MORAN of Kansas.
H.R. 2254: Mr. MANZULLO, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Ms. SHEA-PORTER, Mr. BURGESS, Mr. JONES, Mr. LINCOLN DIAZ-BALART of Florida, Ms. KAPTUR, Mr. CONAWAY, and Mr. KUCINICH.
H.R. 2256: Mr. CULBERSON and Mr. MITCHELL.
H.R. 2258: Mr. LATHAM.
H.R. 2259: Mr. BRIGHT.
H.R. 2266: Ms. MARKEY of Colorado, Mrs. BIGGERT, and Mr. CARNAHAN.
H.R. 2267: Ms. MARKEY of Colorado, Mr. CARNAHAN, and Mr. PASCRELL.
H.R. 2269: Mr. CARSON of Indiana.
H.R. 2275: Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. YOUNG of Florida, Mr. OLVER, Mr. MEEKS of New York, and Mr. WU.
H.R. 2287: Mr. ALEXANDER and Mr. ROYCE.
H.R. 2288: Mr. PERLMUTTER.
H.R. 2296: Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. FORBES, Mr. DAVIS of Tennessee, Mr. GOODLATTE, Mr. TIM MURPHY of Pennsylvania, Mr. WALDEN, Mr. TIAHRT, Mr. MCHENRY, and Mrs. BIGGERT.
H.R. 2305: Mr. DEFAZIO.
H.R. 2329: Mr. SMITH of New Jersey.
H.R. 2345: Mr. LEE of New York, Mr. GEORGE MILLER of California, and Mr. GUTHRIE.
H.R. 2350: Ms. ROYBAL-ALLARD, Ms. SPEIER, and Mr. LARSEN of Washington.
H.R. 2360: Mr. QUIGLEY.
H.R. 2382: Mr. BRADY of Pennsylvania, and Mr. TONKO.
H.R. 2396: Mr. ROHRABACHER.
H.R. 2408: Mr. HALL of New York, Mr. MCMAHON, Mr. ARCURI, Mr. SERRANO, Mr. ACKERMAN, Mr. CROWLEY, Mr. KING of New York, Mr. NADLER of New York, Mr. ENGEL, and Mr. MURPHY of New York.
H.R. 2413: Mr. COURTNEY.
H.R. 2419: Mr. ROTHMAN of New Jersey, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. PAUL, Mr. SCHIFF, Mr. HOLT, and Mr. STUPAK.
H.R. 2420: Mr. ROSKAM.
H.R. 2452: Mr. SALAZAR, Mr. KLEIN of Florida, Mr. CAMPBELL, Mr. BISHOP of Utah, Ms. TITUS, and Mr. HONDA.
H.R. 2456: Mr. BOSWELL.
H.R. 2483: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. CALVERT.
H.R. 2492: Mr. KILDEE, Mr. FRANK of Massachusetts, Mr. MCINTYRE, and Mr. VAN HOLLEN.
H.R. 2493: Mr. GARRETT of New Jersey.
H.R. 2517: Mr. TONKO.
H.R. 2519: Ms. KILROY.
H.R. 2520: Mr. SESSIONS and Mr. SHIMKUS.
H.R. 2542: Mr. FATTAH and Mr. BOUSTANY.
H.R. 2553: Mr. SMITH of New Jersey.
H.R. 2556: Mr. CHAFFETZ, Mr. FRELINGHUYSEN, Mr. MCHENRY, and Mrs. MCMORRIS RODGERS.
H.R. 2561: Mrs. BLACKBURN and Mr. CARSON of Indiana.
H.R. 2563: Mr. DAVIS of Tennessee.
H.R. 2579: Mrs. DAVIS of California.
H.R. 2586: Mrs. BLACKBURN.
H.R. 2593: Mr. COSTELLO, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, and Mr. CARTER.
H.R. 2607: Mr. ROGERS of Alabama.
H.R. 2614: Mrs. BLACKBURN.
H.R. 2626: Mr. BLUMENAUER.
H.R. 2669: Mr. LIPINSKI.
H.R. 2676: Mr. SHULER.
H.R. 2690: Mr. MCGOVERN.
H.R. 2698: Mr. PETERSON.
H.R. 2699: Mr. PETERSON.
H.R. 2709: Ms. Chu.
H.R. 2727: Mr. JOHNSON of Illinois.
H.R. 2733: Mr. TERRY.
H.R. 2737: Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. COBLE, Mr. EHLERS, Mr. FATTAH, Mr. FORTENBERRY, Mr. JOHNSON of Georgia, Mrs. BONO MACK, Mr. MCCOTTER, Mr. WOLF, Mr. WU, Mr. SCHOCK, Mr. RAHALL, Mr. ROTHMAN of New Jersey, and Mr. POE of Texas.
H.R. 2743: Mr. JOHNSON of Illinois and Mr. CHAFFETZ.
H.R. 2746: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Mr. COHEN, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. CARNEY, Mrs. CAPPS, Mr. MCINTYRE, Mr. HOLT, and Mr. CAPUANO.
H.R. 2759: Mr. KUCINICH.
H.R. 2781: Mr. BLUMENAUER, Mr. WU, and Mr. DEFAZIO.
H.R. 2785: Mr. FRELINGHUYSEN.
H.R. 2786: Mr. FRELINGHUYSEN.
H.R. 2802: Ms. TSONGAS.
H.R. 2818: Mr. LARSEN of Washington.
H.R. 2819: Mr. CONNOLLY of Virginia and Mr. KUCINICH.
H.R. 2824: Mr. REICHERT.
H.R. 2842: Mr. REHBERG.
H.R. 2855: Mrs. NAPOLITANO and Mr. AL GREEN of Texas.
H.R. 2857: Mr. MCCARTHY of California.
H.R. 2894: Ms. SCHWARTZ, Mr. BRALEY of Iowa, and Mrs. DAHLKEMPER.
H.R. 2932: Mr. LEWIS of Georgia.
H.R. 2935: Mr. ROSKAM, Mr. JOHNSON of Georgia, and Mrs. BLACKBURN.
H.R. 2941: Mr. MITCHELL and Mr. ALEXANDER.
H.R. 2942: Ms. JENKINS and Mr. MORAN of Kansas.
H.R. 2964: Mr. ALEXANDER.
H.R. 2969: Mr. FARR.
H.R. 2974: Mrs. BLACKBURN and Mr. BILIRAKIS.
H.R. 2992: Mr. PETRI and Mr. WOLF.
H.R. 2999: Mr. JOHNSON of Illinois.
H.R. 3017: Mr. PRICE of North Carolina, Mr. KLEIN of Florida, and Mr. WALZ.
H.R. 3025: Mr. FOSTER.
H.R. 3033: Mr. QUIGLEY.
H.R. 3039: Mr. FILNER.
H.R. 3042: Mrs. CAPPS, Mr. KUCINICH, Ms. PINGREE of Maine, and Mr. ARCURI.
H.R. 3044: Mr. HINOJOSA.
H.R. 3045: Mr. HINOJOSA, Mr. PIERLUISI, and Mr. ISRAEL.
H.R. 3046: Mr. LATTA and Mr. CONAWAY.
H.R. 3053: Mr. MCGOVERN.
H.R. 3068: Mr. TONKO.
H.R. 3074: Mr. LARSEN of Washington.
H.R. 3077: Mr. ELLISON and Mr. FILNER.
H.R. 3085: Mr. SHERMAN.
H.R. 3092: Mr. DOGGETT.
H.R. 3099: Mr. DELAHUNT.
H.R. 3106: Mr. HOLT.
H.R. 3116: Mr. MARIO DIAZ-BALART of Florida.
H.R. 3126: Mr. JACKSON of Illinois.
H.R. 3127: Mr. KUCINICH.
H.R. 3140: Mr. WAMP, Mr. LUETKEMEYER, Mr. NUNES, Mr. RADANOVICH, Mr. SHIMKUS, Mr. COLE, Mr. DAVIS of Kentucky, Mr. ROHRABACHER, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mr. DUNCAN, Mr. HOEKSTRA, Mr. GRAVES, Mr. ROONEY, Mr. MCCLINTOCK, Mr. CULBERSON, and Mr. HUNTER.
H.R. 3144: Mr. CONNOLLY of Virginia.
H.R. 3146: Mr. PERLMUTTER.
H.R. 3147: Mr. HIMES.
H.R. 3149: Mr. HONDA.
H.R. 3150: Mr. ALEXANDER and Mr. NYE.
H.R. 3164: Mr. SCOTT of Georgia, Mr. ALEXANDER, Mr. YOUNG of Alaska, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3165: Mr. BARTLETT, Mr. COURTNEY, Mr. GRIJALVA, Mr. CHANDLER, Ms. GIFFORDS, and Mr. CONNOLLY of Virginia.
H.R. 3166: Mr. SESTAK.
H.R. 3178: Mr. QUIGLEY and Mr. TONKO.
H.R. 3184: Ms. SCHAKOWSKY.
H.R. 3186: Mr. KUCINICH.
H.R. 3199: Mr. NYE.
H.R. 3202: Mr. GRIJALVA.
H.R. 3217: Mr. BILIRAKIS and Mr. SESSIONS.
H.R. 3218: Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. CULBERSON, and Mr. FORBES.
H.R. 3223: Mrs. BLACKBURN.
H.R. 3232: Mr. LIPINSKI.
H.R. 3238: Mr. SABLAN.
H.R. 3242: Ms. SCHAKOWSKY.
H.R. 3245: Mr. BRALEY of Iowa and Mr. JACKSON of Illinois.
H.R. 3246: Mr. FOSTER.
H.R. 3247: Mr. LIPINSKI.
H.R. 3248: Mr. HUNTER.
H.R. 3257: Mr. PETERSON.
H.R. 3271: Mr. SIRES, Ms. KILPATRICK of Michigan, Mr. HOLT, Mrs. CAPPS, and Mr. CONNOLLY of Virginia.
H.R. 3276: Mr. CARNAHAN.
H.R. 3277: Mr. GUTIERREZ, Mr. CARSON of Indiana, and Mr. MCGOVERN.
H.R. 3286: Mr. COURTNEY and Mr. FRANK of Massachusetts.
H.R. 3287: Mrs. CHRISTENSEN and Ms. KILPATRICK of Michigan.
H.R. 3294: Ms. CASTOR of Florida.
H.R. 3295: Mr. ORTIZ and Mr. SNYDER.
H.R. 3308: Mr. COFFMAN of Colorado and Ms. FALLIN.
H.R. 3310: Mr. BLUNT.
H.R. 3312: Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Mr. KENNEDY, Ms. LEE of California, Mr. PASCRELL, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Ms. ESHOO, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. COURTNEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. MURTHA, Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. KIND, Mr. INSLEE, Mr. CARSON of Indiana, Mr. CHANDLER, Mrs. LOWEY, Mr. HIGGINS, Mrs. CAPPS, Mr. HIMES, and Ms. SUTTON.
H.R. 3315: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3322: Mr. HIGGINS.
H.R. 3328: Mr. BACHUS.
H.R. 3336: Mr. PETERSON.
H.R. 3338: Mr. KRATOVIL and Mr. CUMMINGS.
H.R. 3356: Mr. NEUGEBAUER, Mr. WITTMAN, and Mr. SOUDER.
H.R. 3361: Mr. ROSKAM.
H.R. 3365: Mr. MICHAUD, Mr. MEEK of Florida, Mr. KLEIN of Florida, and Mr. RODRIGUEZ.
H.R. 3367: Mr. BARTLETT and Mr. CARNAHAN.
H.R. 3371: Mr. MORAN of Kansas.
H.R. 3379: Mr. CARNAHAN.
H.R. 3380: Mr. PAUL, Mr. POE of Texas, and Ms. KAPTUR.
H.R. 3381: Mr. RANGEL, Mr. KILDEE, Mr. KIRK, and Mr. TONKO.
H.R. 3392: Mr. HELLER and Ms. BERKLEY.

H.R. 3400: Mr. CULBERSON, Mr. ADERHOLT, Mr. GALLEGLY, Mr. PITTS, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. LINDER, and Mr. BARTLETT.

H.R. 3404: Mr. LANGEVIN and Mr. DEFAZIO.

H.R. 3408: Mr. HALL of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, and Ms. PINGREE of Maine.

H.R. 3416: Mrs. DAVIS of California and Mr. GONZALEZ.

H.R. 3421: Ms. TITUS, Mr. HARE, Mr. JACKSON of Illinois, Ms. MATSUI, and Mr. CARSON of Indiana.

H.J. Res. 47: Mr. KLINE of Minnesota.

H.J. Res. 61: Mr. MCDERMOTT, Mrs. DAVIS of California, Mr. KIRK, and Mr. HOLT.

H. Con. Res. 42: Ms. FUDGE.

H. Con. Res. 43: Ms. FUDGE.

H. Con. Res. 49: Mr. FRELINGHUYSEN.

H. Con. Res. 139: Mr. SCALISE.

H. Con. Res. 144: Mr. ROSKAM, Mr. BERMAN, and Mr. MITCHELL.

H. Con. Res. 157: Mr. ALEXANDER.

H. Con. Res. 160: Mr. ENGEL, Mr. MOLLOHAN, Mrs. BONO MACK, and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 167: Mr. KUCINICH.

H. Con. Res. 168: Mr. YOUNG of Alaska, Mr. MCGOVERN, and Mr. PETERSON.

H. Con. Res. 169: Mr. NEUGEBAUER.

H. Con. Res. 170: Mr. MARCHANT, Mr. BARTLETT, Mr. YOUNG of Florida, Mr. GUTHRIE, Mr. BILIRAKIS, and Mr. KINGSTON.

H. Res. 89: Ms. KAPTUR, Mrs. BLACKBURN, and Mr. WITTMAN.

H. Res. 111: Mr. JONES, Mr. FRANKS of Arizona, Mr. WELCH, Mr. BRALEY of Iowa, and Mr. NYE.

H. Res. 175: Ms. SCHAKOWSKY.

H. Res. 231: Mr. CAMP.

H. Res. 264: Mrs. BLACKBURN.

H. Res. 267: Mr. CONNOLLY of Virginia.

H. Res. 291: Mr. MINNICK and Mrs. BLACKBURN.

H. Res. 363: Mr. BLUMENAUER.

H. Res. 376: Mr. CAMP, Mr. UPTON, Mr. YOUNG of Alaska, Mr. CARTER, and Mr. BILBRAY.

H. Res. 398: Mrs. BLACKBURN.

H. Res. 408: Mr. TURNER, Mr. SMITH of Washington, Mr. MARSHALL, Mr. KRATOVIL, Mr. CONAWAY, and Mr. HARE.

H. Res. 416: Mr. BLUMENAUER.

H. Res. 443: Mrs. BLACKBURN.

H. Res. 447: Mr. MITCHELL, Mr. LIPINSKI, Mr. CHILDERS, Mr. ARCURI, Mr. PASCRELL, and Mr. WALZ.

H. Res. 487: Mr. HARPER.

H. Res. 491: Mrs. BLACKBURN.

H. Res. 494: Mr. DAVIS of Tennessee.

H. Res. 513: Mr. BOSWELL and Mr. WITTMAN.

H. Res. 554: Mr. BOSWELL.

H. Res. 571: Mr. PAULSEN.

H. Res. 577: Mr. COBLE.

H. Res. 592: Mr. CARSON of Indiana.

H. Res. 605: Mr. SIRES, Mr. JOHNSON of Illinois, and Mr. LEWIS of Georgia.

H. Res. 619: Mr. POSEY, Mr. PENCE, Mr. BUCHANAN, and Mr. WILSON of South Carolina.

H. Res. 627: Mr. SMITH of Texas and Mr. DAVIS of Alabama.

H. Res. 630: Mr. BLUMENAUER, Mr. AL GREEN of Texas, and Mr. TIERNEY.

H. Res. 634: Mr. PASCRELL, Ms. BERKLEY, Mr. GRAYSON, Mr. TONKO, and Mr. HIGGINS.

H. Res. 648: Mr. JONES, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. TERRY.

H. Res. 660: Ms. LEE of California.

H. Res. 679: Mr. DOYLE, Mr. KRATOVIL, Mr. MASSA, Mr. PETERSON, Mr. SALAZAR, Mr. TERRY, Mr. WILSON of Ohio, Mr. WOLF, Mr. MCCLINTOCK, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. WALZ, Mr. BRADY of Texas, Ms. MCCOLLUM, Mrs. KIRKPATRICK of Arizona, Mr. MANZULLO, and Mr. MINNICK.

H. Res. 686: Ms. KAPTUR, Mr. FARR, Mrs. CAPPS, Mr. SARBANES, Mr. HODES, Mr. GRIJALVA, Mr. FILNER, Mr. COOPER, Mr. BLUMENAUER, Mr. ETHERIDGE, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. BAIRD, Mr. LARSEN of Washington, Ms. FALLIN, Mr. LUCAS, Mr. MICA, Mr. HALL of Texas, Mr. BACA, Mr. SERRANO, Mr. MEEKS of New York, Mr. JOHNSON of Georgia, Mr. ARCURI, and Ms. MARKEY of Colorado.

¶104.34 PETITIONS

Under clause 1 of Rule XXII,

64. The SPEAKER presented a petition of The Village Council of the Village of Yellow Springs, Ohio, relative to Resolution 2009-20 affirming its support for President Obama and his efforts to seek reform of our National Health Care System through Congressional action on legislation currently being debated by Congress; which was referred to the Committee on Energy and Commerce.

TUESDAY, SEPTEMBER 8, 2009 (105)

¶105.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DRIEHAUS, who laid before the House the following communication:

WASHINGTON, DC,
September 8, 2009.

I hereby appoint the Honorable STEVE DRIEHAUS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶105.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Friday, July 31, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶105.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteuria usage; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2008-0881; FRL-8429-1] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0131; FRL-8424-6] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methl Poly(Oxyethylene)C8-C18 Alkylammonium Chlorides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0042; FRL-8424-4] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3015. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0046; FRL-8428-9] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3016. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0098; FRL-8425-5] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3017. A letter from the Under Secretary, Department of Defense, transmitting a letter providing ''the waiver, the determination, and the reasons for the determination'', in reference to the Department's June 11, 2009 letter required by Department of Defense Instruction 5000.02, and in accordance with title 10 U.S.C. section 2366b(a)(1)(B) and (D); to the Committee on Armed Services.

3018. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending June 30, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

3019. A letter from the Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of rear admiral, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

3020. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the Acquisition Challenge Program for Fiscal Year 2008, pursuant to 10 U.S.C. 2359 (B) (J); to the Committee on Armed Services.

3021. A letter from the Acting General Counsel, Government Accountability Office, transmitting the Office's legal opinion on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities by offering special access to prominent persons in the private sector who serve as media analysts, pursuant to Public Law 110-417, section 1056(c); to the Committee on Armed Services.

3022. A letter from the Secretary, Department of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's (Ginnie Mae's) authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Financial Services.

3023. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report covering the activities of the Office of Financial Stability and the TARP during the period of June 1, 2009 to June 30, 2009; to the Committee on Financial Services.

3024. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of response to the Special Inspector General for the Troubled Asset Relief Program's (SIGTARP) April 21, 2009 recommendations; to the Committee on Financial Services.

3025. A letter from the Office of the Inspector General for the Troubled Asset Relief Program, transmitting the Office's quarterly report to Congress of the Office of the Special Inspector General for the Troubled Asset Relief Program SIGTARP, for the period ending June 30, 2009; to the Committee on Financial Services.

3026. A letter from the Secretary, Securities and Exchange Commission, transmitting the Department's final rule — Amendments to Regulation SHO [Release No. 34-60388; File No. S7-19-07] (RIN: 3235-AK22) received July

28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3027. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending June 30, 2009; to the Committee on Financial Services.

3028. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Enhancing the Health and Wellness of Individuals With Neuromuscular Diseases and Enhancing the Health and Wellness of Individuals with Arthritis—received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3029. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the April 26, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009—H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3030. A letter from the General Counsel, Department of Commerce, transmitting draft legislation to implement several proposals included in the President's Fiscal Year 2010 Budget that will improve management of the radio spectrum and represent sound economic policy; to the Committee on Energy and Commerce.

3031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agnecy's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NOx) [EPA-R06-OAR-2009-0214; FRL-8939-4] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virgina; Clean Air Interstate Rule [EPA-R03-OAR-2009-0033; FRL-8939-7] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3033. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virgina; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units, Plan Revision [EPA-R03-OAR-2009-0482; FRL-8938-6] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3034. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virgina; Control of Emissions from Hospital/Medical/Infectious Waste Incinerator Units, Plan revision [EPA-R03-OAR-2009-0463; FRL-8938-8] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3035. A letter from the Director, Regulation Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattaiment New Sourse Review (NSR): Reconsideration of Inclusion of Fugitive Emissions [EPA-HQ-OAR-2004-0014; FRL-8937-8] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3036. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-09 informing of an intent to sign a Project Agreement, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3037. A letter from the Special Inspector General, Afghanistan Reconstruction, transmitting the July 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

3038. A letter from the Director, International Cooperation, Department of Defense, transmitting Transmittal No. 09-09, the Department's intent to sign Memorandum of Understatnding with Canada Concerning Special Forces Equipment Capability, pursuant to Section 27(f) of the Arms Export Control Act Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

3039. A letter from the Director, International Cooperation, Department of Defense, transmitting the Department's intent to sign Amendment Number 9 to the Memorandum of Understanding Concerning the Cooperative Framework for System Development and Demonstration of the Joint Strike Fighter, Transmittal No. 05-09, pursuant to Section 27(f) of the Arms Export Control Act Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

3040. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 08-09 informing of an intent to sign a Project Agreement with Canada and the United Kingdom; to the Committee on Foreign Affairs.

3041. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3042. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-20, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as Amended; to the Committee on Foreign Affairs.

3043. A letter from the Vice Admiral, USN, Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-33, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3044. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement to include the export of technical data, defense services, and defense articles (Transmittal No. DDTC 047-09); to the Committee on Foreign Affairs.

3045. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning an amendment to Section 123.17(f) of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. Section 2778, pursuant to 5 U.S.C. 801; to the Committee on Foreign Affairs.

3046. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and defense services, (Transmittal No. DDTC 060-09); to the Committee on Foreign Affairs.

3047. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from Speaker Luka Bebic of the Croatian Parliament; to the Committee on Foreign Affairs.

3048. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursant to section 36(c) and 36(d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services, Transmittal No. DDTC 049-09; to the Committee on Foreign Affairs.

3049. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, Transmittal No. DDTC 048-09; to the Committee on Foreign Affairs.

3050. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d)(3) of the Arms Control Act, certification of a proposed transfer of technical data, defense services, and defense articles, Transmittal No. DDTC 034-09; to the Committee on Foreign Affairs.

3051. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's 2009 Report on Achieving Maximum Compatibility among Foreign Service Agencies (pursuant to Section 601(c)(4) of the Foreign Service Agencies) and the Five-Year Workforce Plan for Fiscal Years 2008 through 2012; to the Committee on Foreign Affairs.

3052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Advancing Freedom and Democracy'', pursuant to Public Law 110-53, section 2121; to the Committee on Foreign Affairs.

3053. A letter from the Maj. Gen. USMC (ret.), Special Inspector General for Afghanistan Reconstruction, transmitting the fourth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

3054. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3055. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Fiscal Year 2008 Annual Report on Advisory Neighborhood Commissions'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3056. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3057. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3058. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3059. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3060. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3061. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3062. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3063. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3064. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3065. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3066. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3067. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3068. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3069. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3070. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3071. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3072. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3073. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3074. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3075. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3076. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3077. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3078. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3079. A letter from the Secretary, Department of Transportation, transmitting the Department's report on competitive sourcing efforts for FY 2008, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-09-04; to the Committee on Oversight and Government Reform.

3080. A letter from the Associate General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3081. A letter from the Secretary, Department of the Interior, transmitting a report to Congress on a gift of Land in Socorro County, New Mexico, from the Friends of Bosque del Apache National Wildlife Refuge, pursuant to Public Law 93-632; to the Committee on Natural Resources.

3082. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port of Anchorage Marine Terminal Redevelopment Project, Anchorage, Alaska [Docket No.: 090206146-91055-02] (RIN: 0648-AX32) received June 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3083. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's FY 2008 Report to Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

3084. A letter from the transmitting the Department's final rule — Safety Zone; Missouri River, Mile 028.2 to 028.8 [COTP Upper Mississippi River-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones, Sabine Bank Channel and Sabine Pass Channel, Sabine, TX [COTP Port Arthur 08-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galvaston, TX [COTP Houston-Galveston-07-025] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2009 Rates for Pilotage on the Great Lakes [Docket No.: USCG-2008-1126] (RIN: 1625-AB29) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, MI [Docket No.: USCG-2009-0649] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Kinnickinnic River Sediment Removal Project, Milwaukee, WI [Docket No.: USCG-2009-0399-] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3091. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC [Docket No.: USCG-2009-0565] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3092. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Ernest Lyons (SR A1A), Stuart FL, and Memorial Clearwater Causeway (SR 60), Clearwater, FL [Docket No.: USCG-2007-0129] (RIN: 1625-AA09) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3093. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting Safety Zone; James River, Navy Live Fire and Explosive Training [Docket No.: USCG-2009-0568] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3094. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display at the Craneway Building, Richmond, CA [Docket No.: USCG-2009-0521] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3095. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks displays within the Captain of the Port Pudget Sound Zone [Docket No.: USCG-

2009-0532] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3096. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA [Docket No.: USCG-2009-0274] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3097. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Manasquan River, NJ [Docket No.: USCG-2009-0233] (RIN: 1625-AA09) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3098. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intercoastal Waterway, Mile 418 Sargent, TX [COTP Houston-Galveston-07-0028] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3099. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Coast Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3100. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3101. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3102. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3103. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-005] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3104. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Northeast Cape Fear River and Holly Shelter Creek, Pender County, North Carolina [CGD05-09-114] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3105. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intercoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3106. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3107. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Marker 598.0 to Mile Marker 605.0, Louisville, KY [Docket No.: COTP Ohio Valley 08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3108. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-06-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3109. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Markers 602.5 to 603.5, Louisville, KY [COTP Ohio Vally-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3110. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3111. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 602.3 to 603, Lenoir City, TN [Docket No.: COTP Ohio Valley-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3112. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0032] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3113. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3114. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0033] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3115. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3116. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galvaston-06-0034] (RIN: 1625-AA00) received July 30, 2009), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3117. A letter from the Attorney General, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0035] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3118. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3119. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-0002) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3120. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 845.5 to 846.5, J. T. Myers Lock and Dam, IN [COTP Ohio Valley-08-005] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones, Sabine Bank Channel and Sabine Pass Channel, Sabine, TX [COTP Port Arthur 08-014] (RIN: 1625-AA87) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to 405.0 [Docket No.: COTP Lower Mississippi River 08-010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 585 to 581 [Docket No.: COTP Lower Mississippi River 08-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's Final Report—Safety Zone; Upper Mississippi River, Mile 839.8 to 840.2 [COTP Upper Mississippi River-07-035] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3128. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-024] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3129. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 211.0 to 212.0 [COTP Upper Mississippi River-07-036] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3130. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 012.8 to 013.2 [COTP Upper Mississippi River-08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3131. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-027] (RIN: 1625-AA00) received July 30,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3132. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COPT Port Arthur-08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3133. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 403.7 to 404.3 [COPT Upper Mississippi River-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3134. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 633.7 to 634.3 [COTP Upper Mississippi River-08-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3135. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 772.4 to 772.8 [COTP Upper Mississippi River-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 697.5 to 698.5 [COTP Upper Mississippi River-08-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3137. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 118.7 to 119.3 [COTP Upper Mississippi River-08-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 849.7 to 852.9 [COTP Upper Mississippi River-08-036] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3139. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-09] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3140. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-10] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3141. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-11] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3142. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 364.5 to 365.5 [COTP Upper Mississippi River-08-12] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3143. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 006.5 to 007.5 [COPT Upper Mississippi River-08-13] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3144. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 729 to 731, Troy, IN [Docket No.: COTP Ohio Valley-07-045] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3145. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 182.2 to 184.2, Parkersburg, West Virginia [Docket No.: COTP Ohio Valley 08-001] received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3146. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 206.7 to 208, Pickwick, TN [Docket No.: COTP Ohio Valley-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3147. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Miles 59.4 to 61.9, Charleston, West Virginia [Docket No.: COTP Ohio Valley 08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3148. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 602.5 to 605.0, Louisville, KY [Docket No.: COTP Ohio Valley 08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3149. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3150. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3151. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3152. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-010] (RIN: 1625-AA00) received July 30,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3153. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Freeport Entrance Channel, Between Green Buoy #3 and Red Buoy #4, Freeport, TX [COTP Houston-Galveston-08-013] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3154. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3155. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3156. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-016] (RIN: 1625-AA00) received July 30, 2009,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3157. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, mile marker 328 to 330 [COTP Houston-Galveston-08-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3158. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-018] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3159. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3160. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 653 to 650, Westover Landing [COTP Lower Mississippi River-08-011] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3161. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 433.0 to 439.0 [COTP Lower Mississippi River-08-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Minneapolis, MN [Docket No.: FAA-2009-0062; Airspace Docket No. 09-AGL-2] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sioux City, IA [Docket No.: FAA-2008-1104; Airspace Docket No. 08-ACE-2] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3164. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspsace; Columbus, OH [Docket No.: FAA-2008-1185; Airspace Docket No. 08-AGL-11] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3165. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Milwaukee, WI [Docket No.: FAA-2008-1291; Airspace Docket No. 08-AGL-20] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3166. A letter from the Secretary, Department of Transportation, transmitting the Department's fifth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2008, pursuant to Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

3167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ankeny, IA [Docket No.: FAA-2009-0187; Airspace Docket No. 09-ACE-3] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3168. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No.: FAA-2008-0735; Directorate Indentifier 2008-NM-085-AD; Amendment 39-15803; AD 2009-03-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3169. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Umiat, AK [Docket No.: FAA-2008-0455; Airspace Docket No. 08-AAL-14] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3170. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No.: FAA-2009-0155; Directorate Indentifier 2009-CE-007-AD; Amendment 39-15825; AD 2009-05-01] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3171. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tower, MN [Docket No.: FAA-2008-1186; Airspace Docket No. 08-AGL-12] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3172. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Medford, WI [Docket No.: FAA-2008-1211; Airspace Docket No. 08-AGL-13] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3173. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30647, Amdt. No. 3304] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3174. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures Miscellaneous Amendments [Docket No.: 30648; Amdt. 3305] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3175. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG, BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2007-0169; Directorate Identifier 2007-NE-45-AD; Amendment 39-15819; AD 2009-04-13] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3176. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes [Docket No.: FAA-2008-1267; Directorate Identifier 2008-CD-069-AD; Amendment 39-15815; AD 2009-04-09] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3177. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-0146; Directorate Identifier 2009-CE-009-AD; Amendment 39-15820; AD 2009-04-14] (RIN: 2120-AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3178. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0613; Directorate Identifier 2008-NM-066-AD; Amendment 39-15794; AD 2009-02-04] (RIN: 2120-AA64) received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3179. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30650; Amdt. 3307] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3180. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30649; Amdt. No. 3306] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30676; Amdt. No. 3330] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3182. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY [Docket No.: FAA-2009-0313; Directorate Identifier 2008-NM-144-AD; Amendment 39-15769; AD 2008-26-03] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3183. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2008-1201; Directorate Identifier 2008-NM-007-AD; Amendment 39-15922; AD 2009-11-12] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3184. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30677; Amdt. No. 3331] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3185. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc., T5313 and T5317 Series Turboshaft Engines [Docket No.: FAA-2008-1311; Directorate Identifier 2007-NE-48-AD; Amendment 39-15976; AD 2009-15-13] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No.: FAA-2007-28988; Directorate Identifier 2007-NM-047-AD; Amendment 39-15975; AD 2009-15-12] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, A321 Series Airplanes [Docket No.: FAA-2008-1365; Directorate Identifer 2008-NM-076-AD; Amendment 39-15970; AD 2009-15-07] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3188. A letter from the Dir, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Elimination of Requirement for Prior Signature Consent and Pre- and Post-Test Counseling for HIV Testing (RIN: 2900-AN20) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3189. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Cargo Conatiner and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities (RIN: 1651-AA78) received July 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3190. A letter from the Federal Register Liaison, Department of the Treasury, transmitting the Department's final rule — Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes [Docket No.: TTB-2009-0003; T.D. TTB-79; Re: Notice No. 96] (RIN: 1513-AB63) received July 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3191. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 126.-Certian Cost-Sharing Payments Forest Health Protection Program [Rev. Rul. 2009-03] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3192. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Fails Charges for purposes of sections 871, 881, 1441 and 1442 [Notice 2009-61] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3193. A letter from the Chairman, International Trade Commission, transmitting a report entitled, ''The Year in Trade 2008'', pursuant to Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3194. A letter from the Acting Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting a draft of proposed legislation to collect certain fees under the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as indicated in the President's Fiscal Year 2010 Budget; jointly to the Committees on Energy and Commerce and Agriculture.

3195. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) July 2009 Quarterly Report and Semiannual Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

3196. A letter from the Secretary, Department of Commerce, transmitting the annual report on the activites of the Economic Development Administration for Fiscal Year 2008, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

3197. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting Proposal to imporove the way the Nation raises the revenues need to cover the non-Federal share of capital costs of inland and intracoastal waterways projects; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

3198. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2010 [CMS-1420-F] (RIN: 0938-AP45) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3199. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the Office's 2009 Report on the Technology Transfer Program (TTP) for the Previous Year, pursuant to ONDCP Reauthorization Act of 2006; jointly to the Committees on Oversight and Government Reform, the Judiciary, and Energy and Commerce.

3200. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1842-DR for the state of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3201. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1841-DR for the Commonwealth of Kentucky, pursuant to Public Law 110-329 section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3202. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on page 119-144 of the March 2009 ''Treasury Bulletin'', pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Energy and Commerce, Agriculture, and Education and Labor.

¶105.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2009, at 12:01 p.m.:

That the Senate passed without amendment H.R. 774.

That the Senate passed without amendment H.R. 987.

That the Senate passed without amendment H.R. 1271.

That the Senate passed without amendment H.R. 1397.

That the Senate passed without amendment H.R. 2090.

That the Senate passed without amendment H.R. 2162.

That the Senate passed without amendment H.R. 2325.

That the Senate passed without amendment H.R. 2422.

That the Senate passed without amendment H.R. 2470.

Appointments:

Ronald Reagan Centennial Commission.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, August 4, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2009, at 3:14 p.m.:

That the Senate passed S. 748.

That the Senate passed S. 1211.

That the Senate passed S. 1314.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, August 5, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 5, 2009, at 10:03 a.m.:

That the Senate agreed to without amendment H.J. Res. 44.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, August 5, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 5, 2009, at 4:47 p.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees H.R. 2997.

That the Senate passed S. 475.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, August 6, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2009, at 9:59 a.m.:

That the Senate passed S. 713.

That the Senate passed without amendment H.R. 1275.

That the Senate passed without amendment H.R. 2938.

That the Senate agreed to without amendment H. Con. Res. 171.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.9 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, September 3, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 3, 2009, at 10:42 a.m.:

Appointments:

Public Interest Declassification Board

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶105.10 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that pursuant to clause 4, rule I, the SPEAKER pro tempore, Mr. HOYER, signed the following enrolled bills and joint resolutions on Thursday, August 6, 2009:

H.R. 774. An Act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''.

H.R. 987. An Act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1271. An Act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''.

H.R. 1275. An Act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An Act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''.

H.R. 2090. An Act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''.

H.R. 2162. An Act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''.

H.R. 2325. An Act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''.

H.R. 2422. An Act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building''.

H.R. 2470. An Act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

H.R. 2938. An Act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 3435. An Act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the noncommissioned officers of the United States Army.

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

¶105.11 ASSEMBLY OF THE TWO HOUSES

Mr. CONNOLLY of Virginia, by unanimous consent, submitted the following privileged concurrent resolution (H. Con. Res. 179):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, September 9, 2009, at 8 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶105.12 MENDOCINO NATIONAL FOREST

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 1043) to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.13 DOROTHY BUELL MEMORIAL VISITOR CENTER

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 1287) to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.14 SANTA CRUZ VALLEY NATIONAL HERITAGE AREA

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. GRIJALVA

and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAMBORN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.15 ROOSEVELT NATIONAL FOREST

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 1858) to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.16 BOY SCOUTS OF AMERICA

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 310) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAMBORN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.17 LEADVILLE MINE DRAINAGE TUNNEL

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 3123) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GRIJALVA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶105.18 BISHOP'S MUSEUM

Mr. GRIJALVA moved to suspend the rules and agree to the resolution (H. Res. 541):

Whereas the Bishop Museum was founded in 1889 in Honolulu, Hawai'i, by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, to house the personal legacies and bequests of the royal Kamehameha and Kalākaua families;

Whereas the mission of the Bishop Museum since its inception is to study, preserve, and tell the stories of the cultures and natural history of Hawai'i and the Pacific Ocean;

Whereas the Bishop Museum's collections include some 24,000,000 objects, collectively the largest Hawai'i and Pacific area collection in the world, including over 1,200,000 cultural objects representing Native Hawaiian, Pacific Islands, and Hawai'i immigrant life, more than 125,000 historical publications including many in the Hawaiian language, 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts, and over 22,000,000 plant and animal specimens;

Whereas a primary goal of the Bishop Museum is to serve and represent the interests of Native Hawaiians by advancing Native Hawaiian culture and education, protecting the collections and increasing access to such collections, and strengthening the Museum's connections with the schools of Hawai'i;

Whereas the national significance of the Bishop Museum's cultural collection lies in the Native Hawaiian collection, which collectively represents the largest public resource in the world documenting a unique way of life and a source of knowledge and inspiration for numerous visitors, researchers, students, Native Hawaiian craftsmen, teachers, community, and spiritual leaders over the years, especially since the Hawaiian cultural revival, which has been steadily growing and gaining in popularity in recent years;

Whereas over 300,000 people visit the Bishop Museum each year to learn about Hawaiian culture and experience Hawaiian Hall;

Whereas the primary reason for visiting the Bishop Museum, given by an average of 400,000 visitors each year, is their desire to see Hawaiian Hall and to learn about Hawaiian culture;

Whereas Hawaiian Hall is the Nation's only showcase of its size, proportions, design, and historic context that is devoted to the magnificent legacy of Hawai'i's kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages;

Whereas Hawaiian Hall, one of three interconnected structures known as the Hawaiian Hall Complex and constructed between 1889 and 1903, is considered a masterpiece of late Victorian museum design with its Kamehameha blue stone exterior quarried on site and extensive use of Native koa wood, and is one of the few examples of Romanesque Richardsonian-style museum buildings to have survived basically unchanged;

Whereas Hawaiian Hall, designed by noted Hawai'i architects C.B. Ripley and C.W. Dickey in 1898, was placed on the National Register of Historic Places in 1982 based on its unique combination of architectural, cultural, scientific, educational, and historical significance;

Whereas the restoration and renovation of Hawaiian Hall and its exhibits, conducted by noted Hawai'i architect Glenn Mason and noted national and international museum exhibit designer Ralph Appelbaum, is integral to the Bishop Museum's ability to fulfill its mission and achieve its primary goal of serving and representing the interests of Native Hawaiians;

Whereas the restoration and renovation of Hawaiian Hall, commenced in 2005, included the building of a new gathering place in an enclosed, glass walled atrium, improved access through the installation of an elevator in the new atrium to all three floors of the Hall and other buildings in the Hawaiian Hall Complex, improved collection preservation through the installation of new, state of the art environmental controls, lighting, security, and fire suppression systems, and restored original woodwork and metalwork;

Whereas the restoration and renovation of the Hawaiian Hall's exhibits brings multiple voices and a Native Hawaiian perspective to bear on the Bishop Museum's treasures by conveying the essential values, beliefs, complexity, and achievements of Hawaiian culture through exquisite and fragile artifacts in a setting that emphasizes their mana (power and essence) and the place in which such artifacts were created;

Whereas the new exhibit incorporates contemporary Native Hawaiian artwork illustrating traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations;

Whereas the new exhibit features over 2,000 objects and images from the Bishop Museum's collections on the open floor, mezzanines, and the center space conceptually organized to represent three traditional realms or wao of the Hawaiian world—Kai Ākea, the expansive sea from which gods and people came, Wao Kānaka, the realm of people, and Wao Lani, the realm of gods and the ali'i, or chiefs, who descended from them;

Whereas the new exhibit's ending display celebrates the strength, glory, and achievements of Native Hawaiians with a large 40-panel mural titled Ho'ohuli, To Cause An

Overturning, A Change, made by students of Native Hawaiian charter schools in collaboration with Native Hawaiian artists and other students, and interpreted by Native Hawaiian artists and teachers in a video presentation; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Bishop Museum for its service and devotion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the reopening of historic Hawaiian Hall on the 120th anniversary of the founding of the Bishop Museum in Honolulu, Hawai'i; and

(2) honors and praises the Bishop Museum, on the occasion of its reopening and 120th anniversary, for its work to ensure the preservation, study, education, and appreciation of Native Hawaiian culture and history.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶105.19 VIRGINIA KEY BEACH PARK

Mr. GRIJALVA moved to suspend the rules and agree to the resolution (H. Res. 361); as amended:

Whereas in the early 1900s, Historic Virginia Key Beach Park of Miami, Florida, was frequented by African-American and Caribbean settlers arriving by ferry from mainland South Florida;

Whereas in the summer of 1945, on the beach at Baker's Haulover County Park, a group of black men led by then attorney Lawson E. Thomas staged a protest against the unjust segregation laws that prohibited black people from using the public beaches in South Florida;

Whereas in response to the protest, county officials designated Virginia Key Beach Park as the ''Colored Beach'', a segregated beach site for the African-American community which opened on August 1, 1945;

Whereas, even after civil rights laws opened all the public beaches in South Florida to people of all races and ethnicities, Virginia Key Beach Park remained a popular destination for many in the African-American community for several decades;

Whereas in 1979, the site was transferred from the county to the City of Miami with the stipulation that the beach be kept open and maintained as a public park and recreation area;

Whereas in 1982, citing the high cost of maintenance and operations, the City of Miami closed Virginia Key Beach Park shortly after assuming its responsibility;

Whereas in 1990, the City of Miami Commission responded to citizen outcry and established the Virginia Key Beach Park Trust (hereafter referred to as the ''Trust'') to restore, reopen, and preserve the site for public use;

Whereas the late M. Athalie Range, an African-American community leader and the first woman to sit on the City of Miami Commission, worked with the community to save Virginia Key Beach Park from the grasp of developers, and deliver it back to the people. She lobbied to place the property on the National Register of Historic Places, spearheaded funding for a multi-billion dollar restoration program, and planned a new museum/cultural center that would one day, impart the message of social equality and responsible citizenry for future generations;

Whereas in June 2002, the Trust successfully petitioned Federal and State government officials to place the site on the National Register of Historic Places and give it a Florida Historical Marker;

Whereas in 2003, the Dade Community Foundation established the Historic Virginia Key Beach Park Trust Fund to collect charitable donations to help restore and preserve the park; and

Whereas on February 22, 2008, after extensive renovation by the Trust, Historic Virginia Key Beach Park celebrated its grand re-opening for public use by the entire community with a ribbon cutting ceremony and community concert: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary historical, cultural, and recreational significance of Historic Virginia Key Beach Park of Miami, Florida;

(2) recommits its attempt to protect and preserve American history through national parks and historic sites; and

(3) acknowledges the significance of the African-American community's struggle for equality through its collaborative efforts to preserve this historic site.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. GRIJALVA and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶105.20 AKRON VETERANS MEMORIAL POST OFFICE

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 2004) to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the ''Akron Veterans Memorial Post Office''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.21 DISTRICT OF COLUMBIA HATCH

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 1345) to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.22 JOHNNY GRANT HOLLYWOOD POST OFFICE BUILDING

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 2760) to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.23 RECESS—3:26 P.M.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 26 minutes p.m., until approximately 6:30 p.m.

¶105.24 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, called the House to order.

¶105.25 NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to section 112 of the Clean Air Act (42 United States Code 7412), and the order of the House of January 6, 2009, announced that the Speaker appointed the following members on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center: Mrs. Herminia Palacio, M.D., M.P.H., Bellaire, Texas, and Mr. John Walker, Washington, DC.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶105.26 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. DAHLKEMPER, laid before the House the following communication from Donna J. Dami, Special Projects, office of the Honorable George Radanovich:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 17, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DONNA J. DAMI,
Special Projects.

¶105.27 H.R. 324—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 249 / Nays 145

¶105.28 [Roll No. 687]

YEAS—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Butterfield
Cao
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—145

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—39

Barrett (SC)
Berkley
Bishop (UT)
Boyd
Brady (TX)
Brown, Corrine
Campbell
Capuano
Carney
Clarke
Davis (AL)
Deal (GA)
Delahunt
Dreier
Filner
Gallegly
Gerlach
Gutierrez
Kilpatrick (MI)
Kirk
Latham
LaTourette
Markey (MA)
McCarthy (NY)
Murtha
Polis (CO)
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rush
Ryan (OH)
Sanchez, Loretta
Sestak
Shimkus
Simpson
Tanner
Taylor
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶105.29 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶105.30 H.R. 310—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 310) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays ..... 0 / Answered present 7

¶105.31 [Roll No. 688]

YEAS—388

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren

Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—7

Baldwin
Frank (MA)
Kucinich
Miller, George
Stark
Waxman
Woolsey

NOT VOTING—38

Barrett (SC)
Berkley
Boyd
Brady (TX)
Brown, Corrine
Campbell
Capuano
Carney
Clarke
Davis (AL)
Deal (GA)
Delahunt
Dreier
Filner
Gallegly
Gerlach
Gutierrez
Kirk
Latham
LaTourette
Markey (MA)
McCarthy (NY)
Minnick
Murtha
Polis (CO)
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shimkus
Simpson
Slaughter
Tanner
Taylor
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶105.32 H.R. 3123—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3123) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 206 / Nays 191

¶105.33 [Roll No. 689]

YEAS—206

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carnahan
Carter
Cassidy
Castle
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Ehlers
Emerson
Fallin
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Paulsen
Pence
Perlmutter
Perriello
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Towns
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—191

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Butterfield
Capps
Cardoza
Carson (IN)
Castor (FL)
Chandler
Chu
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Flake
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Halvorson
Hare
Harman
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell

Pastor (AZ)
Paul
Payne
Peters
Peterson
Petri
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Speier
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—36

Barrett (SC)
Berkley
Berman
Boyd
Brady (TX)
Brown, Corrine
Campbell
Capuano
Carney
Clarke
Davis (AL)
Deal (GA)
Delahunt
Dreier
Filner
Gallegly
Gerlach
Gutierrez
Kirk
Latham
Markey (MA)
McCarthy (NY)
Murtha
Polis (CO)
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rush
Sanchez, Loretta
Sestak
Shimkus
Simpson
Tanner
Taylor
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶105.34 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 713. An Act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, the Committee on Transportation and Infrastructure.

S. 748. An Act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; the Committee on Oversight and Government Reform.

S. 1211. An Act to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''; the Committee on Oversight and Government Reform.

¶105.35 BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on August 4, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3357. An Act to restore sums to the Highway Trust Fund, and for other purposes.

Lorraine C. Miller, Clerk of the House also reported that on August 6, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3435. An Act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

Lorraine C. Miller, Clerk of the House also reported that on August 11, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 2938. An Act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 1275. An Act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

H.R. 2470. An Act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building.''

H.R. 2325. An Act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office.''

H.R. 2422. An Act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building.''

H.R. 2090. An Act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building.''

H.R. 2162. An Act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A. Littleton Postal Station.''

H.R. 1397. An Act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building.''

H.R. 1271. An Act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building.''

H.R. 987. An Act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office.''

H.R. 774. An Act to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building.''

¶105.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DREIER, for today;

To Mrs. McCARTHY of New York, for today and balance of the week;

To Mr. RODRIGUEZ, for today; and

To Mr. TANNER, for today and September 9.

And then,

¶105.37 ADJOURNMENT

On motion of Mr. BURGESS, at 11 o'clock and 45 minutes p.m., the House adjourned.

¶105.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3193. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse'' (Rept. 111–245). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2121. A bill to provide for the transfer of certain Federal property to the Galveston Historical Foundation; with amendments (Rept. 111–246). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 136. A resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day (Rept. 111–247). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3165. A bill to provide for a program of wind energy research, development, and demonstration, and for other purposes; with an amendment (Rept. 111–248). Referred to the Committee of the Whole House on the state of the Union.

¶105.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 3533. A bill to amend the Consumer Product Safety Act to clarify and ensure the effective implementation of certain children's product safety provisions added by the Consumer Product Safety Improvement Act of 2008; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Mrs. McCARTHY of New York (for herself, Mrs. LOWEY, and Mr. CUMMINGS):

H.R. 3535. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from sending or receiving text messages while operating a motor vehicle; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York (for herself, Mr. KILDEE, Ms. FUDGE, Mr. FILNER, Mr. PETERS, Mr. ROTHMAN of New Jersey, Mr. BOUCHER, Mr. COSTELLO, Mr. HARE, and Mr. BISHOP of New York):

H.R. 3536. A bill to provide for an increase of $150 in social security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself and Mr. BROWN of South Carolina):

H.R. 3537. A bill to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Natural Resources.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 3538. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. SIRES (for himself, Mr. LANCE, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Mr. PALLONE, Mr. ANDREWS, Mr. ADLER of New Jersey, Mr.

PAYNE, Mr. HOLT, Mr. PASCRELL, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, and Mr. GARRETT of New Jersey):

H.R. 3539. A bill to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 3540. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. CONNOLLY of Virginia:

H. Con. Res. 179. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. MOORE of Kansas, Mr. WU, and Mr. GONZALEZ):

H. Con. Res. 180. Concurrent resolution expressing support for designation of the period beginning on September 21, 2009, and ending on September 25, 2009, as ''National Health Information Technology Week''; to the Committee on Energy and Commerce.

By Mr. LEWIS of California:

H. Res. 721. A resolution expressing the sense of the House of Representatives that any major health care reform bill considered on the floor of the House should be available for viewing for 30 calendar days; to the Committee on Rules.

By Mr. HOYER (for himself and Mr. BOEHNER):

H. Res. 722. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶105.40 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

161. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 114 memorializing the Congress of the United States to take such actions as are necessary to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; to the Committee on Financial Services.

162. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 102 memorializing the United States Congress to enact H.R. 521, the Stillbirth Awareness and Research Act of 2009; to the Committee on Energy and Commerce.

163. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 339 memorializing that the President of the United States and the Congress to work together with the State of Illinois to ensure the viability of the Chrysler plant in Belvidere; to the Committee on Energy and Commerce.

164. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Resolution 1004 memorializing the United States Congress to pass the American Sovereignty Restoration Act; to the Committee on Foreign Affairs.

165. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2006 memorializing the United States Congress to refrain from enacting any legislation affecting Arizona's Public Lands; to the Committee on Natural Resources.

166. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 208 memorializing the United States Congress to take such actions as are necessary to oppose changes in the federal tax policy and to reject these changes in the President's Budget in order to avoid catastrophic damage to Louisiana's oil and gas industry; to the Committee on Ways and Means.

167. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4022 memorializing the Congress of the United States and the President to enact federal legislation to repeal perverse federal tax subsidies to United States companies that move manufacturing operations and American jobs offshore; to the Committee on Ways and Means.

168. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 36 memorializing the Department of the Interior and the Congress of the United States to provide additional aid to the State of Hawai'i for state services to migrants from the Compact of Free Association Nations; to the Committee on Select Comm Narcotics Abuse & Control.

169. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 62 memorializing the Department of the Interior and the United States Congress to provide additional federal aid to the State of Hawai'i for the provision of various state services to migrants from the Compact of Free Association Nations; to the Committee on Select Comm Narcotics Abuse & Control.

170. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 67 memorializing the United States Cognress to oppose specified proposed rule amendments for the Developmental Disabilities Programs that implement the Developmental Disablities Assistance and Bill of Rights and to support new sections in the upcoming reauthorization; jointly to the Committees on Energy and Commerce and Education and Labor.

171. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 90 memorializing the United States Congress to oppose specified proposed rule amendments for the Developmental Disablities program and to support new sections in the upcoming reauthorization; jointly to the Committees on Energy and Commerce and Education and Labor.

172. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 215 memorializing the United States Congress to take such actions as are necessary to promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835) and to urge each member of the Louisiana congressional delegation to express their support for the Act by becoming a cosponsor; jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

173. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 158 memorializing the Congress of the United States to support the American Clean Energy and Security Act of 2009; jointly to the Committees on Energy and Commerce, Foreign Affairs, Ways and Means, Financial Services, Science and Technology, Education and Labor, Transportation and Infrastructure, Natural Resources, Agriculture, Oversight and Government Reform, and the Judiciary.

¶105.41 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. WATERS introduced a bill (H.R. 3541) for the relief of Rafael Camacho, Rosa B. Camacho, and Rosa Camacho; which was referred to the Committee on the Judiciary.

¶105.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. COLE.

H.R. 55: Mr. QUIGLEY.

H.R. 163: Mr. THOMPSON of Mississippi.

H.R. 235: Mr. GOODLATTE and Ms. CASTOR of Florida.

H.R. 303: Mr. GUTIERREZ and Mr. CHANDLER.

H.R. 330: Mr. SESTAK.

H.R. 370: Mr. CONNOLLY of Virginia.

H.R. 426: Mr. SESTAK.

H.R. 537: Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Mr. SESTAK.

H.R. 571: Mr. BONNER, Mr. INSLEE, Ms. BALDWIN, Mr. ANDREWS, Mr. PRICE of Georgia, Mr. CAO, Mr. ROONEY, and Mr. COBLE.

H.R. 614: Mr. PLATTS.

H.R. 615: Mr. MCCOTTER.

H.R. 618: Ms. LEE of California and Mr. KILDEE.

H.R. 621: Mr. FATTAH, Mr. WAMP, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. MCCAUL, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. EDWARDS of Texas, Ms. BEAN, Mr. DOGGETT, Mr. Harper, Mr. ROGERS of Alabama, Mr. ROYCE, Mr. SCOTT of Virginia, Mr. ELLSWORTH, Mr. SAM JOHNSON of Texas, Mr. RUPPERSBERGER, and Ms. SPEIER.

H.R. 622: Mr. ROSKAM.

H.R. 635: Mr. WEXLER and Mr. HARE.

H.R. 690: Mr. MCCOTTER, Mr. CARNEY, Mr. ROSS, and Mr. LEVIN.

H.R. 716: Mr. HONDA, Mrs. NAPOLITANO, and Mr. MCCOTTER.

H.R. 881: Ms. FALLIN, Mr. BURTON of Indiana, Mr. LUCAS, and Mr. ROGERS of Michigan.

H.R. 916: Mr. MURPHY of Connecticut and Mr. YOUNG of Alaska.

H.R. 930: Mr. SHULER, Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. FRANK of Massachusetts, and Mr. BOUCHER.

H.R. 932: Mr. TURNER, Mr. FATTAH, and Mr. DOYLE.

H.R. 953: Mr. ROONEY and Mr. HINOJOSA.

H.R. 965: Mr. CONNOLLY of Virginia.

H.R. 997: Mr. BONNER, Mr. MICA, Mrs. EMERSON, and Mr. PENCE.

H.R. 1020: Mr. CUMMINGS and Mr. CARNAHAN.

H.R. 1086: Mr. PLATTS.

H.R. 1101: Mr. YOUNG of Alaska.

H.R. 1173: Mr. POE of Texas and Mr. BOYD.

H.R. 1179: Mr. MARSHALL, Mr. CHANDLER, Mr. ROONEY, and Mr. SHUSTER.

H.R. 1182: Mr. GUTIERREZ, Mr. BOSWELL, Mr. HONDA, Ms. BALDWIN, Mr. FILNER, Mr. SABLAN, and Ms. GIFFORDS.

H.R. 1189: Mr. MCCOTTER.

H.R. 1193: Mr. FATTAH.

H.R. 1203: Mr. SHULER, Mr. JOHNSON of Georgia, Ms. SPEIER, Mr. MINNICK, Ms. PINGREE of Maine, Ms. CASTOR of Florida, and Mr. RYAN of Wisconsin.

H.R. 1207: Mr. LANGEVIN and Mr. GORDON of Tennessee.

H.R. 1215: Mr. MARKEY of Massachusetts, Mr. ISRAEL, Ms. BALDWIN, Mr. COHEN, and Mr. SERRANO.

H.R. 1230: Mr. ENGEL, Mr. STARK, Mr. HINCHEY, and Mrs. MILLER of Michigan.

H.R. 1254: Mr. MASSA.

H.R. 1327: Mr. BURTON of Indiana, Mr. SHULER, Ms. KILROY, Mr. WITTMAN, Mr.

WAMP, Mr. HENSARLING, Mr. GONZALEZ, Mr. BUYER, and Mr. KINGSTON.

H.R. 1392: Mr. MASSA, Mr. EHLERS, and Mr. HIMES.

H.R. 1409: Ms. CHU.

H.R. 1410: Mr. WAXMAN.

H.R. 1441: Mr. DAVIS of Kentucky.

H.R. 1443: Mrs. DAHLKEMPER and Ms. DELAURO.

H.R. 1458: Mr. LEVIN, Mr. MCDERMOTT, Mr. ROGERS of Michigan, Mr. CONYERS, and Mr. BOUCHER.

H.R. 1499: Mr. SESTAK.

H.R. 1505: Mr. SESTAK.

H.R. 1507: Mr. DOGGETT.

H.R. 1521: Mr. BOOZMAN and Mr. MCCOTTER.

H.R. 1523: Mr. OLVER and Mr. MOORE of Kansas.

H.R. 1526: Mr. GRIJALVA.

H.R. 1544: Ms. SUTTON.

H.R. 1547: Mr. LATOURETTE, Mrs. BONO MACK, and Mr. GINGREY of Georgia.

H.R. 1549: Mr. ISRAEL and Mr. MARKEY of Massachusetts.

H.R. 1558: Mr. KUCINICH.

H.R. 1587: Mr. COSTELLO.

H.R. 1588: Mr. BONNER and Mr. TIAHRT.

H.R. 1597: Mr. CARNEY.

H.R. 1608: Mr. MCDERMOTT and Ms. TSONGAS.

H.R. 1614: Mr. LARSEN of Washington.

H.R. 1670: Ms. LINDA T. SÁNCHEZ of California and Mr. TIAHRT.

H.R. 1685: Mr. HONDA and Mr. SERRANO.

H.R. 1700: Ms. LINDA T. SÁNCHEZ of California and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1707: Mr. CALVERT.

H.R. 1708: Mr. BISHOP of New York, Mr. CHANDLER, and Mr. LINCOLN DIAZ-BALART OF Florida.

H.R. 1710: Mr. SESTAK.

H.R. 1719: Mr. ISRAEL and Mr. HONDA.

H.R. 1744: Mr. LEE of New York, Mr. BRIGHT, Mr. MARIO DIAZ-BALART of Florida, and Mr. WOLF.

H.R. 1751: Ms. CHU, Mr. HASTINGS of Florida, Mr. TONKO, Ms. BALDWIN, and Mr. HEINRICH.

H.R. 1815: Mr. LATHAM.

H.R. 1816: Mr. DAVIS of Illinois.

H.R. 1835: Mr. SESTAK, Mr. JONES, Mr. BERRY, and Mr. ELLISON.

H.R. 1844: Mr. MILLER of North Carolina and Mr. ALTMIRE.

H.R. 1866: Mr. COHEN.

H.R. 1887: Mr. MORAN of Virginia.

H.R. 1894: Mr. PLATTS, Mr. BACA, and Mr. BARROW.

H.R. 1895: Mr. COHEN, Mr. RANGEL, and Mr. GERLACH.

H.R. 1927: Mr. SESTAK, Mr. BOUCHER, Mr. ELLISON, Mr. MCGOVERN, Mr. ROSS, and Ms. JACKSON-LEE of Texas.

H.R. 1993: Mr. HINCHEY and Ms. BORDALLO.

H.R. 2006: Mr. COURTNEY, Mr. ISRAEL, Mr. DOGGETT and Mr. DAVIS of Alabama.

H.R. 2017: Mr. TAYLOR, Mr. CONNOLLY of Virginia, Mr. SHULER, Mr. MARCHANT, Mr. MICA, Mr. BOUCHER, and Mr. HEINRICH.

H.R. 2055: Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. STARK.

H.R. 2058: Mr. BOUCHER and Mr. PAYNE.

H.R. 2084: Mr. KUCINICH and Mr. SESTAK.

H.R. 2085: Mr. HONDA.

H.R. 2103: Mr. SESTAK, Mr. HOLT, and Ms. BALDWIN.

H.R. 2139: Mr. DAVIS of Kentucky, Ms. FUDGE, Mr. CLAY, Mrs. BIGGERT, and Mr. JOHNSON of Georgia.

H.R. 2149: Mr. DENT, Mr. ROTHMAN of New Jersey, and Mr. JONES.

H.R. 2214: Mr. ELLISON, Mr. FILNER, Mr. WU, Mr. SCHIFF, Mr. HODES, and Mr. FARR.

H.R. 2215: Mr. EHLERS and Mr. SCHAUER.

H.R. 2239: Mr. PAYNE.

H.R. 2243: Mr. BARROW, Mr. CARTER, and Mr. PLATTS.

H.R. 2261: Mr. BROWN of South Carolina.

H.R. 2269: Mr. CLAY and Mr. HINCHEY.

H.R. 2276: Ms. LEE of California.

H.R. 2329: Mr. PAYNE and Mr. SOUDER.

H.R. 2332: Mr. SESTAK.

H.R. 2358: Ms. JACKSON-LEE of Texas and Ms. CASTOR of Florida.

H.R. 2387: Mr. MANZULLO.

H.R. 2404: Ms. HARMAN and Mr. PETERS.

H.R. 2408: Mr. GORDON of Tennessee, Mrs. MALONEY, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. TOWNS, and Ms. ROS-LEHTINEN.

H.R. 2414: Ms. CHU, Mr. HIGGINS, and Mr. HINCHEY.

H.R. 2478: Mr. HINCHEY, Mr. TIAHRT, and Mr. SESTAK.

H.R. 2480: Ms. SHEA-PORTER.

H.R. 2492: Mr. DAVIS of Kentucky, Mr. ELLISON, Mr. MCDERMOTT, Mr. SARBANES, and Mrs. NAPOLITANO.

H.R. 2499: Mr. BACA.

H.R. 2523: Mrs. CHRISTENSEN.

H.R. 2547: Ms. HERSETH SANDLIN.

H.R. 2558: Mr. CAO.

H.R. 2560: Mr. FORBES, Mr. BRALEY of Iowa, and Mr. SESTAK.

H.R. 2563: Mr. WEXLER.

H.R. 2567: Mr. PAUL, Ms. SPEIER, and Mr. TIERNEY.

H.R. 2612: Mr. ISRAEL.

H.R. 2690: Ms. MOORE of Wisconsin.

H.R. 2709: Mr. COHEN, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. GEORGE MILLER of California, and Mr. LEWIS of Georgia.

H.R. 2721: Mr. COHEN.

H.R. 2724: Mr. HONDA and Mr. HALL of New York.

H.R. 2737: Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLVER, Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. HEINRICH, Mr. DOGGETT, Mr. PRICE of North Carolina, Mr. HOLDEN, Mr. MORAN of Virginia, Mr. STARK, Mr. MORAN of Kansas, Mr. SENSENBRENNER, Mr. SOUDER, Mr. PETERSON, Mr. CAO, Mr. LATHAM, Mr. DANIEL E. LUNGREN of California, Mr. JOHNSON of Illinois, Mr. BISHOP of Utah, Mr. ROSKAM, Mr. ALEXANDER, and Mr. VAN HOLLEN.

H.R. 2756: Mr. DEFAZIO and Ms. BALDWIN.

H.R. 2766: Mr. SESTAK.

H.R. 2802: Mr. MARKEY of Massachusetts.

H.R. 2819: Ms. LEE of California and Mr. ENGEL.

H.R. 2840: Mr. RAHALL.

H.R. 2842: Mr. FLEMING.

H.R. 2859: Mrs. CAPPS.

H.R. 2866: Mr. FRANK of Massachusetts, Mr. PLATTS, Mr. BONNER, Mr. FILNER, Mr. BOUCHER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2882: Ms. EDWARDS of Maryland, Ms. SPEIER, and Mr. WAXMAN.

H.R. 2891: Mr. ELLISON.

H.R. 2906: Mr. COURTNEY and Mr. COHEN.

H.R. 2935: Mr. PLATTS, Mr. SHERMAN, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. JONES, Mr. TIERNEY, and Ms. BALDWIN.

H.R. 3008: Mr. SESTAK.

H.R. 3010: Mr. MCGOVERN.

H.R. 3012: Ms. RICHARDSON.

H.R. 3017: Mr. SARBANES and Mr. BACA.

H.R. 3040: Mr. COHEN.

H.R. 3042: Mrs. MCCARTHY of New York, Mr. LEWIS of Georgia, Ms. NORTON, Mr. RYAN of Ohio, and Mrs. MALONEY.

H.R. 3044: Mrs. HALVORSON, Mr. MCKEON, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. ROHRABACHER, Mr. NEAL of Massachusetts, Mr. BOUCHER, Mr. PLATTS, Mr. PRICE of Georgia, Ms. FOXX, Mr. ABERCROMBIE, Ms. GRANGER, Mr. HEINRICH, Mr. PERRIELLO, Mr. STEARNS, Mr. HONDA, and Mr. PETERS.

H.R. 3046: Mr. MINNICK.

H.R. 3127: Mr. PAYNE.

H.R. 3140: Mr. MANZULLO.

H.R. 3165: Mr. BRALEY of Iowa and Mr. SESTAK.

H.R. 3177: Mr. SESTAK.

H.R. 3188: Ms. FALLIN.

H.R. 3191: Ms. BALDWIN.

H.R. 3225: Mr. SCOTT of Virginia and Mr. SESTAK.

H.R. 3226: Mr. ROONEY, Mr. CLAY, Mr. BONNER, Mr. ADERHOLT, Ms. JENKINS, Mr. GOHMERT, Mr. FRANKS of Arizona, Ms. FOXX, Mr. WESTMORELAND, Mr. MCCOTTER, Mr. TIBERI, Mr. SESSIONS, Mr. SOUDER, Mrs. BONO MACK , Mr. AUSTRIA, and Mr. WAMP.

H.R. 3227: Mr. SESTAK and Mrs. EMERSON.

H.R. 3242: Ms. SHEA-PORTER.

H.R. 3246: Mr. LARSON of Connecticut, Mr. DINGELL, and Mr. SCHAUER.

H.R. 3249: Mr. ABERCROMBIE and Mr. QUIGLEY.

H.R. 3250: Ms. WATSON, Mr. MASSA, Mr. HINCHEY, Mr. SESTAK, and Mr. HALL of New York.

H.R. 3287: Mr. SESTAK.

H.R. 3308: Mr. PLATTS, Mr. LEWIS of California, and Mr. GERLACH.

H.R. 3322: Mr. HALL of New York.

H.R. 3339: Mr. SESTAK.

H.R. 3348: Mr. ROGERS of Alabama, Mr. BONNER, Mr. MARIO DIAZ-BALART of Florida, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. REHBERG.

H.R. 3400: Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. DUNCAN, and Mrs. BLACKBURN.

H.R. 3401: Mr. KILDEE, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. MOORE of Kansas, and Ms. BALDWIN.

H.R. 3407: Mr. RODRIGUEZ.

H.R. 3415: Mrs. CAPPS.

H.R. 3416: Mr. HINOJOSA.

H.R. 3467: Mr. BRADY of Pennsylvania, Mr. LOEBSACK, and Mr. SMITH of New Jersey.

H.R. 3488: Mr. PRICE of North Carolina, Ms. TITUS, and Mr. SESTAK.

H.J. Res. 61: Mr. FRELINGHUYSEN, Mr. CUMMINGS, Mrs. MCCARTHY of New York, and Ms. BEAN.

H. Con. Res. 22: Mr. HOEKSTRA and Mr. MANZULLO.

H. Con. Res. 98: Mr. SESTAK and Ms. BORDALLO.

H. Con. Res. 149: Mr. ROSKAM.

H. Con. Res. 151: Mr. PITTS, Mr. SMITH of New Jersey, and Mr. FRANK of Massachusetts.

H. Con. Res. 163: Mr. BUTTERFIELD, Mr. SESTAK, Ms. ROS-LEHTINEN, Mr. ALTMIRE, Mr. LEWIS of Georgia, Mr. WELCH, and Mr. PAYNE.

H. Con. Res. 178: Mr. EHLERS, Mr. BROWN of South Carolina, Mr. TOWNS, Mr. MANZULLO, Mr. PAYNE, Mr. CROWLEY, Mr. DOGGETT, Mr. HINCHEY, Mr. HALL of New York, and Mr. ACKERMAN.

H. Res. 90: Mr. LARSEN of Washington.

H. Res. 167: Mr. HOLT, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. WHITFIELD, Mr. OLVER, Mr. ETHERIDGE, Mr. MEEK of Florida, and Mr. BRADY of Pennsylvania.

H. Res. 231: Mr. DICKS.

H. Res. 236: Mr. ISRAEL.

H. Res. 267: Ms. JACKSON-LEE of Texas.

H. Res. 383: Mr. KUCINICH.

H. Res. 447: Mr. DENT, Mr. WILSON of South Carolina, Mrs. HALVORSON, Mr. BROWN of South Carolina, Mr. CONNOLLY of Virginia, Mr. PERRIELLO, Mr. SHUSTER, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Mr. LOBIONDO, Mr. ISRAEL, Mr. BISHOP of New York, Mr. EHLERS, Mr. CAO, Mr. HILL, and Mr. COBLE.

H. Res. 486: Mr. GUTIERREZ and Mr. ROYCE.

H. Res. 494: Mr. SESTAK.

H. Res. 577: Mr. SESSIONS.

H. Res. 581: Mr. ROGERS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. DAVIS of Alabama.

H. Res. 615: Mr. FLAKE, Mr. NEUGEBAUER, Mr. GOODLATTE, Mr. BACHUS, Mr. DAVIS of Kentucky, Mrs. MYRICK, Mr. INGLIS, Mr. DENT, Mr. SULLIVAN, Mr. BROWN of South Carolina, Ms. JENKINS, Mr. CHAFFETZ, Mr. HARPER, Mr. HERGER, and Mr. SHADEGG.

H. Res. 619: Mr. GALLEGLY and Mr. GINGREY of Georgia.

H. Res. 641: Mr. ALEXANDER, Mr. LATTA, and Mr. CONAWAY.

H. Res. 676: Ms. BALDWIN and Mr. HOLDEN.

H. Res. 679: Ms. BERKLEY, Mr. BOOZMAN, Mr. CARNEY, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. CROWLEY, Mr. ELLISON, Mr. FORTENBERRY, Ms. FOXX, Mr. HALL of New York, Mr. HELLER, Mr. HIMES, Mr. HODES, Mr. HONDA, Mr. ISRAEL, Ms. MATSUI, Mr. MURPHY of New York, Mr. PRICE of Georgia, Mr. ROE of Tennessee, Mr. ROONEY, Mr. SHIMKUS, Mr. TIAHRT, Mr. WU, Ms. ROS-LEHTINEN, Mr. SCALISE, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. EHLERS.

H. Res. 686: Mr. CAPUANO, Mr. THOMPSON of Pennsylvania, Ms. ZOE LOFGREN of California, and Mr. SESTAK.

H. Res. 695: Mr. GRIJALVA and Mr. REYES.

H. Res. 700: Mr. COURTNEY, Mr. SESTAK, and Mr. MORAN of Kansas.

H. Res. 701: Ms. HIRONO and Mr. MCCOTTER.

H. Res. 703: Mr. RUSH.

H. Res. 707: Mr. ROE of Tennessee, Mr. LANGEVIN, Mr. KENNEDY, Mr. ROSS, Mr. MARKEY of Massachusetts, Mr. GORDON of Tennessee, Mr. MCGOVERN, and Mr. KUCINICH.

H. Res. 718: Mr. PRICE of North Carolina, Mr. PLATTS, Mr. EHLERS, Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mr. ARCURI, Ms. BALDWIN, Mr. BERMAN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CHU, Ms. CLARKE, Mr. CLAY, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Ms. FUDGE, Ms. GIFFORDS, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Ms. HARMAN, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. LANCE, Mr. LEE of New York, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MELANCON, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of New York, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PERRIELLO, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Mr. SIRES, Ms. SLAUGHTER, Mr. SPACE, Mr. THOMPSON of California, Mr. TIERNEY, Mr. WAXMAN, Mr. WOLF, and Mr. HASTINGS of Florida.

¶105.43 PETITIONS

Under clause 1 of Rule XXII,

65. The SPEAKER presented a petition of City of Miami Commission, Florida, relative to City of Miami Legislation Resolution: R-09-0282 petitioning for the immediate enactment of the Administration's Health Care Reform Principles; to the Committee on Energy and Commerce.

WEDNESDAY, SEPTEMBER 9, 2009 (106)

¶106.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HOLDEN, who laid before the House the following communication:

WASHINGTON, DC,
September 9, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶106.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Tuesday, September 8, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶106.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3203. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [USCG-2008-1269] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3204. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 532 to 530, Greenville, MS [COTP Lower Mississippi River-08-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apalachicola River, Chattahoochee, FL [COTP Mobile-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM45 to MM47, WHL, bank to bank [COTP Morgan City-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Position 29-37.30N, 090-55.54W on Shell Canal, off Bayou Black, extending 500 yards in all directions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 138.5 to Mile Marker 139.85, Above Head of Passes, Reserve, LA [COTP New Orleans-07-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 175 to Mile Marker 176, Above Head of Passes, Donaldsonville, LA [COTP New Orleans-07-013] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 4.0 to Mile Marker 5.0, Harvey, LA [COTP New Orleans-07-016] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 228.8 to Mile Marker 229.8, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.4 to Mile Marker 230, Abover Head of Passes, Baton Rouge, LA [COTP New Orleans-07-018] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 105.6 to Mile 106.6, Above Head Passes, Jefferson Parish, LA [COTP New Orleans-08-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 338 to 339 Galveston County, TX [Docket No.: USCG-2008-1027] (RIN: 1625–AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wolf River Chute, Mile Marker 1 to Mile Marker 2, Memphis, TN [Docket No.: USCG-2008-1047] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ouachita River, Mile Marker 167 to Mile Marker 169, Monroe, LA [Docket No.: USCG-2008-1160] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile 446.0 to 455.0, Chattanooga, TN [Docket No.: USCG-2008-1271] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; The Snow Row, Hull, MA [Docket No.: USCG-2009-0012] (RIN: 1625-AA08) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3221. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Missouri River, Mile 377.6 to 377.8 [COTP Upper Mississippi River-08-40] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3222. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 162.5 to 162.7 [COTP Upper Mississippi River-08-41] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3223. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Ohio River, Mile 469.2 to 470.2, Cincinnati, OH [Docket No. USCG-2008-0518] (RIN: 1625–AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3224. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kanawha River Mile 46.1 to 47.1, Saint Albans, WV [Docket No.: USCG-2008-0528] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3225. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile Marker 0.5 to 1.5, Kingston, TN [Docket No.: USCG-2008-0567] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3226. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River, Mile Marker 54.6 to 56.00, Charleston, WV [Docket No.: USCG-2008-0577] (RIN: 1625--AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3227. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile 190.6 to 191.1, Nashville, TN [Docket No.: USCG-2008-0797] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3228. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 601.5 to 603.8, Louisville, KY [Docket No.: USCG-2008-0868] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3229. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kanawha River Mile 57.8 to 59.3, Charleston, WV [Docket No.: USCG-2008-0980] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3230. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Upper Mississippi River at MM 0.5 — 2.0 [Docket No.: USCG-2008-0994] (RIN: 1625-AA00], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3231. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW) [COTP Port Arthur-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3232. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Sabine, TX [COTP Port Arthur-08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3233. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW) [COTP Port Arthur-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3234. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River and Sabine-Neches Canal [COTP Port Arthur-08-005] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3235. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 469.0 to 471.0, Cincinnati, OH [Docket No.: USCG-2008-0767] (RIN: 1625--AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3236. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River and Sabine-Neches Canal [COTP Port Arthur-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3237. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal [COTP Port Arthur-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3238. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Calcasieu Ship Channel [COTP Port Arthur-08-011] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3239. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Safe Passing Distance and Minimum Safe Speed for Vessels Operating near Coast Guard ATON Vessels, Sector Houston-Galveston; Harris, Galveston, Brazoria and Chambers Counties, Texas [Docket No.: USCG-2008-1025] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No.: FAA-2008-0645; Directorate Identifier 2007-NM-358-AD; Amendment 39-15969; AD 2009-15-06] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3241. A letter from the Program Anaylst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0398; Directorate Identifer 2008-NM-193-AD; Amendment 39-15971; AD 2009-15-08] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes, and Airbus Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes [Docket No.: FAA-2009-0645; Directorate Identifier 2009-NM-034-AD; Amendment 39-15973; AD 2009-15-10] (RIN: 21200-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3243. A letter from the Program Anaylst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-0644; Directorate Identifier 2009-NM-059-AD; Amendment 39-15972; AD 2009-15-09] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3244. A letter from the Program Anaylst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Airplanes [Docket No.: FAA-2009-0646; Directorate Identifier 2009-NM-055-AD; Amendment 39-15974; AD 2009-15-11] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶106.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 255

In the Senate of the United States, September 8, 2009.

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979–1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987–2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the service member and the immigrant;

Wheras his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2,000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 179. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

¶106.5 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. HOLDEN, laid before the House the following communication from Mrs. SCHMIDT:

HOUSE OF REPRESENTATIVES
Washington, DC, August 11, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Ohio Elections Commission.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

JEAN SCHMIDT,
Member of Congress.

¶106.6 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 723):

Resolved, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Luetkemeyer.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.7 WIND ENERGY RESEARCH AND DEVELOPMENT

Mr. TONKO moved to suspend the rules and pass the bill (H.R. 3165) to provide for a program of wind energy research, development, and demonstration, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.8 AMERICAN COUNCIL OF ENGINEERING COMPANIES

Mr. TONKO moved to suspend the rules and agree to the following resolution (H. Res. 447):

Whereas the American Council of Engineering Companies (ACEC) and its thousands of member firms are celebrating the Council's 100th anniversary in 2009;

Whereas the ACEC is the oldest and largest business association of America's engineering industry, representing more than 5,000 engineering firms that employ 500,000 professionals, engaged in a wide range of practices that propel our economy and ensure a high quality of life for all people in the United States;

Whereas the ACEC represents engineers in private practice, who design the infrastructure, energy, and technological projects that ensure our Nation enjoys the highest standard of living in the world and continues to compete successfully in the 21st century economy;

Whereas the ACEC member firms have been responsible for many of the Nation's most significant achievements over the past 100 years, including the roads, bridges, subways, airports, buildings, industrial facilities, and water systems that are the most advanced in the world; and

Whereas the ACEC member firms have also been at the forefront of the environmental movement, cleaning up hazardous waste sites and incorporating sustainable solutions in infrastructure works: Now, therefore, be it

Resolved, That the House of Representatives congratulates the American Council of Engineering Companies for its 100 years of service.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TONKO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶106.9 NATIONAL AEROSPACE DAY

Mr. TONKO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 167):

Whereas the missions to the Moon by the National Aeronautics and Space Administration are recognized around the globe as one of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the first permanent human habitation and scientific laboratory in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people in the United States and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordinances; and

Whereas September 16 is an appropriate date to observe "National Aerospace Day": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of "National Aerospace Day"; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶106.10 HEAVY DUTY HYBRID VEHICLES

Mr. TONKO moved to suspend the rules and pass the bill (H.R. 445) to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. TONKO and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.11 FEDERAL CREDIT UNION 75TH ANNIVERSARY

Mr. HIMES moved to suspend the rules and agree to the following resolution (H. Res. 556):

Whereas, on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act, thus enabling credit unions to be organized throughout the United States under the charters approved by the Federal Government;

Whereas the passage of the Federal Credit Union Act enabled credit unions to play an instrumental role in helping hard-working people in the United States recover after the Great Depression;

Whereas credit unions have continued to exemplify the American values of thrift, self-help, and volunteerism, carving out a special place for themselves among the Nation's financial institutions;

Whereas credit unions operate with the credo, ''Not for profit, not for charity, but for service'' and have consistently reflected this philosophical tradition and the cooperative spirit of ''people helping people'' that gave birth to the Federal Credit Union Act;

Whereas credit unions continue to provide valuable services to their members, financial alternatives for the underserved, and economic stimulus to our Nation even as we face a financial crisis today; and

Whereas, June 26, 2009, will mark the 75th anniversary of the enactment of the Federal Credit Union Act: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this landmark piece of legislation.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. HIMES and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.12 FINANCIAL TRANSPARENCY REPORTING

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 2664) to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. MOORE of Kansas, and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.13 NONADMITTED AND REINSURANCE REFORM

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 2571) to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. MOORE of Kansas, and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.14 STAR-SPANGLED BANNER COMMEMORATIVE COIN

Mr. WATT moved to suspend the rules and pass the bill (H.R. 2097) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. WATT and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WATT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶106.15 FRANCE A. CORDOVA

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 9) providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BRADY of Pennsylvania, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed.

Ordered, That the Clerk notify the Senate thereof.

¶106.16 CITIZENSHIP DAY

Ms. NORTON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 136):

SECTION 1. USE OF CAPITOL GROUNDS TO CELEBRATE CITIZENSHIP DAY.

(a) IN GENERAL.—The National Korean American Service and Education Consortium (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event (in this resolution referred to as the ''event'') on the Capitol Grounds to celebrate Citizenship Day.

(b) DATE OF EVENT.—The event shall be held on September 17, 2009, or on such other day as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code,

concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. NORTON and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶106.17 WILLIAM O. LIPINSKI FEDERAL BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 2498) to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. NORTON and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. NORTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶106.18 GALVESTON HISTORICAL FOUNDATION

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 2121) to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. NORTON and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.19 ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 2053) to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. NORTON and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.20 ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 3193) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. NORTON and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.21 NATIONAL NIGHT OUT

Mr. SCOTT of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 623):

Whereas neighborhood crime is of continuing concern to the American people;

Whereas child safety is a growing concern for parents and communities, as evidenced by several cases of missing and abducted children;

Whereas homeland security remains an important priority for communities and the Nation;

Whereas crime, drugs, and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools in the United States;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement personnel;

Whereas neighborhood crime watch organizations effectively promote awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent communities from becoming markets for drug dealers;

Whereas neighborhood crime watch programs play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participation in community safety and homeland security;

Whereas community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children;

Whereas citizens throughout the United States will take part in National Night Out, a unique crime prevention event that will demonstrate the importance and effectiveness of community participation in crime prevention efforts;

Whereas over 37,000,000 people in more than 15,000 communities from all 50 States, territories, District of Columbia, and military bases worldwide participated in National Night Out in 2007;

Whereas National Night Out will celebrate its 26th anniversary on Tuesday, August 4, 2009, when citizens, businesses, local law enforcement officers, mayors, State and Federal officials, and others will celebrate ''America's Night Out Against Crime'' and participate in events to support community crime prevention;

Whereas National Night Out is supporting the Department of Homeland Security's Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies;

Whereas National Night Out is supporting the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children;

Whereas the National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have officially expressed support for National Night Out; and

Whereas citizens and communities that participate on August 4, 2009, will send a positive message to other communities and the Nation, showing their commitment to reduce crime and promote homeland security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Night Out; and

(2) requests that the President—

(A) issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out;

(B) focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and

(C) coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. SCOTT of Virginia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.22 NATIONAL DAY OF SERVICE

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 718):

Whereas, on September 11, 2001, terrorists ruthlessly attacked the United States leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories;

Whereas in response to the attacks in New York City, Washington, DC, and Shanksville, Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women;

Whereas in the immediate aftermath of the attacks, thousands of recovery workers including trades personnel, iron workers, equipment operators, and many others, joined with firemen, police officers, and military personnel to help to search for and recover victims lost in the terrorist attacks;

Whereas in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship;

Whereas many first responders, rescue and recovery workers, and volunteers, as well as survivors of the 9/11 terrorist attacks, continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the 9/11 tragedy;

Whereas hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of our nation's armed forces, with thousands having given their lives, or been injured to defend our nation's security and prevent future terrorist attacks;

Whereas the entire nation witnessed and shared in the tragedy of 9/11 and in the immediate aftermath of the September 11 attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the nation;

Whereas in the years immediately following the September 11, 2001, attacks, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among citizens in the United States;

Whereas families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized ''National Day of Service and Remembrance'', and for the President of the United States to proclaim the day as such;

Whereas in 2004, Congress unanimously passed H. Con. Res. 473, expressing the sense of Congress that it is appropriate to observe the anniversary of the September 11, 2001, attacks with voluntary acts of service and compassion;

Whereas hundreds of thousands of people in the United States from all 50 States, as well as others who live in 170 different countries already observe the anniversary of the September 11, 2001, attacks each year by personally engaging in service, good deeds, and other charitable acts; and

Whereas, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a ''National Day of Service and Remembrance'', a bill signed into law on April 21, 2009, by President Barack Obama: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls upon all people in the United States to annually observe a ''National Day of Service and Remembrance'', with appropriate and personal expressions of reflection, including performing good deeds, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the September 11, 2001, attacks, in tribute to those who rose to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people in the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the September 11, 2001, terrorist attacks.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. TOWNS and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.23 CALIFORNIA WILDFIRES

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 724):

Whereas beginning in August 2009, California has experienced a number of devastating wildfires which have burned hundreds of thousands of acres of public and private lands, destroyed and damaged structures and homes, and forced the evacuation of thousands of homes and businesses;

Whereas high temperatures and erratic winds caused the multiple fires to rapidly progress to a point that the Governor of California proclaimed a state of emergency in the counties of Los Angeles, San Bernardino, Santa Cruz, Monterey, Placer, and Mariposa;

Whereas loss of life and serious injuries have resulted from the fires;

Whereas beginning on August 26, 2009, the Station Fire, ignited by arson, has burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including over 200 structures and homes;

Whereas the Station Fire is one of the largest in modern California history and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continues to threaten 7,000 structures in the Angeles National Forest and nearby communities like Altadena, La Cañada Flintridge, Acton, Glendale, La Crescenta, Pasadena, Littlerock, Sunland, Sierra Madre, and Tujunga;

Whereas more than 8,000 fire personnel, 800 fire engines, approximately 40 helicopters, 13 fixed-winged aircraft, and 88 water tenders have been deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas on August 30, 2009, the lives of two firefighters with the County of Los Angeles Fire Department were lost while battling the Station Fire: Fire Captain Tedmund ''Ted'' Hall, 47, and Firefighter Specialist Arnaldo ''Arnie'' Quinones, 34;

Whereas Fire Captain Tedmund Hall, of San Bernardino County, was a 26-year veteran of the fire service, and is survived by his wife, two sons, and his parents;

Whereas Firefighter Specialist Arnaldo Quinones, of Palmdale, was an 8-year veteran of the fire service and soon-to-be father and is survived by his wife and his mother;

Whereas more than 10 firefighters were injured as they put their lives on the line to respond to wildfires in California;

Whereas it is clear that the continued commitment and heroism exhibited by firefighters has saved countless lives, homes, and businesses;

Whereas additional emergency personnel, such as law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas hundreds of volunteers gave their time to help ensure that evacuees are sheltered, clothed, fed, and emotionally comforted through this traumatic event: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy to the families of those servicemen who lost their lives fighting the Station Fire in Southern California;

(2) commends the thousands of firefighters and emergency responders who continue to risk their lives fighting the wildfires throughout California;

(3) expresses condolences to the individuals and families who lost their homes and other property in the wildfires;

(4) extends its appreciation for the ongoing work to protect the communities and businesses that continue to be threatened by fire; and

(5) condemns the acts of arson perpetrated in igniting the Los Angeles County Station Fire.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. TOWNS and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.24 TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 722):

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside of Washington, DC;

Whereas the passengers and crew aboard United Flight 93 fought heroically and sacrificed their own lives by crashing the plane in Shanksville, Pennsylvania, to prevent terrorist hijackers from killing additional innocent Americans;

Whereas nearly 3,000 innocent men, women, and children were murdered in the attacks;

Whereas eight years later, the United States of America continues to mourn the lives lost on September 11, 2001;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles and values of the American people and to intimidate the Nation and its allies;

Whereas the United States remains steadfast in its determination to defeat, disrupt, and destroy terrorist organizations and seeks to harness all elements of national power, including its military, economic, and diplomatic resources, to do so;

Whereas Congress has passed, and the President has signed, numerous laws to protect the Nation, prevent terrorism at home and abroad, assist victims of terrorism, and support, in the field and upon return, the members of the Armed Forces who courageously defend the United States;

Whereas the terrorist attacks that have occurred around the world since September 11, 2001, serve as reminders that the hateful inhumanity of terrorism poses a common threat to the free world and to democratic values;

Whereas the United States has worked cooperatively with the nations of the free world to capture terrorists and bring them to justice;

Whereas the United States remains committed to building strong and productive counterterrorism alliances;

Whereas immediately following September 11, 2001, the United States Armed Forces moved swiftly against al-Qaeda and the Taliban, which the President and Congress had identified as enemies of America;

Whereas in doing so, brave members of the Armed Forces left loved ones in order to defend the Nation; and

Whereas many members of the Armed Forces remain abroad, defending the Nation from further terrorist attacks and continuing to battle al-Qaeda and the Taliban: Now, therefore, be it

Resolved, by the House of Representatives, That the House of Representatives—

(1) recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a day for the people of the United States to recommit to the Nation and to each other;

(2) once again extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health;

(4) expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism;

(5) asserts, in the strongest possible terms, that the fight against terrorism is not a war on any nation, any people, or any faith;

(6) recognizes the heroic service of United States personnel, including members of the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists;

(7) vows that it will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively accomplish this mission; and

(8) calls on all Americans to renew their devotion to the universal ideals that make the Nation great: freedom, pluralism, equality, and the rule of law.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ACKERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶106.25 PROVIDING FOR CONSIDERATION OF H.R. 965

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–249) the resolution (H. Res. 726) providing for consideration of the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

When said resolution and report were referred to the House Calendar and ordered printed.

¶106.26 H. RES. 447—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 447) recognizing the remarkable contributions of the American Council of Engineering Companies for its 100 years of service to the engineering industry and the Nation.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	420
	Nays	0

¶106.27 [Roll No. 690]

YEAS—420

Abercrombie	Broun (GA)	Crenshaw
Ackerman	Brown (SC)	Crowley
Aderholt	Brown, Corrine	Cuellar
Adler (NJ)	Brown-Waite, Ginny	Culberson
Akin	Buchanan	Cummings
Alexander	Burgess	Dahlkemper
Altmire	Burton (IN)	Davis (AL)
Andrews	Butterfield	Davis (CA)
Arcuri	Buyer	Davis (KY)
Austria	Calvert	Davis (TN)
Baca	Camp	Deal (GA)
Bachmann	Campbell	DeFazio
Bachus	Cantor	DeGette
Baird	Cao	DeLauro
Barrett (SC)	Capito	Dent
Barrow	Capps	Diaz-Balart, L.
Bartlett	Capuano	Diaz-Balart, M.
Barton (TX)	Cardoza	Dicks
Bean	Carnahan	Dingell
Becerra	Carney	Doggett
Berkley	Carson (IN)	Donnelly (IN)
Berman	Carter	Doyle
Berry	Cassidy	Dreier
Biggert	Castle	Driehaus
Bilbray	Castor (FL)	Duncan
Bilirakis	Chaffetz	Edwards (MD)
Bishop (GA)	Chandler	Edwards (TX)
Bishop (NY)	Childers	Ehlers
Bishop (UT)	Chu	Ellison
Blackburn	Clarke	Ellsworth
Blumenauer	Clay	Emerson
Blunt	Cleaver	Engel
Boccieri	Clyburn	Eshoo
Boehner	Coble	Etheridge
Bonner	Coffman (CO)	Fallin
Bono Mack	Cohen	Farr
Boozman	Cole	Fattah
Boren	Conaway	Filner
Boswell	Connolly (VA)	Flake
Boucher	Conyers	Fleming
Boustany	Cooper	Forbes
Brady (PA)	Costa	Fortenberry
Brady (TX)	Costello	Foster
Braley (IA)	Courtney	Foxx
Bright		Frank (MA)

Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Baldwin
Boyd
Davis (IL)
Delahunt
Lynch
Maffei
McCarthy (NY)
McMorris Rodgers
Slaughter
Smith (NJ)
Sutton
Tanner
Young (AK)

YEAS—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Baldwin
Boyd
Davis (IL)
Delahunt
Lynch
Maffei
McCarthy (NY)
McMorris Rodgers
Slaughter
Smith (NJ)
Sutton
Tanner
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.28 SEPTEMBER 11, 2001 MOMENT OF SILENCE

The SPEAKER announced that all Members stand and observe a moment of silence in memory of the victims of the terrorist attacks that occurred on September 11, 2001.

¶106.29 H.R. 2097—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2097) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 1

¶106.30 [Roll No. 691]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Paul

NOT VOTING—13

Baldwin
Boustany
Boyd
Davis (IL)
Delahunt
Kirk
Lynch
Maffei
McCarthy (NY)
Slaughter
Smith (NJ)
Tanner
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.31 H.R. 2498—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2498) to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶106.32 [Roll No. 692]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)

Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—14

Baldwin
Boustany
Boyd
Davis (IL)
Delahunt
Frank (MA)
Lynch
Maffei
McCarthy (NY)
Rush
Slaughter
Smith (NJ)
Tanner
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶106.33 H. RES. 722—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 722) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶106.34 [Roll No. 693]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (FL)

NOT VOTING—18

Baldwin
Boyd
Carnahan
Coble
Davis (IL)
Delahunt
Lynch
Maffei
McCarthy (NY)
McHugh
Ros-Lehtinen
Schmidt
Slaughter
Smith (NJ)
Tanner
Wilson (OH)
Wu
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶106.35 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ROSS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2009, at 8:27 p.m.:

That the Senate passed without amendment H.R. 3435.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶106.36 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ROSS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 7, 2009, at 9:16 a.m.:

That the Senate passed with an amendment H.R. 1016.

That the Senate passed without an amendment H.R. 3325.

Appointments:

British-American Interparliamentary Group.

Board of Directors of the Mickey Leland National Urban Air Toxics Research Center.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶106.37 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ROSS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 7, 2009, at 12:52 p.m.:

Appointments:

Advisory Committee on Student Financial Assistance.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶106.38 RECESS—3:31 P.M.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 31 minutes p.m., until approximately 7:30 p.m., for the purpose of receiving a message from the President of the United States.

¶106.39 AFTER RECESS—7:45 P.M.

The SPEAKER called the House to order.

¶106.40 JOINT SESSION TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Majority Floor Services Chief announced the Vice President and Members of the Senate, who entered the Hall of the House and took seats assigned to them, the Vice President taking the Chair to the right of the Speaker.

Whereupon, pursuant to House Concurrent Resolution 179, the SPEAKER called the joint session of the two Houses to order.

The SPEAKER announced the appointment of Messrs. HOYER, CLYBURN, LARSON of Connecticut, BECERRA, VAN HOLLEN, George MILLER of California, Ms. DELAURO, Messrs. KENNEDY, BOEHNER, CANTOR, PENCE, MCCOTTER, CARTER, SESSIONS, MCCARTHY of California, and BLUNT as members of the Committee on the part of the House to escort the President into the Hall of the House.

The Vice President announced the appointment of Messrs. REID, DURBIN, SCHUMER, Mrs. MURRAY, Messrs. MENENDEZ, DORGAN, Ms. STABENOW, Messrs. MCCONNELL, KYL, ALEXANDER, Ms. MURKOWSKI, Messrs. THUNE, and CORNYN as members of the committee on the part of the Senate to escort the President into the Hall of the House.

The Majority Floor Services Chief announced the Acting Dean of the Diplomatic Corps, who entered the Hall of the House and took the seat assigned to him.

The Majority Floor Services Chief announced the Members of the President's Cabinet, who entered the Hall of the House and took seats assigned to them.

The Majority Floor Services Chief and the Sergeant-at-Arms announced the President of the United States at 8 o'clock and 10 minutes p.m., escorted by the committees of the two Houses, who entered the Hall of the House and, at the Clerk's desk, delivered the following message:

Madam Speaker, Vice President BIDEN, Members of Congress, and the American people:

When I spoke here last winter, the Nation was facing the worst economic crisis since the Great Depression. We were losing an average of 700,000 jobs per month. Credit was frozen. And our financial system was on the verge of collapse.

As any American who is still looking for work or a way to pay their bills will tell you, we are by no means out of the woods. A full and vibrant recovery is still many months away. And I will not let up until those Americans who seek jobs can find them; until those businesses that seek capital and credit can thrive; until all responsible homeowners can stay in their homes. That is our ultimate goal. But thanks to the bold and decisive action we have taken since January, I can stand here with confidence and say that we have pulled this economy back from the brink.

I want to thank the Members of this body for your efforts and your support in these last several months, and especially those who have taken the difficult votes that have put us on a path to recovery. I also want to thank the American people for their patience and resolve during this trying time for our Nation.

But we did not come here just to clean up crises. We came here to build a future. So tonight, I return to speak to all of you about an issue that is central to that future—and that is the issue of health care.

I am not the first President to take up this cause, but I am determined to be the last. It has now been nearly a century since Theodore Roosevelt first called for health care reform. And ever since, nearly every President and Congress, whether Democrat or Republican, has attempted to meet this challenge in some way. A bill for comprehensive health reform was first introduced by John Dingell, Sr. in 1943. Sixty-five years later, his son continues to introduce that same bill at the beginning of each session.

Our collective failure to meet this challenge—year after year, decade after decade—has led us to a breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or too expensive to cover.

We are the only advanced democracy on Earth—the only wealthy nation—that allows such hardships for millions of its people. There are now more than 30 million American citizens who can't get coverage. In just a 2-year period, one in every three Americans goes without health care coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But the problem that plagues the health care system is not just a problem for the uninsured. Those who do have insurance have never had less security or stability than they do today. More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too. More and more Americans pay their premiums, only to discover that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care. It happens every day.

One man from Illinois lost his coverage in the middle of chemotherapy because his insurer found that he hadn't reported gallstones that he didn't even know about. They delayed his treatment, and he died because of it. Another woman from Texas was about to get a double mastectomy when her insurance company canceled her policy because she forgot to declare a case of acne. By the time she had her insurance reinstated, her breast cancer had more than doubled in size. That is heart-breaking, it is wrong, and no one should be treated that way in the United States of America.

Then there's the problem of rising costs. We spend one-and-a-half times more per person on health care than any other country, but we aren't any healthier for it. This is one of the reasons that insurance premiums have gone up three times faster than wages. It's why so many employers—especially small businesses—are forcing their employees to pay more for insurance, or are dropping their coverage

entirely. It's why so many aspiring entrepreneurs cannot afford to open a business in the first place, and why American businesses that compete internationally—like our automakers—are at a huge disadvantage. And it's why those of us with health insurance are also paying a hidden and growing tax for those without it—about $1,000 per year that pays for somebody else's emergency room and charitable care.

Finally, our health care system is placing an unsustainable burden on taxpayers. When health care costs grow at the rate they have, it puts greater pressure on programs like Medicare and Medicaid. If we do nothing to slow these skyrocketing costs, we will eventually be spending more on Medicare and Medicaid than every other government program combined. Put simply, our health care problem is our deficit problem. Nothing else even comes close.

These are the facts. Nobody disputes them. We know we must reform this system. The question is how.

There are those on the left who believe that the only way to fix the system is through a single-payer system like Canada's, where we would severely restrict the private insurance market and have the government provide coverage for everybody. On the right, there are those who argue that we should end the employer-based system and leave individuals to buy health insurance on their own.

I have to say that there are arguments to be made for both these approaches. But either one would represent a radical shift that would disrupt the health care most people currently have. Since health care represents one-sixth of our economy, I believe it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch. And that is precisely what those of you in Congress have tried to do over the past several months.

During that time, we have seen Washington at its best and at its worst.

We've seen many in this Chamber work tirelessly for the better part of this year to offer thoughtful ideas about how to achieve reform. Of the five committees asked to develop bills, four have completed their work, and the Senate Finance Committee announced today that it will move forward next week. That has never happened before. Our overall efforts have been supported by an unprecedented coalition of doctors and nurses; hospitals, seniors' groups, and even drug companies—many of whom opposed reform in the past. And there is agreement in this Chamber on about 80 percent of what needs to be done, putting us closer to the goal of reform than we have ever been.

But what we have also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have toward their own government. Instead of honest debate, we've seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and countercharges, confusion has reigned.

Well, the time for bickering is over. The time for games has passed. Now is the season for action. Now is when we must bring the best ideas of both parties together, and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care.

The plan I'm announcing tonight would meet three basic goals:

It will provide more security and stability to those who have health insurance. It will provide insurance to those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government. It's a plan that asks everyone to take responsibility for meeting this challenge—not just government, not just insurance companies, but everybody, including employers and individuals. And it's a plan that incorporates ideas from Senators and Congressmen; from Democrats and Republicans—and yes, from some of my opponents in both the primary and general election.

Here are the details that every American needs to know about this plan:

First, if you are among the hundreds of millions of Americans who already have health insurance through your job, or Medicare, or Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have.

What this plan will do is make the insurance you have work better for you. Under this plan, it will be against the law for insurance companies to deny you coverage because of a preexisting condition. As soon as I sign this bill, it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it the most. They will no longer be able to place some arbitrary cap on the amount of coverage you can receive in a given year or in a lifetime. We will place a limit on how much you can be charged for out-of-pocket expenses, because in the United States of America, no one should go broke because they get sick. And insurance companies will be required to cover, with no extra charge, routine checkups and preventive care, like mammograms and colonoscopies—because there's no reason we shouldn't be catching diseases like breast cancer and colon cancer before they get worse. That makes sense, it saves money, and it saves lives.

That's what Americans who have health insurance can expect from this plan—more security and more stability.

Now, if you're one of the tens of millions of Americans who don't currently have health insurance, the second part of this plan will finally offer you quality, affordable choices. If you lose your job or you change your job, you will be able to get coverage. If you strike out on your own and start a small business, you'll be able to get coverage. We will do this by creating a new insurance exchange—a marketplace where individuals and small businesses will be able to shop for health insurance at competitive prices. Insurance companies will have an incentive to participate in this exchange because it lets them compete for millions of new customers. As one big group, these customers will have greater leverage to bargain with the insurance companies for better prices and quality coverage. This is how large companies and government employees get affordable insurance. It's how everyone in this Congress gets affordable insurance. And it's time to give every American the same opportunity that we've given ourselves.

For those individuals and small businesses who still can't afford the lower-priced insurance available in the exchange, we'll provide tax credits, the size of which will be based on your need. And all insurance companies that want access to this new marketplace will have to abide by the consumer protections I already mentioned. This exchange will take effect in 4 years, which will give us time to do it right. In the meantime, for those Americans who can't get insurance today because they have preexisting medical conditions, we will immediately offer low-cost coverage that will protect you against financial ruin if you become seriously ill. This was a good idea when Senator JOHN MCCAIN proposed it in the campaign, it's a good idea now, and we should all embrace it.

Now, even if we provide these affordable options, there may be those—especially the young and the healthy—who still want to take the risk and go without coverage. There may still be companies that refuse to do right by their workers by giving them coverage. The problem is, such irresponsible behavior costs all the rest of us money. If there are affordable options and people still don't sign up for health insurance, it means we pay for these people's expensive emergency room visits. If some businesses don't provide workers health care, it forces the rest of us to pick up the tab when their workers get sick, and give those businesses an unfair advantage over their competitors. And unless everybody does their part, many of the insurance reforms we seek—especially requiring insurance companies to cover preexisting conditions—just can't be achieved.

That's why under my plan, individuals will be required to carry basic health insurance—just as most States require you to carry auto insurance. Likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers. There will be a hardship waiver for those individuals who still can't afford coverage, and 95 percent of

all small businesses, because of their size and narrow profit margin, would be exempt from these requirements. But we can't have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees. Improving our health care system only works if everybody does their part.

While there remain some significant details to be ironed out, I believe a broad consensus exists for the aspects of the plan I just outlined: consumer protections for those with insurance, an exchange that allows individuals and small businesses to purchase affordable coverage, and a requirement that people who can afford insurance get insurance.

And I have no doubt that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole. Still, given all the misinformation that's been spread over the past few months, I realize that many Americans have grown nervous about reform. So tonight I want to address some of the key controversies that are still out there.

Some of people's concerns have grown out of bogus claims spread by those whose only agenda is to kill reform at any cost. The best example is the claim, made not just by radio and cable talk show hosts, but by prominent politicians, that we plan to set up panels of bureaucrats with the power to kill off senior citizens. Such a charge would be laughable if it weren't so cynical and irresponsible. It is a lie, plain and simple.

There are also those who claim that our reform efforts will insure illegal immigrants. This, too, is false. The reforms I am proposing would not apply to those who are here illegally. And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

My health care proposal has also been attacked by some who oppose reform as a ''government takeover'' of the entire health care system. As proof, critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly sponsored insurance option administered by the government just like Medicaid or Medicare.

So let me set the record straight here. My guiding principle is, and always has been, that consumers do better when there is choice and competition. That's how the market works. Unfortunately, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent is controlled by just one company. Without competition, the price of insurance goes up and the quality goes down. And it makes it easier for insurance companies to treat their customers badly—by cherry-picking the healthiest individuals and trying to drop the sickest; by overcharging small businesses who have no leverage; and by jacking up rates.

Insurance executives don't do this because they are bad people. They do it because it's profitable. As one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop the seriously ill; they are rewarded for it. All of this is in service of meeting what this former executive called ''Wall Street's relentless profit expectations.''

Now, I have no interest in putting insurance companies out of business. They provide a legitimate service, and employ a lot of our friends and neighbors. I just want to hold them accountable. The insurance reforms that I've already mentioned would do just that. But an additional step we can take to keep insurance companies honest is by making a not-for-profit public option available in the insurance exchange. Let me be clear—it would only be an option for those who don't have insurance. No one would be forced to choose it, and it would not impact those of you who already have insurance. In fact, based on Congressional Budget Office estimates, we believe that less than 5 percent of Americans would sign up.

Despite all this, the insurance companies and their allies don't like this idea. They argue that these private companies can't fairly compete with the government. And they'd be right if taxpayers were subsidizing this public insurance option. But they won't be. I have insisted that like any private insurance company, the public insurance option would have to be self-sufficient and rely on the premiums it collects. But by avoiding some of the overhead that gets eaten up at private companies by profits, excessive administrative costs and executive salaries, it could provide a good deal for consumers. It would also keep pressure on private insurers to keep their policies affordable and treat their customers better, the same way public colleges and universities provide additional choice and competition to students without in any way inhibiting a vibrant system of private colleges and universities.

It's worth noting that a strong majority of Americans still favor a public insurance option of the sort I've proposed tonight. But its impact shouldn't be exaggerated—by the left, or the right, or the media. It is only one part of my plan, and shouldn't be used as a handy excuse for the usual Washington ideological battles. To my progressive friends, I would remind you that the driving idea behind reform has been to end insurance company abuses and make coverage affordable for those without it. The public option is only a means to that end—and we should remain open to other ideas that accomplish our ultimate goal. And to my Republican friends, I say that rather than making wild claims about a government takeover of health care, we should work together to address any legitimate concerns you may have.

For example, some have suggested that the public option go into effect only in those markets where insurance companies are not providing affordable policies. Others have proposed a co-op or another nonprofit entity to administer the plan. These are all constructive ideas worth exploring. But I will not back down on the basic principle that if Americans can't find affordable coverage, we will provide you with a choice. And I will make sure that no government bureaucrat or insurance company bureaucrat gets between you and the care that you need.

Finally, let me discuss an issue that is a great concern to me, to Members of this Chamber, and to the public—and that's how we pay for this plan.

Here's what you need to know. First, I will not sign a plan that adds one dime to our deficits—either now or in the future. Period. And to prove that I'm serious, there will be a provision in this plan that requires us to come forward with more spending cuts if the savings we promised don't materialize. Part of the reason I faced a trillion-dollar deficit when I walked in the door of the White House is because too many initiatives over the last decade were not paid for—from the Iraq war to tax breaks for the wealthy. I will not make that same mistake with health care.

Second, we've estimated that most of this plan can be paid for by finding savings within the existing health care system—a system that is currently full of waste and abuse. Right now, too much of the hard-earned savings and tax dollars we spend on health care don't make us any healthier. That's not my judgment—it's the judgment of medical professionals across this country. And this is also true when it comes to Medicare and Medicaid.

In fact, I want to speak directly to seniors for a moment, because Medicare is another issue that's been subjected to demagoguery and distortion during the course of this debate.

More than four decades ago, this Nation stood up for the principle that after a lifetime of hard work, our seniors should not be left to struggle with a pile of medical bills in their later years. That's how Medicare was born. And it remains a sacred trust that must be passed down from one generation to the next. That is why not a dollar of the Medicare trust fund will be used to pay for this plan.

The only thing this plan would eliminate is the hundreds of billions of dollars in waste and fraud, as well as unwarranted subsidies in Medicare that go to insurance companies—subsidies that do everything to pad their profits but don't improve the care of seniors. And we will also create an independent commission of doctors and medical experts charged with identifying more waste in the years ahead.

These steps will ensure that you—America's seniors—get the benefits you've been promised. They will ensure that Medicare is there for future generations. And we can use some of the savings to fill the gap in coverage that forces too many seniors to pay thousands of dollars a year out of their own

pockets for prescription drugs. That's what this plan will do for you. So don't pay attention to those scary stories about how your benefits will be cut—especially since some of the same folks who are spreading these tall tales have fought against Medicare in the past, and just this year supported a budget that would essentially have turned Medicare into a privatized voucher program. That will not happen on my watch. I will protect Medicare.

Now, because Medicare is such a big part of the health care system, making the program more efficient can help usher in changes in the way we deliver health care that can reduce costs for everybody. We have long known that some places, like the Intermountain Healthcare in Utah or the Geisinger Health System in rural Pennsylvania, offer high-quality care at costs below average. So the commission can help encourage the adoption of these commonsense best practices by doctors and medical professionals throughout the system—everything from reducing hospital infection rates to encouraging better coordination between teams of doctors.

Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers. This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money—an idea which has the support of Democratic and Republican experts. And according to these same experts, this modest change could help hold down the cost of health care for all of us in the long run.

Finally, many in this Chamber—particularly on the Republican side of the aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs. So I am proposing that we move forward on a range of ideas about how to put patient safety first and let doctors focus on practicing medicine. I know that the Bush administration considered authorizing demonstration projects in individual States to test these ideas. I think it's a good idea, and I am directing my Secretary of Health and Human Services to move forward on this initiative today.

Add it all up, and the plan I'm proposing will cost around $900 billion over 10 years—less than we have spent on the Iraq and Afghanistan wars, and less than the tax cuts for the wealthiest few Americans that Congress passed at the beginning of the previous administration. Most of these costs will be paid for with money already being spent—but spent badly—in the existing health care system. The plan will not add to our deficit. The middle class will realize greater security, not higher taxes. And if we are able to slow the growth of health care costs by just one-tenth of 1 percent each year, it will actually reduce the deficit by $4 trillion over the long term.

This is the plan I'm proposing. It's a plan that incorporates ideas from many of the people in this room tonight—Democrats and Republicans. And I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open.

But know this: I will not waste time with those who have made the calculation that it's better politics to kill this plan than to improve it. I won't stand by while the special interests use the same old tactics to keep things exactly the way they are. If you misrepresent what's in this plan, we will call you out. And I will not accept the status quo as a solution. Not this time. Not now.

Everyone in this room knows what will happen if we do nothing. Our deficit will grow. More families will go bankrupt. More businesses will close. More Americans will lose their coverage when they are sick and need it the most. And more will die as a result. We know these things to be true.

That is why we cannot fail. Because there are too many Americans counting on us to succeed—the ones who suffer silently, and the ones who shared their stories with us at town halls, in e-mails, and in letters.

I received one of those letters a few days ago. It was from our beloved friend and colleague, Ted Kennedy. He had written it back in May, shortly after he was told that his illness was terminal. He asked that it be delivered upon his death.

In it, he spoke about what a happy time his last months were, thanks to the love and support of family and friends, his wife, Vicki, and his amazing children, who are all here tonight. And he expressed confidence that this would be the year that health care reform—''that great unfinished business of our society,'' he called it—would finally pass. He repeated the truth that health care is decisive for our future prosperity, but he also reminded me that ''it concerns more than material things.'' ''What we face,'' he wrote, ''is above all a moral issue; at stake are not just the details of policy, but fundamental principles of social justice and the character of our country.''

I've thought about that phrase quite a bit in recent days—the character of our country. One of the unique and wonderful things about America has always been our self-reliance, our rugged individualism, our fierce defense of freedom and our healthy skepticism of government. And figuring out the appropriate size and role of government has always been a source of rigorous and, yes, sometimes angry debate. That's our history.

For some of Ted Kennedy's critics, his brand of liberalism represented an affront to American liberty. In their minds, his passion for universal health care was nothing more than a passion for big government.

But those of us who knew Teddy and worked with him here—people of both parties—know that what drove him was something more. His friend ORRIN HATCH knows that. They worked together to provide children with health insurance. His friend JOHN MCCAIN knows that. They worked together on a Patient's Bill of Rights. His friend CHUCK GRASSLEY knows that. They worked together to provide health care to children with disabilities.

On issues like these, Ted Kennedy's passion was born not of some rigid ideology, but of his own experience. It was the experience of having two children stricken with cancer. He never forgot the sheer terror and helplessness that any parent feels when a child is badly sick; and he was able to imagine what it must be like for those without insurance; what it would be like to have to say to a wife or a child or an aging parent—there is something that could make you better, but I just can't afford it.

That large-heartedness—that concern and regard for the plight of others—is not a partisan feeling. It is not a Republican or a Democratic feeling. It, too, is part of the American character. Our ability to stand in other people's shoes. A recognition that we are all in this together; that when fortune turns against one of us, others are there to lend a helping hand. A belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgment that sometimes government has to step in to help deliver on that promise.

This has always been the history of our progress. In 1935, when over half of our seniors could not support themselves and millions had seen their savings wiped away, there were those who argued that Social Security would lead to socialism. But the men and women of Congress stood fast, and we are all the better for it. In 1965, when some argued that Medicare represented a government takeover of health care, Members of Congress, Democrats and Republicans, did not back down. They joined together so that all of us could enter our golden years with some basic peace of mind.

You see, our predecessors understood that government could not, and should not, solve every problem. They understood that there are instances when the gains in security from government action are not worth the added constraints on our freedom. But they also understood that the danger of too much government is matched by the perils of too little; that without the leavening hand of wise policy, markets can crash, monopolies can stifle competition, and the vulnerable can be exploited. And they knew that when any government measure, no matter how carefully crafted or beneficial, is subject to scorn; when any efforts to help

people in need are attacked as un-American; when facts and reason are thrown overboard and only timidity passes for wisdom, and we can no longer even engage in a civil conversation with each other over the things that truly matter—that at that point we don't merely lose our capacity to solve big challenges. We lose something essential about ourselves.

What was true then remains true today. I understand how difficult this health care debate has been. I know that many in this country are deeply skeptical that government is looking out for them. I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, or one more election, or one more term.

But that is not what this moment calls for. That's not what we came here to do. We did not come to fear the future. We came here to shape it. I still believe we can act even when it's hard. I still believe we can replace acrimony with civility, and gridlock with progress. I still believe we can do great things, and that here and now we will meet history's test.

Because that is who we are. That is our calling. That is our character. Thank you, God bless you, and may God bless the United States of America.

At 9 o'clock and 6 minutes p.m., the President of the United States retired from the Hall of the House, followed by his Cabinet.

The SPEAKER, at 9 o'clock and 7 minutes p.m., then declared the joint session of the two Houses dissolved.

The Vice President and Members of the Senate retired from the Hall of the House.

¶106.41 REFERENCE OF THE PRESIDENT'S MESSAGE

On motion of Ms. WASSERMAN SCHULTZ, the message of the President, as delivered, together with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed (H. Doc. 109–62).

And then,

¶106.42 ADJOURNMENT

On motion of Ms. WASSERMAN SCHULTZ, at 9 o'clock and 10 minutes p.m., the House adjourned.

¶106.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 726. Resolution providing for consideration of the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 111–249). Referred to the House Calendar.

¶106.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DANIEL E. LUNGREN of California:

H.R. 3542. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on House Administration.

By Ms. BALDWIN:

H.R. 3543. A bill to direct the Environmental Protection Agency to establish a product carbon disclosure program to facilitate carbon content labeling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 3544. A bill to amend title 38, United States Code, to provide guidelines for the establishment of new national cemeteries by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself, Mr. GEORGE MILLER of California, Mr. LOEBSACK, Mr. CONYERS, Ms. DELAURO, Ms. FUDGE, Mr. MASSA, Mr. SARBANES, Mrs. CAPPS, Mr. ELLSWORTH, Mr. SIRES, Ms. MARKEY of Colorado, Mr. FATTAH, Mr. GRIJALVA, Mr. BERMAN, Ms. CLARKE, Mr. HIMES, Mr. KENNEDY, Mr. MCGOVERN, Mr. STARK, Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. HONDA, Mr. TONKO, Ms. NORTON, Mr. CARSON of Indiana, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mr. COHEN, Mr. HARE, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SERRANO, Mr. CROWLEY, Mr. LUJÁN, Mr. ENGEL, Mr. OLVER, Mr. SABLAN, Mr. HEINRICH, Mr. BUTTERFIELD, Mr. CONNOLLY of Virginia, Mr. SESTAK, Mr. DAVIS of Illinois, Mr. SCHAUER, and Mr. RUSH):

H.R. 3545. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Ms. BORDALLO, and Mr. KAGEN):

H.R. 3546. A bill to amend the Small Business Act to make permanent the Community Express Program, and for other purposes; to the Committee on Small Business.

By Mr. PENCE:

H. Res. 723. A resolution electing a minority member to a standing committee; considered and agreed to.

By Mr. SCHIFF (for himself, Mr. DREIER, Ms. PELOSI, Ms. ZOE LOFGREN of California, Mr. MCKEON, Mrs. NAPOLITANO, Mr. RADANOVICH, Ms. ROYBAL-ALLARD, Mrs. BONO MACK, Ms. LEE of California, Mr. DANIEL E. LUNGREN of California, Mrs. DAVIS of California, Mr. CALVERT, Mr. BERMAN, Mr. ROHRABACHER, Mr. CARDOZA, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mrs. CAPPS, Mr. HERGER, Ms. MATSUI, Mr. MCCLINTOCK, Ms. WOOLSEY, Mr. BILBRAY, Mr. COSTA, Mr. GARY G. MILLER of California, Mr. FARR, Mr. CAMPBELL, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCARTHY of California, Mr. SHERMAN, Mr. LEWIS of California, Mr. GEORGE MILLER of California, Mr. GALLEGLY, Ms. SPEIER, Mr. ROYCE, Mr. BACA, Mr. MCNERNEY, Ms. HARMAN, Mr. THOMPSON of California, Ms. RICHARDSON, Mr. FILNER, and Ms. CHU):

H. Res. 724. A resolution honoring the first responders, paying tribute to the victims of the Southern California wildfires, and mourning the loss of Firefighter Captain Tedmund ''Ted'' Hall, and Firefighter Specialist Arnaldo ''Arnie'' Quinones; to the Committee on Oversight and Government Reform; considered and agreed to.

By Mr. FILNER (for himself, Mr. BILBRAY, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Mr. BACA, Mr. ROHRABACHER, Mr. COSTA, Mrs. NAPOLITANO, Mr. FARR, Ms. SPEIER, Mr. CARDOZA, Mr. THOMPSON of California, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, and Mrs. DAVIS of California):

H. Res. 725. A resolution congratulating the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series Championship; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL (for himself, Ms. DELAURO, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 727. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY (for himself, Mrs. BONO MACK, and Mr. LARSEN of Washington):

H. Res. 728. A resolution recognizing the importance of ''National Drug Facts Chat Day'' on November 10, 2009; to the Committee on Education and Labor.

¶106.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BONNER.

H.R. 43: Mr. ROGERS of Kentucky, Mr. JOHNSON of Georgia, and Mr. MURPHY of Connecticut.

H.R. 82: Mr. MARSHALL.

H.R. 104: Mr. JACKSON of Illinois.

H.R. 156: Mr. BURGESS.

H.R. 197: Mr. WALDEN, Mrs. SCHMIDT, and Mr. BOCCIERI.

H.R. 240: Mr. DAVIS of Kentucky.

H.R. 275: Mr. DAVIS of Kentucky, Mrs. KIRKPATRICK of Arizona, Mr. KING of Iowa, Mr. CHANDLER, and Mr. LOBIONDO.

H.R. 303: Mr. ROE of Tennessee.

H.R. 422: Mr. VAN HOLLEN.

H.R. 450: Mr. WILSON of South Carolina, Mr. SOUDER, and Mr. TIAHRT.

H.R. 460: Mr. WAXMAN.

H.R. 510: Mr. BLUNT, Mr. SCALISE, Mr. LEE of New York, and Mr. POSEY.

H.R. 615: Mr. UPTON.

H.R. 621: Mr. MASSA, Mr. BOUCHER, Mr. STARK, and Mr. DAVIS of Alabama.

H.R. 673: Mr. SESTAK.

H.R. 678: Mr. MASSA.

H.R. 690: Mr. ALTMIRE.

H.R. 721: Mr. CARNEY.

H.R. 725: Mrs. KIRKPATRICK of Arizona, Mr. REYES, and Mr. GRIJALVA.

H.R. 734: Mr. MILLER of North Carolina and Mr. SHULER.

H.R. 745: Mr. PRICE of North Carolina, Mr. RYAN of Wisconsin, and Mr. MILLER of North Carolina.

H.R. 758: Mr. MARKEY of Massachusetts.

H.R. 795: Ms. GIFFORDS and Mr. STARK.

H.R. 848: Mr. BRADY of Pennsylvania.

H.R. 884: Mr. PLATTS.

H.R. 949: Mr. COSTELLO and Mr. LATOURETTE.

H.R. 959: Mr. CARNEY.

H.R. 983: Mr. SHUSTER.

H.R. 995: Mr. WU.

H.R. 1017: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1142: Mr. BUCHANAN.
H.R. 1176: Mr. MORAN of Kansas.
H.R. 1182: Mr. ADLER of New Jersey, Ms. MARKEY of Colorado, and Mr. MORAN of Kansas.
H.R. 1207: Mr. DELAHUNT.
H.R. 1210: Mr. LATOURETTE.
H.R. 1215: Ms. TSONGAS.
H.R. 1255: Mr. MANZULLO, Mr. ROSS, and Mr. HELLER.
H.R. 1278: Ms. JACKSON-LEE of Texas.
H.R. 1283: Ms. CHU.
H.R. 1339: Mr. BAIRD.
H.R. 1361: Mr. HOLT and Mr. LANGEVIN.
H.R. 1362: Mr. EHLERS, Mr. BERMAN, Mr. MURPHY of Connecticut, Mr. WILSON of South Carolina, Mr. BRALEY of Iowa, and Mr. WU.
H.R. 1378: Mr. TIM MURPHY of Pennsylvania.
H.R. 1423: Mr. CROWLEY, Mr. VAN HOLLEN, Mr. LEVIN, and Ms. BERKLEY.
H.R. 1476: Ms. ROS-LEHTINEN and Mr. ACKERMAN.
H.R. 1479: Mrs. NAPOLITANO, Ms. MATSUI, and Mrs. CAPPS.
H.R. 1503: Mr. FRANKS of Arizona.
H.R. 1557: Mr. EDWARDS of Texas.
H.R. 1581: Mr. PLATTS.
H.R. 1585: Mr. PETRI.
H.R. 1618: Mr. VISCLOSKY.
H.R. 1625: Mr. JOHNSON of Illinois, Mr. BERRY, Mr. RUPPERSBERGER, and Mr. PAYNE.
H.R. 1646: Mr. RYAN of Ohio and Mr. ETHERIDGE.
H.R. 1682: Mr. CARNEY.
H.R. 1691: Mr. ABERCROMBIE.
H.R. 1702: Mr. HOLT.
H.R. 1799: Mr. DAVIS of Alabama.
H.R. 1826: Mr. STARK and Mr. DEFAZIO.
H.R. 1866: Mr. HONDA.
H.R. 1908: Mr. BARTLETT, Ms. BERKLEY, Mr. SESSIONS, Mr. CROWLEY, and Mr. MCCOTTER.
H.R. 1928: Mr. SESTAK.
H.R. 1964: Mr. COHEN.
H.R. 1995: Mr. WU and Mr. SESTAK.
H.R. 2000: Mrs. HALVORSON, Mr. AL GREEN of Texas, and Mr. GUTIERREZ.
H.R. 2002: Mr. SESTAK.
H.R. 2016: Mr. SESTAK.
H.R. 2024: Mr. HOEKSTRA.
H.R. 2067: Ms. LEE of California.
H.R. 2068: Ms. SHEA-PORTER and Mr. COHEN.
H.R. 2149: Ms. ZOE LOFGREN of California.
H.R. 2156: Ms. BALDWIN.
H.R. 2170: Mr. MINNICK.
H.R. 2239: Mr. SESTAK.
H.R. 2254: Mr. ROTHMAN of New Jersey and Ms. SCHAKOWSKY.
H.R. 2280: Mr. ABERCROMBIE.
H.R. 2310: Mr. SMITH of Washington.
H.R. 2339: Mrs. MALONEY.
H.R. 2365: Mr. LOBIONDO, Mr. KLEIN of Florida, Mr. ROONEY, Mr. OLVER, and Mr. BISHOP of New York.
H.R. 2377: Mr. MCNERNEY.
H.R. 2406: Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, and Mr. KING of Iowa.
H.R. 2425: Mr. PAUL and Mr. WU.
H.R. 2452: Mr. PALLONE, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SPACE, Mr. LANGEVIN, Mr. GRAYSON, Mr. LOBIONDO, Mr. OLSON, and Mr. COSTA.
H.R. 2456: Ms. SUTTON.
H.R. 2528: Mrs. MCMORRIS RODGERS and Mr. HERGER.
H.R. 2538: Mr. SESTAK.
H.R. 2554: Mr. MANZULLO.
H.R. 2555: Mr. SHULER, Ms. WOOLSEY, and Mr. CHILDERS.
H.R. 2556: Mr. KLINE of Minnesota.
H.R. 2562: Mr. PLATTS.
H.R. 2590: Mr. WU.
H.R. 2626: Mr. MINNICK.
H.R. 2676: Mr. POMEROY.
H.R. 2692: Mr. MOORE of Kansas, Mr. MASSA, and Mr. CARNEY.
H.R. 2695: Mr. SULLIVAN.
H.R. 2697: Mr. KRATOVIL.
H.R. 2698: Mr. ROONEY.
H.R. 2699: Mr. ROONEY.
H.R. 2711: Mr. CHAFFETZ and Ms. SHEA-PORTER.
H.R. 2713: Ms. SHEA-PORTER.
H.R. 2835: Ms. CLARKE.
H.R. 2866: Mr. HINCHEY.
H.R. 2894: Ms. MCCOLLUM and Mr. CUMMINGS.
H.R. 2897: Ms. BALDWIN, Mr. LUETKEMEYER, Mr. HOLDEN, Mr. FOSTER, and Mr. CLAY.
H.R. 2900: Mr. CULBERSON.
H.R. 2909: Mr. ELLISON, Ms. MOORE of Wisconsin, and Mr. SIRES.
H.R. 2941: Mr. POSEY, Mr. WU, Ms. EDWARDS of Maryland, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, and Mr. ELLISON.
H.R. 2954: Mr. DELAHUNT.
H.R. 2964: Mr. SESTAK.
H.R. 3019: Mr. DINGELL, Mr. BUYER, and Mr. STEARNS.
H.R. 3164: Mr. PLATTS and Mr. PRICE of North Carolina.
H.R. 3166: Mr. HALL of New York.
H.R. 3167: Mr. TIAHRT.
H.R. 3178: Mr. BOCCIERI.
H.R. 3226: Mr. CULBERSON, Mr. MORAN of Kansas, Mr. LUETKEMEYER, Mr. BURGESS, Mr. COLE, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. POSEY, Mr. NEUGEBAUER, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCAUL, Mr. CASSIDY, Mrs. LUMMIS, Mr. KLINE of Minnesota, Mr. BROWN of South Carolina, Mr. TERRY, Mr. COFFMAN of Colorado, Mr. DENT, Mr. SHUSTER, Mr. STEARNS, Mr. SULLIVAN, Mr. JORDAN of Ohio, Mr. MICA, Mr. WALDEN, Mr. LATHAM, Mr. AKIN, Mr. HUNTER, Mr. BUCHANAN, Mr. BACHUS, Mr. WOLF, and Mr. WILSON of South Carolina.
H.R. 3238: Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. REYES, Mr. MEEK of Florida, and Ms. ROYBAL-ALLARD.
H.R. 3266: Mr. CAO, Mr. ROONEY, Mr. MEEK of Florida, Mr. PETERSON, and Mr. BOSWELL.
H.R. 3286: Mr. MCGOVERN, Ms. SHEA-PORTER, Mr. CUMMINGS, Ms. WATERS, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. SULLIVAN, Mr. ISRAEL, Mr. BOUCHER, and Mr. TONKO.
H.R. 3295: Mr. BLUMENAUER and Mr. JOHNSON of Georgia.
H.R. 3382: Mr. PITTS.
H.R. 3404: Mr. SESTAK, Ms. KAPTUR, Mr. CUMMINGS, Mr. KILDEE, Mr. YARMUTH, and Ms. ROYBAL-ALLARD.
H.R. 3464: Mr. BERRY and Mr. WILSON of South Carolina.
H.R. 3472: Mr. SCHRADER, Mr. LUJÁN, and Mr. MASSA.
H.R. 3519: Mr. MICHAUD, Ms. SHEA-PORTER, Mr. MCCOTTER, Mr. MOORE of Kansas, Mr. EDWARDS of Texas, and Mr. JOHNSON of Illinois.
H.R. 3522: Mr. BOCCIERI and Mr. RODRIGUEZ.
H.R. 3532: Ms. CHU.
H.R. 3535: Ms. SUTTON.
H.R. 3536: Mr. STUPAK, Mr. MAFFEI, Ms. DELAURO, Mr. KENNEDY, and Mr. HINCHEY.
H. Con. Res. 42: Ms. JACKSON-LEE of Texas.
H. Con. Res. 43: Ms. JACKSON-LEE of Texas.
H. Con. Res. 44: Mr. PAYNE and Ms. JACKSON-LEE of Texas.
H. Con. Res. 46: Ms. JACKSON-LEE of Texas.
H. Con. Res. 73: Mr. PAYNE.
H. Con. Res. 94: Ms. KILPATRICK of Michigan.
H. Con. Res. 97: Ms. BALDWIN.
H. Con. Res. 129: Mr. SPRATT, Mr. LANGEVIN, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. HOLDEN, Mr. DRIEHAUS, and Ms. SHEA-PORTER.
H. Con. Res. 147: Mr. MASSA.
H. Con. Res. 158: Mr. LUETKEMEYER, Mr. COURTNEY, and Mr. LEVIN.
H. Con. Res. 178: Mr. CARNAHAN, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MCMAHON, and Mr. UPTON.
H. Res. 148: Ms. JACKSON-LEE of Texas.
H. Res. 167: Mr. MANZULLO, Mr. GERLACH, Mr. MCGOVERN, Mr. CONYERS, and Mr. RUPPERSBERGER.
H. Res. 252: Mr. THOMPSON of California, Mr. HALL of New York, Mr. ISRAEL, Mr. GALLEGLY, and Ms. RICHARDSON.
H. Res. 291: Mr. PLATTS and Mr. LOBIONDO.
H. Res. 364: Mr. HELLER.
H. Res. 419: Mr. SESTAK.
H. Res. 458: Mr. SESTAK.
H. Res. 459: Mr. PAULSEN.
H. Res. 487: Mr. KIND.
H. Res. 494: Mr. TURNER.
H. Res. 510: Mr. GRIJALVA.
H. Res. 547: Mr. SESTAK.
H. Res. 601: Mr. SESTAK.
H. Res. 605: Ms. SCHAKOWSKY, Mr. PALLONE, Mr. CAPUANO, Ms. SHEA-PORTER, Mr. AL GREEN of Texas, Mr. SCHIFF, and Mr. LUETKEMEYER.
H. Res. 615: Mr. THORNBERRY and Ms. FOXX.
H. Res. 633: Ms. MCCOLLUM.
H. Res. 638: Mr. COBLE.
H. Res. 649: Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. LEE of California, Ms. MCCOLLUM, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. SESTAK, and Ms. WOOLSEY.
H. Res. 655: Mr. BACA.
H. Res. 659: Ms. RICHARDSON.
H. Res. 671: Mr. DUNCAN, Mr. FORBES, and Mr. PITTS.
H. Res. 677: Mr. WEINER, Mr. BLUMENAUER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. TOWNS, and Mr. PETERS.
H. Res. 686: Mr. ADLER of New Jersey, Mr. NADLER of New York, Ms. SHEA-PORTER, Mr. SCHIFF, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. VAN HOLLEN, Mr. DANIEL E. LUNGREN of California, Mr. ENGEL, Mr. MCINTYRE, Mr. TURNER, and Mr. MORAN of Kansas.
H. Res. 704: Mr. CLAY, Mr. CAPUANO, Mr. ROHRABACHER, Mr. PRICE of North Carolina, Mr. BARTLETT, and Mr. POE of Texas.
H. Res. 707: Mr. TONKO and Mr. HARE.
H. Res. 712: Mr. BLUNT and Mr. GORDON of Tennessee.
H. Res. 716: Mr. LANCE, Mr. CONNOLLY of Virginia, Mr. MANZULLO, Ms. TITUS, Mr. SABLAN, Ms. HARMAN, Mr. PIERLUISI, Mr. MCGOVERN, and Mr. SCHAUER.
H. Res. 718: Ms. ZOE LOFGREN of California, Mr. POE of Texas, Ms. MCCOLLUM, Ms. SUTTON, Mr. TONKO, and Mr. POLIS.

THURSDAY, SEPTEMBER 10, 2009 (107)

The House was called to order by the SPEAKER.

¶107.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, September 9, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶107.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3245. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's ''Major'' final rule — Conservation Stewardship Program (RIN: 0578-AA43) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3246. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's ''Major'' final rule — Environmental Quality Incentives Program (RIN: 0578-AA45) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3247. A letter from the Director, Regulatory Management Divison, Environmental

Protection Agency, transmitting the Agency's final rule — 1-Naphthaleneacetic Acid Ethyl Ester; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2009-0373; FRL-8428-3] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances [EPA-HQ-OPP-2008-0806 FRL-8427-7] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbon Black; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0129; FRL-8426-3] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3250. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extention of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8431-8], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3251. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinetoram; Pesticide Tolerances [EPA-HQ-OPP-2008-0805; FRL-8426-9] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3252. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE: Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Changes Included in the John Warner National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007; Authorization of Forensic Examinations [DOD-2007-HA-0127] (RIN: 0720-AB18) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3253. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Agency's final Rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Captial Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program (RIN: 3064-AD42) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3254. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Agency's final rule — Procedures To Enhance the Accuracy and Integrity of Information Furnished to Conusmer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act (RIN: 3064-AC99) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3255. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Department's final rule — 2009 Enterprise Transition Affordable Housing Goals (RIN: 2590-AA25) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3256. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency's final rule — Truth in Savings (RIN: 3133-AD57) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3257. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency's final rule — Credit Union Reporting (RIN: 3133-AD56) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3258. A letter from the Secretary, Securities and Exchange Commission, transmitting the Department's final rule — Regulation S-AM: Limitations on Affiliate Marketing [Release Nos. 34-60423, IC-28842, IA-2911; File No. S7-29-04] (RIN: 3235-AJ24) Received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3259. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133B Rehabilitation Research and Training Centers and 84.133E Rehabilitation Engineering Research Centers received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3260. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards and Test Procedures for General Services Fluorescent Lamps and Incandescent Reflector Lamps [Docket Number: EE-2006-STD-0131] (RIN: 1904-AA92) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3261. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval to Market a New Drug; Posmarketing Reports; Reporting Information About Authorized Generic Drugs [Docket No.: FDA-2008-N-0341] (RIN: 0910-AG19) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK53) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Miscellaneous Revisions to the Procedures for Handling Petitions for Emergency Waiver of Safety Regulations and the Procedures for Disqualifying Individuals From Performing Safety-Sensitive Functions [Docket No.: FRA-2009-0006; Notice No. 2] (RIN: 2130-AC02) received August 7,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3264. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas [EPA-HQ-OAR-2008-0419; FRL-8943-3] (RIN: 2060-AP96) received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3265. A letter from the Acting Divison Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — IP-Enabled Services [WC Docket No. 04-36, FCC 09-40] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3266. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-160, ''Procurement Practices Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3267. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. Act 18-161, ''Enhanced Security at Gas Stations Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3268. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: copies of D.C. ACT 18-167, ''Modifications to the Permanent Systems of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3269. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-170, ''Council Cable Autonomy and Control Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3270. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-165, ''KIPP DC Douglass Property Tax Exemption Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3271. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-169, ''University of the District of Columbia Expansion Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3272. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-171, ''Stimulus Accountability Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3273. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-179, ''District Land Disposition Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3274. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-180, ''District Land Disposition Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3275. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-189, ''Omnibus Public Safety and Justice Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3276. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: copy of D.C.

ACT 18-185, ''New Convention Center Hotel Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3277. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-166, ''Closing of a Portion of a Public Alley in Square 2892, S.O. 08-6440, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3278. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-163, ''Bloomingdale Court Alley Designation Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602 (c)(1); to the Committee on Oversight and Government Reform.

3279. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-167, ''Vending Regulation Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3280. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-162, ''Commercial Curbside Loading Zone Implementation Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602 (c)(1); to the Committee on Oversight and Government Reform.

3281. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-168, ''Closing of a Public Alley in Square 5928, S.O. 08-4393, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3282. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-157, ''Quick Payment Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3283. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-158, ''Debarment and Suspension Procedures Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3284. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-159, ''Placement of Orders with District Departments, Offices, and Agencies Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3285. A letter from the Regulatory and Policy Specialist, Department of the Interior, transmitting the Department's final rule — Job Placement and Training (RIN: 1076-AE88) received August 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3286. A letter from the Deputy Assistant Administrator for Operations National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 070717357-91069-03] (RIN: 0648-AV77) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3287. A letter from the Senior Attorney/Advisor, Department of Transportation, transmitting the Department's final rule — Administrative Wage Garnishment [Docket No.: OST-2008-0329] (RIN: 2105-AD78) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3288. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Inflation Adjustment of Civil Monetary Penalties [Docket No.: 09-04] (RIN: 3072-AC36) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0083] (RIN: 2127-AJ37) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 427 Helicopters [Docket No. FAA-2009-0227; Directorate Identifier 2007-SW-65-AD; Amendment 39-15978; AD 2009-15-15] (RIN: 2120-AA64) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes [Docket No.: FAA-1999-6482; Amendment No. 91-304A, 121-342A and 125-56A] (RIN: 2120-AG87) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of VOR Federal Airway V-329; Alabama-Florida [Docket No. FAA-2009-0229; Airspace Docket No. 09-ASO-13] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3293. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates; and Changes to the Long-Term Care Hospital Prospective Payment System and Rate years 2010 and 2009 Rates [CMS-1406-F and IFC; CMS-1493-F; CMS-1337-F] (RIN: 0938-AP33; RIN 0938-AP39; RIN 0938-AP76) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3294. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Administration's final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities [CMS-1410-F] (RIN: 0938-AP46) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶107.3 PROVIDING FOR CONSIDERATION OF H.R. 965

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 726):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Bishop of Utah or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. ARCURI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶107.4 CHESAPEAKE BAY GATEWAYS AND WATERTRAILS

Mr. GRIJALVA, pursuant to House Resolution 726, called up for consideration the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

When said bill was considered.

After debate,

Pursuant to House Resolution 726, the following amendment in the nature of a substitute, printed in House Report 111-249, was submitted by Mr. BISHOP of Utah:

Strike all after the enacting clause and insert the following:

SECTION 1. REAUTHORIZATION.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2014''.

After debate,

Pursuant to House Resolution 726, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HASTINGS of Washington, moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall not take effect until the national deficit is less than $1,000,000,000,000.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194 / Nays 229

¶107.5 [Roll No. 694]

YEAS—194

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—229

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—10

Boyd
Clay
Davis (IL)
Delahunt
Issa
Lynch
McCarthy (NY)
Payne
Roskam
Young (AK)

So the motion to recommit with instructions was not agreed to.

¶107.6 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE W. G. ''BILL'' HEFNER

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that all Members stand and observe a moment of silence in memory of the late Honorable W. G. ''Bill'' Hefner.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. INSLEE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 311 / Nays 107

¶107.7 [Roll No. 695]

AYES—311

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—107

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Graves
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Poe (TX)
Posey
Price (GA)
Radanovich
Reichert
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)

NOT VOTING—15

Boyd
Clay
Davis (IL)
Delahunt
Farr
Issa
Lungren, Daniel E.
Lynch
McCarthy (NY)
Payne
Roe (TN)
Roskam
Rush
Terry
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶107.8 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1243. An Act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1023. An Act to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

The message also announced that, pursuant to Public Law 106–567, the Intelligence Authorization Act for Fiscal Year 2001, the Chair, on behalf of the Republican Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board: General Michael V. Hayden of Virginia.

The message also announced that, pursuant to provisions of Public Law 110–343, the Chair, on behalf of the Republican Leader, appoints the following individual as a member of the Congressional Oversight Panel: Mr. Paul S. Atkins of Virginia, vice John Sununu of New Hampshire.

¶107.9 ADJOURNMENT OVER

On motion of Mrs. LOWEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 14, 2009, for morning-hour debate; and further, when the House adjourns on Monday, September 14, 2009, it adjourn to meet at 10:30 a.m. on Tuesday, September 15, 2009, for morning-hour debate.

¶107.10 PERMISSION TO FILE REPORT

On motion of Ms. WOOLSEY, by unanimous consent, the Committee on Science and Technology was granted permission until 11:59 p.m. on Friday, September 11, 2009, to file a report on the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy.

¶107.11 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

¶107.12 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO TERRORISM

The SPEAKER pro tempore, Mr. PETERS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2009, the national emergency with respect to the terrorist threat.

BARACK OBAMA.

THE WHITE HOUSE, *September 10, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–63).

¶107.13 SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 9. A joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

And then,

¶107.14 ADJOURNMENT

On motion of Mr. POLIS, pursuant to the previous order of the House, at 4 o'clock and 22 minutes p.m., the House adjourned until 12:30 p.m., Monday, September 14, 2009.

¶107.15 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON: H.R. 940. A bill to provide for the conveyance of National Forest System land in the State of Louisiana (Rept. 111–250). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON: Committee on Agriculture. H.R. 1002. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina (Rept. 111–251). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERS: Committee on Agriculture. H.R. 3175. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes (Rept. 111–252). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON: Committee on Agriculture. H.R. 511. A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village (Rept. 111–253). Referred to the Committee of the Whole House on the state of the Union.

¶107.16 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 3547. A bill to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Mr. SESTAK, Mr. DINGELL, Mr. KILDEE, Ms. BERKLEY, Mrs. MILLER of Michigan, Mr. LATOURETTE, Mr. LANGEVIN, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. ETHERIDGE, and Mr. FILNER):

H.R. 3548. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER of New York (for himself, Ms. CLARKE, Mr. HIGGINS, Mr. MCMAHON, Mr. CROWLEY, Mr. ENGEL, Mrs. MALONEY, Mr. BISHOP of New York, Mr. MAFFEI, Mrs. MCCARTHY of New York, Mr. HALL of New York, Mr. MEEKS of New York, Mr. HINCHEY, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Mrs. LOWEY, Ms. VELÁZQUEZ, Mr. KING of New York, Mr. LEE of New York, Mr. TONKO, Mr. ACKERMAN, Mr. ISRAEL, Mr. MASSA, Mr. PERRIELLO, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. PIERLUISI, Ms. BORDALLO, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. SESTAK, Ms. PINGREE of Maine, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. SHUSTER, Mr. CASTLE, Ms. MATSUI, Mr. ARCURI, Mr. WEINER, Mr. MCHUGH, and Mr. MURPHY of New York):

H.R. 3549. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Financial Services.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3550. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3551. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 3552. A bill to amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. KIRKPATRICK of Arizona:

H.R. 3553. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Financial Services.

By Mr. LOEBSACK (for himself, Mr. BRADY of Pennsylvania, Mr. HALL of New York, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. COURTNEY, Mr. CARNEY, Mr. CUMMINGS, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Mr. MASSA, Ms. BORDALLO, Mr. STUPAK, Mr. DRIEHAUS, Mr. ELLSWORTH, Mr. MURPHY of New York, Mr. BARTLETT, Ms. MARKEY of Colorado, Mrs. DAHLKEMPER, Mr. MINNICK, Mr. CONNOLLY of Virginia, and Ms. LORETTA SANCHEZ of California):

H.R. 3554. A bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 3555. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H. Con. Res. 181. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Lieutenant Colonel Matt Urban and his service during World War II; to the Committee on Oversight and Government Reform.

By Mrs. MYRICK (for herself and Mrs. CAPPS):

H. Con. Res. 182. Concurrent resolution supporting the observance of September as Thyroid Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mrs. MALONEY, Ms. SCHWARTZ, Mr. BROWN of South Carolina, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. COURTNEY, Mr. SOUDER, Mr. SESTAK, Mr. CAO, Mr. DUNCAN, and Mr. KING of New York):

H. Res. 729. A resolution expressing support for designation of a ''National Firefighters Memorial Day'' to honor and celebrate the firefighters of the United States; to the Committee on Oversight and Government Reform.

By Mr. KIND (for himself, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. KAGEN, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. WALZ, Mrs. BACHMANN, Mr. ROGERS of Michigan, Mr. DAVIS of Illinois, Mr. WELCH, and Mr. PETERS):

H. Res. 730. A resolution honoring the 100th anniversary of the University of Wisconsin-La Crosse; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. KING of New York, Mr. CARNEY, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, and Mr. BILIRAKIS):

H. Res. 731. A resolution expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism; to the Committee on Homeland Security.

By Mr. ADLER of New Jersey (for himself, Mr. MAFFEI, Mr. FILNER, Mr. FOSTER, Mr. HOLT, Mr. LOBIONDO, Mrs. LOWEY, Mr. MCMAHON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. TEAGUE, Mr. WAXMAN, and Mr. WOLF):

H. Res. 732. A resolution condemning the release of convicted terrorist Abdel Basset Mohamed al-Megrahi from a prison in Scotland to return home to Libya; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Ms. BERKLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEXLER, Mr. PRICE of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, Mr. POE of Texas, Mr. BARTLETT, Mr. PITTS, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. COLE, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. LAMBORN, Mrs. LUMMIS, Mr. SHIMKUS, Mr. AKIN, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. NEUGEBAUER, Mr. BROWN of South Carolina, Mr. INGLIS, Ms. MARKEY of Colorado, Mr. BURTON of Indiana, Mr. WU, Mrs. NAPOLITANO, Mr. MINNICK, Mr. SAM JOHNSON of Texas, Mr. CARNEY, Ms. MOORE of Wisconsin, Mr. DUNCAN, Mr. MARKEY of Massachusetts, Mr. COFFMAN of Colorado, Mr. KING of Iowa, Mr. HOLT, Mr. KLEIN of Florida, Mr. GARY G. MILLER of California, Mr. ORTIZ, Mr. DAVIS of Tennessee, Mr. JONES, and Mr. TOWNS):

H. Res. 733. A resolution expressing condolences to the people and government of the Republic of China (Taiwan) in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. STEARNS, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. ALEXANDER, Mrs. MCMORRIS RODGERS, Mr. SKELTON, Mr. SCALISE, Mr. POE of Texas, Mr. BARTLETT, Mr. CAO, Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. PENCE, Mr. BRADY of Pennsylvania, Mr. HELLER, Mr. JORDAN of Ohio, Mr. FORBES, Mr. ORTIZ, Mr. SOUDER, and Mr. CAMPBELL):

H. Res. 734. A resolution expressing the support for and honoring September 17, 2009 as ''Constitution Day''; to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself, Mr. RYAN of Wisconsin, Mr. KIND, Ms. BALDWIN, and Mr. PETRI):

H. Res. 735. A resolution commemorating the fourth annual Milwaukee Brides Walk and recognizing all Brides Walks held to protest against domestic violence; to the Committee on the Judiciary.

By Mr. PLATTS (for himself, Mr. GERLACH, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. ALTMIRE, Mr. CARNEY, Mr. SHUSTER, Mr. SESTAK, and Mr. HOLDEN):

H. Res. 736. A resolution honoring President Lincoln's Gettysburg Address on ''Dedication Day'', November 19, 2009; to the Committee on Oversight and Government Reform.

¶107.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. RANGEL, Ms. WATERS, Mr. ELLISON, Mrs. LOWEY, and Mr. BRALEY of Iowa.
H.R. 179: Ms. BERKLEY.
H.R. 235: Mr. THOMPSON of Pennsylvania.
H.R. 275: Mr. NUNES and Mr. BOSWELL.
H.R. 303: Mr. MASSA and Mr. MINNICK.
H.R. 333: Mr. COSTELLO, Mr. BOCCIERI, Mr. BOSWELL, and Mr. PIERLUISI.
H.R. 362: Mr. MORAN of Kansas.
H.R. 413: Mr. TERRY, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. GORDON of Tennessee, Mr. GEORGE MILLER of California, and Mr. CLAY.
H.R. 484: Mr. HEINRICH.
H.R. 510: Mr. WILSON of Ohio, Mr. LUETKEMEYER, and Mr. SOUDER.
H.R. 571: Mr. CHAFFETZ, Mr. COSTA, Mr. HIMES, and Mr. CARDOZA.
H.R. 610: Mr. HALL of New York.
H.R. 621: Mr. PASCRELL, Mr. MANZULLO, Mr. GINGREY of Georgia, Mrs. MILLER of Michigan, Mr. GUTIERREZ, Mr. SERRANO, and Mr. QUIGLEY.
H.R. 624: Mr. BARROW.
H.R. 644: Mr. BERMAN.
H.R. 658: Mrs. LOWEY, Mr. HEINRICH, Mr. ELLISON, and Mr. STARK.
H.R. 690: Mr. TERRY and Mr. JOHNSON of Georgia.
H.R. 819: Mr. MINNICK.
H.R. 836: Ms. TITUS and Mr. CAO.
H.R. 847: Mr. JONES and Mr. STUPAK.
H.R. 944: Mr. MINNICK.
H.R. 977: Mr. BISHOP of New York.
H.R. 978: Mr. DOGGETT.
H.R. 1024: Ms. RICHARDSON.
H.R. 1079: Mr. MCCOTTER, Mr. JONES, Mr. SIMPSON, Mr. VAN HOLLEN, Mr. GALLEGLY and Mr. BOOZMAN.
H.R. 1083: Mr. GALLEGLY and Mr. FORBES.
H.R. 1132: Mr. ORTIZ, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. PUTNAM, Mr. CARDOZA, Mr. CROWLEY, Mr. NEUGEBAUER, Mr. SHULER, Mr. SHERMAN, Mr. HINCHEY, and Ms. LEE of California.
H.R. 1147: Ms. HARMAN, Ms. JACKSON-LEE of Texas, and Ms. MATSUI.
H.R. 1166: Mr. WOLF.
H.R. 1173: Mr. WOLF.
H.R. 1179: Ms. DEGETTE and Mr. MURPHY of New York.
H.R. 1189: Ms. WOOLSEY.
H.R. 1195: Mr. HIMES.
H.R. 1203: Mr. MCCOTTER, Ms. LINDA T. SÁNCHEZ of California, and Mr. CARTER.
H.R. 1205: Mr. ELLISON.
H.R. 1207: Mr. NADLER of New York and Mr. HINOJOSA.
H.R. 1242: Mr. ADLER of New Jersey.
H.R. 1250: Mr. GERLACH, Mr. MOORE of Kansas, and Mr. VAN HOLLEN.
H.R. 1310: Mr. WATT.
H.R. 1322: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1326: Mr. MCMAHON and Mr. GUTIERREZ.
H.R. 1346: Mr. LUJÁN, Mr. ROONEY, and Mr. TEAGUE.
H.R. 1351: Mr. SOUDER, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. WATERS, and Mr. CONNOLLY of Virginia.
H.R. 1410: Mr. CONNOLLY of Virginia.
H.R. 1411: Ms. LINDA T. SÁNCHEZ of California and Mr. SESTAK.
H.R. 1456: Mr. GEORGE MILLER of California.
H.R. 1460: Mr. SOUDER.
H.R. 1521: Mr. LUETKEMEYER, Mrs. DAHLKEMPER, Mr. MCGOVERN, and Mr. BROUN of Georgia.
H.R. 1547: Mr. GUTHRIE and Mr. NUNES.
H.R. 1585: Ms. WOOLSEY and Mrs. BIGGERT.
H.R. 1615: Mr. MCCOTTER and Mr. SESTAK.
H.R. 1646: Mr. HOLT.
H.R. 1685: Mr. SCOTT of Virginia and Mr. GUTIERREZ.
H.R. 1695: Mr. HONDA, Mr. WALZ, Mr. SPACE, and Mr. HOLDEN.
H.R. 1721: Ms. MCCOLLUM.
H.R. 1800: Mr. COHEN.
H.R. 1826: Mr. PETERS.
H.R. 1829: Ms. HERSETH SANDLIN, Mr. MCCOTTER, and Mr. MURPHY of Connecticut.
H.R. 1835: Mr. ORTIZ.
H.R. 1859: Mr. MCDERMOTT.
H.R. 1868: Mr. FORBES.
H.R. 1881: Mr. COHEN, Mr. LATOURETTE, Mr. DOGGETT, Mr. DRIEHAUS, and Ms. BALDWIN.
H.R. 1897: Mr. SESTAK.
H.R. 1908: Mr. LATHAM.
H.R. 1927: Mr. HOLT.
H.R. 1944: Ms. BERKLEY.
H.R. 1961: Mr. TOWNS.
H.R. 1977: Ms. ROS-LEHTINEN.
H.R. 1987: Ms. JACKSON-LEE of Texas and Ms. FUDGE.
H.R. 1989: Mr. BARTLETT, Mr. BILBRAY, and Mr. SOUDER.
H.R. 2006: Mr. MARKEY of Massachusetts.
H.R. 2016: Mr. WEINER.
H.R. 2054: Mr. MOORE of Kansas.
H.R. 2057: Mr. CARNEY.
H.R. 2080: Mr. TONKO and Mr. POLIS.
H.R. 2119: Mr. CONAWAY.
H.R. 2155: Ms. SUTTON.
H.R. 2160: Mr. TURNER, Mr. POSEY, and Mr. DAVIS of Kentucky.
H.R. 2176: Mr. BRALEY of Iowa, Mr. TONKO, and Ms. FUDGE.
H.R. 2194: Mr. WALZ, Mr. CHILDERS, Mr. GOODLATTE, Mr. GONZALEZ, Mr. CAPUANO, Mr. ELLSWORTH, Ms. CHU, Mr. COSTELLO, Mr. MURPHY of Connecticut, and Mr. DOYLE.
H.R. 2209: Mr. JOHNSON of Georgia.
H.R. 2213: Mr. SESTAK.
H.R. 2227: Mr. GENE GREEN of Texas.
H.R. 2277: Mr. TOWNS.
H.R. 2279: Mr. SESTAK.
H.R. 2287: Mr. DAVIS of Kentucky and Mr. KINGSTON.
H.R. 2296: Mr. STUPAK, Mr. KRATOVIL, and Mr. ISSA.
H.R. 2324: Ms. WOOLSEY, Mr. LEVIN, and Ms. LEE of California.
H.R. 2328: Mr. SESTAK.
H.R. 2329: Mr. ALTMIRE.
H.R. 2350: Mr. LANCE and Mr. BAIRD.
H.R. 2366: Mr. SESTAK.
H.R. 2413: Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. HONDA, Mr. ELLISON, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, and Mr. HARPER.
H.R. 2414: Mr. PRICE of North Carolina.
H.R. 2446: Mr. HARE.
H.R. 2447: Mr. TONKO.
H.R. 2452: Mr. PRICE of Georgia.
H.R. 2456: Mr. DAVIS of Kentucky.
H.R. 2521: Mr. WATT.
H.R. 2523: Mrs. KIRKPATRICK of Arizona.
H.R. 2531: Mr. CONNOLLY of Virginia.
H.R. 2563: Mrs. BLACKBURN.
H.R. 2565: Mr. MURTHA and Mrs. CHRISTENSEN.
H.R. 2573: Mr. THOMPSON of Pennsylvania.
H.R. 2615: Mr. TIBERI.
H.R. 2625: Mr. HASTINGS of Florida.
H.R. 2628: Mr. VAN HOLLEN.
H.R. 2692: Mr. MURPHY of New York.
H.R. 2705: Ms. BEAN.
H.R. 2708: Ms. RICHARDSON.
H.R. 2733: Mr. ROSS, Mr. WESTMORELAND, Mr. LUETKEMEYER, Mr. MCCLINTOCK, Mr. WITTMAN, Mr. PLATTS, Mr. KRATOVIL, and Mr. LANCE.
H.R. 2740: Mr. SESTAK and Mr. SARBANES.
H.R. 2745: Mr. BURGESS.
H.R. 2766: Mr. TONKO and Mr. MORAN of Virginia.
H.R. 2799: Mr. CUMMINGS and Mr. SESTAK.
H.R. 2831: Mr. VAN HOLLEN.
H.R. 2840: Mr. POLIS
H.R. 2923: Ms. GIFFORDS.
H.R. 2935: Mr. COOPER, Mr. MEEK of Florida, and Mr. GONZALEZ.
H.R. 2936: Mr. PETERS.
H.R. 3042: Mr. HOLT.
H.R. 3046: Mr. PUTNAM and Mr. PERRIELLO.
H.R. 3075: Mr. CONYERS.
H.R. 3076: Mr. SESTAK.
H.R. 3126: Mr. JOHNSON of Georgia.
H.R. 3131: Mr. OLSON and Mr. FORBES.
H.R. 3140: Mr. BACHUS.
H.R. 3202: Mr. CUMMINGS.
H.R. 3212: Mr. VAN HOLLEN, Mr. SESTAK, and Mr. LATHAM.
H.R. 3216: Mr. WILSON of Ohio.
H.R. 3217: Mrs. BLACKBURN, Mr. FLAKE, Mr. PAUL, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. SHIMKUS, and Mr. HOEKSTRA.
H.R. 3226: Mr. MANZULLO, Mr. WHITFIELD, Mr. CRENSHAW, Mr. PAUL, Mr. UPTON, Mr. HELLER, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. BILIRAKIS, Mr. TIAHRT, Mr. ROE of Tennessee, and Mr. FORBES.
H.R. 3227: Mr. MORAN of Kansas and Mr. BOOZMAN.
H.R. 3245: Ms. RICHARDSON and Mr. AL GREEN of Texas.
H.R. 3246: Ms. SUTTON, Mr. BOREN, Mr. MCDERMOTT, Mr. QUIGLEY, Mr. WEXLER, and Mr. GORDON of Tennesse.
H.R. 3249: Mr. POLIS.
H.R. 3265: Mr. SCOTT of Virginia.
H.R. 3271: Mr. SESTAK.
H.R. 3308: Mr. NEUGEBAUER.
H.R. 3312: Ms. ZOE LOFGREN of California.
H.R. 3328: Mr. KUCINICH.
H.R. 3341: Mr. TERRY.
H.R. 3343: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, and Mr. ELLISON.
H.R. 3355: Mr. WEXLER, Mr. DENT, and Mr. RYAN of Ohio.
H.R. 3382: Mr. WESTMORELAND and Mr. DUNCAN.
H.R. 3400: Mr. BACHUS, Mr. LATTA, Mr. KINGSTON, Mr. WESTMORELAND, Mr. MCCLINTOCK, Mr. GOHMERT, and Mrs. SCHMIDT.
H.R. 3402: Mr. SESTAK.
H.R. 3404: Mr. FILNER and Mrs. MALONEY.
H.R. 3407: Mr. WALZ and Mr. MINNICK.
H.R. 3421: Ms. SHEA-PORTER, Mr. CUMMINGS, Mr. SCHAUER, Mr. STARK, and Mr. CARNAHAN.
H.R. 3455: Mr. TURNER, Ms. FUDGE, and Mr. LATOURETTE.
H.R. 3467: Mrs. MCMORRIS RODGERS.
H.R. 3480: Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. STARK, and Mr. ABERCROMBIE.
H.R. 3488: Mr. MATHESON.
H.R. 3496: Mr. BURTON of Indiana.
H.R. 3502: Mr. BERMAN, Mr. MURPHY of Connecticut, Mr. HARPER, and Mr. MOORE of Kansas.
H.R. 3503: Mrs. LOWEY, Mr. LEVIN, Mr. COSTELLO, Mr. PRICE of North Carolina, and Mr. SESTAK.
H.J. Res. 26: Mr. SIRES.
H. Con. Res. 49: Mr. DANIEL E. LUNGREN of California, Mr. CARDOZA, and Mr. BOCCIERI.
H. Con. Res. 74: Mr. ALTMIRE.
H. Con. Res. 108: Mr. MOORE of Kansas.
H. Con. Res. 148: Mr. THORNBERRY.
H. Con. Res. 160: Mr. CROWLEY, Mr. ADERHOLT, Mr. ALTMIRE, Ms. BERKLEY, and Mr. CALVERT.
H. Con. Res. 169: Mr. CALVERT and Mr. THOMPSON of Pennsylvania.
H. Con. Res. 178: Mr. BOSWELL, Mr. BOOZMAN, Mr. LARSEN of Washington, Mr. LIPINSKI, Mr. CAMP, and Mr. MURPHY of New York.
H. Con. Res. 180: Mr. SMITH of Washington.
H. Res. 90: Mr. FILNER.
H. Res. 111: Mr. DENT, Ms. ROS-LEHTINEN, Mr. HUNTER, and Ms. SUTTON.
H. Res. 150: Mr. COHEN.
H. Res. 167: Mr. RYAN of Ohio, Mr. BUTTERFIELD, Mrs. MALONEY, Mr. TOWNS, Mr. CUMMINGS, and Ms. BALDWIN.
H. Res. 216: Mr. PLATTS and Mr. CHAFFETZ.
H. Res. 274: Ms. HERSETH SANDLIN, Mr. HONDA, and Ms. ZOE LOFGREN of California.
H. Res. 441: Mr. KENNEDY, Mr. FORBES, and Mr. TURNER.
H. Res. 455: Mr. ROYCE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr.

CALVERT, Mr. KINGSTON, Mr. PITTS, Mr. LUCAS, Mr. HENSARLING, Mr. WESTMORELAND, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LEWIS of California, Mr. CAO, Mr. SIMPSON, Mr. AKIN, Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. MCCARTHY of California, Mr. REHBERG, Mr. HUNTER, Mr. LEE of New York, Mr. NUNES, and Ms. JENKINS.

H. Res. 487: Mr. SHIMKUS and Mr. LEE of New York.

H. Res. 554: Mr. LATHAM, Mr. HARPER, and Mr. CASSIDY.

H. Res. 594: Mr. SESTAK.

H. Res. 613: Mr. SESTAK.

H. Res. 615: Mr. SOUDER.

H. Res. 619: Mr. BROUN of Georgia and Mr. BARTLETT.

H. Res. 660: Ms. JACKSON-LEE of Texas, Mr. SHULER, and Mr. PRICE of North Carolina.

H. Res. 671: Mr. PENCE, Mr. PETRI, and Mr. STEARNS.

H. Res. 678: Mr. BARTON of Texas, Mr. HONDA, Mr. PETERS, and Mr. PASCRELL.

H. Res. 679: Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. CASTLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. LUETKEMEYER, Mr. PAULSEN, Mr. PERRIELLO, Mr. STEARNS, Ms. SUTTON, Ms. TITUS, Mr. BERRY, Ms. MARKEY of Colorado, Mr. VAN HOLLEN, and Mr. JOHNSON of Illinois.

H. Res. 686: Ms. HIRONO, Mr. COURTNEY, Mr. YARMUTH, Mr. CHANDLER, Mr. TOWNS, Mr. PASCRELL, Mr. HIMES, Mr. WU, Mr. MURPHY of Connecticut, Mr. KAGEN, Mr. PAYNE, Mr. DEFAZIO, Mrs. BACHMANN, Mr. CAO, Mr. AUSTRIA, and Mrs. EMERSON.

H. Res. 689: Mr. MANZULLO.

H. Res. 696: Mr. SHIMKUS, Mr. GOODLATTE, Mr. SHADEGG, Mr. AKIN, Mr. BONNER, Mr. WESTMORELAND, Mr. AUSTRIA, Mr. CHAFFETZ, Mr. SMITH of Texas, Mr. BROWN of South Carolina, Mr. FLEMING, Mrs. BLACKBURN, Mr. PRICE of Georgia, Ms. FALLIN, Mr. LATTA, Mr. MARCHANT, Mr. BRADY of Texas, Mr. PITTS, Mr. LUCAS, Mr. ISSA, Mrs. SCHMIDT, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. GOHMERT, Mr. COLE, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. LAMBORN, Mr. RYAN of Wisconsin, and Mr. KINGSTON.

H. Res. 701: Mr. BLUNT, Mr. COBLE, Mr. JONES, Mr. CASTLE, Mr. SPRATT, Mr. CLYBURN, Ms. ZOE LOFGREN of California, Mr. VISCLOSKY, Mr. HILL, Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Ms. HERSETH SANDLIN, Mr. BOREN, Mr. SHULER, Mr. CHILDERS, Mr. GRIFFITH, Mr. POMEROY, Mr. THOMPSON of California, Mr. BERRY, Ms. MATSUI, Mr. DEFAZIO, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. OBEY, Mr. EDWARDS of Texas, Mr. GENE GREEN of Texas, Mr. HOLT, Mr. ENGEL, Mr. HALL of Texas, Ms. BALDWIN, Ms. ROYBAL-ALLARD, and Mr. PASCRELL.

H. Res. 707: Mr. GRIJALVA, Mr. MICHAUD, Ms. SHEA-PORTER, and Mr. SPRATT.

H. Res. 709: Mr. CONYERS, Mr. BRALEY of Iowa, Ms. LEE of California, Mr. SCHIFF, Ms. HERSETH SANDLIN, and Mr. MANZULLO.

H. Res. 710: Mr. FARR, Mr. MCMAHON, Mrs. MALONEY, Mr. BUTTERFIELD, Mr. GENE GREEN of Texas, Mr. CAO, and Mr. MICHAUD.

H. Res. 721: Mr. COLE, Mr. ALEXANDER, Mr. FRELINGHUYSEN, Mr. CULBERSON, Mr. BONNER, Mr. SIMPSON, Mr. CALVERT, Mr. YOUNG of Florida, Mrs. BONO MACK, Mr. ADERHOLT, Mr. GRAVES, Ms. JENKINS, Mr. BILBRAY, Mr. WESTMORELAND, Mr. TIAHRT, Mr. FRANKS of Arizona, Mr. ROGERS of Kentucky, Ms. GRANGER, Mr. WOLF, Mr. LATHAM, Mr. WAMP, Mr. MARCHANT, Mr. POSEY, and Mr. RADANOVICH.

H. Res. 728: Ms. SHEA-PORTER and Mr. SULLIVAN.

MONDAY, SEPTEMBER 14, 2009 (108)

¶108.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
September 14, 2009.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶108.2 RECESS—12:42 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶108.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶108.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Thursday, September 10, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶108.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3295. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Technical Amendment [Docket No.: APHIS-2007-0042] (RIN: 0579-AC78) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3296. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions (RIN: 0563-AC09) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3297. A letter from the Acting Director, Bureau of Land Management Chief, Forest Service, Department of the Interior Department of Agriculture, transmitting 2008 report, ''Monitoring Fuel Treatments Across the Continental United States for Overall Effectiveness and Effects on Aquatic and Terrestrial Habitat, Air and Water Quality''; to the Committee on Agriculture.

3298. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Lauryl Sulfate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0041; FRL-8430-5] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3299. A letter from the Director, Office of National Drug Control Policy, Excutive Office of the President, transmitting notice of funds transfered between Office of National Drug Control Policy agency programs; to the Committee on Appropriations.

3300. A letter from the Acting Deputy Under Secretary of Defense, Department of Defense, transmitting Inventory Lists for the Department of the Army, Navy, and Air Force, pursuant to section 2330a Title 10 of the U.S. Code as amended by section 807 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

3301. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report on the proposed test and evaulation (T&E) budgets that are not certified by the Director of the Defense Test Resource Management Center (TRMC) to be adequate for FY 2010; to the Committee on Armed Services.

3302. A letter from the Acting Secretary, Department of the Navy, transmitting Report to Congress on Public-Private Competition Result; to the Committee on Armed Services.

3303. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3304. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the 2009 Report to Congress, ''Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act)''; to the Committee on Financial Services.

3305. A letter from the Council for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009 [Docket No.: 5326-I-01] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3306. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3307. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Capital Classifications and Critical Capital Levels for the Federal Home Loan Banks (RIN: 2590-AA21) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3308. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Department's ''Major'' final rule — Capital Adequacy Guidelines: Treatment of Perpetual Preferred Stock Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008 [Regulation Y; Docket No. R-1336] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3309. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Fiscal Year 2006 Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects'', pursuant to Section 811(e) of the Native American Programs Act of 1974; to the Committee on Education and Labor.

3310. A letter from the Acting Director, Pension Benefit Guaranty Corporation,

transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3311. A letter from the Secretary, Department of Health and Human Services, transmitting FY 2008 Performance Report to Congress for the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

3312. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Risk Communication Advisory Committee; Termination and Recharter [Docket No.: FDA-2009-N-0310] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3313. A letter from the Acting Administrator, Energy Information Administration, transmitting the Administration's report entitled, ''Annual Energy Review 2008''; to the Committee on Energy and Commerce.

3314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Consumer Products Rule [EPA-R05-OAR-2007-1129; FRL-8941-9] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3315. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Michigan: Clean Air Interstate Rule [EPA-R05-OAR-2009-0294; FRL-8944-7] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3316. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, Pinal County, Arizona [EPA-R09-OAR-2009-0521; FRL-8946-2] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3317. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Delaware [EPA-R03-OAR-2009-0238; FRL-8936-4] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3318. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District, Kern County Air Pollution Control District, Mohave Desert Air Quality Management District [EPA-R09-OAR-2008-0566; FRL-8939-2] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3319. A letter from the Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2008 [MD Docket No. 08-65] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3320. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting reports in accordance with Section 36(a) and 26(b) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

3321. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3322. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006., pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

3323. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-52, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3324. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3325. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-45, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3326. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3327. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3328. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3329. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Foundation's required General/Trust Fund Financial Statements for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

3330. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3331. A letter from the Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury, transmitting report on the training on, and use of the government-wide authority for category rating in competitive examining; to the Committee on Oversight and Government Reform.

3332. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3333. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Offical, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3334. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a copy of the boundary description and classification of the North Fork of the Smith Wild and Scenic River, Rogue River — Siskiyou National Forest, Oregon, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

3335. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a copy of the boundary description and classification of the Upper Rogue Wild and Scenic River, Rogue River — Siskiyou National Forest, Oregon, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

3336. A letter from the General Counsel (Acting), National Indian Gaming Commission, Department of the Interior, transmitting the Department's final rule — Amendments to Various National Indian Gaming Commission Regulations (RIN: 3141-0001) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3337. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending December 31, 2008, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3338. A letter from the Assistant Attorney General, Department of Justice, transmitting annual ''Report to Congress: National Instant Criminal Background Check System (NICS)'', submitted in accordance with the NICS Improvement Amendemts Act of 2007 (Pub. L. 110-180); to the Committee on the Judiciary.

3339. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Foreign Officials: Definition of Immediate Family Members, As Amended [Public Notice: 6676] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3340. A letter from the Administrator, FEMA, Department Homeland of Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3299-EM in the State of New York, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3341. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1846-DR for the State of Oklahoma, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

3342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30680; Amdt. No. 482] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30678 Amdt. No. 3332] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

3344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30679; Amdt. No. 3333] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-IV, GIV-X, and GV-SP Series Airplanes and Model GV Airplanes [Docket No.: FAA-2009-0683; Directorate Identifier 2009-NM-129-AD; Amendment 39-15991; AD 2009-17-01] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No.: FAA-2009-0464; Directorate Identifier 2008-NM-189-AD; Amendment 39-15992; AD 2008-16-09 R1] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-0004; Directorate Identifier 2008-NM-160-AD; Amendment 39-15995; AD 2009-17-04] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3348. A letter from the Administrator, FEMA, Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1844-DR for the state of South Dakota, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

3349. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules Governing Eligible Combined Plans received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3350. A letter from the Chairman, Social Security Advisory Board, transmitting report entitled "Bridging the Gap: Improving SSA's Public Service through Technology"; to the Committee on Ways and Means.

3351. A letter from the Regulation Coordinator, Department of Health and Medicaid Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2010 [CMS-1538-F](RIN: 0938-AP56) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶108.6 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. VAN HOLLEN signed the following enrolled bill on August 25, 2009:

H.R. 3325. An Act to amend title XI of the Social Security to reauthorize for 1 year the work incentives planning and assistance program and the protection and advocacy for beneficiaries of Social Security program.

¶108.7 UNITED STATES CONSTITUTION TAUGHT IN HIGH SCHOOL

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 686); as amended:

Whereas the United States Constitution is the fundamental law of the United States;

Whereas people in the United States of all ages, income levels, and political beliefs fail tests of civic literacy;

Whereas a 1998 survey revealed that more teenagers knew who the "Fresh Prince of Bel-Air" was than the Chief Justice of the Supreme Court, more knew the star of the motion picture "Titanic" than who was the vice president of the United States, and more can name the Three Stooges and the 3 American Idol judges than can name the 3 branches of government;

Whereas fewer than half of all people in the United States can name the three branches of the United States Government;

Whereas students at top colleges and universities in the United States scored an average of only 59.4 percent for seniors and 56.6 percent for freshmen on tests of civic literacy;

Whereas people in the United States aged 25 to 34 score an average of 46 percent on a test of civic literacy and people aged 65 and over score the same 46 percent;

Whereas research shows that an increase in civic knowledge, including that of the United States Constitution, almost invariably leads to the beneficial use of that knowledge; and

Whereas research shows that greater civic learning leads to more active citizenship, and people in the United States who fulfill their civic obligations beyond voting are more knowledgeable about their country's history and institutions: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all high school seniors across the country should spend at least one week learning about the United States Constitution in September of their senior year, as knowledge of this historic document, which constitutes the very foundation of our country, is critical to being an effective citizen; and

(2) upon reaching voting age, high school seniors should engage in civic learning activities on an issue of importance to them to demonstrate their understanding of their rights and responsibilities as citizens of the United States.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. SABLAN and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶108.8 NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 737):

Whereas Hispanic-Serving Institutions play an important role in educating many underprivileged students and helping them attain their full potential through higher education;

Whereas there are currently about 268 Hispanic-Serving Institutions in the United States;

Whereas Hispanic-Serving Institutions are actively involved in stabilizing and improving their communities;

Whereas celebrating the vast contributions of Hispanic-Serving Institutions contributes to the strength and culture of our Nation;

Whereas the achievements and goals of Hispanic-Serving Institutions are deserving of national recognition; and

Whereas the week of September 20th would be an appropriate week for such recognition: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and goals of Hispanic-Serving Institutions across the country;

(2) supports the designation of an appropriate week as "National Hispanic-Serving Institutions Week";

(3) requests the President to issue a proclamation designating such week; and

(4) calling on the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-Serving Institutions.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. SABLAN and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.9 NATIONAL COACHES APPRECIATION WEEK

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 6):

Whereas coaches are a vital part of organized youth sports;

Whereas approximately 42 million American children participate in organized sports each year, but more than 20 million children in the United States lack the opportunity to participate in organized sports, in part because of an insufficient number of coaches;

Whereas a national effort to promote coaching is needed to increase the number of adults serving as coaches in youth sports;

Whereas the purpose of the Congressional Caucus on Youth Sports is to educate Members of Congress, the media, and the public on the need to restore a child-centered focus in youth sports that will produce immeasurable positive benefits for the well-being and character development of children;

Whereas sports and coaches help children fight obesity, increase their self-esteem, learn leadership skills, and discover how to incorporate the values of sports into other aspects of their daily lives;

Whereas youth sports activity can reduce gang participation and youth violence;

Whereas children need adults who will believe in them and who give children the support they need to be a success;

Whereas coaches can positively impact the physical, emotional, and educational life of children;

Whereas coaches who volunteer their time help educate children, serve as role models, and, in some situations, are parental surrogates; and

Whereas the designation of the week of September 13 through 19, 2009, as National Coach Appreciation Week would raise awareness and leverage resources to engage millions of children in organized sports that promote health, nutrition, and fitness, as well as other youth development outcomes: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contribution coaches make in the life of children who participate in organized sports;

(2) supports the goals and ideals of National Coach Appreciation Week; and

(3) encourages the people of the United States to observe National Coach Appreciation Week with appropriate recognition, activities, and programs to demonstrate the importance of sports and coaches in the life of children.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. SABLAN and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.10 NATIONAL SAFETY MONTH

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 459):

Whereas, after years of decline, the rate of unintentional injuries and deaths in the United States has reversed and has reached unacceptably high levels in recent years;

Whereas deaths from motor vehicle collisions, poisonings from unintentional overdoses, and falls remain as the three leading causes of preventable death in the United States;

Whereas the cost of unintentional injuries to people in the United States exceeds $684,400,000,000 each year and causes great suffering among individuals and their families;

Whereas the cost of unintentional injuries to workers and their employers is $175,300,000,000 each year, including the value of 114,000,000 days of lost productivity;

Whereas preventing unintentional injury and death requires the cooperation of all levels of government, the Nation's employers, and the general public;

Whereas the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this Nation in injury prevention through safety and health education, training, and advocacy in the United States;

Whereas the National Safety Council educates the workforce about policies, practices, and procedures leading to increased safety, protection, and health in business and industry, as well as in schools and colleges, on roads and highways, and in homes and communities;

Whereas since the summer season is a time of increased rates of preventable injuries and death, it is an appropriate time to focus the attention of our workforce and community leaders on injury risks and preventions by celebrating June 2009 as ''National Safety Month''; and

Whereas the National Safety Council in 2009 as part of its public education about safety and health will provide this Nation a monthlong campaign in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Safety Month'';

(2) recognizes the contributions of the National Safety Council and its ongoing commitment to raising awareness about the need for the implementation of safe practices in our schools and jobs; and

(3) encourages citizens to observe the ''National Safety Month'' with appropriate ceremonies and educate themselves about the importance of implementing safe practices in our schools and on our jobs to prevent unintentional injury and death.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. SABLAN and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.11 SENIOR CAREGIVING AND AFFORDABILITY

Mr. SABLAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 59); as amended:

Whereas 8,000 people in the United States turn 60 years old every day;

Whereas an estimated 35,900,000 people, 12.4 percent of the population, are 65 years of age and older;

Whereas the United States population age 65 and older is expected to more than double in the next 50 years to 86,700,000 in 2050;

Whereas the 85 and older population is projected to reach 9,600,000 in 2030 and double again to 20,900,000 in 2050;

Whereas it is estimated that 4,500,000 people in the United States have Alzheimer's disease today;

Whereas it is estimated that number will increase to between 11,300,000 and 16,000,000 by 2050;

Whereas 70 percent of people with Alzheimer's disease and other dementias live at home, and these individuals are examples of individuals who need assistance in their homes with their ''activities of daily living'';

Whereas currently over 25 percent of all seniors need some level of assistance with their ''activities of daily living'';

Whereas in order to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow;

Whereas there are an estimated 44,000,000 adults in the United States providing care to adult relatives or friends and an estimated 725,000 nonfamily private paid senior caregivers;

Whereas both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes;

Whereas the Department of Labor estimated that paid caregivers for the year 2006 worked a total of 835,000,000 hours, and the projected hours of paid senior caregivers are estimated to increase to 4,350,000,000 hours by 2025; and

Whereas the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in State and Federal governments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes caregiving as a profession;

(2) supports the private home care industry and the efforts of family caregivers nationwide by encouraging individuals to provide care to family, friends, and neighbors;

(3) encourages accessible and affordable care for seniors;

(4) reviews Federal policies and supports current Federal programs which address the needs of seniors and their family caregivers; and

(5) encourages the Secretary of Health and Human Services to continue working to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. SABLAN and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶108.12 INFANT MORTALITY

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 260); as amended:

Whereas the infant mortality rate of a nation is an important indicator of that nation's overall health;

Whereas the Centers for Disease Control and Prevention have found that the United States ranked 29th in the world in infant mortality in 2004, falling from 12th in 1960;

Whereas there are more than 28,000 deaths to children under 1 year of age each year in the United States;

Whereas preterm birth has a considerable impact on the United States infant mortality rate, in 2005, 68.6 percent of all infant deaths occurred to preterm infants, up from 65.6 percent in 2000;

Whereas the United States infant mortality rate for non-Hispanic Black women was 2.4 times the rate for non-Hispanic White women in 2005;

Whereas in 2005, the United States infant mortality rates were above average for non-Hispanic Black women at 13.63 deaths per 1,000 live births, for Puerto Rican women at 8.30 deaths per 1,000 live births, and for American Indian or Alaska Native women at 8.06 deaths per 1,000 live births;

Whereas in Memphis, Tennessee, the infant mortality rate is three times higher than that of the United States (higher than any other city in the country), and the 2005 infant mortality rate in the 38108 zip code of Memphis was deadlier for babies than that of the countries of Vietnam, Iran, and El Salvador with 31 deaths per 1,000 live births, 5 times that of the 2005 national average of 6.86 deaths per 1,000 live births;

Whereas adequate prenatal care has a studied, positive effect on the health of the baby;

Whereas prenatal care is one of the most important interventions for ensuring the health of pregnant women and their infants;

Whereas 29 percent of mothers 15 to 19 years of age received no early prenatal care in 2004 according to the Department of Health and Human Services;

Whereas non-Hispanic Black mothers were 2.6 times more likely than non-Hispanic White mothers to begin prenatal care in the third trimester, or not receive prenatal care at all;

Whereas babies born to mothers who received no prenatal care are three times more likely to be born at low birth weight, and five times more likely to die, than those whose mothers received prenatal care, as stated by the Department of Health and Human Services;

Whereas the United States' high infant mortality rate reflects in part racial disparities in premature and low birthweight babies; and

Whereas the racial disparities in infant mortality may relate to socioeconomic status, access to medical care, and the education level of the mother: Now, therefore, be it

Resolved, That the House of Representatives supports efforts to understand racial disparities and the rate of infant mortality in order to lower the rate of infant mortality in the United States.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COHEN and Mrs. BLACKBURN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, September 15, 2009.

¶108.13 HIGH RATES OF CHILDREN DROWNING

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 57); as amended:

Whereas the success of the United States Olympic swim team, including the record-breaking eight gold medals won by Michael Phelps, has brought great attention to swimming;

Whereas a New York Times article entitled ''Despite Olympic Gold, Swimming Statistics Are Grim'', highlighted the irony of the United States Olympic glory in light of a shocking number of drownings in the United States;

Whereas the New York Times has also highlighted the discrepancies in swimming education between African-American children and White children in the article ''Everyone Into the Water'';

Whereas according to the Centers for Disease Control and Prevention (CDC), there were 3,582 unintentional and fatal drownings in the United States in 2005 representing an average of 10 drowning deaths each day;

Whereas for every child who fatally drowns in the United States, there are four near-drowning incidents that require emergency care and can lead to brain damage resulting in permanent disabilities ranging from loss of memory to the loss of all basic functions;

Whereas children are the most susceptible to fatal drowning incidents with one out of four victims being 14 years old or younger;

Whereas drowning is the second most common unintentional cause of death among children ages 1 to 14;

Whereas minority drowning rates greatly exceed the rates of White children;

Whereas according to the CDC, the fatal drowning rate for African-American children between the ages of 5 and 14 is over three times higher than the rate for White children, and the rate for American Indian and Alaska Native children is over two times higher;

Whereas according to a study by the University of Memphis, almost 60 percent of African-American and Latino children do not know how to swim as compared to roughly 30 percent of White children;

Whereas long-existing stigmas regarding minorities and swimming have contributed to the lack of swimming education in minority communities, and nonswimming minority families are far less likely than nonswimming White families to enroll in swimming lessons;

Whereas according to the United States Census Bureau, in 2007, 33.7 percent of African-Americans, 28.6 percent of Latinos, and 12.5 percent of Asian-Americans lived below the poverty line as compared to 10.1 percent of Whites, and swimming lessons can cost hundreds of dollars per course;

Whereas the Virginia Graeme Baker Pool and Spa Safety Act was signed into law in December 2007 addressing the pressing need for increased pool and spa safety requirements and education to prevent accidental deaths by drowning;

Whereas effective drowning prevention strategies require several approaches such as supervision, fully gated pools, CPR training, and swimming skills;

Whereas the ability to swim is an important and essential skill, and according to Safe Kids USA, in order to help prevent drowning, children should be enrolled in swimming lessons as early as age 4 to learn how to float, tread water, and enter and exit the pool; and

Whereas nonprofit initiatives, like the USA Swimming Foundation's program ''Make A Splash'', are working hard to meet the need for swimming lessons by partnering with local communities to offer all children access to swimming education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the importance of access to swimming lessons for all communities in the United States as an integral part of drowning prevention;

(2) recognizes the danger of fatal unintentional drowning in the United States;

(3) condemns the persistently high rates of fatal drowning among all children, and the particularly high rates of fatal drowning among minority children;

(4) celebrates the passage of the Virginia Graeme Baker Pool and Spa Safety Act;

(5) celebrates the work of initiatives like USA Swimming Foundation's ''Make A Splash'' and Safe Kids USA to educate parents and caregivers on water safety and drowning prevention messages; and

(6) encourages public and private funding to support current and future initiatives that provide all children access to swimming education.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COHEN and Mrs. BLACKBURN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶108.14 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN

Ms. WASSERMAN SCHULTZ moved to suspend the rules and agree to the following resolution (H. Res. 738):

Whereas in recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, on September 13, 1994, President Bill Clinton signed the Violence Against Women Act of 1994 (hereinafter referred to as ''VAWA'') as part of the Violent Crime Control and Law Enforcement Act of 1994;

Whereas subsequent reauthorizations of VAWA include the Violence Against Women Act of 2000 (hereinafter referred to as ''VAWA 2000''), signed by President Bill Clinton, and the Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (hereinafter referred to as ''VAWA 2005''), signed by President George W. Bush;

Whereas VAWA was the first comprehensive legislative package designed to end violence against women;

Whereas the protections and provisions afforded by VAWA were subsequently expanded and improved by VAWA 2000, which created a legal assistance program for victims and expanded the definition of domestic violence crimes to include dating violence and stalking;

Whereas VAWA and interventions funded by that Act have reduced the incidence of domestic violence, have lowered sexual assault rates, and have averted societal costs by reducing the need for emergency and medical responses;

Whereas VAWA has succeeded in bringing communities together to address domestic violence, dating violence, sexual assault, and stalking, including combined efforts by law enforcement, prosecutors, courts, victim services, and community-based programs to develop long-term plans for addressing such crimes locally and statewide;

Whereas VAWA has provided crucial Federal support to Indian tribes to combat the problems of sexual and domestic violence in Indian country;

Whereas VAWA brings innovative practices to the field by funding demonstration projects and training, and supporting the development of specialized courts and police teams;

Whereas the Sexual Assault Services program, authorized by VAWA 2005, enabled the 1,300 rape crisis centers in the United States to reduce waiting lists, reach out to underserved communities, and provide more comprehensive services to survivors of sexual assault;

Whereas VAWA provides a means for many victims of domestic violence who were dependent on their batterers for immigration status to self-petition and obtain legal immigration status on their own, and to access legal services to flee violence and recover from trauma;

Whereas organizations throughout the United States have received grants under VAWA to provide legal assistance to young victims of dating violence;

Whereas VAWA has provided crucial Federal support for efforts by criminal justice officials and victim service providers to hold offenders accountable and to keep stalking victims safe;

Whereas the continued support of VAWA and subsequent Acts combating violence against women is essential to best serve the 3,400,000 individuals in the United States who are stalked each year; and

Whereas September 13, 2009, marked the 15th anniversary of the enactment of the Violence Against Women Act of 1994: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 15th anniversary of the enactment of the Violence Against Women Act of 1994;

(2) continues to support the goals and ideals of the Violence Against Women Act of 1994 and its subsequent reauthorization Acts; and

(3) recognizes the need to continue vigorous enforcement of the provisions of the Violence Against Women Act of 1994 and similar Acts and programs to deter and prosecute crimes of violence against women.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. WASSERMAN SCHULTZ and Mrs. BLACKBURN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.15 RECESS—3:23 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 23 minutes p.m., until approximately 6:30 p.m.

¶108.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. HIMES, called the House to order.

¶108.17 H. RES.6—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HIMES, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 6) recognizing the significant contribution coaches make in the life of children who participate in organized sports and supporting the goals and ideals of National Coaches Appreciation Week.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 0

¶108.18 [Roll No. 696]

YEAS—388

Abercrombie
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inglis
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—45

Ackerman
Alexander
Barrett (SC)
Blumenauer
Blunt
Brown, Corrine
Burgess
Buyer
Capuano
Crenshaw
Davis (IL)
Deal (GA)
DeGette
Dicks
Frelinghuysen
Gerlach
Grijalva
Harper
Hoekstra
Hoyer
Israel
Issa
Johnson, Sam
King (NY)
Kirk
Lipinski
Lynch
Marchant
Markey (MA)
McHugh
McMahon
Mollohan
Moran (KS)
Neal (MA)
Rogers (KY)
Rohrabacher
Rush
Ryan (OH)
Shimkus
Smith (WA)
Tanner
Towns
Waters
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.19 H. RES. 459—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HIMES, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 459) expressing support for designation of ''National Safety Month''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 386 / Nays ..... 0 }

¶108.20 [Roll No. 697]

YEAS—386

Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inglis
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—47

Abercrombie
Ackerman
Alexander
Barrett (SC)
Blumenauer
Blunt
Boren
Brown, Corrine
Burgess
Buyer
Capuano
Crenshaw
Davis (IL)
Deal (GA)
DeGette
Dicks
Frelinghuysen
Gerlach
Grijalva
Harper
Hoekstra
Hoyer
Israel
Issa
Johnson, Sam
Kennedy
Kirk
Lipinski
Lynch
Marchant
Markey (MA)
McHugh
McMahon
Mollohan
Moran (KS)
Neal (MA)
Rogers (KY)
Rohrabacher
Rush
Ryan (OH)
Shimkus
Smith (WA)
Tanner
Towns
Waters
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶108.21 H. CON. RES. 59—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HIMES, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 59) supporting the goals and ideals of senior caregiving and affordability; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 387 / Nays ..... 0 }

¶108.22 [Roll No. 698]

YEAS—387

Abercrombie
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inglis
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—46

Ackerman
Alexander
Barrett (SC)
Blumenauer
Blunt
Brown, Corrine
Burgess
Buyer
Capuano
Carter
Crenshaw
Davis (IL)
Deal (GA)
DeGette
Dicks
Doyle
Frelinghuysen
Gerlach
Grijalva
Harper
Hoekstra
Hoyer
Israel
Issa
Johnson, Sam
Kirk
Lipinski
Lynch
Marchant
Markey (MA)
McHugh
McMahon
Mollohan
Moran (KS)
Neal (MA)
Rogers (KY)
Rohrabacher
Rush
Ryan (OH)
Shimkus
Smith (WA)
Tanner
Towns
Waters
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶108.23 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on September 10, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3325. An Act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

¶108.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. TANNER, for today and balance of the week;

To Mr. CRENSHAW, for today;

To Mr. ROGERS for Kentucky, for today; and

To Mr. MCHUGH, for today and September 15.

And then,

¶108.25 ADJOURNMENT

On motion of Mrs. BACHMANN, pursuant to the special order of the House agreed to on September 10, 2009, at 10 o'clock and 48 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, September 15, 2009.

¶108.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 10, 2009 the following report was filed on September 11, 2009]

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3246. A bill to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; with an amendment (Rept. 111–254). Referred to the Committee of the Whole House on the state of the Union.

¶108.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCDERMOTT:

H.R. 3556. A bill to require the Secretary of Health and Human Services to establish a self-referral disclosure protocol under the Medicare Program to enable health care providers of services and suppliers to disclose violations of section 1877 of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES:

H.R. 3557. A bill to provide an emergency cost-of-living increase for Social Security benefits for 2010; to the Committee on Ways and Means.

By Mr. GRIFFITH:

H.R. 3558. A bill to allow incumbent contractors to be eligible to re-compete for Government contracts as small businesses, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3559. A bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. MCDERMOTT, Mr. SMITH of Washington, and Mr. PAYNE):

H.R. 3560. A bill to amend the Foreign Assistance Act of 1961, to establish the Health Technology Program in the United States Agency for International Development to research and develop technologies to improve global health, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TEAGUE (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 3561. A bill to amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3562. A bill to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the "Chaney, Goodman, Schwerner Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. EDWARDS of Texas:

H. Con. Res. 183. Concurrent resolution recognizing the contributions of Dr. Norman E. Borlaug to the United States and the world; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York:

H. Con. Res. 184. Concurrent resolution expressing the sense of the Congress that the bankruptcy proceedings of Lehman Brothers Holding Inc. and Lehman Brothers Europe Inc. be resolved in an equitable and expeditious process between the United States and United Kingdom, and that the interests of American investors be given due consideration and be treated with urgency throughout; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. SIRES, Mr. ORTIZ, Mr. REYES, Mr. SERRANO, Mr. GONZALEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Ms. VELÁZQUEZ, Mr. CARDOZA, Mr. BECERRA, and Ms. RICHARDSON):

H. Res. 737. A resolution expressing the sense of the House of Representatives that a National Hispanic-Serving Institutions Week should be established; to the Committee on Education and Labor; considered and agreed to.

By Ms. SLAUGHTER (for herself, Mr. CONYERS, Ms. EDWARDS of Maryland, Mrs. MALONEY, Ms. WOOLSEY, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. MOORE of Wisconsin, Ms. BORDALLO, Ms. DEGETTE, Ms. RICHARDSON, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HODES, and Ms. MCCOLLUM):

H. Res. 738. A resolution recognizing the 15th anniversary of the enactment of the Violence Against Women Act of 1994; to the Committee on the Judiciary; considered and agreed to.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr.

BRALEY of Iowa, Mr. LOEBSACK, Mr. KISSELL, Ms. MCCOLLUM, Mr. GRAVES, Ms. MARKEY of Colorado, Mr. PAYNE, Mr. FORTENBERRY, Mr. MORAN of Kansas, Mr. HOLDEN, Mr. ROGERS of Alabama, Mr. WALZ, Mr. HOLT, Mr. PUTNAM, Ms. ROYBAL-ALLARD, and Mr. JOHNSON of Illinois):

H. Res. 739. A resolution honoring the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger; to the Committee on Foreign Affairs.

By Mr. BOSWELL (for himself, Mr. BRALEY of Iowa, Mr. KING of Iowa, Mr. LATHAM, and Mr. LOEBSACK):

H. Res. 740. A resolution recognizing the valuable contributions of the extension offices of land-grant universities; to the Committee on Agriculture.

By Ms. MARKEY of Colorado (for herself, Ms. EDWARDS of Maryland, Mr. KENNEDY, Mr. COURTNEY, Mr. OLVER, Mr. MCGOVERN, Ms. DEGETTE, Mrs. CAPPS, Mr. QUIGLEY, Mr. TEAGUE, Ms. TITUS, Mrs. MALONEY, Mr. MINNICK, Mr. CROWLEY, Mr. ADLER of New Jersey, Mr. PETERS, Ms. SHEA-PORTER, Mr. WELCH, Mrs. DAHLKEMPER, Mr. SCHAUER, Ms. SCHWARTZ, Ms. MOORE of Wisconsin, Mr. SIRES, Mr. SCOTT of Virginia, Mr. MCMAHON, Mr. LUJÁN, and Mr. BLUMENAUER):

H. Res. 741. A resolution expressing support for designation of October 8, 2009, as national Jumpstart's ''Read for the Record Day''; to the Committee on Education and Labor.

By Mr. MARSHALL (for himself, Mr. BARROW, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND):

H. Res. 742. A resolution congratulating the Warner Robins Little League softball team from Warner Robins, Georgia, on winning the 2009 Little League Softball World Series; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Connecticut (for himself and Mr. COURTNEY):

H. Res. 743. A resolution honoring the life of Frank McCourt for his many contributions to American literature, education, and culture; to the Committee on Oversight and Government Reform.

¶108.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. BAIRD.
H.R. 55: Mr. PRICE of North Carolina.
H.R. 124: Mr. BURTON of Indiana and Mr. SHULER.
H.R. 197: Mr. KRATOVIL.
H.R. 272: Mr. ROSS.
H.R. 275: Mr. LUETKEMEYER and Mr. GUTHRIE.
H.R. 294: Mr. CARTER.
H.R. 422: Mr. MATHESON.
H.R. 433: Mr. CARTER.
H.R. 501: Mr. CONYERS.
H.R. 503: Mr. JOHNSON of Georgia.
H.R. 537: Mr. WEXLER.
H.R. 571: Mr. ACKERMAN, Mr. VAN HOLLEN, and Mrs. BIGGERT.
H.R. 621: Mr. FARR, Mr. COOPER, Mr. PRICE of Georgia, Mrs. DAVIS of California, Mr. BERMAN, Mr. SALAZAR, Mr. CLAY, Mr. DOYLE, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. HALL of New York, and Mr. BURTON of Indiana.
H.R. 634: Mr. COSTELLO and Mr. JONES.
H.R. 646: Mr. ROYCE, Mr. MCGOVERN, Ms. CHU, Ms. WOOLSEY, and Mr. WEXLER.
H.R. 669: Mr. WEXLER.
H.R. 678: Mr. HOEKSTRA, Mr. MCDERMOTT, and Mr. SESTAK.
H.R. 758: Mr. COHEN.
H.R. 793: Mr. YOUNG of Alaska.
H.R. 868: Mr. GUTHRIE and Mr. HINCHEY.
H.R. 916: Mr. REYES.
H.R. 930: Mr. LATOURETTE.
H.R. 932: Ms. RICHARDSON.
H.R. 953: Mrs. DAHLKEMPER, Mr. MCDERMOTT, and Mr. BOUCHER.
H.R. 997: Mr. ISSA and Mr. DEAL of Georgia.
H.R. 1021: Mr. ROE of Tennessee and Mr. THORNBERRY.
H.R. 1038: Mr. COHEN.
H.R. 1053: Mr. NYE.
H.R. 1067: Mr. COHEN and Mr. GALLEGLY.
H.R. 1188: Mr. KRATOVIL, Mr. HONDA, and Mr. HEINRICH.
H.R. 1193: Mr. HASTINGS of Florida.
H.R. 1213: Mr. SESTAK.
H.R. 1215: Ms. RICHARDSON.
H.R. 1228: Mr. DEAL of Georgia.
H.R. 1245: Mr. BRALEY of Iowa.
H.R. 1327: Ms. CHU, Mr. NYE, Ms. TSONGAS, and Mr. CLAY.
H.R. 1392: Mr. COURTNEY, Mr. SULLIVAN, and Mr. SESTAK.
H.R. 1428: Mr. KING of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. FLEMING, Ms. NORTON, Mr. BOUCHER, Ms. KAPTUR, and Mr. LATHAM.
H.R. 1441: Mr. LUETKEMEYER.
H.R. 1478: Mr. COURTNEY.
H.R. 1570: Mr. BROWN of South Carolina and Mr. PUTNAM.
H.R. 1615: Mr. MAFFEI.
H.R. 1618: Mr. EHLERS.
H.R. 1621: Mr. DEAL of Georgia.
H.R. 1625: Mr. KAGEN, Mr. SESTAK, Mr. NADLER of New York, and Mr. LARSEN of Washington.
H.R. 1639: Mr. CUELLAR.
H.R. 1646: Mr. COURTNEY.
H.R. 1685: Mr. COURTNEY.
H.R. 1691: Mr. PASTOR of Arizona.
H.R. 1708: Mr. LANGEVIN.
H.R. 1751: Ms. DEGETTE.
H.R. 1821: Mr. COURTNEY.
H.R. 1826: Mr. LUJÁN, Mr. CLAY, Mr. HASTINGS of Florida, and Ms. JACKSON-LEE of Texas.
H.R. 1831: Mr. DEFAZIO, Mr. LOBIONDO, Mr. WEXLER, Mr. CLAY, Mr. YOUNG of Alaska, Mr. SARBANES, Mr. DOYLE, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. CALVERT, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Mr. RUPPERSBERGER, Mr. ROE of Tennessee, and Mr. RANGEL.
H.R. 1868: Mr. KING of Iowa.
H.R. 1884: Mr. JOHNSON of Illinois, Mr. CAPUANO, Mr. CALVERT, Mr. ELLISON, and Mr. ROHRABACHER.
H.R. 1894: Mr. MANZULLO.
H.R. 1908: Mr. LOBIONDO.
H.R. 1927: Ms. ZOE LOFGREN of California.
H.R. 1932: Ms. EDWARDS of Maryland.
H.R. 1941: Mrs. MYRICK.
H.R. 1946: Mr. SESTAK.
H.R. 1956: Ms. MOORE of Wisconsin and Mr. WALZ.
H.R. 1977: Ms. SUTTON and Ms. CASTOR of Florida.
H.R. 2002: Mr. HINCHEY.
H.R. 2058: Mr. CARTER and Mr. SESTAK.
H.R. 2062: Ms. SHEA-PORTER.
H.R. 2068: Mr. WITTMAN.
H.R. 2095: Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, and Mr. SERRANO.
H.R. 2115: Mr. SESTAK.
H.R. 2149: Mr. HOLDEN.
H.R. 2190: Mr. HONDA, Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, and Mr. COURTNEY.
H.R. 2220: Mr. SESTAK, Mr. MINNICK, and Mr. SCOTT of Georgia.
H.R. 2222: Mr. HIMES and Mr. DOGGETT.
H.R. 2243: Mr. NYE.
H.R. 2246: Mr. NYE.
H.R. 2254: Mr. TIERNEY, Mr. HUNTER, Mr. TIBERI, Mr. TERRY, Mr. HODES, Mr. LANCE, Mr. SESTAK, Mr. PAYNE, Mr. MCDERMOTT, Mr. STARK, Mr. ALEXANDER, and Mr. HARPER.
H.R. 2262: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, and Mrs. NAPOLITANO.
H.R. 2292: Mr. SESTAK.
H.R. 2308: Mr. MOORE of Kansas.
H.R. 2329: Mr. SHERMAN and Mr. CARNAHAN.
H.R. 2358: Mr. PITTS.
H.R. 2377: Ms. ZOE LOFGREN of California.
H.R. 2397: Mr. BILBRAY.
H.R. 2408: Mr. RANGEL.
H.R. 2421: Mrs. DAVIS of California and Mr. SULLIVAN.
H.R. 2425: Mr. PATRICK J. MURPHY of Pennsylvania and Ms. ZOE LOFGREN of California.
H.R. 2456: Mr. CONNOLLY of Virginia.
H.R. 2499: Mr. CALVERT.
H.R. 2524: Mr. OBERSTAR.
H.R. 2542: Mr. NYE.
H.R. 2543: Mrs. MCMORRIS RODGERS.
H.R. 2567: Mr. OLVER and Ms. ZOE LOFGREN of California.
H.R. 2578: Mr. SESTAK.
H.R. 2607: Mr. TURNER.
H.R. 2625: Mr. PASTOR of Arizona.
H.R. 2626: Mr. MCDERMOTT.
H.R. 2685: Mr. INSLEE.
H.R. 2715: Mr. WHITFIELD.
H.R. 2766: Mr. WEXLER.
H.R. 2810: Mr. SESTAK.
H.R. 2817: Mr. FRANK of Massachusetts.
H.R. 2842: Mr. MANZULLO.
H.R. 2859: Mr. SESTAK.
H.R. 2866: Ms. MCCOLLUM, Mr. ALTMIRE, and Mr. MANZULLO.
H.R. 2891: Mr. SESTAK, Mr. CONNOLLY of Virginia, and Ms. TITUS.
H.R. 2935: Mr. OLVER, Mr. CAO, Ms. HIRONO, Mr. BROWN of South Carolina, and Mr. WALDEN.
H.R. 2941: Ms. TITUS, Mr. CONNOLLY of Virginia, and Mr. LANGEVIN.
H.R. 2969: Mr. REYES.
H.R. 3017: Mr. NEAL of Massachusetts.
H.R. 3024: Mr. ARCURI, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. WILSON of Ohio, Mr. PLATTS, and Mr. PAULSEN.
H.R. 3039: Ms. HIRONO.
H.R. 3040: Ms. WASSERMAN SCHULTZ.
H.R. 3043: Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, and Mr. SESTAK.
H.R. 3044: Mr. CARDOZA, Mr. UPTON, Mr. SESSIONS, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. ALEXANDER, Mr. PITTS, Mr. SCALISE, Mr. BOOZMAN, Mr. TEAGUE, Mr. MATHESON, Ms. TITUS, Mr. KINGSTON, Mr. MITCHELL, and Mrs. BONO MACK.
H.R. 3048: Mr. MICHAUD.
H.R. 3077: Mr. FARR and Mr. MORAN of Virginia.
H.R. 3092: Mr. SESTAK.
H.R. 3149: Ms. SCHAKOWSKY and Mr. MCDERMOTT.
H.R. 3164: Mr. SESTAK.
H.R. 3168: Mr. CASTLE.
H.R. 3173: Mr. ROGERS of Michigan.
H.R. 3212: Mr. MCDERMOTT.
H.R. 3220: Mr. BERRY.
H.R. 3226: Mr. CONAWAY, Mr. LATOURETTE, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. CANTOR, and Mr. SCALISE.
H.R. 3274: Mr. MCKEON.
H.R. 3286: Mr. SIRES.
H.R. 3307: Ms. CORRINE BROWN of Florida.
H.R. 3310: Ms. FOXX.
H.R. 3339: Mr. BISHOP of Utah.
H.R. 3365: Ms. BORDALLO, Mr. COURTNEY, Mr. LUJÁN, Mr. ROONEY, Ms. CORRINE BROWN of Florida, and Mr. HALL of New York.
H.R. 3380: Mr. RYAN of Ohio, Ms. FUDGE, Mr. PASCRELL, Ms. BALDWIN, Ms. SPEIER, Mr. CULBERSON, Mr. CARNAHAN, Mr. HEINRICH, and Mr. ORTIZ.
H.R. 3381: Mr. BRALEY of Iowa, Mr. TOWNS, and Mr. REICHERT.
H.R. 3383: Mr. WESTMORELAND and Mr. MCCAUL.
H.R. 3400: Mr. COLE, Mr. BISHOP of Utah, and Mr. SHADEGG.

H.R. 3404: Mr. JACKSON of Illinois and Mr. CONYERS.
H.R. 3406: Mr. BURTON of Indiana.
H.R. 3407: Mr. WITTMAN.
H.R. 3408: Ms. SHEA-PORTER and Mr. CROWLEY.
H.R. 3418: Mr. BRIGHT.
H.R. 3421: Mr. MCDERMOTT and Mr. KUCINICH.
H.R. 3465: Mr. SESTAK.
H.R. 3467: Mr. ETHERIDGE, Mr. BOUCHER, and Mr. NYE.
H.R. 3471: Ms. HIRONO.
H.R. 3472: Mr. ADLER of New Jersey and Mr. POLIS.
H.R. 3492: Mrs. MALONEY.
H.R. 3502: Mr. SESTAK, Mr. SCHIFF, and Mr. NUNES.
H.R. 3506: Mrs. BACHMANN, Mr. GARRETT of New Jersey, and Mr. PAUL.
H.R. 3524: Mr. CUELLAR, Mr. MCCARTHY of California, and Mrs. LUMMIS.
H.R. 3527: Mrs. MALONEY and Mr. SIRES.
H.R. 3535: Ms. SCHAKOWSKY.
H.R. 3536: Mr. SIRES.
H.R. 3545: Mr. SCOTT of Virginia, Mr. LARSEN of Washington, Mr. MAFFEI, Mr. COURTNEY, and Mr. BLUMENAUER.
H.R. 3548: Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. YARMUTH, Mr. CONYERS, and Mr. ROTHMAN of New Jersey.
H.R. 3549: Mr. GARRETT of New Jersey and Mr. PASCRELL.
H.R. 3554: Mr. BOSWELL, Mr. CARNAHAN, Mr. NYE, and Mr. ADLER of New Jersey.
H.J. Res. 42: Mr. COBLE and Mr. ROSKAM.
H.J. Res. 47: Mr. PRICE of Georgia, Mr. YOUNG of Alaska, and Mr. REYES.
H. Con. Res. 128: Ms. CORRINE BROWN of Florida.
H. Con. Res. 138: Mr. OLSON.
H. Con. Res. 139: Mr. BOCCIERI, Mr. CALVERT, Mr. GINGREY of Georgia, Mr. HINCHEY, Mr. JONES, Mr. MCKEON, Mr. PITTS, and Mr. WITTMAN.
H. Con. Res. 149: Mr. CAO.
H. Con. Res. 170: Mr. MINNICK and Mr. BOSWELL.
H. Con. Res. 178: Mr. WEXLER, Mr. MCDERMOTT, Mr. ENGEL, Mr. MASSA, Mr. ROYCE, and Mr. ARCURI.
H. Res. 81: Mr. SESTAK.
H. Res. 167: Mr. MCDERMOTT, Mr. PAYNE, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, and Mr. NYE.
H. Res. 215: Mr. SESTAK and Mr. HINOJOSA.
H. Res. 260: Ms. DEGETTE, Mr. KENNEDY, and Mrs. BLACKBURN.
H. Res. 266: Mr. CONNOLLY of Virginia.
H. Res. 267: Mr. WITTMAN.
H. Res. 443: Mr. SESTAK.
H. Res. 494: Mr. CARTER, Mr. ROONEY, and Mr. MICHAUD.
H. Res. 554: Mr. CONAWAY, Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. COLE, Mr. SULLIVAN, Mr. SCHAUER, Mr. BURGESS, Mr. RYAN of Wisconsin, Mr. EHLERS, and Mr. AUSTRIA.
H. Res. 558: Mr. SESTAK.
H. Res. 577: Mr. SESTAK.
H. Res. 604: Mr. BLUNT, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. INGLIS, Mr. BOOZMAN, Mr. MACK, Mr. CRENSHAW, Mr. GALLEGLY, Mr. HOEKSTRA, Mr. KIRK, Mr. SHIMKUS, Mr. DANIEL E. LUNGREN of California, and Mr. WOLF.
H. Res. 615: Mr. LATTA.
H. Res. 619: Mr. PRICE of Georgia.
H. Res. 638: Mr. SESSIONS, Mr. SHUSTER, and Mr. MORAN of Virginia.
H. Res. 649: Mr. MCGOVERN, Mr. CONYERS, and Mr. KUCINICH.
H. Res. 660: Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, and Mr. MCINTYRE.
H. Res. 672: Mr. SMITH of New Jersey, Mr. CONNOLLY of Virginia, Mr. ROYCE, Mr. WOLF, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. CULBERSON, Mr. DANIEL E. LUNGREN of California, Mr. ABERCROMBIE, Mr. STARK, and Mr. JOHNSON of Georgia.
H. Res. 676: Mr. FILNER.
H. Res. 679: Mr. SKELTON, Mr. DREIER, Mr. YOUNG of Florida, Mr. CONNOLLY of Virginia, Mr. LIPINSKI, Mr. PASTOR of Arizona, Mr. SESTAK, and Mr. MILLER of Florida.
H. Res. 686: Mr. SOUDER, Mr. ROHRABACHER, Mr. KISSELL, Mr. BROUN of Georgia, Mr. MAFFEI, Mr. MARSHALL, Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, Mrs. KIRKPATRICK of Arizona, Mr. SCOTT of Virginia, Mr. GENE GREEN of Texas, Mr. COBLE, Mr. STUPAK, Mr. SIRES, and Ms. GIFFORDS.
H. Res. 692: Mr. KLEIN of Florida, Mr. TEAGUE, Mr. SCHIFF, Mr. ISRAEL, Ms. BALDWIN, Ms. MATSUI, Mr. BRALEY of Iowa, Mr. SHUSTER, Mr. KENNEDY, Mr. PERLMUTTER, Ms. PINGREE of Maine, Mr. ENGEL, Mr. SARBANES, Mr. HODES, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. BISHOP of New York, Mr. ELLSWORTH, Mr. MURPHY of New York, Mr. KRATOVIL, Mr. SHULER, Mr. ALTMIRE, Mr. MCNERNEY, Mr. NYE, Mr. TONKO, Mr. SPACE, Mr. WILSON of Ohio, Mr. COHEN, Mr. SIRES, Ms. BERKLEY, Ms. CASTOR of Florida, Mr. MCMAHON, Mr. MASSA, Mr. KAGEN, Mr. HARE, Mr. BERMAN, Mr. MELANCON, Mr. DONNELLY of Indiana, Ms. SUTTON, Mr. MCDERMOTT, Mr. ROTHMAN of New Jersey, Mr. CHANDLER, Mr. NADLER of New York, Mrs. NAPOLITANO, and Mrs. MALONEY.
H. Res. 700: Ms. BORDALLO.
H. Res. 704: Ms. JACKSON-LEE of Texas, Mr. CULBERSON, Mr. INGLIS, and Mr. BOOZMAN.
H. Res. 707: Mr. HARPER, Mr. SKELTON, Mr. DEAL of Georgia, and Mr. YARMUTH.
H. Res. 721: Mr. REHBERG, Mr. SOUDER, Mr. BURTON of Indiana, Mr. COBLE, Mrs. SCHMIDT, and Mr. LATOURETTE.
H. Res. 725: Mr. HUNTER and Mr. ISSA.
H. Res. 727: Mr. MOORE of Kansas and Mr. BROUN of Georgia.
H. Res. 733: Ms. ROS-LEHTINEN, Mr. WALDEN, Ms. FOXX, Mrs. MCCARTHY of New York, Mrs. SCHMIDT, Mr. CARTER, Mr. WILSON of South Carolina, Ms. CHU, Ms. LORETTA SANCHEZ of California, Mr. REICHERT, Mr. WHITFIELD, Mr. SIRES, and Mr. KINGSTON.
H. Res. 734: Mr. LAMBORN, Mr. BROUN of Georgia, Mr. SMITH of New Jersey, Mr. CANTOR, Mr. LATOURETTE, Ms. FOXX, Mr. TAYLOR, Mr. BARTON of Texas, Mr. CONAWAY, and Mr. BILBRAY.

TUESDAY, SEPTEMBER 15, 2009 (109)

¶109.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. SPEIER, who laid before the House the following communication:

WASHINGTON, DC,
September 15, 2009.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶109.2 RECESS—10:59 A.M.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 59 minutes a.m., until noon.

¶109.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶109.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Monday, September 14, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶109.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3352. A letter from the Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

3353. A letter from the Assistant Secretary, Department of Defense, transmitting a report to Congress specifying each Reserve component the additional items of equipment that would be procured and additional military construction projects for FY 2010, pursuant to 10 U.S.C. 10543(c); to the Committee on Armed Services.

3354. A letter from the Assistant Secretary, Department of Defense, transmitting a quarterly report of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

3355. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting a report on the action taken by the department to identify and evaluate at all the stages of the acquisition of commercial computer software, pursuant to Public Law 110-417, section 803; to the Committee on Armed Services.

3356. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Department's ''Major'' final rule — Capital Adequacy Guidelines; Small Bank Holding Company Policy Statement: Treatment of Subordinated Securities Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008 [Regulation Y; Docket No. R-1356] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3357. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Beverage Vending Machines [Docket No.: EERE-2006-STD-0125] (RIN: 1904-AB58) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3358. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA); to the Committee on Energy and Commerce.

3359. A letter from the Secretary, Department of Health and Human Services, transmitting Food and Drug Administration's Report to Congress ''Changing the Future of Drug Safety: FDA Initiatives to Strengthen and Transform the Drug Safety System''; to the Committee on Energy and Commerce.

3360. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3361. A letter from the Acting Under Secretary, Department of Commerce, transmitting a report to Congress on the intent to

impose additional foreign policy export controls on transfers (in-country) to certain persons specified on the Entity List; to the Committee on Foreign Affairs.

3362. A letter from the Secretary, Department of Commerce, transmitting a periodic report on the National Emergency caused by the lapse of the Export Administration Act of 1979 for February 26, 2008 — February 25, 2009; to the Committee on Foreign Affairs.

3363. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3364. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-50, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3365. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3366. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3367. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

3368. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Government of Canada (Transmittal No. RSAT-08-1657); to the Committee on Foreign Affairs.

3369. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

3370. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's Year 2009 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1998; to the Committee on Oversight and Government Reform.

3371. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3372. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2008 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

3373. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3374. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3375. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3376. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3377. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a report entitled, ''Fiscal Year 2008 Accounting of Drug Control Funds''; to the Committee on Oversight and Government Reform.

3378. A letter from the Deputy Associate Director for Management and Administration, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3379. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act'', related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

3380. A letter from the Attorney General, Department of Justice, transmitting Constitutionality of Certificates of the Non-Existance of Records; to the Committee on the Judiciary.

3381. A letter from the Secretary, Department of Agriculture, transmitting the Department's Status Report on the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project for Fiscal Year 2008; jointly to the Committees on Natural Resources and Agriculture.

3382. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for the state of Texas; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3383. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1851-DR for the State of Tennessee, pursuant to Public Law 110-239, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

¶109.6 UNITED STATES POSTAL SERVICE FINANCIAL RELIEF

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 22) to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶109.7 COMMEMORATIVE PLAQUES

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 3137) to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶109.8 IRAQ AND AFGHANISTAN VETERANS MEMORIAL POST OFFICE

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 3386) to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.9 AMERICAN LEGION DAY

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 679):

Whereas, on September 16, 1919, Congress issued the American Legion a Federal charter;

Whereas the American Legion, a veterans service organization, remains active at the national, State, and local levels;

Whereas American Legion members, known as Legionnaires, donate millions of volunteer hours in Department of Veterans Affairs medical facilities and State veterans homes;

Whereas the American Legion sponsors and supports a number of activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires who are displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars for programs focused on America's children and youth, such as the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance program provides grants to veterans who have children and who are experiencing financial hardships;

Whereas the American Legion remains a steadfast supporter of a strong national defense;

Whereas the American Legion supports maintaining a viable but principled foreign affairs agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion played a principal role in the drafting of the Serviceman's Readjustment Act of 1944, also known as the G.I. Bill of Rights;

Whereas the American Legion supports employment programs and opportunities for veterans;

Whereas Legionnaires believe a veteran's service to the United States goes on long after the veteran is discharged from the Armed Forces; and

Whereas many Americans recognize September 16 of each year as American Legion Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Legion Day; and

(2) calls upon the people of the United States to observe American Legion Day with appropriate programs and activities.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶109.10 KANSAS CITY ANIMAL HEALTH CORRIDOR

Mr. HOLDEN moved to suspend the rules and agree to the following resolution (H. Res. 317):

Whereas 34 percent of the $16,800,000,000 annual global animal health industry is based in the Kansas City region;

Whereas more than 120 companies involved in the animal health industry are located in Kansas and Missouri, including 4 of the 10 largest global animal health companies and 1 of the 5 largest animal nutrition companies;

Whereas several leading veterinary colleges and animal research centers are located in Kansas and Missouri, including the College of Veterinary Medicine and the $54,000,000 Biosecurity Research Institute of Kansas State University and the College of Veterinary Medicine, the College of Agriculture, Food and Natural Resources' Division of Animal Sciences, the $60,000,000 Life Sciences Center, the National Swine Resource and Research Center, and the Research Animal Diagnostic Laboratory of the University of Missouri;

Whereas Kansas City, Missouri, is centrally located in the United States and is close to many of the food animal end customers;

Whereas the Department of Homeland Security selected Manhattan, Kansas, as the future location for the National Bio and Agro-defense Facility (NBAF);

Whereas the $750,000,000 NBAF project will provide area economic development opportunities by employing 300 people, with an annual payroll of up to $30,000,000 and over 1,500 construction jobs;

Whereas NBAF enhances Kansas' leadership role in the Nation as the animal health research and biosciences center for the United States;

Whereas more than 45 percent of the fed cattle in the United States, 40 percent of the hogs produced, and 20 percent of the beef cows and calves are located within 350 miles of Kansas City;

Whereas there are nationally recognized publishers in the animal health industry located in Kansas and Missouri;

Whereas Kansas and Missouri have historic roots in the livestock industry, including the cattle drives in the 1860s from Texas to the westward railhead in Sedalia, Missouri;

Whereas Kansas and Missouri are home to many prominent national and international associations within the animal health industry; and

Whereas retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for Kansas and Missouri: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the region from Manhattan, Kansas, to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the ''Kansas City Animal Health Corridor'';

(2) recognizes the Kansas City Animal Health Corridor as the national center of the animal health industry based on the unmatched concentration of animal health and nutrition businesses and educational and research assets; and

(3) expresses its commitment to establishing a favorable business environment and supporting animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the Kansas City Animal Health Corridor.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. HOLDEN and Mr. MORAN of Kansas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DINGELL objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶109.11 FOREST SERVICE EXPERIMENTAL FORESTS AND RANGES

Mr. HOLDEN moved to suspend the rules and agree to the following resolution (H. Con. Res. 95):

Whereas the general provisions of the Act of June 4, 1897 (commonly known as the Organic Administration Act of 1897; 16 U.S.C. 551) and section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) authorize the Secretary of Agriculture to designate experimental forests and ranges;

Whereas, in 2008, the Department of Agriculture celebrated the 100th anniversary of the establishment of the first experimental forest at Fort Valley, Arizona, which eventually led to the creation of 77 additional experimental forests and ranges within the National Forest System;

Whereas the network of experimental forests and ranges provides places for long-term science and management studies in major vegetation types of the 195 million acres of public land administered by the Forest Service;

Whereas research at these experimental forests and ranges has provided critical information to the public, such as recognition of acid rain based on long-term precipitation chemistry data at Hubbard Brook, New Hampshire, characterization of old-growth Douglas-fir forests and ecology of the northern spotted owl, which set the stage for conservation planning in the Pacific Northwest, improved understanding of the science of forest hydrology, which was derived from long-term studies in experimental forests, especially Coweeta, and the forest and rangeland management systems built from foundation studies at many experimental properties; and

Whereas experimental forests and ranges provide opportunities to study the resources of the United States, including knowledge of forest and stream ecosystems, long-term records of climate, forest dynamics, hydrology, and other ecosystem components, information about long-term field experiments and opportunities to participate in them, access to a cadre of knowledgeable scientists, and access to thousands of publications about natural resource management and ecosystem science: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the important contributions that the 77 experimental forests and ranges within the National Forest System have made in understanding and conserving the environment

and ensuring that natural resources in the United States remain a source of pride and enjoyment.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶109.12 VILLAGE OF CASEYVILLE, ILLINOIS EASEMENTS

Mr. HOLDEN moved to suspend the rules and pass the bill (H.R. 511) to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the village.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.13 MIAMI-DADE COUNTY LAND CONVEYANCE

Mr. HOLDEN moved to suspend the rules and pass the bill (H.R. 3175) to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.14 NATIONAL FOREST SYSTEM LAND CONVEYANCE

Mr. HOLDEN moved to suspend the rules and pass the bill (H.R. 940) to provide for the conveyance of National Forest System land in the State of Louisiana.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.15 UNITED STATES HARDWOODS INDUSTRY

Mr. HOLDEN moved to suspend the rules and agree to the following resolution (H. Res. 81):

Whereas hardwood trees grown in the United States are an abundant, sustainable, and legal resource, as documented by annually by the Forest Inventory and Analysis Program of the United States Forest Service;

Whereas, despite development pressure and cropland needs, Department of Agriculture data shows that the inventory of United States hardwood has more than doubled over the past 50 years;

Whereas the Department of Agriculture reports that annual United States hardwood growth exceeds hardwood removals by a significant margin of 1.9 to 1, and net annual growth has exceeded removals continuously since 1952;

Whereas the World Bank ranks the United States in the top 10 percent of all countries for government effectiveness, regulatory quality, and rule of law with respect to hardwood resources;

Whereas United States hardwoods have been awarded the highest conservation crop rating available under the Department of Agriculture Environmental Benefits Index;

Whereas United States hardwoods are net absorbers of carbon and are widely recognized to be critical to reducing the United States carbon footprint;

Whereas United States hardwoods are a valuable raw material which, when utilized properly, provide an incentive for landowners to maintain their land in a forested condition rather than clearing the land for development or other alternative land use;

Whereas United States hardwoods are a renewable resource and bio-based material;

Whereas United States hardwoods are recyclable, and hardwoods used in construction can often be restored and reused in later construction;

Whereas United States hardwoods are grown primarily in those States located along or east of the Mississippi River and in the Pacific Northwest, but, with a presence in every State, the hardwood industry is one of the major sources of economic activity and sustenance in many rural communities;

Whereas United States hardwoods are grown by thousands of small family landowners who may harvest trees only once or twice in a generation; and

Whereas United States hardwoods and the products derived from United States hardwoods are prized throughout the world as a superior and long-lasting building material: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that United States hardwoods are an abundant, sustainable, and legal resource under the United States rule of law; and

(2) urges that United States hardwoods and products derived from United States hardwoods should be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶109.16 PISGAH NATIONAL FOREST BOUNDARY ADJUSTMENT

Mr. HOLDEN moved to suspend the rules and pass the bill (H.R. 1002) to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.17 21ST CENTURY FHA HOUSING OF 2009

Mr. ADLER moved to suspend the rules and pass the bill (H.R. 3146) to

make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. ADLER and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.18 FHA MULTIFAMILY LOAN LIMIT ADJUSTMENT

Mr. ADLER moved to suspend the rules and pass the bill (H.R. 3527) to increase the maximum mortgage amount limitations under FHA mortgage insurance programs for multifamily housing with elevators and for extremely high-cost areas; as amended.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. ADLER and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.19 SECURITIES LAW TECHNICAL CORRECTIONS OF 2009

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 2947) to amend Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. MOORE of Kansas, and Mr. Gary G. MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.20 MINORITY BUSINESS DEVELOPMENT AGENCY'S 40TH ANNIVERSARY

Mr. CARSON of Indiana, moved to suspend the rules and agree to the following resolution (H. Res. 215):

Whereas the success of minority businesses is a critical component of a robust economy in the United States;

Whereas minority businesses employ 4,700,000 people, benefit minority communities, and contribute to local, State, and national economies;

Whereas minority businesses are twice as likely to generate revenues through exports compared to nonminority businesses due to their language capabilities, cultural competencies, ancestral ties, and business agility;

Whereas in 1969, there were only 322,000 minority businesses with $11,000,000,000 in gross receipts and the number of minority businesses continues to grow, currently estimated at more than 4,000,000 with $661,000,000,000 in gross receipts;

Whereas minority groups represent 26.1 percent of the population, but own only 11.6 percent of the Nation's businesses and receive only 6.2 percent of total sales;

Whereas the Minority Business Development Agency was established by Executive Order 11458 on March 5, 1969;

Whereas the Minority Business Development Agency has operated for the last 40 years as the only Federal agency created specifically to serve minority entrepreneurs;

Whereas the Minority Business Development Agency operates a network of business development centers throughout the United States to assist with the start-up, expansion, and development of minority businesses;

Whereas the Minority Business Development Agency supports the Gulf Coast Recovery through its five centers located in Louisiana, Alabama, and Mississippi;

Whereas in fiscal year 2008, the Minority Business Development Agency assisted more than 25,000 minority businesses producing over $1,000,000,000 in contracts and over $1,100,000,000 in financial packages, which contributed in excess of 5,300 new jobs created for its clients;

Whereas since 1969, the Minority Business Development Agency has served more than 625,000 minority businesses and assisted in securing more than $25,000,000,000 in loans and bonding; and

Whereas the Minority Business Development Agency's long-term strategic direction is achieving entrepreneurial parity so that minority business enterprises are in proportion to the minority population: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Minority Business Development Agency on its 40th anniversary;

(2) commends the Minority Business Development Agency for its achievements in fostering the establishment and growth of minority businesses; and

(3) encourages the Minority Business Development Agency to continue its efforts to assist minority businesses as such enterprises continue to strengthen communities, create jobs, and contribute to the health of the economy in the United States.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. CARSON of Indiana, and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶109.21 SIG TARP SMALL BUSINESS AWARENESS OF 2009

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 3179) to amend the Emergency Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. MOORE of Kansas, and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.22 RECESS—3:41 P.M.

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 41 minutes p.m., subject to the call of the Chair.

¶109.23 AFTER RECESS—4:17 P.M.

The SPEAKER pro tempore, Mr. TIERNEY, called the House to order.

¶109.24 PRIVILEGES OF THE HOUSE

Mr. HOYER, pursuant to rule IX, rose to a question of the privileges of the

House and submitted the following resolution (H. Res. 744):

Whereas on September 9, 2009, during the joint session of Congress convened pursuant to House Concurrent Resolution 179, the President of the United States, speaking at the invitation of the House and Senate, had his remarks interrupted by the Representative from South Carolina, Mr. Wilson; and

Whereas the conduct of the Representative from South Carolina was a breach of decorum and degraded the proceedings of the joint session, to the discredit of the House: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the Representative from South Carolina, Mr. Wilson, during the joint session of Congress held on September 9, 2009.

The SPEAKER pro tempore, Mr. TIERNEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

When said resolution was considered.

After debate,

On motion of Mr. CLYBURN, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240; Nays ..... 179; Answered present 5

¶109.25 [Roll No. 699]

YEAS—240

Abercrombie
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hinchey
Hodes
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—5

Engel
Foster
Frank (MA)
Shea-Porter
Skelton

NOT VOTING—10

Ackerman
Barrett (SC)
Conaway
Hoekstra
Lynch
McHugh
Sestak
Tanner
Velázquez
Waters

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶109.26 H. RES. 317—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 317) recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TIERNEY, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 312; Nays ..... 108; Answered present 1

¶109.27 [Roll No. 700]

YEAS—312

Abercrombie
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Bachmann
Baird
Baldwin
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Giffords
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McDermott
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Olver
Pallone
Pascrell
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rangel
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—108

Aderholt
Altmire
Baca
Bachus
Barrow
Barton (TX)
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Brady (TX)
Broun (GA)
Burgess
Buyer
Camp
Carter
Chaffetz
Coble
Coffman (CO)
Courtney
Crowley
Cuellar
Culberson
Cummings
Deal (GA)
DeLauro
Dingell
Doggett
Doyle
Edwards (TX)
Ehlers
Flake
Fortenberry
Franks (AZ)
Fudge
Gingrey (GA)
Gohmert
Gonzalez
Granger
Green, Gene
Hall (TX)
Halvorson
Harper
Hensarling
Hinojosa
Honda
Issa
Johnson, E. B.
Johnson, Sam
King (IA)
King (NY)
Kingston
Lamborn
Latham
Lee (NY)
Lewis (GA)
Linder
Lummis
Lungren, Daniel E.
Marchant
Marshall
McCaul
McCotter
McGovern
McMahon
Miller (MI)
Murphy (CT)
Murphy, Patrick
Napolitano
Neugebauer
Nunes
Olson
Ortiz
Pastor (AZ)
Paul
Perriello
Petri
Poe (TX)
Price (GA)
Radanovich
Rahall
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rooney
Ryan (WI)
Schauer
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sires
Smith (TX)
Space
Stearns
Stupak
Taylor
Teague
Thompson (MS)
Thornberry
Upton
Waxman
Weiner
Westmoreland
Whitfield
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—12

Ackerman
Barrett (SC)
Conaway
Grijalva
Hoekstra
Lynch
McHugh
Meeks (NY)
Sestak
Tanner
Velázquez
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶109.28 H.R. 22—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 22) to amend chapter of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 32

¶109.29 [Roll No. 701]

YEAS—388

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—32

Akin
Bartlett
Barton (TX)
Boehner
Brady (TX)
Broun (GA)
Culberson
Duncan
Flake
Franks (AZ)
Heller
Hensarling
Johnson, Sam
Kingston
Lamborn
Mack
Marchant
McClintock

Neugebauer
Paul
Pence
Poe (TX)
Price (GA)
Roskam
Royce
Ryan (WI)
Scalise
Shadegg
Sullivan
Wamp
Whitfield
Wilson (SC)

NOT VOTING—13

Ackerman
Barrett (SC)
Conaway
Grijalva
Hoekstra
Larson (CT)
Lynch
McHugh
Meeks (NY)
Minnick
Sestak
Tanner
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 5, United States Code, to reduce the amount that the United States Postal Service is required to pay into the Postal Service Retiree Health Benefits Fund by the end of fiscal year 2009.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.30 H.R. 3137—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3137) to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶109.31 [Roll No. 702]

YEAS—414

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Barrett (SC)
Berman
Blumenauer
Boustany
Clarke
Conaway
Grijalva
Hoekstra
Klein (FL)
Lynch
McHugh
Meeks (NY)
Rooney
Sestak
Shuster
Tanner
Wamp
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶109.32 PROVIDING FOR CONSIDERATION OF H.R. 3246

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–255) the resolution (H. Res. 745) providing for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy.

When said resolution and report were referred to the House Calendar and ordered printed.

¶109.33 PROVIDING FOR CONSIDERATION OF H.R. 3221

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–255) the resolution (H. Res. 746) providing for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

And then,

¶109.34 ADJOURNMENT

On motion of Mr. PERLMUTTER, at 7 o'clock and 26 minutes p.m., the House adjourned.

¶109.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on rules. House Resolution 745. Resolution providing for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. 111–255). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 746. Resolution providing for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes (Rept. 111–256). Referred to the House Calendar.

¶109.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG:

H.R. 3563. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Natural Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CONNOLLY of Virginia):

H.R. 3564. A bill to amend the Fair Labor Standards Act of 1938 to strengthen the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania:

H.R. 3565. A bill to suspend temporarily the duty on dry adhesive copolyamide pellets; to the Committee on Ways and Means.

By Mr. THOMPSON of Pennsylvania:

H.R. 3566. A bill to extend the temporary suspension of duty on Orgasol; to the Committee on Ways and Means.

By Mr. NADLER of New York (for himself, Ms. BALDWIN, Mr. POLIS of Colorado, Mr. CONYERS, Mr. ENGEL, Ms. KILROY, Ms. SPEIER, Ms. BERKLEY, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. QUIGLEY, Mr. ISRAEL, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. DEGETTE, Mr. STARK, Mr. WEXLER, Mr. WELCH, Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Mr. CAPUANO, Mr. WEINER, Mr. SERRANO, Mr. OLVER, Mr. BLUMENAUER, Mr. MARKEY of Massachusetts, Ms. NORTON, Mr. HODES, Mr. ACKERMAN, Ms. VELÁZQUEZ, Mr. ANDREWS, Mr. FATTAH, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. HINCHEY, Mr. HONDA, Mr. MCDERMOTT, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mrs. LOWEY, Ms. CLARKE, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. KUCINICH, Mr. PALLONE, Mr. HOLT, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. BECERRA, Mr. MORAN of Virginia, Mr. FILNER, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. MURPHY of Connecticut, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. HEINRICH, Mr. DELAHUNT, Mr. MCGOVERN, Mr. SHERMAN, Mr. SESTAK, Mr. BERMAN, Ms. SHEA-PORTER, Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Mr. KENNEDY, Mrs. DAVIS of California, Ms. PINGREE of Maine, Ms. HIRONO, Mr. TONKO, Ms. TSONGAS, Mr. JOHNSON of Georgia, Ms. MATSUI, Ms. HARMAN, Mrs. NAPOLITANO, Mr. TIERNEY, Mr. HIMES, Mr. COURTNEY, Mr. DOYLE, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. MEEKS of New York, Mr. RANGEL, Mr. MAFFEI, Ms. DELAURO, Ms. CASTOR of Florida, Ms. MCCOLLUM, and Mr. WU):

H.R. 3567. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3568. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Ways and Means.

By Mr. SCALISE:

H.R. 3569. A bill to provide a sunset date for all presidentially appointed czars, to require Senate confirmation of those positions, and to provide that appropriated funds may not be used to pay for any salaries and expenses associated with those positions; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. BOUCHER, Ms. WASSERMAN SCHULTZ, and Mr. JOHNSON of Georgia):

H.R. 3570. A bill to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; to the Committee on the Judiciary.

By Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. ISSA, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mrs. CAPITO, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES, Mr. HARPER, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of New York, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LEWIS of California, Mr. LINDER, Mr. LOBIONDO, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCARTHY of California, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL, Mr. PETRI, Mr. PLATTS, Mr. POSEY, Mr. PUTNAM, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROSKAM, Mr. ROYCE, Mr. SCALISE, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SOUDER, Mr. SULLIVAN, Mr. TERRY, Mr. TIBERI, Mr. TIAHRT, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, and Mrs. BIGGERT):

H.R. 3571. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote certain indicted organizations; to the Committee on Oversight and Government Reform.

By Mr. ALEXANDER:

H.R. 3572. A bill to provide a cost-of-living increase for Social Security benefits for 2010 of 2.9 percent; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 3573. A bill to amend the Internal Revenue Code of 1986 to prevent a change in residency as a result of extended official duty in the uniformed services, Foreign Service, or intelligence community from triggering the repayment provisions of the first time homebuyer credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HIGGINS:

H.R. 3574. A bill to amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives; to the Committee on House Administration.

By Mr. PERRIELLO:

H.R. 3575. A bill to amend title 38, United States Code, to provide for an increase in the maximum amount of veterans' mortgage life insurance available under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 3576. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. RODRIGUEZ (for himself, Mr. FILNER, Mr. HALL of New York, and Mr. TEAGUE):

H.R. 3577. A bill to amend title 38, United State Code, to provide authority for certain members of the Armed Forces who have served 20 years on active duty to transfer entitlement to Post-9/11 Educational Assistance to their dependents; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. PLATTS, and Mr. WALZ):

H.R. 3578. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Education and Labor.

By Mrs. BLACKBURN (for herself, Mrs. LUMMIS, Ms. FOXX, Mr. WOLF, Mr. SMITH of New Jersey, Mr. COBLE, Mr. STEARNS, Ms. FALLIN, Mr. SCHOCK, Mrs. SCHMIDT, Mr. GUTHRIE, Mr. INGLIS, Mr. POE of Texas, Mr. REHBERG, Mr. TIAHRT, Mr. WAMP, Mrs. CAPITO, Mr. PENCE, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mrs. BIGGERT, Mr. RYAN of Wisconsin, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mrs. MYRICK, Mr. ROE of Tennessee, Mr. SCALISE, Mr. DANIEL E. LUNGREN of California, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. PAUL, Mr. ADERHOLT, Ms. JENKINS, Mr. OLSON, Mr. CASSIDY, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. ROONEY, Mr. SOUDER, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KLINE of Minnesota, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Mr. CHAFFETZ, Mr. DUNCAN, Mr. COLE, Mr. MCHENRY, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. LATTA, Mr. GOHMERT, Mr. BILBRAY, Mr. TERRY, Mr. JORDAN of Ohio, Mr. HELLER, Mr. MCCARTHY of California, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. GARY G. MILLER of California, Ms. GRANGER, Mr. HENSARLING, Mr. LOBIONDO, Mr. NUNES, Mrs. EMERSON, Mr. BRADY of Texas, Mr. AUSTRIA, Mrs. BACHMANN, Mr. CULBERSON, Mr. ROGERS of Michigan, Mr. UPTON, Mr. SULLIVAN, Mr. WALDEN, Mr. MCCAUL, Mr. SHADEGG, Mr. CARTER, Mr. THORNBERRY, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. LINDER, Mr. PITTS, Mr. LAMBORN, Mr. SHIMKUS, Mr. AKIN, Mr. BROUN of Georgia, Mr. KINGSTON, Mr. MCCLINTOCK, Mr. ROGERS of Alabama, Mr. MCKEON, Mr. YOUNG of Florida, Mr. BONNER, Mr. TURNER, and Mr. DAVIS of Kentucky):

H. Con. Res. 185. Concurrent resolution expressing the sense of Congress that the President should issue, and Congress should hold hearings on, a report and a certification regarding the responsibilities, authorities, and powers of his ''czars''; to the Committee on Oversight and Government Reform.

By Mr. HOYER:

H. Res. 744. A resolution raising a question of the privileges of the House; considered and agreed to.

By Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. MARSHALL, and Mr. TIAHRT):

H. Res. 747. A resolution congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009; to the Committee on Armed Services.

¶109.37 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

174. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 120 memorializing the Congress of the United States to make eradication of the fever tick in South Texas a priority and continue to provide appropriate funding and resources for this effort; to the Committee on Agriculture.

175. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 352 urging the United States Congress to enact H.R. 1633 of the 111th U.S. Congress, the ''Honor the Written Intent of our Soldier Heroes Act''; to the Committee on Armed Services.

176. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 22 urging the Congress of the United States to reopen consideration of this case to posthumosly award the Medal of Honor to World War I hero Marceliao Serna; to the Committee on Armed Services.

177. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 73 urging the United States Congress to maintain the Federal Family Education Loan Program and continue to refine and improve this crucial public-private partnership; to the Committee on Education and Labor.

178. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1330 memoralizing the Congress of the United States, to authorize the Silver Alert Grant Program; to the Committee on Energy and Commerce.

179. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 152 memorializing the Congress of the United States to support federally funded and stated-funded home and community-based services for individuals with disabilities of any age, especially elders; to the Committee on Energy and Commerce.

180. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 202 memorializing Congress to encourage the establishment of a research center in New Jersey dedicated to chronic neuroendocrine immune disorders; to the Committee on Energy and Commerce.

181. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 206 memorializing Congress to reauthorize the ''Ryan White HIV/AIDS Treatment Modernization Act of 2006''; to the Committee on Energy and Commerce.

182. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 147 memorializing the Congress of the United States to oppose offshore drilling for oil or natural gas and urging the President and Congress to support energy independence and renewable resources; to the Committee on Natural Resources.

183. Also, a memorial of the Legislature of the State of Texas, relative to House Joint Resolution 39 memorializing the Congress of the United States to post-ratify Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgement of the right to vote for failure to pay any poll tax or other tax; to the Committee on the Judiciary.

184. Also, a memorial of the Senate of the State of Oklahoma, relative to Senate Joint Resolution No. 11 memorializing the Congress of the United States to rescind applications by the Legislature to call a constitutional convention; to the Committee on the Judiciary.

185. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 38 urging the Congress of the United States to restore the presumption of a service connection for Agent Orange Exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam; to the Committee on Veterans' Affairs.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 86 urging the United States Congress to support the establishment of a veterans hospital in the Rio Grande Valley; to the Committee on Veterans' Affairs.

187. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 183 urging the United States Congress to reject the provisions of President Barack Obama's budget that would eliminate the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduction, and domestic production activities deduction and to encourage instead the development of Texas oil and natural gas; to the Committee on Ways and Means.

188. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 10 urging the Congress of the United States to provide emergency funding and resources to begin immediately addressing increasing delays at United States ports of entry on the Texas-Mexico border; to the Committee on Homeland Security.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 79 urging the United States Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grand; to the Committee on Homeland Security.

190. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 157 urging the Congress of the United States to support the development of onshore and offshore wind energy in New Jersey and to further support offshore wind energy development; jointly to the Committees on Natural Resources, Energy and Commerce, and Ways and Means.

¶109.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mrs. BONO Mack.
H.R. 39: Mr. COHEN.
H.R. 211: Mrs. HALVORSON.
H.R. 219: Mr. WITTMAN.
H.R. 303: Mr. PIERLUISI, Mr. CONNOLLY of Virginia, and Mr. BOSWELL.
H.R. 345: Mr. GERLACH.
H.R. 503: Mr. SESTAK.
H.R. 510: Mr. HODES, Mr. WESTMORELAND, and Mr. WU.
H.R. 537: Mr. SCHOCK.
H.R. 560: Mr. EDWARDS of Texas and Mr. ANDREWS.
H.R. 571: Ms. SCHAKOWSKY, Mr. KAGEN, and Ms. KILROY.
H.R. 697: Ms. HERSETH SANDLIN.
H.R. 745: Ms. SPEIER.
H.R. 811: Mr. BOSWELL.
H.R. 847: Mrs. CAPPS.
H.R. 927: Mr. TANNER.
H.R. 944: Mr. CONNOLLY of Virginia.
H.R. 953: Mr. GRAVES and Mr. LUJÁN.
H.R. 954: Mr. COHEN.
H.R. 1019: Mr. FLEMING.
H.R. 1054: Mr. MCCAUL, Mr. KIND, Mr. CARTER, and Mrs. BACHMANN.
H.R. 1055: Mr. MCCAUL.
H.R. 1067: Mr. SCHAUER and Mr. OBERSTAR.
H.R. 1074: Mr. DAVIS of Tennessee and Mr. CARNEY.
H.R. 1075: Mr. ROONEY.
H.R. 1086: Mr. HERGER.
H.R. 1101: Mr. ROTHMAN of New Jersey.
H.R. 1136: Mr. PAUL and Mr. CASSIDY.
H.R. 1142: Ms. SHEA-PORTER.
H.R. 1175: Mr. MURPHY of New York.
H.R. 1182: Mr. DAVIS of Kentucky, Mr. MILLER of Florida, Mr. KISSELL, Mr. PASTOR of Arizona, Mr. MICHAUD, Mr. ELLISON, Mr. GRIFFITH, and Ms. SCHAKOWSKY.
H.R. 1204: Mr. SCHAUER.
H.R. 1207: Mr. SCHRADER and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1210: Mr. ADERHOLT.
H.R. 1214: Mr. SCHAUER and Ms. BEAN.
H.R. 1215: Mr. ABERCROMBIE.
H.R. 1245: Mr. KAGEN and Mr. SOUDER.
H.R. 1255: Mr. HENSARLING.
H.R. 1274: Ms. SCHAKOWSKY.
H.R. 1324: Mr. POMEROY and Mr. RUPPERSBERGER.
H.R. 1326: Ms. KILROY.
H.R. 1362: Mr. LOBIONDO, Mr. MOORE of Kansas, Mr. HONDA, Mr. MANZULLO, and Mr. LATOURETTE.
H.R. 1430: Mr. WITTMAN.
H.R. 1458: Mr. ROTHMAN of New Jersey and Mr. LEWIS of California.
H.R. 1483: Mr. COHEN.
H.R. 1671: Mr. MCNERNEY and Mr. KILDEE.
H.R. 1744: Ms. WATSON and Mr. WEXLER.
H.R. 1751: Mr. WATT.
H.R. 1766: Mr. VAN HOLLEN, Mr. WEXLER, and Ms. ROS-LEHTINEN.
H.R. 1822: Mr. BROWN of South Carolina, Mr. JORDAN of Ohio, Mr. MORAN of Kansas, and Mr. MANZULLO.
H.R. 1835: Mrs. BIGGERT and Mr. CLAY.
H.R. 1925: Mr. DAVIS of Illinois, Mr. DOYLE, and Mr. WATT.
H.R. 1926: Mr. COHEN.
H.R. 2002: Ms. KOSMAS.
H.R. 2016: Mr. CONYERS.
H.R. 2084: Mr. TERRY.
H.R. 2129: Mr. ALTMIRE.
H.R. 2132: Mr. PASTOR of Arizona.
H.R. 2139: Mr. HEINRICH, Mr. SHIMKUS, and Mr. SERRANO.
H.R. 2214: Mr. DOGGETT and Mr. ABERCROMBIE.
H.R. 2251: Mr. RAHALL, Mr. EHLERS, Mr. BRALEY of Iowa, and Mr. TERRY.
H.R. 2298: Mr. BURTON of Indiana, Mrs. BACHMANN, and Mr. GRIJALVA.
H.R. 2329: Ms. EDWARDS of Maryland.
H.R. 2336: Mr. ROTHMAN of New Jersey.
H.R. 2339: Ms. PINGREE of Maine.
H.R. 2429: Mr. WELCH.
H.R. 2443: Ms. HERSETH SANDLIN, Mr. MICHAUD, Mr. KAGEN, and Mr. WELCH.
H.R. 2521: Ms. CHU.
H.R. 2546: Mr. BILBRAY, Mr. STUPAK, Mr. DAVIS of Kentucky, Ms. HARMAN, and Ms. TITUS.
H.R. 2547: Mr. BURTON of Indiana.
H.R. 2560: Mr. ROTHMAN of New Jersey.
H.R. 2713: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2720: Mr. TOWNS.
H.R. 2724: Mr. PASTOR of Arizona and Mr. COHEN.
H.R. 2740: Mr. COURTNEY.
H.R. 2766: Mr. CLAY.
H.R. 2807: Mr. MCMAHON, Mr. MOORE of Kansas, and Mr. HEINRICH.

H.R. 2811: Mr. MORAN of Virginia.
H.R. 2818: Mr. SESTAK.
H.R. 2819: Mr. HINCHEY.
H.R. 2835: Mr. SHERMAN.
H.R. 2866: Mr. LATOURETTE.
H.R. 2872: Mr. COURTNEY.
H.R. 2935: Mr. HASTINGS of Florida and Mr. HELLER.
H.R. 2964: Mr. LUETKEMEYER.
H.R. 3012: Mr. BISHOP of Georgia and Ms. CLARKE.
H.R. 3017: Ms. SUTTON and Ms. KILPATRICK of Michigan.
H.R. 3048: Mr. CONYERS and Mr. MCGOVERN.
H.R. 3070: Mr. SESTAK.
H.R. 3094: Mr. GRIJALVA.
H.R. 3116: Mr. BARRETT of South Carolina and Mr. CHILDERS.
H.R. 3179: Mr. SHERMAN.
H.R. 3238: Mr. AL GREEN of Texas, Mr. SESTAK, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. COURTNEY.
H.R. 3245: Mr. WATT.
H.R. 3250: Mr. CROWLEY, Mr. ISRAEL, and Mr. RANGEL.
H.R. 3266: Mr. WEXLER and Mr. HASTINGS of Florida.
H.R. 3286: Mr. GORDON of Tennessee, Ms. LEE of California, and Mr. BRALEY of Iowa.
H.R. 3308: Mr. WOLF.
H.R. 3321: Mr. SABLAN, Ms. EDWARDS of Maryland, Mr. BLUMENAUER, and Mr. MCGOVERN.
H.R. 3341: Mr. TURNER.
H.R. 3343: Mr. KUCINICH.
H.R. 3463: Mrs. SCHMIDT.
H.R. 3472: Mr. SCHAUER and Mr. PETERS.
H.R. 3498: Mr. ROGERS of Kentucky.
H.R. 3527: Mr. SHERMAN.
H.R. 3550: Ms. SCHAKOWSKY and Ms. HIRONO.
H.R. 3551: Ms. SCHAKOWSKY and Ms. HIRONO.
H. J. Res. 50: Mr. MANZULLO.
H. Con. Res. 42: Mr. DAVIS of Illinois.
H. Con. Res. 43: Mr. DAVIS of Illinois.
H. Con. Res. 157: Mr. TURNER.
H. Con. Res. 170: Mr. SOUDER and Mr. WOLF.
H. Con. Res. 178: Mr. BERMAN.
H. Con. Res. 181: Mr. EHLERS and Mrs. MILLER of Michigan.
H. Res. 164: Mr. PALLONE.
H.Res. 487: Mr. SULLIVAN and Mr. WHITFIELD.
H.Res. 494: Mr. HEINRICH.
H.Res. 598: Mr. SCHIFF and Mr. FILNER.
H.Res. 599: Mr. TIERNEY.
H.Res. 604: Mr. GOHMERT and Mr. MCCOTTER.
H.Res. 613: Mr. WELCH.
H.Res. 615: Mr. KIRK.
H.Res. 660: Mr. THOMPSON of Mississippi and Mr. CLAY.
H. Res. 666: Mr. CONYERS.
H. Res. 671: Mr. PAUL and Mr. FLAKE.
H. Res. 707: Mr. PETERSON.
H. Res. 725: Mr. MOORE of Kansas, Mr. Teague, Mr. REYES, Mr. COSTELLO, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. WALZ, Mr. POMEROY, Mr. SPRATT, Ms. MATSUI, Mr. BERRY, Mr. LEWIS of Georgia, Mr. MASSA, Mr. EDWARDS of Texas, Mr. SPACE, Mr. KIND, Mr. BAIRD, Mr. MORAN of Virginia, Mr. POLIS of Colorado, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. CUELLAR, Mr. ORTIZ, Mr. GRAYSON, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. BOSWELL, and Ms. MARKEY of Colorado.
H. Res. 727: Mr. EHLERS, Ms. EDWARDS of Maryland, Mr. SPRATT, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. MCCOTTER, and Ms. BORDALLO.
H. Res. 729: Mr. BILBRAY and Mr. MCCAUL.
H. Res. 734: Mr. HERGER, Mr. COFFMAN of Colorado, Mr. BOCCIERI, Mr. OLSON, Mr. SMITH of Nebraska, Mr. KING of Iowa, Mr. AKIN, Mr. MCHENRY, Mr. ROSKAM, Mr. GUTHRIE, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. REICHERT, Mr. RADANOVICH, Mr. CAMP, Mr. DAVIS of Kentucky, Mr. MCCOTTER, Mr. PITTS, Mr. WOLF, Ms. FALLIN, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. CARTER, Mr. PAULSEN, Mr. GOODLATTE, Mr. WHITFIELD, Mr. ADERHOLT, and Mr. FRANKS of Arizona.
H. Res. 736: Mr. SMITH of New Jersey.

¶109.39 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of the City of Miami, FL, relative to Resolution 09-0383 petitioning President Barak Obama and the United States Congress to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which eliminates the "Don't Ask, Don't Tell" policy; to the Committee on Armed Services.

67. Also, a petition of the City of Oakland Park, Florida, relative to Resolution No. R-2009-099 urging the President and the United States Congress to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which eliminates the "Don't Ask, Don't Tell" policy; to the Committee on Armed Services.

68. Also, a petition of California Democratic Party, relative to a Resolution petitioning the Congress of the United States to pass single-payer healthcare, or, at a minimum, pass a law that will include a provision ensuring that states maintain the ability to enact truly universal health care through a state-based, single-payer health plan; to the Committee on Energy and Commerce.

69. Also, a petition of Essex County Board of Supervisors, New York, relative to Resolution No. 244 urging the United States Congress to work with the Vermont Department of Transportation to fast track the repairs/renovations to the Crown Point Bridge and to request stimulus funding for these repairs/renovations; to the Committee on Transportation and Infrastructure.

¶109.40 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2480: Mr. LANCE.
H. Res. 648: Mr. JACKSON of Illinois.

WEDNESDAY, SEPTEMBER 16, 2009 (110)

¶110.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. LEE of California, who laid before the House the following communication:

WASHINGTON, DC,
September 16, 2009.

I hereby appoint the Honorable BARBARA LEE to act a Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶110.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. LEE of California, announced she had examined and approved the Journal of the proceedings of Tuesday, September 15, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶110.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3384. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Wetlands Reserve Program (RIN: 0578-AA47) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — 1,2-ethanediamine, N,N,N',N'-tetramethyl-, polymer with 1,1'-oxybis[2-chloroethane] Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2004-0285; FRL-8430-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8413-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Alkyl Alcohol Alkoxylates; Exemption from the Requirement of Tolerance [EPA-HQ-OPP-2009-0145; FRL-8430-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for Scranton/Wilkes-Barre 8-Hour Ozone Maintenance Area [EPA-R03-OAR-2009-0311; FRL-8441-6] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Bacillus thuringiensis Cry1A.105 protein; Time Limited Exemption from the Requirement of a Tolerance; Correction [EPA-HQ-OPP-2009-0101 FRL-8428-7] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Polyoxyethylene polyoxypropylene mono(di-sec-butylphenyl) ether; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0944; FRL-8429-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium Alyl Naphthalenesulfonate Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0099; FRL-8428-6] received 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0490; FRL-8428-5] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3393. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

3394. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's request that Congress enact the revisions to policy on Development and Procurement of Unmanned Systems; to the Committee on Armed Services.

3395. A letter from the Acting Assistant Secretary (Acquisition, Logistics and Technology), Department of the Army, transmitting the Department's Annual Status Report on the Disposal of Chemical Weapons and Materiel for FY 2008; to the Committee on Armed Services.

3396. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

3397. A letter from the Executive Vice President Global Government Affairs, Citi Bank, transmitting a report of Citi's Troubled Asset Relief Program (TARP) Progress Report titled ''What Citi is doing to Increase Lending, Help Keep People in their Homes and Help Create Jobs''; to the Committee on Financial Services.

3398. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act [Docket ID OCO-2008-0023] (RIN: 1557-AC89) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3399. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Japan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3400. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3401. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Department's final rule — Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590-AA04) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3402. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''Effective Emergency Management: Making Improvements for Communities and People with Disabilities''; to the Committee on Education and Labor.

3403. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy [Docket No.: FDA-2008-N-0163; Formerly Docket No. 2001N-0067] (RIN: 0910-AG21) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3404. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance to Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK54; Notice 1) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Certain Chemical Substances; Withdrawl of Significant New Use Rules [EPA-HQ-OPPT-2008-0252; FRL-8433-9] (RIN: 2070-AB27) received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Outer Continental Shelf Air Regulations, Consistency Update for California [OAR-2004-0091; FRL-8941-3] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3407. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Amine Salts of Alkyl (C8-C24) Benzenesulfonic Acid (Dimethylamniopropylamine, Isopropylamine, Mono-, Di-, and Triethanolamine); Exemption from the Requirement of a Tolerance (EPA-HQ-OPP-2008-0889; FRL-8430-2] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3408. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for the York-Adams Counties 8-hour Ozone Maintenance Area [EPA-R03-OAR-2008-0591; FRL-8941-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3409. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Department's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2009-0341; FRL-8941-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3410. A letter from the Program Analyst, OMD-FO, Federal Communications Commission, transmitting the Commission's final rule — Report and Order, In the Matter of Assessment of Regulatory Fees for Fiscal year 2009 [MD Docket No.: 09-65] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3411. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No. 07-172; FCC 09-59] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3412. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Industry Codes and Standards; Amended Requirements [NRC-2008-0663] (RIN:3150-AI53) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3413. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3414. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3415. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Cuba: Revisions to Gift Parcel and Baggage Restrictions, Creation of License Exception for Donated Consumer Communications Devices and Expansion of Licensing Policy Regarding Telecommunications [Docket No.: 090414648-9652-01] (RIN: 0694-AE60) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3416. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's renotification of the intention to obligate FY 2009 funds under the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

3417. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 020-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3418. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 077-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act Act; to the Committee on Foreign Affairs.

3419. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 076-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3420. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 083-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3421. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 054-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3422. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 085-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3423. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 082-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3424. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 090-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3425. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 068-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3426. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 065-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 056-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 084-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control; to the Committee on Foreign Affairs.

3429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-05-822, Notice of Proposed Transfer of Major Defense Equipment; to the Committee on Foreign Affairs.

3430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 078-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3431. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 098-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 080-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3433. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 050-09, certification of proposed issuance of an export license pursuant to section 3(d)(5) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3434. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the April 15-June 15, 2009 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

3435. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3436. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3437. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3438. A letter from the Director, Office of Personnel Management, transmitting the Office's annual report on the status of Telework in the Federal Government; to the Committee on Oversight and Government Reform.

3439. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of Whitefish Wild and Scenic River Hiawatha National Forest, as entered in the National Wild and Scenic Rivers System pursuant to Pub. L. 102-249, March 3, 1992; to the Committee on Natural Resources.

3440. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Golden Tilefish in the South Atlantic [Docket No.: 040205043-4043-01] (RIN:0648-XO54) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3441. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations-Modifications, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3442. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SATS No. UT-045-FOR; Docket ID No. OSM-2008-0011] received September 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3443. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Activation of Ice Protection [Docket No.: FAA-2007-27654; Amendment No. 25-129] (RIN: 2120-AI90) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3444. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Fire Protection [Docket No.: FAA-2007-28503; Amendment No. 33-29] (RIN: 2120-AJ04) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3445. A letter from the Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs (RIN: 2105-AD89) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3446. A letter from the Senior Trial Attorney, Federal Railroad Administration, transmitting the Department's final rule — Track Safety Standards; Continuous Welded Rail (CWR) [Docket No.: FRA-2008-0036] (RIN: 2130-AB90) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3447. A letter from the Commissioner, Social Security Administration, transmitting the Administration's request to redesignate the Federal building at 6401 Security Boulevard, in Baltimore, Maryland, known as the ''Operations Building'', as the ''Robert M. Ball Building''; to the Committee on Transportation and Infrastructure.

3448. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Department of Energy FY 2008 Methane Hydrate Program Report to Congress'', pursuant to Section 968 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting period and in methods of accounting received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3451. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Safe Harbor Explanation — Eligible Rollover Distributions received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3452. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2008 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

3453. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1849-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3454. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1850-DR for the State of Illinois; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3455. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1847-DR for the State of Missouri; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3456. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1848-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3457. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1845-DR for the State of Arkansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3458. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1843-DR for the State of Alaska; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

¶110.4 PROVIDING FOR CONSIDERATION OF H.R. 3221

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 746):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. LEE of California, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶110.5 PROVIDING FOR CONSIDERATION OF H.R. 3246

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 745):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. LEE of California, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶110.6 H. RES. 746—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the unfinished business to be the question of agreeing to said resolution (H. Res. 746) providing for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 179

¶110.7 [Roll No. 703]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Bishop (GA)
Bonner
Conyers
Culberson
DeGette
Higgins
McHugh
Sánchez, Linda T.
Schmidt
Sestak
Tanner
Wilson (OH)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶110.8 H. RES. 260—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 260) supporting efforts to reduce infant mortality in the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 415 / Nays ..... 0 }

¶110.9 [Roll No. 704]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Bishop (GA)
Bonner
Capps
Cardoza
Conyers
Costa
Culberson
Higgins
Lofgren, Zoe
McHugh
Neal (MA)
Price (GA)
Sánchez, Linda T.
Schmidt
Sestak
Stearns
Tanner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶110.10 VEHICLE TECHNOLOGIES

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to House Resolution 745 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy.

The SPEAKER pro tempore, Ms. BALDWIN, by unanimous consent, designated Mr. PIERLUISI as Chairman of the Committee of the Whole; and after some time spent therein,

¶110.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-255, submitted by Mr. HALL of Texas:

Page 6, line 8, strike ''$560,000,000'' and insert ''$550,000,000''.

Page 6, line 9, strike ''$570,000,000'' and insert ''$550,000,000''.

Page 6, line 10, strike ''$580,000,000'' and insert ''$550,000,000''.

Page 6, line 11, strike paragraph (5).

Page 6, line 17, strike ''$210,000,000'' and insert ''$200,000,000''.

Page 6, line 18, strike ''$220,000,000'' and insert ''$200,000,000''.

Page 6, line 19, strike ''$230,000,000'' and insert ''$200,000,000''.

Page 6, line 20, strike paragraph (5).

Page 7, line 2, strike paragraph (5).

It was decided in the negative ..... { Yeas ..... 179 / Nays ..... 253 }

¶110.12 [Roll No. 705]

AYES—179

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Bachmann
Bachus
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—253

Abercrombie
Ackerman
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Barrett (SC)
Capps
Gohmert
McHugh
Schmidt
Sestak
Tanner

So the amendment was not agreed to.

¶110.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 111-255, submitted by Mr. DONNELLY of Indiana:

Page 15, line 20, insert '', recreational,'' after ''heavy-duty commercial''.

Page 17, line 11, insert '', recreational,'' after ''heavy-duty commercial''.

It was decided in the affirmative ..... { Yeas ..... 369 / Nays ..... 62 }

¶110.14 [Roll No. 706]

AYES—369

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg

Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—62

Bartlett
Barton (TX)
Biggert
Bishop (UT)
Boehner
Boustany
Broun (GA)
Burgess
Cantor
Carter
Castle
Chaffetz
Coble
Conaway
Dent
Doggett
Flake
Fleming
Fortenberry
Foxx
Gallegly
Gohmert
Granger
Graves
Hall (TX)
Hastings (WA)
Heinrich
Heller
Hensarling
Inglis
Issa
Johnson, Sam
Kingston
Lamborn
Linder
Lummis
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Paul
Petri
Poe (TX)
Pomeroy
Radanovich
Rohrabacher
Rooney
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stark
Sullivan
Thornberry
Tiahrt
Tierney

NOT VOTING—8

Barrett (SC)
Capps
Clarke
Davis (IL)
McHugh
Schmidt
Sestak
Tanner

So the amendment was agreed to.

¶110.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 111-255, submitted by Mr. MASSA:

Page 11, lines 12 through 14, amend paragraph (4) to read as follows:

(4) give consideration to conversion of existing or former vehicle technology development or manufacturing facilities for the purposes of this Act, and support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities; and

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 14

¶110.16 [Roll No. 707]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—14

Blackburn
Boehner
Broun (GA)
Flake
Franks (AZ)
Johnson, Sam
King (IA)
Lummis
McClintock
Paul
Poe (TX)
Rooney
Ryan (WI)
Shadegg

NOT VOTING—9

Barrett (SC)
Burgess
Cantor
Capps
Mack
McHugh
Schmidt
Sestak
Tanner

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. SABLAN, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Advanced Vehicle Technology Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Energy Information Administration, the transportation sector accounts for approximately 28 percent of the United States primary energy demand and greenhouse gas emissions, and 24 percent of global oil demand.

(2) The United States transportation sector is over 95 percent dependent on petroleum, and over 60 percent of petroleum demand is met by imported supplies.

(3) United States heavy truck fuel consumption will increase 23 percent by 2030, while overall transportation energy use will decline by 1 percent.

(4) The domestic automotive and commercial vehicle manufacturing sectors have increasingly limited resources for research and development of advanced technologies.

(5) Vehicle, engine, and component manufacturers are playing a more important role in vehicle technology development, and should be better integrated into Federal research efforts.

(6) Priorities for the Department of Energy's vehicle technologies research have shifted drastically in recent years among diesel hybrids, hydrogen fuel cell vehicles, and plug-in electric hybrids, with little continuity among them.

(7) The integration of vehicle, communication, and infrastructure technologies has great potential for efficiency gains through better management of the total transportation system.

(8) The Federal Government should balance its role in researching longer-term exploratory concepts and developing nearer-term transformational technologies for vehicles.

SEC. 3. OBJECTIVES.

The objectives of this Act are to—

(1) develop technologies and practices that—

(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and

(B) reduce vehicle reliance on petroleum-based fuels;

(2) support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;

(3) enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;

(4) develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;

(5) allow for greater consumer choice of vehicle technologies and fuels;

(6) shorten technology development and integration cycles in the vehicle industry;

(7) ensure a proper balance and diversity of Federal investment in vehicle technologies; and

(8) strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application of vehicles and related technologies, including activities authorized under this Act:

(1) $550,000,000 for fiscal year 2010.

(2) $560,000,000 for fiscal year 2011.

(3) $570,000,000 for fiscal year 2012.

(4) $580,000,000 for fiscal year 2013.

(5) $590,000,000 for fiscal year 2014.

(b) MEDIUM AND HEAVY DUTY COMMERCIAL VEHICLES.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out title II—

(1) $200,000,000 for fiscal year 2010;

(2) $210,000,000 for fiscal year 2011;

(3) $220,000,000 for fiscal year 2012;

(4) $230,000,000 for fiscal year 2013; and

(5) $240,000,000 for fiscal year 2014.

(c) USER FACILITIES.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 104—

(1) $35,000,000 for fiscal year 2010;

(2) $30,000,000 for fiscal year 2011;

(3) $20,000,000 for fiscal year 2012;

(4) $15,000,000 for fiscal year 2013; and

(5) $15,000,000 for fiscal year 2014.

(d) NON-ROAD PILOT PROGRAM.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 204—

(1) $20,000,000 for fiscal year 2010;

(2) $20,000,000 for fiscal year 2011; and

(3) $20,000,000 for fiscal year 2012.

TITLE I—VEHICLE RESEARCH AND DEVELOPMENT

SEC. 101. PROGRAM.

(a) ACTIVITIES.—The Secretary shall conduct a program of basic and applied research, development, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce or eliminate petroleum use and the emissions of the Nation's passenger and commercial vehicles, including activities in the areas of—

(1) hybridization or full electrification of vehicle systems;

(2) batteries and other energy storage devices;

(3) power electronics;

(4) vehicle, component, and subsystem manufacturing technologies and processes;

(5) engine efficiency and combustion optimization;

(6) waste heat recovery;

(7) transmission and drivetrains;

(8) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;

(9) aerodynamics, rolling resistance, and accessory power loads of vehicles and associated equipment;

(10) vehicle weight reduction;

(11) friction and wear reduction;

(12) engine and component durability;

(13) innovative propulsion systems;

(14) advanced boosting systems;

(15) hydraulic hybrid technologies;

(16) engine compatibility with and optimization for a variety of transportation fuels including liquid and gaseous fuels;

(17) predictive engineering, modeling, and simulation of vehicle and transportation systems;

(18) refueling and charging infrastructure for alternative fueled and electric or plug-in electric hybrid vehicles, including the unique challenges facing rural areas;

(19) gaseous fuels storage system integration and optimization;

(20) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure;

(21) efficient use and recycling of rare earth materials, and reduction of precious metals and other high-cost materials in vehicles;

(22) aftertreatment technologies;

(23) thermal management of battery systems;

(24) retrofitting advanced vehicle technologies to existing vehicles;

(25) development of common standards, specifications, and architectures for both transportation and stationary battery applications; and

(26) other research areas as determined by the Secretary.

(b) TRANSFORMATIONAL TECHNOLOGY.—The Secretary shall ensure that the Department continues to support activities and maintains competency in mid- to long-term transformational vehicle technologies with potential to achieve deep reductions in petroleum use and emissions, including activities in the areas of—

(1) hydrogen vehicle technologies, including fuel cells, internal combustion engines, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;

(2) multiple battery chemistries and novel energy storage devices, including nonchemical batteries and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;

(3) communication and connectivity among vehicles, infrastructure, and the electrical grid; and

(4) other innovative technologies research and development, as determined by the Secretary.

(c) INDUSTRY PARTICIPATION.—To the maximum extent practicable, activities under this Act shall be carried out in partnership or collaboration with automotive manufacturers, heavy commercial and transit vehicle manufacturers, qualified plug-in electric vehicle manufacturers, vehicle and engine equipment and component manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, national laboratories, and independent research laboratories. In carrying out this Act the Secretary shall—

(1) determine whether a wide range of companies that manufacture or assemble vehicles or components in the United States are represented in ongoing public private partnership activities, including firms that have not traditionally participated in federally-sponsored research and development activities, and where possible, partner with such firms that conduct significant and relevant research and development activities in the United States;

(2) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade associations with expertise in the research and development of, and education and outreach activities in, advanced automotive and commercial vehicle technologies;

(3) develop more efficient processes for transferring research findings and technologies to industry;

(4) give consideration to conversion of existing or former vehicle technology development or manufacturing facilities for the purposes of this Act, and support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities; and

(5) promote efforts to ensure that technologies developed under this Act are produced in the United States.

(d) INTERAGENCY AND INTRAAGENCY COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate research, development, demonstration, and commercial application activities among—

(1) relevant programs within the Department, including—

(A) the Office of Energy Efficiency and Renewable Energy;

(B) the Office of Science;

(C) the Office of Electricity Delivery and Energy Reliability;

(D) the Office of Fossil Energy;

(E) the Advanced Research Projects Agency—Energy; and

(F) other offices as determined by the Secretary; and

(2) relevant technology research and development programs within other Federal agencies, as determined by the Secretary.

(e) COORDINATION AND NONDUPLICATION.—In coordinating activities the Secretary shall ensure, to the maximum extent practicable, that activities do not duplicate those of other programs within the Department or other relevant research agencies.

(f) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Secretary shall make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act.

(g) INTERGOVERNMENTAL COORDINATION.—The Secretary shall seek opportunities to leverage resources and support initiatives of State and local governments in developing and promoting advanced vehicle technologies, manufacturing, and infrastructure.

SEC. 102. SENSING AND COMMUNICATIONS TECHNOLOGIES.

The Secretary, in coordination with the relevant research programs of other Federal agencies, shall conduct research, development, and demonstration activities on connectivity of vehicle and transportation

systems, including on sensing, computation, communication, and actuation technologies that allow for reduced fuel use, optimized traffic flow, and vehicle electrification, including technologies for—

(1) onboard vehicle, engine, and component sensing and actuation;

(2) vehicle-to-vehicle sensing and communication;

(3) vehicle-to-infrastructure sensing and communication; and

(4) vehicle integration with the electrical grid.

SEC. 103. MANUFACTURING.

The Secretary shall carry out a research, development, demonstration, and commercial application program of advanced vehicle manufacturing technologies and practices, including innovative processes to—

(1) increase the production rate and decrease the cost of advanced battery manufacturing;

(2) vary the capability of individual manufacturing facilities to accommodate different battery chemistries and configurations;

(3) reduce waste streams, emissions, and energy-intensity of vehicle, engine, advanced battery and component manufacturing processes;

(4) recycle and remanufacture used batteries and other vehicle components for reuse in vehicles or stationary applications;

(5) produce cost-effective lightweight materials such as advanced metal alloys, polymeric composites, and carbon fiber;

(6) produce lightweight high pressure storage systems for gaseous fuels;

(7) design and manufacture purpose-built hydrogen and fuel cell vehicles and components;

(8) improve the calendar life and cycle life of advanced batteries; and

(9) produce permanent magnets for advanced vehicles.

SEC. 104. USER TESTING FACILITIES.

Activities under this Act may include construction, expansion, or modification of new and existing vehicle, engine, and component research and testing facilities for—

(1) testing or simulating interoperability of a variety of vehicle components and systems;

(2) subjecting whole or partial vehicle platforms to fully representative duty cycles and operating conditions;

(3) developing and demonstrating a range of chemistries and configurations for advanced vehicle battery manufacturing; and

(4) developing and demonstrating test cycles for new and alternative fuels, and other advanced vehicle technologies.

SEC. 105. REPORTING.

Not later than 18 months after the date of enactment of this Act and annually thereafter through 2015, the Secretary of Energy shall transmit to Congress a report regarding the technologies developed as a result of the activities authorized by this title, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether those technologies are manufactured in the United States.

SEC. 106. REPORTING.

At the end of each fiscal year the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this title, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

SEC. 107. INNOVATIVE AUTOMOTIVE DEMONSTRATION PROGRAM.

The Secretary shall establish an Innovative Automotive Demonstration Program, within the existing Vehicle Technologies Program, to encourage the introduction of new vehicles into the marketplace that are designed in their entirety to achieve very high energy efficiency but still provide the capabilities required by the American consumer. This program shall encourage introduction of new light duty vehicles into the marketplace capable of achieving energy efficiencies significantly greater than required under current and pending Federal Corporate Average Fuel Economy (CAFE) standards. This program shall also encourage the use of materials and manufacturing techniques that minimize environmental impacts. Awards under this section shall be made on a competitive basis for demonstration of vehicles that—

(1) carry at least four passengers;

(2) meet all Federal safety requirements;

(3) achieve at least 70 miles per gallon or the equivalent on the Environmental Protection Agency drive cycle;

(4) provide vehicle performance that is judged acceptable to the United States consumer;

(5) be affordable to the American consumer;

(6) use materials and manufacturing processes that minimize environmental impacts;

(7) meet all Federal and State emission requirements; and

(8) provide new high technology engineering and production employment opportunities.

TITLE II—MEDIUM AND HEAVY DUTY COMMERCIAL AND TRANSIT VEHICLES

SEC. 201. PROGRAM.

(a) IN GENERAL.—The Secretary, in partnership with relevant research and development programs in other Federal agencies, and a range of appropriate industry stakeholders, shall carry out a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial, recreational, and transit vehicles, including activities in the areas of—

(1) engine efficiency and combustion research;

(2) on board storage technologies for compressed and liquefied natural gas;

(3) development and integration of engine technologies designed for natural gas operation of a variety of vehicle platforms;

(4) waste heat recovery and conversion;

(5) improved aerodynamics and tire rolling resistance;

(6) energy and space-efficient emissions control systems;

(7) heavy hybrid, hybrid hydraulic, plug-in hybrid, and electric platforms, and energy storage technologies;

(8) drivetrain optimization;

(9) friction and wear reduction;

(10) engine idle and parasitic energy loss reduction;

(11) electrification of accessory loads;

(12) onboard sensing and communications technologies;

(13) advanced lightweighting materials and vehicle designs;

(14) increasing load capacity per vehicle;

(15) thermal management of battery systems;

(16) recharging infrastructure;

(17) complete vehicle modeling and simulation;

(18) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;

(19) retrofitting advanced technologies onto existing truck fleets; and

(20) integration of these and other advanced systems onto a single truck and trailer platform.

(b) LEADERSHIP.—The Secretary shall appoint a full-time Director to coordinate research, development, demonstration, and commercial application activities in medium- to heavy-duty commercial, recreational, and transit vehicle technologies. Responsibilities of the Director shall be to—

(1) improve coordination and develop consensus between government agency and industry partners, and propose new processes for program management and priority setting to better align activities and budgets among partners;

(2) regularly convene workshops, site visits, demonstrations, conferences, investor forums, and other events in which information and research findings are shared among program participants and interested stakeholders;

(3) develop a budget for the Department's activities with regard to the interagency program, and provide consultation and guidance on vehicle technology funding priorities across agencies;

(4) determine a process for reviewing program technical goals, targets, and timetables and, where applicable, aided by lifecycle impact and cost analysis, propose revisions or elimination based on program progress, available funding, and rate of technology adoption;

(5) evaluate ongoing activities of the program and recommend project modifications, including the termination of projects, where applicable;

(6) recruit new industry participants to the interagency program, including truck, trailer, and component manufacturers who have not traditionally participated in federally sponsored research and technology development activities; and

(7) other responsibilities as determined by the Secretary, in consultation with interagency and industry partners.

(c) REPORTING.—At the end of each fiscal year, the Secretary shall submit to the Congress an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

SEC. 202. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.

The Secretary shall conduct a competitive grant program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms with a goal of improving overall freight efficiency, as measured in tons and volume of freight hauled or other work performance-based metrics, by 50 percent, including a combination of technologies listed in section 201(a). Applicant teams may be comprised of truck and trailer manufacturers, engine and component manufacturers, fleet customers, university researchers, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

SEC. 203. TECHNOLOGY TESTING AND METRICS.

The Secretary, in coordination with the partners of the interagency research program described in section 201(a)—

(1) shall develop standard testing procedures and technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;

(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on miles per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and

(3) may construct heavy duty truck and bus testing facilities.

SEC. 204. NONROAD SYSTEMS PILOT PROGRAM.

The Secretary shall undertake a pilot program of research, development, demonstration, and commercial applications of technologies to improve total machine or system efficiency for nonroad mobile equipment including agricultural and construction equipment, and shall seek opportunities to transfer relevant research findings and technologies between the nonroad and on-highway equipment and vehicle sectors.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BROUN of Georgia, moved to recommit the bill to the Committee on Science and Technology with instructions to report the bill back to the House forthwith with the following amendment:

Page 7, after line 8, insert the following new subsection:

(e) LIMITATION.—Notwithstanding subsections (a) through (d), this section shall take effect in the first fiscal year—

(1) with respect to which no other funding is authorized by law for the Department of Energy vehicle technologies research, development, demonstration, and commercial application purposes of this Act; and

(2) that follows any fiscal year in which the actual annual Federal budget deficit did not exceed $500,000,000,000.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. BROUN of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 180 / Nays 245

¶110.17 [Roll No. 708]

AYES—180

Aderholt
Adler (NJ)
Akin
Alexander
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—245

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC)
Capps
Clyburn
Ellison
McHugh
Schmidt
Sestak
Tanner

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 312 / Nays 114

¶110.18 [Roll No. 709]

YEAS—312

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)

Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—114

Akin
Alexander
Bachmann
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Poe (TX)
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Walden
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—7

Barrett (SC)
Barton (TX)
Capps
Chandler
McHugh
Sestak
Tanner

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶110.19 WESLEY ''WES'' WATKINS

Mr. ELLSWORTH moved to suspend the rules and pass the bill (H.R. 1713) to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

The SPEAKER pro tempore, Ms. CLARKE, recognized Mr. ELLSWORTH and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶110.20 STUDENT AID AND FISCAL RESPONSIBILITY

The SPEAKER pro tempore, Ms. CLARKE, pursuant to House Resolution 746 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore, Ms. CLARKE, by unanimous consent, designated Ms. JACKSON-LEE of Texas, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. ANDREWS, assumed the Chair.

When Mr. KISSELL, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶110.21 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1243. An Act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

¶110.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today until 2 p.m.; and

To Mr. MCHUGH, for today.

And then,

¶110.23 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 7 minutes p.m., the House adjourned.

¶110.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2423. A bill to designate the Federal building and United States courthouse located at 1300 victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'', and to designate the jury room in that Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room''; with amendments (Rept. 111–257). Referred to the House Calendar.

¶110.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3579. A bill to amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING of Iowa (for himself, Mr. BILBRAY, Mrs. BLACKBURN, Mr. CULBERSON, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. PITTS, Mr. GARY G. MILLER of California, Mr. LATTA, Mrs. MYRICK, Mr. BRADY of Texas, Mr. LINDER, Mr. FRANKS of Arizona, Mr. POE of Texas, Ms. FOXX, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WAMP, and Mr. ROYCE):

H.R. 3580. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. CARNEY, and Mr. GARY G. MILLER of California):

H.R. 3581. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself, Mr. MARCHANT, Ms. FOXX, Mr. HERGER, Ms. FALLIN, Mr. BARTLETT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. AUSTRIA, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. SHADEGG, Mr. GOHMERT, Mr. CULBERSON, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, and Mr. ALEXANDER):

H.R. 3582. A bill to make organizations which have been indicted for violations of Federal or State law relating to elections for public office ineligible to participate in the

Planning Partnership Program for the 2010 census of population, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 3583. A bill to provide for a subsidy to sellers and buyers of fish directly delivered to American Samoa from vessels with United States fisheries endorsements that manufacture for the United States; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3584. A bill to amend the Public Health Service Act to require reinstatement upon payment of all premiums due of group or individual health insurance coverage terminated by reason of nonpayment of premiums; to the Committee on Energy and Commerce.

By Ms. GIFFORDS:

H.R. 3585. A bill to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; to the Committee on Science and Technology.

By Mr. KIND (for himself and Mr. BLUMENAUER):

H.R. 3586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. BLUMENAUER, Mr. HARE, Mr. KILDEE, Ms. DEGETTE, Mr. SPRATT, Mr. COURTNEY, Mr. GUTIERREZ, and Mr. LEWIS of Georgia):

H.R. 3587. A bill to amend the Food and Nutrition Act of 2008 to reduce the interval for the issuance of benefits; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3588. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisals for certain disclosures; to the Committee on Armed Services.

By Mr. WELCH (for himself, Mr. PITTS, Mr. MICHAUD, and Mr. MCMAHON):

H.R. 3589. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mrs. CHRISTENSEN):

H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Oversight and Government Reform.

¶110.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 330: Mr. BLUMENAUER and Mr. WATT.
H.R. 438: Mr. BILBRAY and Mr. PITTS.
H.R. 456: Mr. GUTHRIE.
H.R. 502: Ms. GRANGER.
H.R. 571: Mr. FILNER and Mr. PLATTS.
H.R. 616: Mr. COLE.
H.R. 621: Mr. AUSTRIA, Mr. CARNAHAN, Mr. HERGER, and Mr. MEEK of Florida.
H.R. 624: Mr. TOWNS.
H.R. 645: Mr. COHEN.
H.R. 847: Ms. CASTOR of Florida, Mr. SARBANES, and Mr. TIM MURPHY of Pennsylvania.
H.R. 930: Mr. TAYLOR, Ms. ROYBAL-ALLARD, and Mr. HUNTER.
H.R. 980: Mrs. DAVIS of California and Mr. LOBIONDO.
H.R. 988: Mr. CONNOLLY of Virginia and Mr. LARSEN of Washington.
H.R. 997: Mr. CAMP.
H.R. 1118: Ms. GRANGER.
H.R. 1204: Mr. SMITH of New Jersey.
H.R. 1215: Mr. SABLAN.
H.R. 1237: Mr. CONYERS.
H.R. 1245: Mr. SENSENBRENNER and Mr. SESSIONS.
H.R. 1407: Mr. BOUCHER and Mr. COHEN.
H.R. 1458: Mr. STUPAK.
H.R. 1547: Mr. SHULER, Mr. PENCE, and Mr. DAVIS of Tennessee.
H.R. 1570: Mr. HINCHEY.
H.R. 1583: Ms. SLAUGHTER and Mr. MASSA.
H.R. 1590: Mr. KIRK, Mrs. MCCARTHY of New York, Mr. KLEIN of Florida, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. ENGEL, Mr. HALL of New York, and Mr. FILNER.
H.R. 1646: Mr. TERRY and Mr. SCHOCK.
H.R. 1677: Mr. WHITFIELD, Ms. CORRINE BROWN of Florida, and Mrs. BONO MACK.
H.R. 1700: Mr. STARK and Mr. CONNOLLY of Virginia.
H.R. 1826: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1831: Mr. MARSHALL, Mr. LATOURETTE, Mr. BONNER, Mr. SMITH of New Jersey, Mr. MOORE of Kansas, Ms. SLAUGHTER, and Mr. ROGERS of Alabama.
H.R. 1846: Mr. TEAGUE.
H.R. 1880: Mr. CLAY.
H.R. 1908: Mr. LATTA and Mr. WHITFIELD.
H.R. 1924: Mr. LARSEN of Washington.
H.R. 1990: Ms. FALLIN.
H.R. 2000: Mr. WEXLER.
H.R. 2016: Mr. DOYLE.
H.R. 2021: Mr. OLSON.
H.R. 2138: Mr. RODRIGUEZ.
H.R. 2161: Mr. CONNOLLY of Virginia.
H.R. 2214: Mr. COHEN.
H.R. 2223: Mr. CUMMINGS.
H.R. 2254: Mr. RYAN of Ohio, Mr. TAYLOR, Mr. GUTHRIE, Mr. ELLISON, and Mr. WALZ.
H.R. 2261: Mr. WU.
H.R. 2266: Ms. WOOLSEY.
H.R. 2267: Ms. WOOLSEY.
H.R. 2269: Mr. FRANK of Massachusetts.
H.R. 2324: Mr. WAXMAN.
H.R. 2404: Mr. PRICE of North Carolina.
H.R. 2452: Mr. LANCE, Ms. KOSMAS, Mr. CARDOZA, Mrs. LOWEY, Mr. WEXLER, and Mr. BARTLETT.
H.R. 2455: Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. PAYNE, Mr. CUMMINGS, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. SERRANO, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2480: Ms. SPEIER.
H.R. 2521: Mr. BERMAN.
H.R. 2555: Ms. LORETTA SANCHEZ of California.
H.R. 2567: Mr. DOYLE.
H.R. 2575: Mr. WAMP and Mrs. MCCARTHY of New York.
H.R. 2628: Ms. TSONGAS.
H.R. 2698: Mr. BARTLETT.
H.R. 2699: Mr. BARTLETT.
H.R. 2733: Mr. POSEY.
H.R. 2743: Mr. CAMP.
H.R. 2753: Mr. HARPER, Mr. MORAN of Kansas, and Mr. LUETKEMEYER.
H.R. 2756: Mr. KAGEN.
H.R. 2766: Mr. PRICE of North Carolina and Ms. MOORE of Wisconsin.
H.R. 2773: Mr. NADLER of New York, Mr. CONNOLLY of Virginia, Ms. SCHWARTZ, Mr. HONDA, and Mr. BRIGHT.
H.R. 2866: Ms. KOSMAS and Ms. WOOLSEY.
H.R. 2935: Mr. CAMPBELL, Mr. SESTAK, and Ms. WASSERMAN SCHULTZ.
H.R. 2995: Mr. CARSON of Indiana.
H.R. 3075: Mr. GRAYSON.
H.R. 3078: Mr. SPACE.
H.R. 3116: Mr. HARE, Mr. MCINTYRE, and Ms. KAPTUR.
H.R. 3173: Mr. CAMP.
H.R. 3226: Mr. JONES, Mr. WITTMAN, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. TURNER.
H.R. 3238: Mr. LANGEVIN.
H.R. 3245: Mr. STARK.
H.R. 3250: Mr. NADLER of New York, Mr. MEEKS of New York, Mr. TONKO, and Mr. MAFFEI.
H.R. 3284: Ms. CHU, Mr. HOLT, and Mr. MCMAHON.
H.R. 3286: Mr. SCOTT of Georgia, Mr. CLAY, and Mr. KLEIN of Florida.
H.R. 3295: Mr. POLIS of Colorado.
H.R. 3310: Mr. KINGSTON and Mr. GOHMERT.
H.R. 3328: Ms. LEE of California.
H.R. 3381: Mr. MICHAUD.
H.R. 3382: Mr. SCHRADER.
H.R. 3404: Mr. COSTA, Mr. RYAN of Ohio, and Mr. KUCINICH.
H.R. 3407: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MCCOTTER.
H.R. 3415: Mr. SHIMKUS.
H.R. 3421: Mr. COHEN.
H.R. 3439: Ms. ZOE LOFGREN of California.
H.R. 3468: Mr. KIRK, Mr. TIBERI, Mr. LANCE, and Mr. PLATTS.
H.R. 3472: Ms. SCHWARTZ and Mr. TONKO.
H.R. 3488: Mr. COURTNEY.
H.R. 3508: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHENRY, Mr. LATTA, Mr. BARTLETT, Mrs. BLACKBURN, and Mr. PAUL.
H.R. 3524: Mr. PUTNAM, Mr. COSTA, and Mr. CARDOZA.
H.R. 3535: Mr. COHEN and Mr. BRADY of Pennsylvania.
H.R. 3536: Mr. RUPPERSBERGER, Mr. SCHAUER, and Mr. LEWIS of Georgia.
H.R. 3548: Mr. PETERS, Mr. NADLER of New York, Mr. CAPUANO, Mr. FARR, Mr. DOYLE, Mr. KUCINICH, Mr. VAN HOLLEN, Mr. WU, Mr. LEWIS of Georgia, Mr. DELAHUNT, and Mr. COSTA.
H.R. 3549: Ms. KILROY and Mr. PAYNE.
H.R. 3551: Ms. KAPTUR.
H.R. 3554: Mr. ALTMIRE and Mr. LOBIONDO.
H.R. 3569: Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. OLSON, Mr. SMITH of Texas, Mr. LAMBORN, Mr. GOHMERT, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. NEUGEBAUER, Mrs. LUMMIS, Mr. AKIN, Mr. AUSTRIA, Mrs. BONO MACK, and Mr. MARCHANT.
H.R. 3571: Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. YOUNG of Alaska, Mr. KING of Iowa, Mr. ROONEY, Mr. STEARNS, Mr. KIRK, Mr. ROGERS of Michigan, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. HUNTER, Mr. AUSTRIA, Mr. CASSIDY, Mr. BURGESS, Mr. CAMPBELL, Mr. COBLE, Mr. CRENSHAW, Mr. FLAKE, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. POE of Texas, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, and Mr. PRICE of Georgia.
H.J. Res. 21: Mr. MANZULLO.
H.J. Res. 61: Mr. SMITH of Washington.
H. Con. Res. 98: Ms. MATSUI.
H. Con. Res. 129: Mr. ORTIZ, Mr. BRIGHT, Mr. ELLSWORTH, Mr. SNYDER, Mr. AKIN, and Mr. CULBERSON.
H. Con. Res. 144: Mr. MCDERMOTT, Mr. BUTTERFIELD, Mr. PLATTS, Mr. BOOZMAN, and Mr. INSLEE.
H. Con. Res. 149: Mr. CHAFFETZ.
H. Con. Res. 170: Mrs. EMERSON.
H. Con. Res. 181: Mr. HIGGINS.
H. Con. Res. 185: Mr. SMITH of Texas, Mr. LEE of New York, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. FLAKE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHUSTER, Mr. SIMPSON, and Mrs. BONO MACK.

H. Res. 90: Mr. PASCRELL.

H. Res. 159: Mr. NADLER of New York, Mr. CHILDERS, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Mr. FOSTER, Ms. SPEIER, and Mr. MAFFEI.

H. Res. 167: Mr. PALLONE and Mr. SESTAK.

H. Res. 255: Mr. BILBRAY.

H. Res. 395: Mr. REICHERT.

H. Res. 569: Mr. LEWIS of Georgia and Mr. MCDERMOTT.

H. Res. 599: Mr. NEAL of Massachusetts.

H. Res. 611: Mr. LATHAM, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SESTAK.

H. Res. 615: Mr. RADANOVICH.

H. Res. 692: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HALL of New York, Mr. CLAY, Mr. YARMUTH, Mr. MOORE of Kansas, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. LOEBSACK, Mr. ADLER of New Jersey, Mr. MURPHY of Connecticut, Ms. KOSMAS, Ms. DEGETTE, Mr. ACKERMAN, Mr. BOCCIERI, Mr. WEINER, Mr. SCHAUER, Ms. DELAURO, Mr. HILL, Mr. HEINRICH, Mr. MARSHALL, Mr. JORDAN of Ohio, Mr. SHIMKUS, and Mr. KING of New York.

H. Res. 693: Mr. CAPUANO, Mr. PASCRELL, Mr. CARNEY, Mr. SHUSTER, Mr. KANJORSKI, Mr. DOYLE, Mr. THOMPSON of Pennsylvania, Ms. NORTON, Mr. ALTMIRE, Mr. CONYERS, Mr. SHULER, Mr. BACA, Mr. REYES, Ms. MARKEY of Colorado, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. PLATTS, Mr. SOUDER, Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. RAHALL, Mr. MURTHA, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. MORAN of Virginia, Mr. HONDA, Mr. WEINER, Mr. ADLER of New Jersey, and Mrs. MCCARTHY of New York.

H. Res. 701: Mr. CONNOLLY of Virginia.

H. Res. 704: Ms. MCCOLLUM and Mr. JOHNSON of Georgia.

H. Res. 716: Mr. FOSTER.

H. Res. 717: Mr. COHEN, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. LOEBSACK, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. BUTTERFIELD, and Mr. MCDERMOTT.

H. Res. 721: Mr. OLSON, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.

H. Res. 725: Mr. HALL of New York, Mr. DONNELLY of Indiana, Mr. BARROW, and Mr. SIRES.

H. Res. 727: Mr. MEEKS of New York and Mr. LATHAM.

H. Res. 729: Ms. NORTON and Mr. ROGERS of Alabama.

H. Res. 733: Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. PENCE, Mrs. BLACKBURN, and Mr. CULBERSON.

H. Res. 735: Mr. SENSENBRENNER.

H. Res. 736: Mr. DAVIS of Illinois and Mr. RUSH.

¶110.27 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3251: Ms. FALLIN.

H. Res. 648: Mr. WESTMORELAND.

THURSDAY, SEPTEMBER 17, 2009 (111)

The House was called to order by the SPEAKER.

¶111.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, September 16, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶111.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3459. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-32) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3460. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-43) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3461. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-40) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3462. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-25) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3463. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Trans. No. DDTC 66-09) of a proposed sale or export of defense articles to a Middle East country, pursuant to Sec. 201 of P.L. 110-429; to the Committee on Foreign Affairs.

3464. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting report pursuant to Section 36(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM220 to Brooks Bridge, Fort Walton Beach, FL [COTP Mobile-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-025] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Super Boat Grand Prix, Marathon, FL [COTP Key West 07-015] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Spiegel Grove Dive Site, Atlantic Ocean off Key Largo, FL [COTP Key West 07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Off the Coast of Vandenberg Air Force Base, Pacific Ocean, CA [COTP LA-LB 07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 239/76 to the Vincent Thomas Bridge, Port of Los Angeles, CA [COTP LA-LB 07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 520 to 303 [COTP Lower Mississippi River-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 422, Vicksburg, MS [COTP Lower Mississippi River-07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 364 to Mile Marker 362, Natchez, MS [COTP Lower Mississippi River-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 409.5, Vicksburg, MS [COTP Lower Mississippi River-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 438.0 to 303.0 [COTP Lower Mississippi River-07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Columbia Drawbridge, Mile 110.2 Ouachita-Black Waterway [COTP Lower Mississippi River-07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 649.5 to 650.5, Westover Bend [COPT Lower Mississippi River-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neptune Florida Yacht Club Blessing of the Fleet, Intracoastal Waterway, Lummus Island Cut, Government Cut, and Meloy Channel, Miami, FL [COTP MIAMI 07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Point O'Woods Fire Company Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-087] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-0-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-07-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Stars Over the Bay Fireworks, Bellport, NY [CGD01-07-081] (RIN: 125-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Portland, Maine, Gulf Blasting Project [CGD01-07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Cape Fear River, New Hanover County, Wilmington, North Carolina [CGD05-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jupiter Island Club Fireworks Display, Hobe Sound, Florida [COTP Miani 07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Manasquan River, Manasquan, New Jersey [CGD05-07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local Regulations for Marine events; Mill Creek, Fort Monroe, Hampton, Virgina [Docket No.: CGD05-07-044] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising and Full Moon Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Queen of England Visit, Jamestown Island, VA [CGD05-07-054] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jaguar Mid-Winter Regatta Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Langley Air Force Base, Back River, Hampton, Virginia [CGD05-07-057] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bacardi Cup Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Founders Day, Cheasapeake Bay, Hampton, VA [CCGD05-07-064] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: CGD05-07-067] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Curtis Creek, Baltimore, MD [CGD05-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 30th Annual Virginia Lake Festival, John R. Kerr Lake, Clarksville, VA [CGD05-07-073] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Liverpool Point to Goose Bay, Charles County, MD [CDG05-07-076] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, MD [Docket No.: CGD05-07-078] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, Cape Charles Harbor, Cape Charles, Virginia [Docket No.: CGD05-07-079] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; M/V Odyssey III, Global Air Chiefs Conference, Upper Potomac River, Washington, DC [Docket No.: CGD05-07-080] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hopewell Celebration 2007, Appomattox River, Hopewell, VA [CCGD05-07-082] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Virginia Beach, Virginia [Docket No.: CGD-05-07-086] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake and Delaware Canal, MD [CGD05-07-091] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami FL [COTP MIAMI 07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone on the waters of the Newport River and Morehead City Turning Basin [CGD05-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-097] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security

Zones; M/V Semper Fidelis III, Chesapeake Bay and its tributaries, MD and San Domingo Creek, Talbot County, MD [CGD05-07-102] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: APM Terminal, Portsmouth, VA [CGD05-07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Key Biscayne, Florida [COTP Miami, Florida 07-109] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-133] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Harry S. Truman Visit, offshore Port Everglades, Florida [COTP MIAMI 07-167] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-178] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-179] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM161 to MM163, bank to bank [COTP Morgan City-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Lafourche, from Valentine, Louisiana to Ludeville, Louisiana, bank to bank [COTP Morgan City-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards north to 200 yards south of the Bayou Boeuf Swing Bridge at Mile Marker 2.0 of the Morgan City Port Allen Landside Route, bank to bank, Amelia, LA [COTP Morgan City-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biloxi Ship Channel, Biloxi, MS [COTP Mobile-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Orange Beach, AL [COTP Mobile-07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Pensacola Beach, FL [COTP Mobile-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel from Mid Bay Light House to Channel Marker 37, Mobile, AL [COTP Mobile-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Austal Barge, Chickasaw Creek, AL to Austal Shipyard, Mobile, AL [COTP Mobile-07-0211] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tonawanda/North Tonawanda Fireworks Display, Niagara River, Tonawanda, NY [CGD09-07-075] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Ohio. Lakeview Park Lorain Sprint International Triathlon [CGD09-07-086] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roar on the Shore Fireworks, Lake Eire, Eire, PA [CGD09-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶111.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1494. An Act the authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1677. An Act the reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy: the Senator from West Virginia [Mr. ROCKEFELLER], ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and the Senator from Washington [Ms. CANTWELL], Committee on Commerce, Science and Transportation.

¶111.4 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That, during proceedings today in the House and in the Committee of the Whole House on the state of the Union, the Chair be authorized to reduce to two minutes the minimum time for electronic voting on any question that otherwise could be subjected to five-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

¶111.5 STUDENT AID AND FISCAL RESPONSIBILITY

The SPEAKER pro tempore, Mr. COHEN, pursuant to House Resolution 746 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes.

Ms. DEGETTE, Acting Chairman, assumed the chair; and after some time spent therein,

¶111.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-256, submitted by Mr. HOEKSTRA:

Strike title III of the Bill, and redesignate titles IV and V as titles III and IV, respectively.

Redesignate sections 401 through 409 as sections 301 through 309, respectively.

Redesignate sections 501 through 505 as sections 401 through 405, respectively.

Page 144, line 23, strike ''section 403'' and insert ''section 303''.

Page 145, line 1, strike ''section 404'' and insert ''section 304''.

Page 145, line 4, and page 174, lines 3 and 14, strike ''section 403(c)(3)'' and insert ''section 303(c)(3)''.

Page 145, line 17, and page 174, line 5, strike ''section 405'' and insert ''section 305''.

Page 147, line 4, strike ''404'' and insert ''304''.

Page 148, line 10, strike ''section 403(f)'' and insert ''section 303(f)''.

Page 150, line 15, strike ''section 405(2)'' and insert ''section 305(f)''.

Page 151, lines 4 and 25, page 153, lines 8 and 12, page 162, lines 2 and 17, page 163, line

1, page 166, lines 18 and 23, page 168, lines 4 and 19, and page 175, line 25, strike ''section 402(a)'' and insert ''section 302(a)''.

Page 151, line 21, strike ''section 405(1)'' and insert ''section 305(1)''.

Page 153, line 13, and page 162, line 6, strike ''section 402(d)'' and insert ''section 302(d)''.

Page 168, lines 10, 15, and 21, page 169, line 2, and page 170, line 7, strike ''section 402(b)'' and insert ''section 302(b)''.

Page 168, line 17, strike ''section 402(c)(3)'' and insert ''section 302(c)(3)''.

Page 170, line 11, strike ''section 402(c)(1)'' and insert ''section 302(c)(1)''.

Page 178, line 9, strike ''503'' and insert ''403''.

Page 178, line 12, strike ''504'' and insert ''404''.

Page 178, lines 15 and 18, strike ''section 505'' and insert ''section 405''.

Page 178, beginning on line 20, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 179, line 3, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 183, line 8, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 184, line 6, and page 194, line 10, strike ''section 501(b)(1)'' and insert ''section 401(b)(1)''.

Page 188, line 15, strike ''section 505(b)'' and insert ''section 405(b)''.

Page 189, line 6, and page 191, lines 5, 13, and 20, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 196, line 2, and page 200, line 1, strike ''503(i)'' and insert ''403(i)''.

Page 200, line 8, strike ''section 503(f)(1)'' and insert ''section 403(f)(1)''.

Conform the table of contents accordingly.

It was decided in the negative { Yeas ..... 161 / Nays ..... 262 }

¶111.7 [Roll No. 710]

AYES—161

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Delahunt
Dent
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Abercrombie
Barrett (SC)
Bishop (UT)
Costa
Dingell
Faleomavaega
Johnson (GA)
Lummis
Marchant
Moore (KS)
Nunes
Paul
Radanovich
Rahall
Sutton
Tanner

So the amendment was not agreed to.

¶111.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-256, submitted by Mrs. MCMORRIS RODGERS:

Page 118, beginning on line 8, strike section 331 and insert the following:

SEC. 331. IMPERMISSIBLE USES OF FUNDS AND CONCURRENT FUNDING.

(a) IN GENERAL.—No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

(b) FUNDING UNDER OTHER ACTS.—Funds made available under this title shall not be used to assist any local educational agency that receives funding for the construction, modernization, renovation, and repair of facilities under the American Recovery and Reinvestment Act of 2009.

Conform the table of contents accordingly.

It was decided in the negative { Yeas ..... 167 / Nays ..... 251 }

¶111.9 [Roll No. 711]

AYES—167

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Petri
Pitts
Platts

Poe (TX)
Posey
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—251

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Abercrombie
Barrett (SC)
Braley (IA)
Cantor
Costa
Culberson
Dingell
Franks (AZ)
Inslee
Israel
Kennedy
McHugh
Nunes
Paul
Perlmutter
Radanovich
Rangel
Ryan (OH)
Tanner
Watt
Wexler

So the amendment was not agreed to.

¶111.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-256, submitted by Ms. FOXX:

Page 27, beginning on line 20, strike ''has the meaning given'' and all that follows through ''2009'' and insert ''refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)''.

Page 27, line 25, strike ''have the meanings given'' and all that follows through page 28, line 2, and insert ''refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.''

Amend title V of the Bill to read as follows:

TITLE V—PRIVACY AND ACCESS TO DATA

SEC. 501. PRIVACY AND ACCESS TO DATA.

(a) IN GENERAL.—Each State or consortia that receives a grant under any provision of this Act shall implement measures to—

(1) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'');

(2) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(3) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(4) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(5) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(A) prohibits the party from further disclosing the information;

(B) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(C) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(6) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(7) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(8) ensure adequate enforcement of the requirements of this paragraph.

(b) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(1) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(2) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

It was decided in the negative ..... { Yeas ..... 126 / Nays 301

¶111.11 [Roll No. 712]

AYES—126

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Harper
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Olson
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Young (FL)

NOES—301

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Burgess
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—12

Abercrombie
Barrett (SC)
Bilbray
Costa
Dingell
Fallin
McHugh
Nunes
Paul
Perlmutter
Radanovich
Tanner

So the amendment was not agreed to.

¶111.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 15, printed in House Report 111-256, submitted by Mr. HIMES:

Page 21, after line 9, insert the following:

(iii) encourages the full use of State resources in support of financial literacy programs;

Page 21, line 10, redesignate clause (iii) as clause (iv).

Page 21, line 14, redesignate clause (iv) as clause (v).

Page 21, line 20, redesignate clause (v) as clause (vi).

Page 25, line 3, strike ''and''.

Page 25, after line 5, insert the following:

''(v) programs to provide financial literacy education and counseling to elementary, secondary, and postsecondary students that include an examination of how financial planning may impact a student's ability to pursue postsecondary education; and''.

Page 31, after line 9, insert the following:

''(D) include activities that enhance the financial literacy and awareness of students who are potentially eligible for assistance under this Act, especially those students from groups that are traditionally underrepresented in postsecondary education;''.

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 77, line 7, insert '', including financial literacy programs,'' before ''(if any)''.

Page 80, beginning on line 1, amend subparagraph (B) to read as follows:

''(B) deliver a wide range of financial literacy and counseling tools to equip students with the information necessary to make prudent decisions concerning their educational success and financial well-being.''.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 2

¶111.13 [Roll No. 713]

AYES—428

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Johnson, Sam
Smith (WA)

NOT VOTING—9

Abercrombie
Barrett (SC)
Costa
McHugh
Nunes
Paul
Radanovich
Tanner
Tiberi

So the amendment was agreed to.

¶111.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17, printed in House Report 111-256, submitted by Mr. MINNICK:

Page 193, line 8, amend clause (iv) to read as follows:

(iv) transfer of general education credits, including education credits earned while serving in the Armed Forces, between institutions of higher education, as applicable;

It was decided in the affirmative { Yeas ..... 428 / Nays ..... 0 }

¶111.15 [Roll No. 714]

AYES—428

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Barrett (SC)
Bilbray
Carnahan
Costa
Kingston
McHugh
Nunes
Paul
Radanovich
Tanner

So the amendment was agreed to.

¶111.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 19, printed in House Report 111-256, submitted by Mr. SCHAUER:

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 31, after line 9, insert the following:

(D) include activities to encourage dislocated workers (as such term is defined in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)) to complete postsecondary education opportunities;

It was decided in the affirmative { Yeas ..... 425 / Nays ..... 5 }

¶111.17 [Roll No. 715]

AYES—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—5

Bishop (UT)
Broun (GA)
Flake
Johnson, Sam
McClintock

NOT VOTING—9

Abercrombie
Barrett (SC)
Carnahan
Costa
McHugh
Nunes
Paul
Radanovich
Tanner

So the amendment was agreed to.

¶111.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 21, printed in House Report 111-256, submitted by Mr. TEAGUE:

Page 5, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 4. USE OF SAVINGS FOR DEBT REDUCTION.

All savings in Federal expenditures not otherwise expended as a result of the enactment of this Act shall be made available for the reduction of the Federal deficit.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 0

¶111.19 [Roll No. 716]

AYES—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Abercrombie
Bachmann
Barrett (SC)
Berman
Bishop (GA)
Costa
Emerson
McHugh
Nunes
Paul
Radanovich
Scott (VA)
Tanner
Velázquez

So the amendment was agreed to.

¶111.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 24, printed in House Report 111-256, submitted by Mr. GUTHRIE:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Ensuring Student Choice and Competition Act of 2009''.

SEC. 2. EXTENSION OF ENSURING CONTINUED ACCESS AND STUDENT LOANS ACT.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)(1), by striking ''July 1, 2010'' and inserting ''July 1, 2014'';

(2) in subsection (e)—

(A) in paragraph (1)(A), by striking ''September 30, 2010'' and inserting ''September 30, 2014'';

(B) in paragraph (2)—

(i) by striking ''February 15, 2011'' and inserting ''February 15, 2015''; and

(ii) by striking ''September 30, 2010'' and inserting ''September 30, 2014''; and

(C) in paragraph (3), by striking ''2010, and 2011'' and inserting ''2010, 2011, 2012, 2013, 2014, and 2015'';

(3) in subsection (f), by striking ''July 1, 2010'' and inserting ''July 1, 2014''; and

(4) by adding at the end the following new subsection:

''(g) SPECIAL RULE.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out the program under this section, the Secretary shall continue, until June 30, 2014, to carry out the 3 programs described in the Federal Register notices published pursuant to subsection (a)(2) of this section, as such programs were in effect on the day before the date of enactment of the Ensuring Student Choice and Competition Act of 2009.

''(2) LOAN PARTICIPATION PURCHASE PROGRAM.—Notwithstanding any provision of law to the contrary or the terms and conditions of the programs described in the Federal Register notices published pursuant to

subsection (a)(2), an eligible lender participating in the loan participation purchase program shall not, prior to July 1, 2014, be required to—

''(A) make a redemption payment with respect to each eligible loan purchased by the Secretary; or

''(B) exercise the put option with respect to each such loan.

''(3) DEFINITIONS.—The terms 'redemption payment' and 'put option' refer to the redemption payment and put option described in the summary of the terms and conditions of the loan participation purchase program (73 Federal Register 127, July 1, 2008).''.

SEC. 3. STUDY OF FFEL PROGRAM ALTERNATIVES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury, in consultation with the study group described in paragraph (2), shall conduct a study to identify and make recommendations for the development of a Federal student loan program that incorporates a strong public-private partnership between the Federal Government and the private sector.

(2) STUDY GROUP.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury shall convene a study group which shall include—

(A) the Director of the Office of Management and Budget;

(B) the Director of the Congressional Budget Office;

(C) representatives of entities making loans under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(D) representatives of other entities in the financial services community;

(E) representatives of other participants in the student loan programs; and

(F) such other individuals as the Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury may designate.

(b) DESIGN OF THE STUDY.—The study conducted under this section shall identify recommendations for a new model for maintaining a strong public-private partnership for student lending. Such model shall be designed to achieve the following objectives:

(1) Use private capital in loan origination.

(2) Produce sufficient market competition among loan providers to ensure that students and families have choices in Federal student loans.

(3) Avoid waste, fraud, and abuse.

(c) FACTORS.—The study group shall consider the following factors in developing recommendations for a model that meets the objectives described in subsection (b):

(1) The ability of lenders, guaranty agencies, and loan servicers to provide top-quality customer service, default aversion activities, and financial literacy activities.

(2) The use of in-school subsidies or flexible repayment options to ensure that borrowers are able to successfully repay their loans.

(3) The ability of the program to be streamlined for ease of administration and understanding by institutions of higher education, students, and families.

(4) The stability of the program during times of economic disruption by uncontrollable market forces.

(5) The use of market mechanisms in determining lender return on student loans, while continuing to meet the other objectives of the programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq; 1087a et seq.), including the provision of loans to all eligible students.

(6) The feasibility of requiring borrowers to repay loans through income tax withholding.

(d) PRELIMINARY REPORT AND PUBLICATION OF STUDY.—

(1) PRELIMINARY REPORT.—Not later than July 1, 2012, the study group shall prepare a preliminary report on the recommendations of the study conducted under this section, including any additional or dissenting views with respect to the findings, available to the public with a 60-day request for public comment. The study group shall review the public comments.

(2) FINAL REPORT.—Not later than January 1, 2013, the Comptroller General of the United States, the Secretary of Education, and Secretary of the Treasury shall submit a final report on the recommendations of the study, including any additional or dissenting views, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 4. REVISED SPECIAL ALLOWANCE CALCULATION.

(a) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clause:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

''(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; and

''(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of such Act, the holder of the loan affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—A waiver pursuant to subclause (II)(bb) shall—

''(aa) be applicable to all loans described in such subclause that are held under any lender identification number associated with the holder (pursuant to section 487B); and

''(bb) apply with respect to all future calculations of the special allowance on loans described in such subclause that are held on the date of such waiver or that are acquired by the holder after such date.

''(IV) PARTICIPANT'S YIELD.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary's participant yield in any loan for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, and that is held by a lender that has sold any participation interest in such loan to the Secretary shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.'';

(b) CONFORMING AMENDMENT.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I)''; and

(2) in clause (v)(III) by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

Section 401A(e)(1)(E) of the Higher Education Act of 1965 (U.S.C. 1070a-1(e)(1)(E)) is amended by striking ''$1,010,000,000'' and inserting ''$250,000,000''.

It was decided in the negative { Yeas ..... 165 / Nays 265

¶111.21 [Roll No. 717]

AYES—165

Aderholt	Fortenberry	Miller (FL)
Akin	Franks (AZ)	Miller (MI)
Alexander	Frelinghuysen	Miller, Gary
Austria	Gallegly	Moran (KS)
Bachmann	Garrett (NJ)	Murphy, Tim
Bachus	Gerlach	Myrick
Bartlett	Gingrey (GA)	Neugebauer
Barton (TX)	Gohmert	Olson
Biggert	Goodlatte	Paulsen
Bilbray	Granger	Pence
Bilirakis	Graves	Pitts
Bishop (UT)	Guthrie	Poe (TX)
Blackburn	Hall (TX)	Posey
Blunt	Harper	Putnam
Boehner	Hastings (WA)	Rehberg
Bonner	Heller	Reichert
Bono Mack	Hensarling	Roe (TN)
Boozman	Herger	Rogers (AL)
Boustany	Hoekstra	Rogers (KY)
Brady (TX)	Hunter	Rogers (MI)
Broun (GA)	Inglis	Rohrabacher
Brown (SC)	Issa	Rooney
Brown-Waite, Ginny	Jenkins	Roskam
Buchanan	Johnson (IL)	Royce
Burgess	Johnson, Sam	Ryan (WI)
Burton (IN)	Jones	Scalise
Buyer	Jordan (OH)	Schmidt
Calvert	King (IA)	Schock
Camp	King (NY)	Sensenbrenner
Campbell	Kingston	Sessions
Cantor	Kline (MN)	Shadegg
Capito	Lamborn	Shimkus
Carter	Lance	Shuster
Cassidy	Latham	Simpson
Castle	LaTourette	Smith (NE)
Chaffetz	Latta	Smith (NJ)
Coble	Lee (NY)	Smith (TX)
Coffman (CO)	Lewis (CA)	Souder
Cole	LoBiondo	Stearns
Conaway	Lucas	Sullivan
Crenshaw	Luetkemeyer	Terry
Culberson	Lummis	Thompson (PA)
Davis (KY)	Lungren, Daniel E.	Thornberry
Deal (GA)	Mack	Tiahrt
Dent	Manzullo	Tiberi
Diaz-Balart, L.	Marchant	Turner
Diaz-Balart, M.	McCarthy (CA)	Upton
Dreier	McCaul	Walden
Duncan	McClintock	Wamp
Ehlers	McCotter	Westmoreland
Emerson	McHenry	Whitfield
Fallin	McKeon	Wilson (SC)
Flake	McMorris Rodgers	Wittman
Fleming	Mica	Wolf
Forbes		Young (AK)
		Young (FL)

NOES—265

Ackerman	Berry	Brown, Corrine
Adler (NJ)	Bishop (GA)	Butterfield
Altmire	Bishop (NY)	Cao
Andrews	Blumenauer	Capps
Arcuri	Boccieri	Capuano
Baca	Bordallo	Cardoza
Baird	Boren	Carnahan
Baldwin	Boswell	Carney
Barrow	Boucher	Carson (IN)
Bean	Boyd	Castor (FL)
Becerra	Brady (PA)	Chandler
Berkley	Braley (IA)	Childers
Berman	Bright	Christensen

Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Foxx
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Abercrombie
Barrett (SC)
Costa
McHugh
Meeks (NY)
Nunes
Paul
Radanovich
Tanner

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Mr. HOLDEN, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Aid and Fiscal Responsibility Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Prohibition on earmarks.
Sec. 5. Use of savings for debt reduction.

TITLE I—INVESTING IN STUDENTS AND FAMILIES

Subtitle A—Increasing College Access and Completion

Sec. 101. Federal Pell Grants.
Sec. 102. College Access and Completion Innovation Fund.
Sec. 103. Investment in historically Black colleges and universities and other minority-serving institutions.
Sec. 104. Investment in cooperative education.
Sec. 105. Loan forgiveness for servicemembers activated for duty.
Sec. 106. Veterans Resource Officer Grants.
Sec. 107. Officer Daniel Faulkner Children of Fallen Heroes Scholarship.
Sec. 108. Teacher Excellence.

Subtitle B—Student Financial Aid Form Simplification

Sec. 121. General effective date.
Sec. 122. Treatment of assets in need analysis.
Sec. 123. Changes to total income; aid eligibility.

TITLE II—STUDENT LOAN REFORM

Subtitle A—Stafford Loan Reform

Sec. 201. Federal Family Education Loan appropriations.
Sec. 202. Scope and duration of Federal loan insurance program.
Sec. 203. Applicable interest rates.
Sec. 204. Federal payments to reduce student interest costs.
Sec. 205. Federal PLUS Loans.
Sec. 206. Federal Consolidation Loan.
Sec. 207. Unsubsidized Stafford loans for middle-income borrowers.
Sec. 208. Loan repayment for civil legal assistance attorneys.
Sec. 209. Special allowances.
Sec. 210. Revised special allowance calculation.
Sec. 211. Origination of Direct Loans at institutions located outside the United States.
Sec. 212. Agreements with institutions.
Sec. 213. Terms and conditions of loans.
Sec. 214. Contracts.
Sec. 215. Interest rates.
Sec. 216. Technical assistance to institutions of higher education.
Sec. 217. Outreach Efforts.

Subtitle B—Perkins Loan Reform

Sec. 221. Federal Direct Perkins Loans terms and conditions.
Sec. 222. Authorization of appropriations.
Sec. 223. Allocation of funds.
Sec. 224. Federal Direct Perkins Loan allocation.
Sec. 225. Agreements with institutions of higher education.
Sec. 226. Student loan information by eligible institutions.
Sec. 227. Terms of loans.
Sec. 228. Distribution of assets from student loan funds.
Sec. 229. Implementation of non-title IV revenue requirement.
Sec. 230. Administrative expenses.

TITLE III—MODERNIZATION, RENOVATION, AND REPAIR

Subtitle A—Elementary and Secondary Education

Sec. 301. Definitions.

CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

Sec. 311. Purpose.
Sec. 312. Allocation of funds.
Sec. 313. Allowable uses of funds.
Sec. 314. Priority projects.

CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 321. Purpose.
Sec. 322. Allocation to local educational agencies.
Sec. 323. Allowable uses of funds.

CHAPTER 3—GENERAL PROVISIONS

Sec. 331. Impermissible uses of funds.
Sec. 332. Supplement, not supplant.
Sec. 333. Prohibition regarding State aid.
Sec. 334. Maintenance of effort.
Sec. 335. Special rule on contracting.
Sec. 336. Use of American iron, steel, and manufactured goods.
Sec. 337. Labor standards.
Sec. 338. Charter schools.
Sec. 339. Green schools.
Sec. 340. Reporting.
Sec. 341. Special rules.
Sec. 342. Promotion of employment experiences.
Sec. 343. Advisory Council on Green, High-Performing Public School Facilities.
Sec. 344. Education regarding projects.
Sec. 345. Availability of funds.

Subtitle B—Higher Education

Sec. 351. Federal assistance for community college modernization and construction.

TITLE IV—EARLY LEARNING CHALLENGE FUND

Sec. 401. Purpose.
Sec. 402. Programs authorized.
Sec. 403. Quality pathways grants.
Sec. 404. Development grants.
Sec. 405. Research and evaluation.
Sec. 406. Reporting requirements.
Sec. 407. Construction.
Sec. 408. Definitions.
Sec. 409. Availability of funds.

TITLE V—AMERICAN GRADUATION INITIATIVE

Sec. 501. Authorization and appropriation.
Sec. 502. Definitions; grant priority.
Sec. 503. Grants to eligible entities for community college reform.
Sec. 504. Grants to eligible States for community college programs.
Sec. 505. National activities.

TITLE VI—DEFUND ACORN ACT

Sec. 601. Short title.
Sec. 602. Prohibitions on Federal funds and other activities with respect to certain indicted organizations.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 4. PROHIBITION ON EARMARKS.

None of the funds appropriated pursuant to this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

SEC. 5. USE OF SAVINGS FOR DEBT REDUCTION.

All savings in Federal expenditures not otherwise expended as a result of the enactment of this Act shall be made available for the reduction of the Federal deficit.

TITLE I—INVESTING IN STUDENTS AND FAMILIES

Subtitle A—Increasing College Access and Completion

SEC. 101. FEDERAL PELL GRANTS.

(a) AMOUNT OF GRANTS.—Section 401(b) (20 U.S.C. 1070a(b)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

''(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) the maximum Federal Pell Grant, as specified in the last enacted appropriation Act applicable to that award year, plus

''(ii) the amount of the increase calculated under paragraph (8)(B) for that year, less

''(iii) an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''; and

(2) by amending paragraph (8), as amended by the Higher Education Opportunity Act (Public Law 110–315), to read as follows:

''(8) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts—

''(i) $2,030,000,000 for fiscal year 2008;

''(ii) $2,733,000,000 for fiscal year 2009; and

''(iii) such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year to provide the amount of increase of the maximum Federal Pell Grant required by clauses (ii) and (iii) of subparagraph (B).

''(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) shall be used to increase the amount of the maximum Federal Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

''(i) $490 for each of the award years 2008–2009 and 2009–2010;

''(ii) $690 for the award year 2010–2011; and

''(iii) the amount determined under subparagraph (C) for each succeeding award year.

''(C) INFLATION-ADJUSTED AMOUNTS.—

''(i) AWARD YEAR 2011–2012.—For award year 2011–2012, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) $5,550 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), whichever is greater, increased by a percentage equal to the annual adjustment percentage for award year 2011–2012; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(ii) SUBSEQUENT AWARD YEARS.—For award year 2012–2013 and each of the subsequent award years, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), increased by a percentage equal to the annual adjustment percentage for the award year for which the amount under this subparagraph is being determined; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(iii) LIMITATION ON DECREASES.—Notwithstanding clauses (i) and (ii), if the amount determined under clause (i) or (ii) for an award year is less than the amount determined under this paragraph for the preceding award year, the amount determined under such clause for such award year shall be the amount determined under this paragraph for the preceding award year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'annual adjustment percentage' as it applies to an award year is equal to the sum of—

''(aa) the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that award year; and

''(bb) one percentage point; and

''(II) the term 'total maximum Federal Pell Grant' as it applies to a preceding award year is equal to the sum of—

''(aa) the maximum Federal Pell Grant for which a student is eligible during an award year, as specified in the last enacted appropriation Act applicable to that preceding award year; and

''(bb) the amount of the increase in the maximum Federal Pell Grant required by this paragraph for that preceding award year.

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or to authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.

''(E) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

(b) MULTIPLE PELL GRANT AWARDS.—Section 401(b)(5) (20 U.S.C. 1070a(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''who is making satisfactory academic progress according to the institution's standards'' after ''award a student''; and

(B) by striking ''to permit such student to accelerate the student's progress toward a degree or certificate'' and inserting ''to permit such student to accelerate the student's graduation date, whether making full- or part-time progress toward a degree or certificate,''; and

(2) by adding at the end the following new subparagraph:

(C) A student may not receive a combination of first and second scheduled award funds under this paragraph that exceeds the amount the student would otherwise be eligible to receive for the payment period.

(c) CONFORMING AMENDMENTS.—Title IV (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 401(b)(6), as amended by the Higher Education Opportunity Act (Public Law 110–315), by striking ''the grant level specified in the appropriate Appropriation Act for this subpart for such year'' and inserting ''the Federal Pell Grant amount, determined under paragraph (2)(A), for which a student is eligible during such award year'';

(2) in section 402D(d)(1), by striking ''exceed the maximum appropriated Pell Grant'' and inserting ''exceed the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible'';

(3) in section 435(a)(5)(A)(i)(I), by striking ''one-half the maximum Federal Pell Grant award for which a student would be eligible'' and inserting ''one-half the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student would be eligible'';

(4) in section 483(e)(3)(A)(ii), by striking ''based on the maximum Federal Pell Grant award at the time of application'' and inserting ''based on the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible at the time of application'';

(5) in section 485E(b)(1)(A), by striking ''of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A'' and inserting ''of such students' potential eligibility for the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which the student would be eligible''; and

(6) in section 894(f)(2)(C)(ii)(I), by striking ''the maximum Federal Pell Grant for each award year'' and inserting ''the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student may be eligible for each award year''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) of this section shall take effect on July 1, 2010.

SEC. 102. COLLEGE ACCESS AND COMPLETION INNOVATION FUND.

(a) HEADER.—Part E of title VII (20 U.S.C. 1141 et seq.) is amended by striking the header of such part and inserting the following:

''PART E—COLLEGE ACCESS AND COMPLETION INNOVATION FUND''.

(b) PURPOSE.—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by inserting before section 781 the following:

''SEC. 780. PURPOSES.

''The purposes of this part are—

''(1) to promote innovation in postsecondary education practices and policies by institutions of higher education, States, and nonprofit organizations to improve student success, completion, and post-completion employment, particularly for students from groups that are underrepresented in postsecondary education; and

''(2) to assist States in developing longitudinal data systems, common metrics, and reporting systems to enhance the quality and availability of information about student success, completion, and post-completion employment.''.

(c) AUTHORIZATION AND APPROPRIATION.—Section 781(a) (20 U.S.C. 1141(a)) is amended to read as follows:

''(a) AUTHORIZATION AND APPROPRIATION.—

''(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out this part (in addition to any other amounts appropriated to carry out this part and out of any money in the Treasury not otherwise appropriated), $600,000,000 for each of the fiscal years 2010 through 2014.

''(2) ALLOCATIONS.—Of the amount appropriated for any fiscal year under paragraph (1)—

''(A) 25 percent shall be made available to carry out section 781;

''(B) 50 percent shall be made available to carry out section 782;

''(C) 23 percent shall be made available to carry out section 783; and

''(D) 2 percent shall be made available to carry out section 784.

''(3) EXPIRATION OF AUTHORITY.—The authority to award grants under this part shall expire at the end of fiscal year 2014.''.

(d) STATE GRANTS AND GRANTS TO ELIGIBLE ENTITIES.—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by adding at the end the following:

''SEC. 782. STATE INNOVATION COMPLETION GRANTS.

''(a) PROGRAM AUTHORIZATION.—From the amount appropriated under section 781(a)(2)(B) to carry out this section, the Secretary shall award grants to States on a

competitive basis to promote student persistence in, and completion of, postsecondary education.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in subsection (d)(1) that are carried out under the grant.

''(2) NON-FEDERAL SHARE.—The amount of the non-Federal share under this section shall be equal to ⅓ of the costs of the activities and services described in subsection (d)(1). The non-Federal share may be in cash or in kind, and may be provided from State resources, contributions from private organizations, or both.

''(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal shares required by this paragraph shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out activities and services to promote student persistence in and completion of postsecondary education.

''(c) APPLICATION AND SELECTION.—

''(1) APPLICATION REQUIREMENTS.—For each fiscal year for which a State desires to receive a grant under this section, the State agency with jurisdiction over higher education, or another agency designated by the Governor or chief executive of the State to administer the grant program under this section, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a description of the State's capacity to administer the grant under this section;

''(B) a description of the State's plans for using the grant funds for activities described in subsection (d)(1), including plans for how the State will make special efforts to provide benefits to students in the State who are from groups that are underrepresented in postsecondary education;

''(C) a description of how the State will provide for the non-Federal share from State resources, private contributions, or both;

''(D) a description of—

''(i) the administrative system that the State has in place to administer the activities and services described in subsection (d)(1); or

''(ii) the plan to develop such administrative system;

''(E) a description of the data system the State has or will have in place to measure the performance and progress toward the State's goals included in the Access and Completion Plan submitted, or that will be submitted, under paragraph (2)(A); and

''(F) the assurances under paragraph (2).

''(2) STATE ASSURANCES.—The assurances required in paragraph (1)(F) shall include an assurance of each of the following:

''(A) That the State will submit, not later than July 1, 2011, an Access and Completion Plan to increase the State's rate of persistence in and completion of postsecondary education. Such plan shall include—

''(i) the State's annual and long-term quantifiable goals with respect to—

''(I) the rates of postsecondary enrollment, persistence, and completion, disaggregated by income, race, ethnicity, sex, disability, and age of students;

''(II) closing gaps in enrollment, persistence, and completion rates for students from groups that are underrepresented in postsecondary education;

''(III) targeting education and training programs to address labor market needs in the State, as such needs are determined by the State, or the State in coordination with the State public employment service, the State workforce investment board, or industry or sector partnerships in the State; and

''(IV) improving coordination between public two-year and public four-year institutions of higher education in the State, including supporting comprehensive articulation agreements between such institutions in consultation with faculty from participating institutions; and

''(ii) the State's plan to develop an interoperable statewide longitudinal data system that—

''(I) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems;

''(II) will collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age of students), and analyze postsecondary education and workforce information, including—

''(aa) postsecondary education enrollment, persistence, and completion information;

''(bb) post-completion employment outcomes of students who enrolled in postsecondary programs and training programs offered by eligible training providers under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(cc) postsecondary education and employment outcomes of students who move out of the State; and

''(dd) postsecondary instructional workforce information; and

''(III) makes the information described in subclause (I) available to the general public in a manner that is transparent and user-friendly.

''(B) That the State has a comprehensive planning or policy formulation process with respect to increasing postsecondary enrollment, persistence, and completion that—

''(i) encourages coordination between the State administration of grants under this section and similar State programs;

''(ii) encourages State practices that are designed to improve rates of enrollment and persistence in, and completion of, postsecondary education;

''(iii) encourages State policies that are designed to improve rates of enrollment and re-enrollment of dislocated workers in postsecondary education;

''(iv) encourages the full use of State resources in support of financial literacy programs;

''(v) considers the postsecondary education needs of students from groups that are underrepresented in postsecondary education; and

''(vi) provides for direct, equitable, and active participation in the comprehensive planning or policy formulation process or processes, through membership on State planning commissions, State advisory councils, or other State entities established by the State and consistent with State law, by representatives of—

''(I) institutions of higher education, including at least one member from a junior or community college (as defined in section 312(f));

''(II) students;

''(III) other providers of postsecondary education services (including organizations providing access to such services);

''(IV) the general public in the State; and

''(V) postsecondary education faculty members, including at least one faculty member whose primary responsibilities are teaching and scholarship.

''(C) That the State will incorporate policies and practices that, through the activities funded under this section, are determined to be effective in improving rates of postsecondary education enrollment, persistence, and completion into the future postsecondary education policies and practices of the State to ensure that the benefits achieved through the activities funded under this section continue beyond the period of the grant.

''(D) That the State will participate in the evaluation required under section 784.

''(3) SUBGRANTS TO NONPROFIT ORGANIZATIONS.—

''(A) IN GENERAL.—A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, or a partnership of such organizations, to carry out activities and services described in subsection (d)(1), if the nonprofit organization or partnership—

''(i) was in existence on the day before the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009; and

''(ii) as of such day, was participating in activities and services related to promoting persistence in, and completion of, postsecondary education, such as the activities and services described in subsection (d)(1).

''(B) NONPROFIT ORGANIZATIONS.—For the purposes of this section, nonprofit organizations in a State include—

''(i) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

''(ii) nonprofit subsidiaries of agencies described in clause (i), if such subsidiaries were established, pursuant to the law of such State, on or before January 1, 1998; and

''(iii) eligible not-for-profit servicers, as defined in section 456(d), with an agreement with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement.

''(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that enter into a partnership with one of the following entities to carry out the activities and services described in subsection (d)(1):

''(A) A philanthropic organization, as such term is defined in section 781(i)(1).

''(B) An agency with an agreement with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of Student Aid and Fiscal Responsibility Act of 2009.

''(C) A nonprofit subsidiary of agencies described in subparagraph (B), if such subsidiary was established, pursuant to the law of such State, on or before January 1, 1998.

''(d) USES OF FUNDS.—

''(1) AUTHORIZED USES.—A State receiving a grant under this section shall use the grant funds to—

''(A) provide programs in such State that increase persistence in, and completion of, postsecondary education, which may include—

''(i) assisting institutions of higher education in providing financial literacy, education, and counseling to enrolled students;

''(ii) assisting students enrolled in an institution of higher education to reduce the amount of loan debt incurred by such students;

''(iii) providing loan counseling, loan delinquency, and default aversion assistance to student loan borrowers and institutions of higher education;

''(iv) providing grants to students described in section 415A(a)(1), in accordance with the terms of that section;

''(v) carrying out the activities described in section 415E(a), in accordance with such section;

''(vi) assisting institutions of higher education institute programs of persistence focused on students at risk of not completing; and

''(vii) programs to provide financial literacy education and counseling to elementary, secondary, and postsecondary students that include an examination of how financial planning may impact a student's ability to pursue postsecondary education; and

''(B) support the development and implementation of a statewide longitudinal data system, as described in subsection (c)(2)(A)(ii).

''(2) PROHIBITED USES.—Funds made available under this section shall not be used to promote any lender's loans.

''(3) RESTRICTIONS ON USE OF FUNDS.—A State—

''(A) shall use not less than ⅓ of the sum of the Federal and non-Federal share used for paragraph (1)(A) on activities that benefit students enrolled in junior or community colleges (as defined in section 312(f)), two-year public institutions, or two-year programs of instruction at four-year public institutions;

''(B) may use not more than 10 percent of the sum of the Federal and non-Federal share under this section for activities described in paragraph (1)(B); and

''(C) may use not more than 6 percent of the sum of the Federal and non-Federal share under this section for administrative purposes relating to the grant under this section.

''(e) ANNUAL REPORT.—Each State receiving a grant under this section shall submit to the Secretary an annual report on—

''(1) the activities and services described in subsection (d)(1) that are carried out with such grant;

''(2) the effectiveness of such activities and services in increasing postsecondary persistence and completion, as determined by measurable progress in achieving the State's goals for persistence and completion described in the Access and Completion Plan submitted by the State under subsection (c)(2)(A), if such plan has been submitted; and

''(3) any other information or assessments the Secretary may require.

''(f) DEFINITIONS.—In this section:

''(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given such term in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)).

''(2) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that organizes key stakeholders in a targeted industry cluster into a working group that focuses on the human capital needs of a targeted industry cluster and that includes—

''(A) representatives of multiple firms or employers (including workers) in a targeted industry cluster, including small- and medium-sized employers when practicable;

''(B) 1 or more representatives of State labor organizations, trade unions or consortia of trade unions, or other labor organizations;

''(C) 1 or more representatives of local workforce investment boards;

''(D) 1 or more representatives of postsecondary educational institutions or other training providers; and

''(E) 1 or more representatives of State workforce agencies or other entities providing employment services.

''(3) STATE PUBLIC EMPLOYMENT SERVICE.—The term 'State public employment service' has the meaning given such term in section 502(a)(9) of the Student Aid and Fiscal Responsibility Act of 2009.

''(4) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms 'State workforce investment board' and 'local workforce investment board' have the meanings given such terms in section 502(a)(10) of the Student Aid and Fiscal Responsibility Act of 2009.

"SEC. 783. INNOVATION IN COLLEGE ACCESS AND COMPLETION NATIONAL ACTIVITIES.

''(a) PROGRAMS AUTHORIZED.—From the amount appropriated under section 781(a)(2)(C) to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible entities in accordance with this section to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates.

''(b) ELIGIBLE ENTITIES.—The Secretary is authorized to award grants under subsection (a) to—

''(1) institutions of higher education;

''(2) States;

''(3) nonprofit organizations with demonstrated experience in the support, improvement, or operation of programs to increase postsecondary completion, including—

''(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

''(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998; and

''(C) eligible not-for-profit servicers, as defined in section 456(d), with an agreement with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement;

''(4) philanthropic organizations (as such term is defined in section 781(i)(1));

''(5) entities receiving a grant under chapter 1 of subpart 2 of part A of title IV; and

''(6) consortia of any of the entities described in paragraphs (1) through (5).

''(c) INNOVATION GRANTS.—

''(1) MINIMUM AWARD.—A grant awarded under subsection (a) shall be not less than $1,000,000.

''(2) GRANTS USES.—The Secretary's authority to award grants under subsection (a) includes—

''(A) the authority to award to an eligible entity a grant in an amount equal to all or part of the amount of funds received by such entity from philanthropic organizations (as such term is defined in section 781(i)(1)) to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates; and

''(B) the authority to award an eligible entity a grant to develop 2-year programs that provide supplemental grant or loan benefits to students that—

''(i) are designed to improve student outcomes, including degree completion, graduation without student loan debt, and post-completion employment;

''(ii) are in addition to the student financial aid available under title IV of this Act; and

''(iii) do not result in the reduction of the amount of that aid or any other student financial aid for which a student is otherwise eligible under Federal law.

''(3) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary shall require.

''(4) PRIORITIES.—In awarding grants under subsection (a), the Secretary shall give priority to applications that—

''(A) are from an eligible entity with demonstrated experience in serving students from groups that are underrepresented in postsecondary education, including institutions of higher education that are eligible for assistance under title III or V, or are from a consortium that includes an eligible entity with such experience;

''(B) are from an eligible entity that is a public institution of higher education that does not predominantly provide an educational program for which it awards a bachelor's degree (or an equivalent degree), or from a consortium that includes at least one such institution;

''(C) include activities to increase degree or certificate completion in the fields of science, technology, engineering, and mathematics, including preparation for, or entry into, postbaccalaureate study, especially for women and other groups of students who are underrepresented in such fields;

''(D) include activities to increase degree or certificate completion for students who are veterans;

''(E) include activities that enhance the financial literacy and awareness of students who are potentially eligible for assistance under this Act, especially those students from groups that are traditionally underrepresented in postsecondary education;

''(F) include activities to encourage dislocated workers (as such term is defined in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)) to complete postsecondary education opportunities;

''(G) are from an eligible entity that is a philanthropic organization with the primary purpose of providing scholarships and support services to students from groups that are underrepresented in postsecondary education, or are from a consortium that includes such an organization; or

''(H) are from an eligible entity that encourages partnerships between institutions of higher education with high degree-completion rates and institutions of higher education with low degree-completion rates from the same category of institutions described in section 132(d) to facilitate the sharing of information relating to, and the implementation of, best practices for increasing postsecondary completion.

''(5) TECHNICAL ASSISTANCE.—The Secretary may reserve up to $5,000,000 per year to award grants and contracts to provide technical assistance to eligible entities receiving a grant under subsection (a), including technical assistance on the evaluation conducted in accordance with section 784 and establishing networks of eligible entities receiving grants under such subsection.

''(d) REPORTS.—

''(1) ANNUAL REPORTS BY ENTITIES.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report on—

''(A) the effectiveness of the program carried out with such grant in increasing postsecondary completion, as determined by measurable progress in achieving the goals of the program, as described in the application for such grant; and

''(B) any other information or assessments the Secretary may require.

''(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the authorizing committees an annual report on grants awarded under subsection (a), including—

''(A) the amount awarded to each eligible entity receiving a grant under such subsection; and

''(B) a description of the activities conducted by each such eligible entity.

"SEC. 784. EVALUATION.

''From the amount appropriated under section 781(a)(2)(D), the Director of the Institute of Education Sciences shall evaluate the programs funded under this part. Not later than January 30, 2016, the Director shall issue a final report on such evaluation to the authorizing committees and the Secretary, and shall make such report available to the public.

"SEC. 785. PARTICIPATION OF PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

''(a) VOLUNTARY PARTICIPATION.—A private, nonprofit institution of higher education may voluntarily elect to participate in a State's efforts under this part to increase postsecondary enrollment, persistence, and completion. A State—

''(1) shall not require any private, nonprofit institution to participate in such efforts; and

''(2) may require such an institution that voluntarily elects to participate in such efforts to provide appropriate information to allow the State to assess the institution's progress towards the goals described in subclauses (I) and (II) of section 782(c)(2)(A)(i).

''(b) RULE OF CONSTRUCTION.—Nothing in this part, including voluntary participation described in subsection (a), shall be construed to—

''(1) authorize the Secretary, a State, or an officer or employee of the Department or of a State to exercise any direction, supervision, or control other than that is currently granted over a private, nonprofit institution of higher education, including control over curriculum, program of instruction, administration, governance, personnel, articulation, the awarding of credit, graduation or degree requirements, or admissions;

''(2) authorize the Secretary, a State, or an officer or employee of the Department or of a State to require a private, nonprofit institution of higher education to participate in a longitudinal data system; or

''(3) limit the application of the General Education Provisions Act.

''(c) ENFORCEMENT.—If any State fails or refuses to comply with any provision of this section, the State shall no longer be eligible for assistance under this part.''.

SEC. 103. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

Section 371 (20 U.S.C. 1067q) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''section 502'' and inserting ''section 502(a)'';

(B) in paragraph (3), by striking ''section 316'' and inserting ''section 316(b)'';

(C) in paragraph (5), by striking ''in subsection (c)'' and inserting ''in section 318(b)'';

(D) in paragraph (6), by striking ''in subsection (c)'' and inserting ''in section 320(b)''; and

(E) in paragraph (7), by striking ''in subsection (c)'' and inserting ''in section 319(b)'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''$255,000,000'' and all that follows and inserting ''$255,000,000 for each of the fiscal years 2008 through 2019. The authority to award grants under this section shall expire at the end of fiscal year 2019.''; and

(B) by amending paragraph (2)(B) to read as follows:

''(B) STEM AND ARTICULATION PROGRAMS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year—

''(i) 90 percent shall be available for Hispanic-serving institutions for activities described in sections 503 and 513, with a priority given to applications that propose—

''(I) to increase the number of Hispanic and other low-income students attaining degrees in the fields of science, technology, engineering, or mathematics; and

''(II) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields; and

''(ii) 10 percent shall be available for grants under section 355.'';

(C) in paragraph (2)(C)(ii), by striking ''and shall be available for a competitive'' and all that follows and inserting ''and shall be made available as grants under section 318 and allotted among such institutions under section 318(e), treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out section 318, as the amount appropriated to carry out section 318 for purposes of allotments under section 318(e).''; and

(D) in paragraph (2)(D)—

(i) in clause (iii), by striking ''for activities described in section 311(c)'' and inserting ''and shall be made available as grants under section 320, treating such $5,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such $5,000,000 for purposes described in subsection (c) of such section''; and

(ii) in clause (iv), by striking ''described in subsection (a)(7)—'' and all that follows and inserting ''and shall be made available as grants under section 319, treating such $5,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such $5,000,000 for purposes described in subsection (c) of such section.''; and

(3) by striking subsection (c).

SEC. 104. INVESTMENT IN COOPERATIVE EDUCATION.

There are authorized to be appropriated, and there are appropriated, to carry out part N of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161n) (in addition to any other amounts appropriated to carry out such part and out of any money in the Treasury not otherwise appropriated), $10,000,000 for fiscal year 2010. The authority to award grants under part N of title VIII of such Act shall expire at the end of fiscal year 2010.

SEC. 105. LOAN FORGIVENESS FOR SERVICEMEMBERS ACTIVATED FOR DUTY.

(a) IN GENERAL.—Section 484B(b)(2) (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following:

''(F) TUITION RELIEF FOR STUDENTS CALLED TO MILITARY SERVICE.—

''(i) WAIVER OF REPAYMENT BY STUDENTS CALLED TO MILITARY SERVICE.—In addition to the waivers authorized by subparagraphs (D) and (E), the Secretary shall waive the amounts that students are required to return under this section if the withdrawals on which the returns are based are withdrawals necessitated by reason of service in the uniformed services.

''(ii) LOAN FORGIVENESS AUTHORIZED.—Whenever a student's withdrawal from an institution of higher education is necessitated by reason of service in the uniformed services, the Secretary shall, with respect to the payment period or period of enrollment for which such student did not receive academic credit as a result of such withdrawal, carry out a program—

''(I) through the holder of the loan, to assume the obligation to repay—

''(aa) the outstanding principal and accrued interest on any loan assistance first disbursed to the student before July 1, 2010, under part B (including to a parent on behalf of the student under section 428B) for such payment period or period of enrollment; minus

''(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment; and

''(II) to cancel—

''(aa) the outstanding principal and accrued interest on the loan assistance disbursed to the student under part D (including a Federal Direct PLUS loan disbursed to a parent on behalf of the student), or first disbursed to the student under part E before July 1, 2010, for such payment period or period of enrollment; minus

''(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment.

''(iii) REIMBURSEMENT FOR CANCELLATION OF PERKINS LOANS.—The Secretary shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of Federal Perkins loans in such institutions's student loan fund which are cancelled pursuant to clause (iii)(II) for such fiscal year, minus an amount equal to the aggregate of the amounts of any such loans so canceled which were made from Federal capital contributions to its student loan fund provided by the Secretary under section 468. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this paragraph. To the extent feasible, the Secretary shall pay the amounts for which any institution qualifies under this paragraph not later than 3 months after the institution files an institutional application for campus-based funds.

''(iv) LOAN ELIGIBILITY AND LIMITS FOR STUDENTS.—Any amounts that are returned by an institution in accordance with paragraph (1), or forgiven or waived by the Secretary under this subparagraph, with respect to a payment period or period of enrollment for which a student did not receive academic credit as a result of withdrawal necessitated by reason of service in the uniformed services, shall not be included in the calculation of the student's annual or aggregate loan limits for assistance under this title, or otherwise affect the student's eligibility for grants or loans under this title.

''(v) DEFINITION.—In this subparagraph, the term 'service in the uniformed services' has the meaning given such term in section 484C(a).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect for periods of service in the uniformed services beginning after the date of the enactment of this Act.

(2) DEFINITION.—In this paragraph, the term ''period of service in the uniformed services'' means the period beginning 30 days prior to the date a student is required to report to service in the uniformed services (as defined in section 484C(a) of the Higher Education Act of 1965 (20 U.S.C. 1091c(a)) and ending upon termination of the deployment of such student for such service.

SEC. 106. VETERANS RESOURCE OFFICER GRANTS.

Section 873 (20 U.S.C. 1161t) is amended—

(1) by amending the header to read as follows: ''model programs for centers of excellence for veteran student success; veterans resource officers'';

(2) in subsection (a), by inserting '', or Veterans Resource Officers,'' after ''model programs'';

(3) by amending subsection (b) to read as follows:

''(b) GRANT AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to—

''(A) develop model programs to support veteran student success in postsecondary education; or

''(B) hire a Veterans Resource Officer to increase the college completion rates for veteran students enrolled at such institutions of higher education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.''; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by amending the header to read as follows: ''MODEL PROGRAM REQUIRED ACTIVITIES''; and

(ii) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''for the purpose described in subsection (b)(1)(A)'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) VETERANS RESOURCE OFFICER REQUIRED ACTIVITIES.—An institution of higher education receiving a grant for the purpose described in subsection (b)(1)(B) shall use such grant to hire a Veterans Resource Officer whose duties shall include—

''(A) serving as a liaison between—

''(i) veteran students;

''(ii) the faculty and staff of the institution;

''(iii) local facilities of the Department of Veterans Affairs; and

''(iv) mental healthcare providers at the Department of Veterans Affairs to ensure that veteran students are referred to such providers if needed; and

''(B) organizing and advising veteran student organizations and hosting veterans-oriented group functions on campus;

''(C) distributing news and information to all veteran students, including through maintaining newsletters and listserves; and

''(D) assisting in the training of Department of Veterans Affairs certifying officials, when applicable.''.

SEC. 107. OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP.

(a) SHORT TITLE.—This section may be cited as the ''Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2009''.

(b) CALCULATION OF ELIGIBILITY.—Section 473(b) (20 U.S.C. 1087mm(b)(2)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''(in the case of a student who meets the requirement of subparagraph (B)(i)), or academic year 2010–2011 (in the case of a student who meets the requirement of subparagraph (B)(ii)),'' after ''academic year 2009–2010''; and

(B) by amending subparagraph (B) to read as follows:

''(B) whose parent or guardian was—

''(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

''(ii) was actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and'';

(2) in paragraph (3)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(A) ARMED FORCES.—Notwithstanding'';

(B) by striking ''paragraph (2)'' and inserting ''subparagraphs (A), (B)(i), and (C) of paragraph (2)''; and

(C) by adding at the end the following:

''(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, a financial aid administrator shall adjust the expected family contribution in accordance with this subsection for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2).''; and

(3) by adding at the end the following:

''(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968, in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under subparagraph (A), shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officer's Benefits program.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'public safety officer' means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) the term 'law enforcement officer' means an individual who—

''(i) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; and

''(ii) has statutory powers of arrest or apprehension;

''(C) the term 'firefighter' means an individual who is trained in the suppression of fire or hazardous-materials response and has the legal authority to engage in these duties;

''(D) the term 'member of a rescue squad or ambulance crew' means an individual who is an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

''(E) the term 'public agency' means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing, and the Amtrak Police and Federal Reserve Police departments.''.

SEC. 108. TEACHER EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary of Education may make grants to local educational agencies for the purpose of improving teacher excellence in public elementary and secondary schools.

(b) USE OF FUNDS.—Grants under this section shall be used for the establishment, expansion, or improvement of—

(1) professional development activities that are aligned to the curriculum and student academic needs;

(2) mentoring and induction programs for new teachers and principals; or

(3) career ladders that allow teachers to take on new professional roles, such as career teachers, mentor teachers, and master teachers.

(c) APPLICATION.—A local educational agency desiring a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each of the 5 succeeding fiscal years.

Subtitle B—Student Financial Aid Form Simplification

SEC. 121. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle, amendments made by this subtitle shall be effective with respect to determinations of need for assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for award years beginning on or after July 1, 2011.

SEC. 122. TREATMENT OF ASSETS IN NEED ANALYSIS.

(a) AMOUNT OF NEED.—Section 471 (20 U.S.C. 1087kk) is amended—

(1) by striking ''Except'' and inserting the following:

''(a) IN GENERAL.—Except'';

(2) by inserting ''and subject to subsection (b)'' after ''therein''; and

(3) by adding at the end the following:

''(b) ASSET CAP FOR NEED-BASED AID.—Notwithstanding any other provision of this title, a student shall not be eligible to receive a Federal Pell Grant or a Federal Direct Stafford Loan under this title if—

''(1) in the case of a dependent student, the combined net assets of the student and the student's parents are equal to an amount greater than $150,000 (or a successor amount prescribed by the Secretary under section 478(c)); or

''(2) in the case of an independent student, the net assets of the student (and the student's spouse, if applicable) are equal to an amount greater than $150,000 (or a successor amount prescribed by the Secretary under section 478(c)).''.

(b) DATA ELEMENTS.—Section 474(b) (20 U.S.C. 1087nn(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) DEPENDENT STUDENTS.—Section 475 (20 U.S.C. 1087oo) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''adjusted''; and

(ii) by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) in the header, by striking ''ADJUSTED'';

(B) in the matter preceding paragraph (1), by striking ''adjusted'';

(C) by striking paragraph (1);

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(E) in paragraph (1) (as redesignated by subparagraph (D) of this paragraph), by striking ''adjusted''; and

(F) in paragraph (2) (as redesignated by subparagraph (D) of this paragraph), by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(3) by repealing subsection (d);

(4) in subsection (e)—

(A) by striking ''The adjusted available'' and inserting ''The available'';

(B) by striking ''to as 'AAI')'' and inserting ''to as 'AI')'';

(C) by striking ''From Adjusted Available Income (AAI)'' and inserting ''From Available Income (AI)''; and

(D) in the table—

(i) by striking ''*If AAI*'' and inserting ''*If AI*''; and

(ii) by striking ''of AAI'' each place it appears and inserting ''of AI'';

(5) in subsection (f)—

(A) by striking ''and assets'' each place it appears;

(B) in paragraph (2)(B), by striking ''or assets''; and

(C) in paragraph (3)—

(i) by striking ''are taken into'' and inserting ''is taken into''; and

(ii) by striking ''adjusted'';

(6) in subsection (g)(6), by striking ''exceeds the sum of'' and all that follows and inserting ''exceeds the parents' total income (as defined in section 480).'';

(7) by repealing subsection (h); and

(8) in subsection (i), by striking ''adjusted'' each place it appears.

(d) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 (20 U.S.C. 1087pp) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking ''the sum resulting under paragraph (1)'' and inserting ''the family's contribution from available income (determined in accordance with subsection (b))''; and

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking ''and assets''; and

(B) by striking ''or assets''.

(e) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 (20 U.S.C. 1087qq) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking ''such adjusted available income'' and inserting ''the family's available income (determined in accordance with subsection (b))'';

(D) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''paragraph (2)'' and inserting ''paragraph (1)''; and

(E) in paragraph (3)(A) (as redesignated by subparagraph (B)), by striking ''paragraph (3)'' and inserting ''paragraph (2)'';

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking ''The adjusted available'' and inserting ''The available'';

(B) by striking ''to as 'AAI')'' and inserting ''to as 'AI')'';

(C) by striking ''From Adjusted Available Income (AAI)'' and inserting ''From Available Income (AI)''; and

(D) in the table—

(i) by striking ''*If AAI*'' and inserting ''*If AI*''; and

(ii) by striking ''of AAI'' each place it appears and inserting ''of AI''; and

(E) in subsection (e)—

(i) by striking ''and assets''; and

(ii) by striking ''or assets''.

(f) REGULATIONS; UPDATED TABLES.—Section 478 (20 U.S.C. 1087rr) is amended—

(1) in subsection (a), by inserting ''or amounts, as the case may be,'' after ''tables'' each place the term appears;

(2) by amending subsection (c) to read as follows:

''(c) ASSET CAP FOR NEED-BASED AID.—For each award year after award year 2011–2012, the Secretary shall publish in the Federal Register a revised net asset cap for the purposes of section 471(b). Such revised cap shall be determined by increasing the dollar amount in such section by a percentage equal to the estimated percentage change in the Consumer Price Index (as determined by the Secretary) between December 2010 and the December preceding the beginning of such award year, and rounding the result to the nearest $5.'';

(3) by repealing subsection (d); and

(4) in subsection (e), by striking ''adjusted'' both places it appears.

SEC. 123. CHANGES TO TOTAL INCOME; AID ELIGIBILITY.

(a) DEFINITION OF UNTAXED INCOME AND BENEFITS.—Section 480(b)(1) (20 U.S.C. 1087vv(b)(1)), as amended by the Higher Education Opportunity Act (Public Law 110–315), is amended—

(1) by striking subparagraphs (A), (B), (C), (E), (F), and (I);

(2) by redesignating subparagraphs (D), (G), and (H) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraph (B) (as redesignated by paragraph (2)), by inserting ''and'' after the semicolon; and

(4) in subparagraph (C) (as redesignated by paragraph (2)), by striking ''; and'' and inserting a period.

(b) DEFINITION OF ASSETS.—Section 480(f)(2) (20 U.S.C. 1087vv(f)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) an employee pension benefit plan (as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2))).''.

(c) FINANCIAL ADMINISTRATOR DISCRETION.—Section 479A(b) (20 U.S.C. 1087tt) is amended in the subsection heading, by striking ''TO ASSETS''.

(d) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended to read as follows:

''(1) IN GENERAL.—A student who is convicted of any offense under any Federal or State law involving the sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following subparagraphs:

''(A) For a first offense, the period of ineligibility shall be 2 years.

''(B) For a second offense, the period of ineligibility shall be indefinite.''.

TITLE II—STUDENT LOAN REFORM

Subtitle A—Stafford Loan Reform

SEC. 201. FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the matter following paragraph (6), by inserting '', except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement would be made after such date'' after ''expended''; and

(2) by adding at the end the following new subsection:

''(d) TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

''(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010; and

''(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement would be made after June 30, 2010,

except as expressly authorized by an Act of Congress enacted after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009.''.

SEC. 202. SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 424(a) (20 U.S.C. 1074(a)) is amended by striking ''September 30, 1976,'' and all that follows and inserting ''September 30, 1976, for each of the succeeding fiscal years ending prior to October 1, 2009, and for the period from October 1, 2009, to June 30, 2010, for loans first disbursed on or before June 30, 2010.''.

SEC. 203. APPLICABLE INTEREST RATES.

Section 427A(l) (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(2) in paragraph (2), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(3) in paragraph (3), by inserting ''and that was disbursed before July 1, 2010,'' after ''July 1, 2006,''; and

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''July 1, 2012'' and inserting ''July 1, 2010''; and

(B) by repealing subparagraphs (D) and (E).

SEC. 204. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 428 (20 U.S.C. 1078) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for which the first disbursement is made before July 1, 2010, and'' after ''eligible institution''; and

(B) in paragraph (5), by striking ''September 30, 2014,'' and all that follows through the period and inserting ''June 30, 2010.'';

(2) in subsection (b)(1)—

(A) in subparagraph (G)(ii), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,''; and

(B) in subparagraph (H)(ii), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,'';

(3) in subsection (f)(1)(A)(ii)—

(A) by striking ''during fiscal years beginning''; and

(B) by inserting ''and first disbursed before July 1, 2010,'' after ''October 1, 2003,''; and

(4) in subsection (j)(1), by inserting '', before July 1, 2010,'' after ''section 435(d)(1)(D) of this Act shall''.

(b) COLLEGE COST REDUCTION AND ACCESS ACT.—Section 303 of the College Cost Reduction and Access Act (Public Law 110–84) is repealed.

SEC. 205. FEDERAL PLUS LOANS.

Section 428B(a)(1) (20 U.S.C. 1078–2(a)(1)) is amended by striking ''A graduate'' and inserting ''Prior to July 1, 2010, a graduate''.

SEC. 206. FEDERAL CONSOLIDATION LOAN.

(a) AMENDMENTS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(4)(A), by inserting '', and first disbursed before July 1, 2010'' after ''under this part'';

(2) in subsection (b)—

(A) in paragraph (1)(E), by inserting before the semicolon '', and before July 1, 2010''; and

(B) in paragraph (5), by striking ''In the event that'' and inserting ''If, before July 1, 2010,'';

(3) in subsection (c)(1)—

(A) in subparagraph (A)(ii), by inserting ''and that is disbursed before July 1, 2010,'' after ''2006,''; and

(B) in subparagraph (C), by inserting ''and first disbursed before July 1, 2010,'' after ''1994,''; and

(4) in subsection (e), by striking ''September 30, 2014.'' and inserting ''June 30, 2010. No loan may be made under this section for which the first disbursement would be on or after July 1, 2010.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(1)(A) shall be effective at the close of June 30, 2010.

SEC. 207. UNSUBSIDIZED STAFFORD LOANS FOR MIDDLE-INCOME BORROWERS.

Section 428H (20 U.S.C. 1078–8) is amended—

(1) in subsection (a), by inserting ''that are first disbursed before July 1, 2010,'' after ''under this part'';

(2) in subsection (b)—

(A) by striking ''Any student'' and inserting ''Prior to July 1, 2010, any student''; and

(B) by inserting ''for which the first disbursement is made before such date'' after ''unsubsidized Federal Stafford Loan''; and

(3) in subsection (h), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,''.

SEC. 208. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Section 428L(b)(2)(A) (20 U.S.C. 1078–12(b)(2)(A)) is amended—

(1) by amending clause (i) to read as follows:

''(i) subject to clause (ii)—

''(I) a loan made, insured, or guaranteed under this part, and that is first disbursed before July 1, 2010; or

''(II) a loan made under part D or part E; and''; and

(2) in clause (ii)—

(A) by striking ''428C or 455(g)'' and inserting ''428C that is disbursed before July 1, 2010, or section 455(g)''; and

(B) in subclause (II), by inserting ''for which the first disbursement is made before July 1, 2010'' after ''or 428H''.

SEC. 209. SPECIAL ALLOWANCES.

Section 438 (20 U.S.C. 1087–1) is amended—

(1) in subsection (b)(2)(I)—

(A) in the header, by inserting '', AND BEFORE JULY 1, 2010'' after ''2000'';

(B) in clause (i), by inserting ''and before July 1, 2010,'' after ''2000,'';

(C) in clause (ii)(II), by inserting ''and before July 1, 2010,'' after ''2006,'';

(D) in clause (iii), by inserting ''and before July 1, 2010,'' after ''2000,'';

(E) in clause (iv), by inserting ''and that is disbursed before July 1, 2010,'' after ''2000,'';

(F) in clause (v)(I), by inserting ''and before July 1, 2010,'' after ''2006,''; and

(G) in clause (vi)—

(i) in the header, by inserting '', AND BEFORE JULY 1, 2010'' after ''2007''; and

(ii) in the matter preceding subclause (I), by inserting ''and before July 1, 2010,'' after ''2007,'';

(2) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iii), by inserting ''and'' after the semicolon;

(ii) in clause (iv), by striking ''; and'' and inserting a period; and

(iii) by striking clause (v); and

(B) in paragraph (6), by inserting ''and first disbursed before July 1, 2010,'' after ''1992,''; and

(3) in subsection (d)(2)(B), by inserting '', and before July 1, 2010'' after ''2007''.

SEC. 210. REVISED SPECIAL ALLOWANCE CALCULATION.

(a) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clause:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

''(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; or

''(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of such Act, the holder of the loan (or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan), affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—

''(aa) IN GENERAL.—A waiver pursuant to subclause (II)(bb) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

''(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

''(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

''(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

''(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II)(bb) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

''(AA) in accordance with an agreement entered into before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009 by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

''(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.

''(IV) PARTICIPANT'S YIELD.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary's participant yield in any loan in which the Secretary has purchased a participation interest and for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.''.

(b) CONFORMING AMENDMENT.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I)''; and

(2) in clause (v)(III) by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

SEC. 211. ORIGINATION OF DIRECT LOANS AT INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.

(a) LOANS FOR STUDENTS ATTENDING INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.—Section 452 (20 U.S.C. 1087b) is amended by adding at the end the following:

''(d) INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.—Loan funds for students (and parents of students) attending institutions located outside the United States shall be disbursed through a financial institution located in the United States and designated by the Secretary to serve as the agent of such institutions with respect to the receipt of the disbursements of such loan funds and the transfer of such funds to such institutions. To be eligible to receive funds under this part, an otherwise eligible institution located outside the United States shall make arrangements, subject to regulations by the Secretary, with the agent designated by the Secretary under this subsection to receive funds under this part.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—Section 102 (20 U.S.C. 1002), as amended by section 102 of the Higher Education Opportunity Act (Public Law 110–315) and section 101 of Public Law 111–39, is amended—

(A) by striking ''part B'' each place it appears and inserting ''part D'';

(B) in subsection (a)(1)(C), by inserting '', consistent with the requirements of section 452(d)'' before the period at the end; and

(C) in subsection (a)(2)(A)—

(i) in the matter preceding clause (i), by striking ''made, insured, or guaranteed'' and inserting ''made''; and

(ii) in clause (iii)—

(I) in subclause (III), by striking ''only Federal Stafford'' and all that follows through ''section 428B'' and inserting ''only Federal Direct Stafford Loans under section 455(a)(2)(A), Federal Direct Unsubsidized Stafford Loans under section 455(a)(2)(D), or Federal Direct PLUS Loans under section 455(a)(2)(B)''; and

(II) in subclause (V), by striking ''a Federal Stafford'' and all that follows through ''section 428B'' and inserting ''a Federal Direct Stafford Loan under section 455(a)(2)(A), a Federal Direct Unsubsidized Stafford Loan under section 455(a)(2)(D), or a Federal Direct PLUS Loan under section 455(a)(2)(B)''.

(2) EFFECTIVE DATE.—The amendments made by subparagraph (C) of paragraph (1) shall be effective as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act, in accordance with section 102(e) of such Act, as amended by section 101(a)(2) of Public Law 111–39.

SEC. 212. AGREEMENTS WITH INSTITUTIONS.

Section 454 (20 U.S.C. 1087d) is amended—

(1) in subsection (a), by striking paragraph (4) and redesignating the succeeding paragraphs accordingly; and

(2) in subsection (b)(2), by striking ''(5), (6), and (7)'' and inserting ''(5), and (6)''.

SEC. 213. TERMS AND CONDITIONS OF LOANS.

(a) AMENDMENTS.—Section 455 (20 U.S.C. 1087e) is amended—

(1) in subsection (a)(1), by inserting '', and first disbursed on June 30, 2010,'' before ''under sections 428''; and

(2) in subsection (g)—

(A) by inserting '', including any loan made under part B and first disbursed before July 1, 2010'' after ''section 428C(a)(4)''; and

(B) by striking the third sentence.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply with respect to loans first disbursed under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) on or after July 1, 2010.

SEC. 214. CONTRACTS.

Section 456 (20 U.S.C. 1087f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the header, by striking ''IN GENERAL'' and inserting ''AWARDING OF CONTRACTS'';

(ii) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(iii) by adding at the end the following:

''(B) AWARDING CONTRACTS FOR SERVICING LOANS.—The Secretary shall, if practicable, award multiple contracts, through a competitive bidding process, to entities, including eligible not-for-profit servicers, to service loans originated under this part. The competitive bidding process shall take into account price, servicing capacity, and capability, and may take into account the capacity and capability to provide default aversion activities and outreach services.

''(C) JOB RETENTION INCENTIVE PAYMENT.—(i) In a contract with an entity under subparagraph (B) for the servicing of loans, the Secretary shall provide a job retention incentive payment, in an amount and manner determined by the Secretary, if such entity agrees to give priority for hiring for positions created as a result of such a contract to those geographical locations located in the United States at which the entity performed student loan origination or servicing activities under the Federal Family Education Loan Program as of the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009.

''(ii) In determining the allocation of loans to be serviced by an entity awarded such a contract, the Secretary shall consider the retention of highly qualified employees (employed in the United States) of such entity a positive factor in determining such allocation.'';

(B) in paragraph (2)—

(i) in the first sentence, by inserting '', including eligible not-for-profit servicers,'' after ''The entities'';

(ii) by amending the third sentence to read as follows: ''The entities with which the Secretary may enter into such contracts shall include, where practicable, agencies with agreements with the Secretary under sections 428(b) and (c) on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, nonprofit subsidiaries of such an agency, and eligible not-for-profit servicers, if such agencies, subsidiaries, or servicers meet the qualifications as determined by the Secretary under this subsection and if those agencies, subsidiaries, or servicers have such experience and demonstrated effectiveness.''; and

(iii) by striking the last sentence and inserting the following: ''In awarding contracts to such agencies, subsidiaries, and such eligible not-for-profit servicers, the Secretary shall, to the extent practicable and consistent with the purposes of this part, give special consideration to such agencies, subsidiaries, and servicers with a history of high quality performance and demonstrated integrity in conducting operations with institutions of higher education and the Secretary.'';

(C) by redesignating paragraph (3) as paragraph (4), and by inserting in such paragraph '', or of any eligible not-for-profit servicer to enter into an agreement for the purposes of this section as a member of a consortium of such entities'' before the period at the end; and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) SERVICING BY ELIGIBLE NOT-FOR-PROFIT SERVICERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, in each State where at least one eligible not-for-profit servicer has its principal place of business, the Secretary shall contract with each such servicer to service loans originated under this part on behalf of borrowers attending institutions located within such State, provided that the servicer demonstrates that it meets the standards for servicing Federal assets and providing quality service and agrees to service the loans at a competitive market rate, as determined by the Secretary. In determining such a competitive market rate, the Secretary shall set such rate so that (i) the rate is commercially reasonable in relation to the volume of loans being serviced by the eligible not-for-profit servicers, and (ii) in the Secretary's judgment, the eligible not-for-profit servicers can reasonably provide any additional services, such as default aversion or outreach, provided for in the contracts awarded under this paragraph. Contracts awarded under this paragraph shall be subject to the same requirements for quality, performance, and accountability as contracts awarded under paragraph (2) for similar activities.

''(B) ALLOCATIONS.—(i) ONE SERVICER.—In the case of a State with only one eligible not-for-profit servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to such servicer, each year and subject to such contract, the servicing rights for the lesser of—

''(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

''(II) the loans of all the borrowers attending institutions located within the State.

''(ii) MULTIPLE SERVICERS.—In the case of a State with more than one eligible not-for-profit servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to each such servicer, each year and subject to such contract, the servicing rights for the lesser of—

''(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

''(II) an equal share of the loans of all borrowers attending institutions located within the State, except the Secretary shall adjust such shares as necessary to ensure that the loans of any single borrower remain with a single servicer.

''(iii) ADDITIONAL ALLOCATION.—The Secretary may allocate additional servicing rights to an eligible not-for-profit servicer based on the performance of such servicer, as determined by the Secretary, including performance in the areas of customer service and default aversion.

''(C) LOAN SERVICING RETENTION.—

''(i) IN GENERAL.—In addition to any new loans allocated to a servicers under subparagraph (B)(ii), an eligible not-for-profit servicer shall retain the servicing of loans allocated to such servicer in previous years, except as provided in clause (ii), or as otherwise provided for in accordance with the terms of a contract under this paragraph.

''(ii) TRANSFERS FOR MULTIPLE LOANS.—Notwithstanding clause (i) and the allocations required by subparagraph (B), the Secretary may transfer loans among servicers who are awarded contracts to service loans pursuant to this section to ensure that the loans of any single borrower remain with a single servicer.'';

(2) in subsection (b)—

(A) in the subsection header, by striking ''ORIGINATION, SERVICING, AND DATA SYSTEMS'' and inserting ''ORIGINATION, SERVICING, DELINQUENCY PREVENTION AND DEFAULT AVERSION SERVICES, DEFAULT COLLECTIONS, OUTREACH, AND DATA SYSTEMS'';

(B) in the matter preceding paragraph (1), by striking ''The Secretary may'' and inserting ''(1) IN GENERAL.—The Secretary may'';

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), and moving such subparagraphs two ems to the right;

(D) in subparagraph (C) (as redesignated by subparagraph (C) of this paragraph), by striking ''and'' after the semicolon;

(E) by redesignating subparagraph (D) (as redesignated by subparagraph (C) of this paragraph) as subparagraph (E);

(F) by inserting after subparagraph (C) (as so redesignated) the following new subparagraph:

''(D) delinquency prevention and default aversion services, default collections, financial aid counseling, career and education counseling, financial literacy, guidance counselor and financial aid officer training services, and other outreach services; and''; and

(G) by adding at the end the following:

''(2) LIMITATION.—The Secretary may enter into contracts for the services described in paragraph (1)(D) with—

''(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, that are providing such services on such date and that meet the qualifications determined by the Secretary; or

''(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998, and meet the qualifications determined by the Secretary.''; and

(3) by adding at the end the following:

''(c) REPORT TO CONGRESS.—Not later than 5 years after the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, the Secretary shall prepare and submit to the authorizing committees, a report evaluating the performance of all eligible not-for-profit servicers awarded a contract under this section to service loans originated under this part. Such report shall give consideration to—

''(1) customer satisfaction of borrowers and institutions with respect to the loan servicing provided by the servicers;

''(2) compliance with applicable regulations by the servicers; and

''(3) the effectiveness of default aversion activities, and outreach services, including financial literacy programs, (if any), provided by the servicers.

''(d) DEFINITIONS.—In this section:

''(1) DEFAULT AVERSION ACTIVITIES.—The term 'default aversion activities' means activities that are directly related to providing collection assistance to the Secretary on a delinquent loan, prior to the loan being legally in a default status.

''(2) ELIGIBLE NOT-FOR-PROFIT SERVICER.—

''(A) IN GENERAL.—The term 'eligible not-for-profit servicer' means an entity—

''(i) that is not owned or controlled in whole or in part by—

''(I) a for profit entity; or

''(II) a nonprofit entity having its principal place of business in another State; and

''(ii) that—

''(I) as of July 1, 2009—

''(aa) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section; and

''(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title;

''(II) notwithstanding subclause (I), as of July 1, 2009—

''(aa) is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); and

''(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was

performing, student loan servicing functions for loans made under part B of this title; or

''(III) is an affiliated entity of an eligible not-for-profit servicer described in subclause (I) or (II) that—

''(aa) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform borrower-specific student loan servicing functions; and

''(bb) as of July 1, 2009, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

''(B) AFFILIATED ENTITY.—For the purposes of subparagraph (A), the term 'affiliated entity'—

''(i) means an entity contracted to perform services for an eligible not-for-profit servicer that—

''(I) is a nonprofit entity or is wholly owned by a nonprofit entity; and

''(II) is not owned or controlled, in whole or in part, by—

''(aa) a for-profit entity; or

''(bb) an entity having its principal place of business in another State; and

''(ii) may include an affiliated entity that is established by an eligible not-for-profit servicer after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if such affiliated entity is otherwise described in subparagraph (A)(ii)(III) and clause (i) of this subparagraph.

''(3) OUTREACH SERVICES.—The term 'outreach services' means programs offered to students and families, including programs delivered in coordination with institutions of higher education that—

''(A) encourage—

''(i) students to attend and complete a degree or certification program at an institution of higher education; and

''(ii) students and families to obtain financial aid, but minimize the borrowing of education loans; and

''(B) deliver a wide range of financial literacy and counseling tools to equip students with the information necessary to make prudent decisions concerning their educational success and financial well-being.''.

SEC. 215. INTEREST RATES.

Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

''(E) REDUCED RATES FOR UNDERGRADUATE FDSL ON AND AFTER JULY 1, 2012.—Notwithstanding the preceding paragraphs of this subsection and subparagraph (A) of this paragraph, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2012, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(ii) 2.5 percent,

except that such rate shall not exceed 6.8 percent.''.

SEC. 216. TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—

''(A) PROVISION OF ASSISTANCE.—The Secretary shall provide institutions of higher education participating, or seeking to participate, in the loan programs under this part with technical assistance in establishing and administering such programs, including assistance for an institution of higher education during such institution's transition into such programs. Such assistance may include technical support, training for personnel, customized assistance to individual institutions of higher education, development of informational materials, and other services the Secretary determines to be appropriate.

''(B) FUNDS.—There are—

''(i) authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this subparagraph and out of any money in the Treasury not otherwise appropriated), $50,000,000 for fiscal year 2010; and

''(ii) authorized to be appropriated such sums as may be necessary to carry out this paragraph for fiscal years 2011 through 2014.''.

SEC. 217. OUTREACH EFFORTS.

(a) OUTREACH ACTIVITIES REQUIRED.—The Secretary of Education shall conduct outreach activities in accordance with this section to inform and educate students and their families about the transition to Federal Direct lending under the amendments made by this title to title IV of the Higher Education Act of 1965.

(b) REQUIRED COMPONENTS OF OUTREACH.—The Secretary shall provide for the broad dissemination of information on such amendments and shall—

(1) operate and maintain an Internet website through which individuals may obtain information on changes made to the Federal Family Education Loan programs and the Federal Direct Loan programs;

(2) develop and disseminate information to high school seniors and their parents concerning student loans and student aid;

(3) provide assistance to institutions of higher education to educate students on the repayment of Federal Direct loans; and

(4) ensure that all outreach efforts are developed using plain language and are culturally- and language-appropriate.

(c) USE OF OTHER ENTITIES.—In carrying out this subsection, the Secretary may work with other appropriate entities to facilitate the dissemination of information under this section and to provide assistance as described in this section.

Subtitle B—Perkins Loan Reform

SEC. 221. FEDERAL DIRECT PERKINS LOANS TERMS AND CONDITIONS.

Part D of title IV (20 U.S.C. 1087a et seq.) is amended by inserting after section 455 the following new section:

''SEC. 455A. FEDERAL DIRECT PERKINS LOANS.

''(a) DESIGNATION OF LOANS.—Loans made to borrowers under this section shall be known as 'Federal Direct Perkins Loans'.

''(b) IN GENERAL.—It is the purpose of this section to authorize loans to be awarded by institutions of higher education through agreements established under section 463(f). Unless otherwise specified in this section, all terms and conditions and other requirements applicable to Federal Direct Unsubsidized Stafford loans established under section 455(a)(2)(D) shall apply to loans made pursuant to this section.

''(c) ELIGIBLE BORROWERS.—Any student meeting the requirements for student eligibility under section 464(b) (including graduate and professional students as defined in regulations promulgated by the Secretary) shall be eligible to borrow a Federal Direct Perkins Loan, provided the student attends an eligible institution with an agreement with the Secretary under section 463(f), and the institution uses its authority under that agreement to award the student a loan.

''(d) LOAN LIMITS.—The annual and aggregate limits for loans under this section shall be the same as those established under section 464, and aggregate limits shall include loans made by institutions under agreements under section 463(a).

''(e) APPLICABLE RATES OF INTEREST.—Loans made pursuant to this section shall bear interest, on the unpaid balance of the loan, at the rate of 5 percent per year.''.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

Section 461 (20 U.S.C. 1087aa) is amended—

(1) in subsection (a), by inserting '', before July 1, 2010,'' after ''The Secretary shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) For the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''and for each of the five succeeding fiscal years''; and

(B) by striking paragraph (2); and

(3) by striking subsection (c).

SEC. 223. ALLOCATION OF FUNDS.

Section 462 (20 U.S.C. 1087bb) is amended—

(1) in subsection (a)(1), by striking ''From'' and inserting ''For any fiscal year before fiscal year 2010, from''; and

(2) in subsection (i)(1), by striking ''for any fiscal year,'' and inserting ''for any fiscal year before fiscal year 2010,''.

SEC. 224. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

Part E of title IV is further amended by inserting after section 462 (20 U.S.C. 1087bb) the following:

''SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to allocate, among eligible and participating institutions (as such terms are defined in this section), the authority to make Federal Direct Perkins Loans under section 455A with a portion of the annual loan authority described in subsection (b); and

''(2) to make funds available, in accordance with section 452, to each participating institution from a portion of the annual loan authority described in subsection (b), in an amount not to exceed the sum of an institution's allocation of funds under subparagraphs (A), (B), and (C) of subsection (b)(1) to enable each such institution to make Federal Direct Perkins Loans to eligible students at the institution.

''(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN AUTHORITY.—

''(1) AVAILABILITY AND ALLOCATIONS.—There are hereby made available, from funds made available for loans made under part D, not to exceed $6,000,000,000 of annual loan authority for award year 2010–2011 and each succeeding award year, to be allocated as follows (except as provided in paragraphs (3) and (4)):

''(A) The Secretary shall allocate not more than ½ of such funds for each award year by allocating to each participating institution an amount equal to the adjusted self-help need amount of the institution, as determined in accordance with subsection (c) for such award year.

''(B) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount equal to the low tuition incentive amount of the institution, as determined in accordance with subsection (d).

''(C) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount which bears the same ratio to the funds allocated under this subparagraph as the ratio determined in accordance with subsection (e) for the calculation of the Federal Pell Grant and degree recipient amount of the institution.

''(2) NO FUNDS TO NON-PARTICIPATING INSTITUTIONS.—The Secretary shall not make

funds available under this subsection to any eligible institution that is not a participating institution. The adjusted self-help need amount (determined in accordance with subsection (c)) of an eligible institution that is not a participating institution shall not be made available to any other institution.

''(3) REQUIRED MINIMUM AMOUNT.—Notwithstanding paragraph (1), in no case shall the sum of a participating institution's allocation of loan authority computed under subsections (c), (d), and (e) be less than the average of the institution's total principal amount of loans made under this part for each of the academic years 2003–2004 through 2007–2008.

''(4) ADDITIONAL ADJUSTMENTS.—If the Secretary determines that the sum of a participating institution's allocation of loan authority under subsections (c), (d), and (e) is below the minimum amount required under paragraph (3), the Secretary shall—

''(A) for each institution for which the minimum amount under paragraph (3) is not satisfied, increase the amount of such sum to the amount of the required minimum under such paragraph; and

''(B) ratably reduce the amount of the sum of such loan authority of all participating institutions not described in subparagraph (A).

''(c) ADJUSTED SELF-HELP NEED AMOUNT.—For the purposes of subsection (b)(1)(A), the Secretary shall calculate the adjusted self-help need amount of each eligible institution for an award year as follows:

''(1) USE OF BASE SELF-HELP NEED AMOUNTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the adjusted self-help need amount of each eligible institution shall be the institution's base self-help need amount, which is the sum of—

''(i) the self-help need of the institution's eligible undergraduate students for such award year; and

''(ii) the self-help need of the institution's eligible graduate and professional students for such award year.

''(B) UNDERGRADUATE STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall determine the sum of each eligible undergraduate student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for the second preceding award year, except that, for each such eligible undergraduate student, the amount computed by such subtraction shall not be less than zero or more than the lesser of—

''(i) 25 percent of the average cost of attendance with respect to such eligible student; or

''(ii) $5,500.

''(C) GRADUATE AND PROFESSIONAL STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible graduate and professional students, the Secretary shall determine the sum of each eligible graduate and professional student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for such second preceding award year, except that, for each such eligible graduate and professional student, the amount computed by such subtraction shall not be less than zero or more than $8,000.

''(2) RATABLE REDUCTION ADJUSTMENTS.—If the sum of the base self-help need amounts of all eligible institutions for an award year as determined under paragraph (1) exceeds ½ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the base self-help need amounts of all eligible institutions until the sum of such amounts is equal to the amount that is ½ of the annual loan authority under subsection (b).

''(d) LOW TUITION INCENTIVE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (b)(1)(B), the Secretary shall determine the low tuition incentive amount for each participating institution for each award year, by calculating for each such institution the sum of—

''(A) the total amount, if any (but not less than zero), by which—

''(i) the average tuition and required fees for the institution's sector for the second preceding award year; exceeds

''(ii) the tuition and required fees for the second preceding award year for each undergraduate and graduate student attending the institution who had financial need (as determined under part F); plus

''(B) the total amount, if any (but not less than zero), by which—

''(i) the total amount for the second preceding award year of non-Federal grant aid provided to meet the financial need of all undergraduate students attending the institution (as determined without regard to financial aid not received under this title); exceeds

''(ii) the total amount for the second preceding award year, if any, by which—

''(I) the tuition and required fees of each such student with such financial need; exceeds

''(II) the average tuition and required fees for the institution's sector.

''(2) RATABLE REDUCTION.—If the sum of the low tuition incentive amounts of all participating institutions for an award year as determined under paragraph (1) exceeds ¼ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the low tuition incentive amounts of all participating institutions until the sum of such amounts is equal to the amount that is ¼ of the annual loan authority under subsection (b).

''(e) FEDERAL PELL GRANT AND DEGREE RECIPIENT AMOUNT.—For purposes of subsection (b)(1)(C), the Secretary shall determine the Federal Pell Grant and degree recipient amount for each participating institution for each award year, by calculating for each such institution the ratio of—

''(1) the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from such participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education; to

''(2) the sum of the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from each participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education.

''(f) DEFINITIONS.—As used in this section:

''(1) ANNUAL LOAN AUTHORITY.—The term 'annual loan authority' means the total original principal amount of loans that may be allocated and made available for an award year to make Federal Direct Perkins Loans under section 455A.

''(2) AVERAGE COST OF ATTENDANCE.—

''(A) IN GENERAL.—The term 'average cost of attendance' means the average of the attendance costs for undergraduate students and for graduate and professional students, respectively, for the second preceding award year which shall include—

''(i) tuition and required fees determined in accordance with subparagraph (B);

''(ii) standard living expenses determined in accordance with subparagraph (C); and

''(iii) books and supplies determined in accordance with subparagraph (D).

''(B) TUITION AND REQUIRED FEES.—The average undergraduate and graduate and professional tuition and required fees described in subparagraph (A)(i) shall be computed on the basis of information reported by the institution to the Secretary, which shall include—

''(i) total revenue received by the institution from undergraduate and graduate and professional students, respectively, for tuition and required fees for the second preceding award year; and

''(ii) the institution's full-time equivalent enrollment of undergraduate and graduate and professional students, respectively, for such second preceding award year.

''(C) STANDARD LIVING EXPENSES.—The standard living expense described in subparagraph (A)(ii) is equal to the allowance, determined by an institution, for room and board costs incurred by a student, as computed in accordance with part F for the second preceding award year.

''(D) BOOKS AND SUPPLIES.—The allowance for books and supplies described in subparagraph (A)(iii) is equal to the allowance, determined by an institution, for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer, as computed in accordance with part F for the second preceding award year.

''(3) AVERAGE TUITION AND REQUIRED FEES FOR THE INSTITUTION'S SECTOR.—The term 'average tuition and required fees for the institution's sector' shall be determined by the Secretary for each of the categories described in section 132(d).

''(4) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that participates in the Federal Direct Stafford Loan Program.

''(5) PARTICIPATING INSTITUTION.—The term 'participating institution' means an institution of higher education that has an agreement under section 463(f).

''(6) SECTOR.—The term 'sector' means each of the categories described in section 132(d).''.

SEC. 225. AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Section 463 (20 U.S.C. 1087cc) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''FOR LOANS MADE BEFORE JULY 1, 2010'' after ''AGREEMENTS'';

(B) in paragraph (3)(A), by inserting ''before July 1, 2010'' after ''students'';

(C) in paragraph (4), by striking ''thereon—'' and all that follows and inserting ''thereon, if the institution has failed to maintain an acceptable collection record with respect to such loan, as determined by the Secretary in accordance with criteria established by regulation, the Secretary may require the institution to assign such note or agreement to the Secretary, without recompense;''; and

(D) in paragraph (5), by striking ''and the Secretary shall apportion'' and all that follows through ''in accordance with section 462'' and inserting ''and the Secretary shall return a portion of funds from loan repayments to the institution as specified in section 466(b)'';

(2) by amending subsection (b) to read as follows:

''(b) ADMINISTRATIVE EXPENSES.—An institution that has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it services student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in servicing student loans made before July 1, 2010. Such payment shall be equal to 0.50 percent of the outstanding principal and interest balance of such loans being serviced by

the institution as of September 30 of each fiscal year.''; and

(3) by adding at the end the following:

''(f) CONTENTS OF AGREEMENTS FOR LOANS MADE ON OR AFTER JULY 1, 2010.—An agreement with any institution of higher education that elects to participate in the Federal Direct Perkins Loan program under section 455A shall provide—

''(1) for the establishment and maintenance of a Direct Perkins Loan program at the institution under which the institution shall use loan authority allocated under section 462A to make loans to eligible students attending the institution;

''(2) that the institution, unless otherwise specified in this subsection, shall operate the program consistent with the requirements of agreements established under section 454;

''(3) that the institution will pay matching funds, quarterly, in an amount agreed to by the institution and the Secretary, to an escrow account approved by the Secretary, for the purpose of providing loan benefits to borrowers;

''(4) that if the institution fails to meet the requirements of paragraph (3), the Secretary shall suspend or terminate the institution's eligibility to make Federal Direct Perkins Loans under section 455A until such time as the Secretary determines, in accordance with section 498, that the institution has met the requirements of such paragraph; and

''(5) that if the institution ceases to be an eligible institution within the meaning of section 435(a) by reason of having a cohort default rate that exceeds the threshold percentage specified in paragraph (2) of such section, the Secretary shall suspend or terminate the institution's eligibility to make Federal Direct Perkins Loans under section 455A unless and until the institution would qualify for a resumption of eligible institution status under such section.''.

(b) EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (a) shall take effect on October 1, 2010.

SEC. 226. STUDENT LOAN INFORMATION BY ELIGIBLE INSTITUTIONS.

Section 463A (20 U.S.C. 1087cc–1) is amended—

(1) in subsection (a), by striking ''Each institution'' and inserting ''For loans made before July 1, 2010, each institution''; and

(2) in subsection (b), by striking ''Each institution'' and inserting ''For loans made before July 1, 2010, each institution''.

SEC. 227. TERMS OF LOANS.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (a)(1), by striking ''section 463'' and inserting ''section 463(a)'';

(2) in subsection (b)(1), by inserting ''made before July 1, 2010,'' after ''A loan'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''made before July 1, 2010,'' after ''a loan'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''made before July 1, 2010,'' after ''any loan''; and

(ii) in subparagraph (B), by inserting ''made before July 1, 2010,'' after ''any loan'';

(C) in paragraph (3)(B), by inserting ''for a loan made before July 1, 2010,'' after ''during the repayment period'';

(D) in paragraph (4), by inserting ''before July 1, 2010,'' after ''for a loan made'';

(E) in paragraph (5), by striking ''The institution'' and inserting ''For loans made before July 1, 2010, the institution''; and

(F) in paragraph (6), by inserting ''made before July 1, 2010,'' after ''of loans'';

(4) in subsection (d), by inserting ''made before July 1, 2010,'' before ''from the student loan fund'';

(5) in subsection (e), by inserting ''with respect to loans made before July 1, 2010, and'' before ''as documented in accordance with paragraph (2),'';

(6) by repealing subsection (f);

(7) in subsection (g)(1), by inserting ''and before July 1, 2010,'' after ''January 1, 1986,'';

(8) in subsection (h)—

(A) in paragraph (1)(A) by inserting ''before July 1, 2010,'' after ''made under this part''; and

(B) in paragraph (2), by inserting ''before July 1, 2010,'' after ''under this part''; and

(9) in subsection (j)(1), by inserting ''before July 1, 2010,'' after ''under this part''.

SEC. 228. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

(a) Section 465 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a), by inserting ''and before July 1, 2010,'' after ''June 30, 1972,''; and

(2) by amending subsection (b) to read as follows:

''(b) REIMBURSEMENT FOR CANCELLATIONS.—

''(1) ASSIGNED LOANS.—In the case of loans made under this part before July 1, 2010, and that are assigned to the Secretary, the Secretary shall, from amounts repaid each quarter on assigned Perkins Loans made before July 1, 2010, pay to each institution for each quarter an amount equal to—

''(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

''(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.

''(2) RETAINED LOANS.—In the case of loans made under this part before July 1, 2010, and that are retained by the institution for servicing, the institution shall deduct from loan repayments owed to the Secretary under section 466, an amount equal to—

''(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

''(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.''.

(b) Section 466 (20 U.S.C. 1087ff) is amended to read as follows:

''SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

''(a) CAPITAL DISTRIBUTION.—Beginning July 1, 2010, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

''(1) For the quarter beginning July 1, 2010, the Secretary shall first be paid, no later than September 30, 2010, an amount that bears the same ratio to the cash balance in such fund at the close of June 30, 2010, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

''(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

''(B) an amount equal to—

''(i) the institution's outstanding administrative costs as calculated under section 463(b),

''(ii) outstanding charges assessed under section 464(c)(1)(H), and

''(iii) outstanding loan cancellation costs incurred under section 465.

''(2) At the end of each quarter subsequent to the quarter ending September 30, 2010, the Secretary shall first be paid an amount that bears the same ratio to the cash balance in such fund at the close of the preceding quarter, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

''(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

''(B) an amount equal to—

''(i) the institution's administrative costs incurred for that quarter as calculated under section 463(b),

''(ii) charges assessed for that quarter under section 464(c)(1)(H), and

''(iii) loan cancellation costs incurred for that quarter under section 465.

''(3)(A) The Secretary shall calculate the amounts due to the Secretary under paragraph (1) (adjusted in accordance with subparagraph (B), as appropriate) and paragraph (2) and shall promptly inform the institution of such calculated amounts.

''(B) In the event that, prior to the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, an institution made a short-term, interest-free loan to the institution's student loan fund established under this part in anticipation of collections or receipt of Federal capital contributions, and the institution demonstrates to the Secretary, on or before June 30, 2010, that such loan will still be outstanding after June 30, 2010, the Secretary shall subtract the amount of such outstanding loan from the cash balance of the institution's student loan fund that is used to calculate the amount due to the Secretary under paragraph (1). An adjustment of an amount due to the Secretary under this subparagraph shall be made by the Secretary on a case-by-case basis.

''(4) Any remaining balance at the end of a quarter after a payment under paragraph (1) or (2) shall be retained by the institution for use at its discretion. Any balance so retained shall be withdrawn from the student loan fund and shall not be counted in calculating amounts owed to the Secretary for subsequent quarters.

''(5) Each institution shall make the quarterly payments to the Secretary described in paragraph (2) until all outstanding Federal Perkins Loans at that institution have been assigned to the Secretary and there are no funds remaining in the institution's student loan fund.

''(6) In the event that the institution's administrative costs, charges, and cancellation costs described in paragraph (2) for a quarter exceed the amount owed to the Secretary under paragraphs (1) and (2) for that quarter, no payment shall be due to the Secretary from the institution for that quarter and the Secretary shall pay the institution, from funds realized from the collection of assigned Federal Perkins Loans made before July 1, 2010, an amount that, when combined with the amount retained by the institution under paragraphs (1) and (2), equals the full amount of such administrative costs, charges, and cancellation costs.

''(b) ASSIGNMENT OF OUTSTANDING LOANS.—Beginning July 1, 2010, an institution of higher education may assign all outstanding loans made under this part before July 1, 2010, to the Secretary, consistent with the requirements of section 463(a)(5). In collecting loans so assigned, the Secretary shall pay an institution an amount that constitutes the same fraction of such collections as the fraction of the cash balance that the institution retains under subsection (a)(2), but determining such fraction without regard to subparagraph (B)(i) of such subsection.''.

SEC. 229. IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.

Section 487(d) (20 U.S.C. 1094(d)) is amended—

(1) in paragraph (1)(E), by striking ''July 1, 2011'' and inserting ''July 1, 2012'';

(2) in paragraph (1)(F)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(B) by inserting after clause (ii) the following new clause:

''(iii) for the period beginning July 1, 2010, and ending July 1, 2012, the amount of funds the institution received from loans disbursed under section 455A;''; and

(3) in paragraph (2), by adding at the end the following new subparagraph:

''(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), an institution that fails to meet the requirements of subsection (a)(24) for two consecutive institutional fiscal years, and the second such institutional fiscal year ends after July 1, 2008, and before July 1, 2011, shall not be determined ineligible in accordance with subparagraph (A) unless the institution fails to meet the requirements of subsection (a)(24) for a third consecutive institutional fiscal year.''.

SEC. 230. ADMINISTRATIVE EXPENSES.

Section 489(a) (20 U.S.C. 1096(a)) is amended—

(1) in the second sentence, by striking ''or under part E of this title''; and

(2) in the third sentence—

(A) by inserting ''and'' after ''subpart 3 of part A,''; and

(B) by striking ''compensation of students,'' and all that follows through the period and inserting ''compensation of students.''.

TITLE III—MODERNIZATION, RENOVATION, AND REPAIR

Subtitle A—Elementary and Secondary Education

SEC. 301. DEFINITIONS.

In this subtitle:

(1) The term ''Bureau-funded school'' has the meaning given such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term ''charter school'' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(3) The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term ''local educational agency''—

(A) has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(B) includes any public charter school that constitutes a local educational agency under State law; and

(C) includes the Recovery School District of Louisiana.

(8) The term ''outlying area''—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the Republic of Palau.

(9) The term ''public school facilities'' means existing public elementary or secondary school facilities, including public charter school facilities and other existing facilities planned for adaptive reuse as public charter school facilities.

(10) The term ''Secretary'' means the Secretary of Education.

(11) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 311. PURPOSE.

Grants under this chapter shall be for the purpose of modernizing, renovating, or repairing public school facilities (including early learning facilities, as appropriate), based on the need of the facilities for such improvements, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

SEC. 312. ALLOCATION OF FUNDS.

(a) RESERVATION.—

(1) IN GENERAL.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 2 percent of such amount, consistent with the purpose described in section 311—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 311 and the allowable uses of funds described in section 313;

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 321 and the allowable uses of funds described in section 323; and

(C) local educational agencies serving geographic areas that contain a military installation selected for closure under the base closure and realignment process pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this chapter, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each such facility, its design, condition, modernization, renovation and repair needs, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation, including public transit and pedestrian and bicycle accessability.

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials, including life-cycle cost effectiveness, and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses), acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy-efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under such part for such fiscal year shall receive a grant of less than $5,000 in any fiscal year under this chapter.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 120 days after an appropriation of funds for this chapter is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (b)(3) within 90 days of receiving such funds from the Secretary.

SEC. 313. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this chapter shall use the grant for modernization, renovation, or repair of public school facilities (including early learning facilities, as appropriate), including—

(1) repair, replacement, or installation of roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors;

(2) repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments;

(3) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters;

(4) retrofitting necessary to increase the energy efficiency and water efficiency of public school facilities;

(5) modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(6) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen;

(7) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(8) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(9) installation or upgrading of educational technology infrastructure;

(10) modernization, renovation, or repair of science and engineering laboratories, libraries, and career and technical education facilities, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(11) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, and solar-thermal and geothermal systems, and for energy audits;

(12) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

(13) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

(14) modernizing, renovating, or repairing physical education facilities for students, including upgrading or installing recreational structures made from post-consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

(15) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(16) required environmental remediation related to modernization, renovation, or repair described in paragraphs (1) through (15).

SEC. 314. PRIORITY PROJECTS.

In selecting a project under section 313, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 321. PURPOSE.

Grants under this chapter shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, (including early learning facilities, as appropriate), based on the need for such improvements or construction, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

SEC. 322. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) DISTRIBUTION BY SECRETARY.—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 120 days after an appropriation of funds for this chapter is made.

SEC. 323. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this chapter shall use the grant for one or more of the activities described in section 313, except that an agency receiving a grant under this chapter also may use the grant for the construction of new public school facilities.

CHAPTER 3—GENERAL PROVISIONS

SEC. 331. IMPERMISSIBLE USES OF FUNDS.

No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

SEC. 332. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this subtitle shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 333. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this subtitle in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 334. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive a grant under this subtitle for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 335. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this subtitle shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 336. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this subtitle may be used for a project for the modernization, renovation, repair, or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLICATION OF JUSTIFICATION.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) CONSTRUCTION.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 337. LABOR STANDARDS.

The grant programs under this subtitle are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 338. CHARTER SCHOOLS.

(a) IN GENERAL.—A local educational agency receiving an allocation under this subtitle shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities (including early learning facilities, as appropriate).

(b) DETERMINATION OF RESERVED AMOUNT.—The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)) in the schools of the agency who—

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) SCHOOL SHARE.—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) EXCESS FUNDS.—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools

within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this subtitle and is not required to carry over such funds to the following fiscal year for use for charter schools.

SEC. 339. GREEN SCHOOLS.

(a) IN GENERAL.—Of the funds appropriated for a given fiscal year and made available to a local educational agency to carry out this subtitle, the local educational agency shall use not less than the applicable percentage (described in subsection (b)) of such funds for public school modernization, renovation, repair, or construction that are certified, verified, or consistent with any applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State, or another jurisdiction with authority over the local educational agency, that includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGES.—The applicable percentage described in subsection (a) is—

(1) for funds appropriated in fiscal year 2010, 50 percent; and

(2) for funds appropriated in fiscal year 2011, 75 percent.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

(d) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

SEC. 340. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this subtitle shall annually compile a report describing the projects for which such funds were used, including—

(1) the number and identity of public schools in the agency, including the number of charter schools, and for each school, the total number of students, and the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(2) the total amount of funds received by the local educational agency under this subtitle, and for each public school in the agency, including each charter school, the amount of such funds expended, and the types of modernization, renovation, repair, or construction projects for which such funds were used;

(3) the number of students impacted by such projects, including the number of students so impacted who are counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(4) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(5) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(6) for each project—

(A) the cost;

(B) the standard described in section 339(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 339(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner; and

(C) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, student and staff health, including the reduction of the incidence and effects of asthma and other respiratory illnesses, and improved climate for teaching and learning); and

(7) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than March 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this subtitle, including the information from the reports described in subsection (b)(1).

SEC. 341. SPECIAL RULES.

Notwithstanding any other provision of this subtitle, none of the funds authorized by this subtitle may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

SEC. 342. PROMOTION OF EMPLOYMENT EXPERIENCES.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this subtitle to promote appropriate opportunities to gain employment experience working on modernization, renovation, repair, and construction projects funded under this subtitle for—

(1) participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a));

(2) individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(3) individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 339(a); and

(4) participants in preapprenticeship programs that have direct linkages with apprenticeship programs that are registered with the Department of Labor or a State Apprenticeship Agency under the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.).

SEC. 343. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING PUBLIC SCHOOL FACILITIES.

(a) ESTABLISHMENT OF ADVISORY COUNCIL.—The Secretary shall establish an advisory council to be known as the ''Advisory Council on Green, High-Performing Public School Facilities'' (in this section referred to as the ''Advisory Council'') which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor, and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

(b) DUTIES OF ADVISORY COUNCIL.—

(1) ADVISORY DUTIES.—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;

(B) health;

(C) energy costs;

(D) environmental impact; and

(E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) OTHER DUTIES.—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make green, high-performing schools;

(C) providing technical assistance and outreach to States and local educational agencies under section 339(d); and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) CONSULTATION.—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

(d) TERMINATION.—The authority to establish and maintain the Advisory Council under this section shall expire at the close of September 30, 2011.

SEC. 344. EDUCATION REGARDING PROJECTS.

A local educational agency receiving funds under this subtitle may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

SEC. 345. AVAILABILITY OF FUNDS.

(a) CHAPTER 1.—There are authorized to be appropriated, and there are appropriated, to carry out chapter 1 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), $2,020,000,000 for each of fiscal years 2010 and 2011.

(b) CHAPTER 2.—There are authorized to be appropriated, and there are appropriated, to carry out chapter 2 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), $30,000,000 for each of fiscal years 2010 and 2011.

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

(d) SUNSET.—The authority to award grants under this subtitle shall expire at the end of fiscal year 2011.

Subtitle B—Higher Education

SEC. 351. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION AND CONSTRUCTION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (i), the Secretary shall award grants to States for the purposes of constructing new community college facilities and modernizing, renovating, and repairing existing community college facilities. Grants awarded under this section shall be used by a State for one or more of the following:

(A) To reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges (such as paying interest or points on such loans).

(B) To provide matching funds for a community college capital campaign to attract private donations of funds for new construction, modernization, renovation, or repair projects at the community college.

(C) To capitalize a revolving loan fund to finance new construction, modernization, renovation, and repair projects at community colleges.

(2) ALLOCATION.—

(A) DETERMINATION OF AVAILABLE AMOUNT.—The Secretary shall determine the amount available for allocation to each State by determining the amount equal to the total number of students in the State who are enrolled in community colleges and who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree, relative to the total number of such students in all States, combined.

(B) ALLOCATION.—The Secretary shall allocate to each State selected by the Secretary to receive a grant under this section an amount equal to the amount determined to be available for allocation to such State under subparagraph (A), less any portion of that amount that is subject to a limitation under paragraph (3).

(C) REALLOCATION.—Amounts not allocated under this section to a State because—

(i) the State did not submit an application under subsection (b);

(ii) the State submitted an application that the Secretary determined did not meet the requirements of such subsection; or

(iii) the State is subject to a limitation under paragraph (3) that prevents the State from using a portion of the allocation,

shall be proportionately reallocated under this paragraph to the States that are not described in clause (i), (ii), or (iii) of this subparagraph.

(3) GRANT AMOUNT LIMITATIONS.—A grant awarded to a State under this section—

(A) to reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges under paragraph (1)(A) shall be for an amount that is not more than 25 percent of the total principal amount of the loans for which financing costs are being reduced; and

(B) to provide matching funds for a community college capital campaign under paragraph (1)(B) shall be for an amount that is not more than 25 percent of the total amount of the private donations of funds raised through such campaign over the duration of such campaign, as such duration is determined by the State in the application submitted under subsection (b).

(4) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to construct new community college facilities or modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a certification by the State that the funds provided under this section for the construction of new community college facilities and the modernization, renovation, and repair of existing community college facilities will improve instruction at such colleges and will improve the ability of such colleges to educate and train students to meet the workforce needs of employers in the State.

(c) USE OF FUNDS BY COMMUNITY COLLEGES.—

(1) PERMISSIBLE USES OF FUNDS.—Funds made available to community colleges through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall be used only for the construction, modernization, renovation, or repair of community college facilities that are primarily used for instruction, research, or student housing, which may include any of the following:

(A) Repair, replacement, or installation of roofs, including extensive, intensive, or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors.

(B) Repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments.

(C) Compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that the community college's facilities are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that the community college is able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters.

(D) Retrofitting necessary to increase the energy efficiency of the community college's facilities.

(E) Modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(F) Abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards from the community college's facilities.

(G) Modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water.

(H) Modernization, renovation, and repair relating to improving science and engineering laboratories, libraries, or instructional facilities.

(I) Installation or upgrading of educational technology infrastructure.

(J) Installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal and geothermal systems, and energy audits.

(K) Expansion or building of computer lab facilities, including facilities used to provide information technology training to students and members of the public.

(L) Other modernization, renovation, or repair projects that are primarily for instruction, research, or student housing.

(M) Required environmental remediation related to modernization, renovation, or repair described in subparagraphs (A) through (L).

(2) GREEN SCHOOL REQUIREMENT.—A community college receiving assistance through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall use not less than 50 percent of such assistance to carry out projects for construction, modernization, renovation, or repair that are certified, verified, or consistent with the applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria, as applicable;

(D) Green Globes; or

(E) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(3) PROHIBITED USES OF FUNDS.—

(A) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of maintenance costs;

(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(B) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) APPLICATION OF GEPA.—The grant program authorized in this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b). The Secretary shall, notwithstanding section 437 of such Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, establish such program rules as may be necessary to implement such grant program by notice in the Federal Register.

(e) CONCURRENT FUNDING.—Funds made available under this section shall not be used to assist any community college that receives funding for the construction, modernization, renovation, and repair of facilities under any other program under this Act.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description the projects for which the grant funding was, or will be, used;

(2) a list of the community colleges that have received, or will receive, assistance from the grant through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from

a revolving loan fund described in subsection (a)(1)(C); and

(3) a description of the amount and nature of the assistance provided to each such college.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965) an annual report on the grants made under this section, including the information described in subsection (f).

(h) DEFINITIONS.—

(1) COMMUNITY COLLEGE.—As used in this section, the term ''community college'' means—

(A) a junior or community college, as such term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1085(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) that awards a significant number of degrees and certificates that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(i) AVAILABILITY OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), $2,500,000,000 for fiscal year 2010, which shall remain available until expended. The authority to award grants under this section shall expire at the end of fiscal year 2010.

TITLE IV—EARLY LEARNING CHALLENGE FUND

SEC. 401. PURPOSE.

The purpose of this title is to provide grants on a competitive basis to States for the following:

(1) To promote standards reform of State early learning programs serving children from birth through age 5 in order to support the healthy development and improve the school readiness outcomes of young children.

(2) To establish a high standard of quality in early learning programs that integrates appropriate early learning and development standards across early learning settings.

(3) To fund and implement quality initiatives that improve the skills and effectiveness of early learning providers and the quality of existing early learning programs, in order to increase the number of disadvantaged children who participate in comprehensive and high-quality early learning programs.

(4) To ensure that a greater number of disadvantaged children enter kindergarten with the cognitive, social, emotional, and physical skills and abilities needed to be successful in school.

(5) To increase parents' abilities to access comprehensive and high quality early learning programs across settings for their children.

SEC. 402. PROGRAMS AUTHORIZED.

(a) QUALITY PATHWAYS GRANTS.—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants on a competitive basis to States in accordance with section 403.

(b) DEVELOPMENT GRANTS.—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants in accordance with section 404 on a competitive basis to States that demonstrate a commitment to establishing a system of early learning that will include the components described in section 403(c)(3) but are not—

(1) eligible to be awarded a grant under subsection (a); or

(2) are not awarded such a grant after application.

(c) RESERVATIONS OF FEDERAL FUNDS.—

(1) RESEARCH, EVALUATION, AND ADMINISTRATION.—From the amount made available to carry out this title for a fiscal year, the Secretary—

(A) shall reserve up to 2 percent jointly to administer this title with the Secretary of Health and Human Services; and

(B) shall reserve up to 3 percent to carry out activities under section 405.

(2) TRIBAL SCHOOL READINESS PLANNING DEMONSTRATION.—After making the reservations under paragraph (1), the Secretary shall reserve 0.25 percent for a competitive grant program for Indian tribes to develop and implement school readiness plans that—

(A) are coordinated with local educational agencies serving children who are members of the tribe; and

(B) include American Indian and Alaska Native Head Start and Early Head Start programs, tribal child care programs, Indian Health Service programs, and other tribal programs serving children, including programs receiving funds under sections 611(h)(4) and 643(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(h)(4) and 1443(b)).

(3) QUALITY PATHWAYS GRANTS.—

(A) IN GENERAL.—From the amount made available to carry out this title for a fiscal year and not reserved under paragraph (1) or (2), the Secretary shall reserve a percent (which shall be not greater than 65 percent for fiscal years 2010 through 2012 and not greater than 85 percent for fiscal year 2013 and each succeeding fiscal year) determined under subparagraph (B) to carry out subsection (a).

(B) DETERMINATION OF AMOUNT.—In determining the amount to reserve under subparagraph (A), the Secretary, consistent with section 403(e), shall take into account the following:

(i) The total number of States with an approved application for a grant under this title for the year.

(ii) The number of children under age 5 from low-income families in each State with an approved application under section 403 for the year.

(C) REALLOCATION.—For fiscal year 2013 and subsequent fiscal years, the Secretary may reallocate funds allocated for development grants under subsection (b) for the purpose of providing additional grants under subsection (a), if the Secretary determines that there is an insufficient number of applications that meet the requirements for a grant under subsection (b).

(d) STATE APPLICATIONS.—In applying for a grant under this title, a State—

(1) shall designate a State-level entity for administration of the grant;

(2) shall coordinate proposed activities with the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and shall incorporate plans and recommendations from such Council in the application, where applicable; and

(3) otherwise shall submit the application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) PRIORITY IN AWARDING GRANTS.—In awarding grants under this title, the Secretary shall give priority to States—

(1) whose applications contain assurances that the State will use, in part, funds reserved under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) for activities described in section 403(f); and

(2) that demonstrate efforts to build public-private partnerships designed to accomplish the purposes of this title.

(f) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—With respect to each period for which a State is awarded a grant under this title, the aggregate expenditures by the State and its political subdivisions on early learning programs and services shall be not less than the level of the expenditures for such programs and services by the State and its political subdivisions for fiscal year 2006.

(2) STATE EXPENDITURES.—For purposes of paragraph (1), expenditures by the State on early learning programs and services shall include, at a minimum, the following:

(A) State matching and maintenance of effort funds for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(B) State matching funds for the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))).

(C) State expenditures on public pre-kindergarten, Head Start (including Early Head Start), and other State early learning programs and services dedicated to children (including State expenditures under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.)).

(g) PROHIBITIONS ON USE OF FUNDS.—Funds under this title may not be used for any of the following:

(1) Assessments that provide rewards or sanctions for individual children or teachers.

(2) A single assessment used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children other than for—

(A) improving instruction or classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) informing the quality improvement process at the State level;

(E) program evaluation for the purposes of program improvement and parent information; or

(F) research conducted as part of the national evaluation required by section 405(2).

(h) FEDERAL ADMINISTRATION.—

(1) IN GENERAL.—With respect to this title, the Secretary shall bear responsibility for obligating and disbursing funds and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (2).

(2) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer this title on such terms as such secretaries shall set forth in an interagency agreement.

SEC. 403. QUALITY PATHWAYS GRANTS.

(a) GRANT PERIOD.—Grants under section 402(a)—

(1) may be awarded for a period not to exceed 5 years; and

(2) may be renewed, subject to approval by the Secretary, and based on the State's progress in—

(A) increasing the percentage of disadvantaged children in each age group (infants, toddlers, and preschoolers) who participate in high-quality early learning programs;

(B) increasing the number of high-quality early learning programs in low-income communities;

(C) implementing an early learning system that includes the components described in subsection (c)(3);

(D) incorporating the findings and recommendations reported by the commission established under section 405(1) into the State system of early learning; and

(E) committing State resources for supporting early learning programs and services.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to subsection (g), to be eligible to receive a grant under section 402(a), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent means—

(A) 10 percent in the first fiscal year of the grant;

(B) 10 percent in the second fiscal year of the grant;

(C) 15 percent in the third fiscal year of the grant; and

(D) 20 percent in the fourth fiscal year of the grant and subsequent fiscal years.

(3) NON-FEDERAL FUNDS.—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) PRIVATE CONTRIBUTIONS.—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(a) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(c) STATE APPLICATIONS.—In order to be considered for a grant under section 402(a), a State's application under section 402(d) shall include the following:

(1) A description of how the State will use the grant to implement quality initiatives to improve early learning programs serving disadvantaged children from birth to age 5 to lead to a greater percentage of such children participating in higher quality early learning programs.

(2) A description of the goals and benchmarks the State will establish to lead to a greater percentage of disadvantaged children participating in higher quality early learning programs to improve school readiness outcomes, including an established baseline of the number of disadvantaged children in high-quality early learning programs.

(3) A description of how the State will implement a governance structure and a system of early learning programs and services that includes the following components:

(A) Not later than 12 months after receiving notice of an award of the grant, complete State early learning and development standards that include social and emotional, cognitive, and physical development domains, and approaches to learning that are developmentally appropriate (including culturally and linguistically appropriate) for all children.

(B) A process to ensure that State early learning and development standards are integrated into the instructional and programmatic practices of early learning programs and services, including services provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

(C) A program rating system that builds on licensing requirements and other State regulatory standards, as appropriate, and that—

(i) is designed to improve quality and effectiveness across different types of early learning settings;

(ii) integrates evidence-based program quality standards that reflect standard levels of quality and has progressively higher levels of program quality;

(iii) integrates the State's early learning and development standards for the purpose of improving instructional and programmatic practices;

(iv) addresses quality and effective inclusion of children with disabilities or developmental delays across different types of early learning settings;

(v) addresses staff qualifications and professional development;

(vi) provides financial incentives and other supports to help programs meet and sustain higher levels of quality;

(vii) includes mechanisms for evaluating how programs are meeting those standards and progressively higher levels of quality; and

(viii) includes a mechanism for public awareness and understanding of the program rating system, including the rating levels of individual programs.

(D) A system of program review and monitoring that is designed to rate early learning programs using the system described in subparagraph (C) and to assess and improve programmatic practices, instructional practices, and classroom environment.

(E) A process to support early learning programs integrating instructional and programmatic practices that—

(i) include developmentally appropriate (including culturally and linguistically appropriate), ongoing, classroom-based instructional assessments for each domain of child development and learning (including social and emotional, cognitive, and physical development domains and approaches to learning) to guide and improve instructional practice, professional development of staff, and services; and

(ii) are aligned with the curricula used in the early learning program and with the State early learning and development standards or the Head Start Child Outcomes Framework (as described in the Head Start Act), as applicable.

(F) Minimum preservice early childhood development and education training requirements for providers in early learning programs.

(G) A comprehensive plan for supporting the professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce, which plan includes training and education that is sustained, intensive, and classroom-focused and leads toward a credential or degree and is tied to improved compensation.

(H) An outreach strategy to promote understanding by parents and families of—

(i) how to support their child's early development and learning;

(ii) the State's program rating system, as described in subparagraph (C); and

(iii) the rating of the early learning program in which their child is enrolled.

(I) A coordinated system to facilitate screening, referral, and provision of services related to health, mental health, dental, developmental delay and disability, and family support for children participating in early learning programs.

(J) A process for evaluating school readiness in children that reflects all of the major domains of development, and that is used to guide practice and improve early learning programs.

(K) A coordinated data infrastructure that facilitates—

(i) uniform data collection about the quality of early learning programs, essential information about the children and families that participate in such programs, and the qualifications and compensation of the early learning workforce in such programs; and

(ii) alignment and interoperability between the data system for early learning programs for children and data systems for elementary and secondary education.

(4) A description of how the funds provided under the grant will be targeted to prioritize increasing the number and percentage of low-income children in high-quality early learning programs, including children—

(A) in each age group (infants, toddlers, and preschoolers);

(B) with developmental delays and disabilities;

(C) with limited English proficiency; and

(D) living in rural areas.

(5) An assurance that the grant will be used to improve the quality of early learning programs across a range of types of settings and providers of such programs.

(6) A description of the steps the State will take to make progress toward including all center-based child care programs, family child care programs, State-funded prekindergarten, Head Start programs, and other early learning programs, such as those funded under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or receiving funds under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) in the State program rating system described in paragraph (3)(C).

(7) An assurance that the State, not later than 18 months after receiving notice of an award of the grant, will conduct an analysis of the alignment of the State's early learning and development standards with—

(A) appropriate academic content standards for grades kindergarten through 3; and

(B) elements of program quality standards for early learning programs.

(8) An assurance that the grant will be used only to supplement, and not to supplant, Federal, State, and local funds otherwise available to support existing early learning programs and services.

(9) A description of any disparity by age group (infants, toddlers, and preschoolers) of available high-quality early learning programs in low-income communities and the steps the State will take to decrease such disparity, if applicable.

(10) A description of how the State early learning and development standards will address the needs of children with limited English proficiency, including by incorporating benchmarks related to English language development.

(11) A description of how the State's professional development plan will prepare the early learning workforce to support the early learning needs of children with limited English proficiency.

(12) A description of how the State will improve interagency collaboration and coordinate the purposes of this title with the activities funded under—

(A) section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e);

(B) section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(C) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(D) State-funded pre-kindergarten programs (where applicable);

(E) Head Start programs; and

(F) other early childhood programs and services.

(13) A description of how the State's early learning policies, including child care policies, facilitate access to high-quality early learning programs for children from low-income families.

(14) A description of how the State will implement a process for improving the quality of early learning services to better meet the needs of children who have experienced abuse or neglect, been exposed to violence, toxic stress, parental substance abuse, mental illness, or homelessness, or have had early behavioral and peer relationship problems, including addressing appropriate professional development, programmatic practices, classroom environment, and outreach and support to meet the needs of such children.

(15) A description of any disparity by geographic area (urban and rural) of available high-quality early learning programs for low-income children and the steps the State will take to decrease such disparity, if applicable.

(16) An assurance that the State will continue to participate in part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) for the duration of the grant.

(d) CRITERIA USED IN AWARDING GRANTS.—In awarding grants under section 402(a), the Secretary shall evaluate the applications, and award grants under such section on a competitive basis, based on—

(1) the quality of the application submitted pursuant to section 402(d);

(2) the priority factors described in section 402(e);

(3) evidence of significant progress in establishing a system of early learning for children that includes the components described in subsection (c)(3); and

(4) the State's capacity to fully complete implementation of such a system.

(e) CRITERION USED IN DETERMINING AMOUNT OF AWARD.—In determining the amount to award a State under section 402(a), the Secretary shall take into account—

(1) the proportion of children under age 5 from low-income families in the State relative to such proportion in other States; and

(2) the State plan and capacity to implement the criteria described in paragraphs (3) and (4) of subsection (d).

(f) STATE USES OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under section 402(a) shall use the grant as follows:

(A) Not less than 65 percent of the grant amount shall be used for two or more of the following activities to improve the quality of early learning programs serving disadvantaged children:

(i) Initiatives that improve the credentials of early learning providers and are tied to increased compensation.

(ii) Initiatives that help early learning programs meet and sustain higher program quality standards, such as—

(I) improving the ratio of early learning provider to children in early learning settings;

(II) reducing group size;

(III) improving the qualifications of early learning providers; and

(IV) supporting effective education and training for early learning providers (which may include establishing or supporting partnerships with institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) to support such education and training).

(iii) Implementing classroom observation assessments and data-driven decisions (which may include implementation of a research-based prevention and intervention framework designed to build social competence and prevent challenging behaviors) tied to activities that improve instructional practices, programmatic practices, or classroom environment and promote school readiness.

(iv) Providing financial incentives to early learning programs—

(I) for undertaking quality improvements that promote healthy development and school readiness; and

(II) maintaining quality improvements that promote healthy development and school readiness.

(v) Integrating State early learning and development standards into instructional and programmatic practices in early learning programs.

(vi) Providing high-quality, sustained, intensive, and classroom-focused professional development that improves the knowledge and skills of early learning providers, including professional development related to meeting the needs of diverse populations.

(vii) Building the capacity of early learning programs and communities to promote the understanding of parents and families of the State's early learning system and the rating of the early learning program in which their child is enrolled and to encourage the active involvement and engagement of parents and families in the learning and development of their children.

(viii) Building the capacity of early learning programs and communities to facilitate screening, referral, and provision of services related to health, mental health, dental, developmental delay and disability, and family support for children participating in early learning programs.

(ix) Other innovative activities, proposed by the State and approved in advance by the Secretary that are—

(I) based on successful practices;

(II) designed to improve the quality of early learning programs and services; and

(III) advance the system components described in subsection (c)(3).

(B) The remainder of the grant amount may be used for one or more of the following:

(i) Implementation or enhancement of the State's data system described in subsection (c)(3)(K), including interoperability across agencies serving children, and unique child and program identifiers.

(ii) Enhancement of the State's oversight system for early learning programs, including the implementation of a program rating system.

(iii) The development and implementation of measures of school readiness of children that reflect all of the major domains of child development and that inform the quality improvement process.

(2) PRIORITY.—A State receiving a grant under section 402(a) shall use the grant so as to prioritize improving the quality of early learning programs serving children from low-income families.

(g) SPECIAL RULE.—

(1) IN GENERAL.—Beginning with the second fiscal year of a grant under section 402(a), a State with respect to which the Secretary certifies that the State has made sufficient progress in implementing the requirements of the grant may apply to the Secretary to reserve up to 25 percent of the amount of the grant to expand access for children from low-income families to the highest quality early learning programs that offer full-day services (or, if the State can demonstrate that it is already meeting the needs of such children in such manner, the State may apply to expand access for disadvantaged children in such manner and the State's application may not be adversely treated due to such request), except that the State must agree to contribute for such purpose non-Federal matching funds in an amount equal to not less than 20 percent of the amount reserved under this subsection. One-half of such non-Federal matching funds may be provided by a private entity.

(2) NON-FEDERAL FUNDS.—A State may use the following to satisfy the matching requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(3) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State under paragraph (1) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(h) IMPROVEMENT PLAN.—If the Secretary determines that a State receiving a grant under section 402(a) is encountering barriers to reaching goals described in subsection (c)(2), the State shall develop a plan for improvement in consultation with, and subject to approval by, the Secretary.

SEC. 404. DEVELOPMENT GRANTS.

(a) GRANT PERIOD.—Grants under section 402(b) may be awarded for a period not to exceed 3 years, and may not be renewed.

(b) STATE USES OF FUNDS.—

(1) IN GENERAL.—A State receiving a grant under section 402(b) shall use the grant to undertake activities that develop the early learning system components described in section 403(c)(3) and that will improve a State's competitiveness for a grant described in section 402(a).

(2) PRIORITY.—A State receiving a grant under section 402(b) shall use the grant so as to prioritize improving the quality of early learning programs serving low-income children.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under section 402(b), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent means—

(A) 20 percent in the first fiscal year of the grant;

(B) 25 percent in the second fiscal year of the grant; and

(C) 30 percent in the third fiscal year of the grant.

(3) NON-FEDERAL FUNDS.—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) PRIVATE CONTRIBUTIONS.—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(b) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

SEC. 405. RESEARCH AND EVALUATION.

From funds reserved under section 402(c)(1), the Secretary of Education and the Secretary of Health and Human Services, acting jointly, shall carry out the following activities:

(1) Establishing a national commission whose duties shall include—

(A) reviewing the status of State and Federal early learning program quality standards and early learning and development standards;

(B) recommending benchmarks for program quality standards and early learning and development standards, including taking into consideration the school readiness needs of children with limited English proficiency; and

(C) reporting to the Secretaries of Education and Health and Human Services not later than 2 years after the date of the enactment of this Act on the commission's findings and recommendations.

(2) Conducting a national evaluation of the grants made under this title through the Institute of Education Science in collaboration with the appropriate research divisions within the Department of Health and Human Services.

(3) Supporting a research collaborative among the Institute of Education Sciences, the National Institute of Child Health and Human Development, the Office of Planning, Research, and Evaluation within the Administration for Children and Families in the Department of Health and Human Services, and, as appropriate, other Federal entities to support research on early learning that can inform improved State and other standards and licensing requirements and improved child outcomes, which collaborative shall—

(A) biennially prepare and publish for public comment a detailed research plan;

(B) support early learning research activities that may include—

(i) examining the characteristics of early learning programs that produce positive developmental outcomes for children;

(ii) examining the effects of program quality standards on child outcomes;

(iii) examining the relationships between specific interventions and types of child and family outcomes;

(iv) examining the effectiveness of early learning provider training in raising program quality and improving child outcomes;

(v) examining the effectiveness of professional development strategies in raising program quality and improving child outcomes;

(vi) examining how to improve the school readiness outcomes of children with limited English proficiency, special needs, and homeless children, including evaluation of professional development programs for working with such children; and

(vii) supporting the development of valid and reliable assessments of young children and program quality, including in domains including language, literacy, mathematics, science, social and emotional development, and approaches to learning, with particular attention to development of assessments of domains for which there are few appropriate assessments, that are—

(I) developmentally, linguistically, and culturally appropriate for the population served, including children with disabilities and children with limited English proficiency;

(II) consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

(III) consistent with the guidelines on assessment for improved practice and for accountability in the National Research Council Committee on Developmental Outcomes and Assessments for Young Children; and

(C) disseminate relevant research findings and best practices.

(4) Not later than 18 months after the date of the enactment of this Act, conducting a review of the statewide strategic reports developed by the State Advisory Councils on Early Care and Education (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and other relevant information (including information reported by States under section 406(b)(9)) to evaluate barriers to increasing access to high-quality early learning programs for low-income children, reporting on the findings of such review, and disseminating relevant findings and best practices.

SEC. 406. REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—For each year in which funding is provided under this title, the Secretary shall submit an annual report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the activities carried out under this title, including, at a minimum, information on the following:

(1) The activities undertaken by States to increase the availability of high-quality early learning programs.

(2) The number of children in high-quality early learning programs, and the change from the prior year, disaggregated by State, age, and race.

(3) The number of early learning providers enrolled, with assistance from funds under this title, in a program to obtain a credential or degree in early childhood education and the settings in which such providers work.

(4) A summary of State progress in implementing a system of early learning with the components described in section 403(c)(3).

(5) A summary of the research activities being conducted under section 405 and the findings of such research.

(b) REPORTS TO SECRETARY.—Each State that receives a grant under this title shall submit to the Secretary an annual report that includes, at a minimum, information on the activities carried out by the State under this title, including the following:

(1) The State's progress on fully implementing and integrating into a system of early learning each of the components described in section 403(c)(3).

(2) The State's progress in meeting its goals for increasing the number of disadvantaged children participating in high-quality early learning programs, disaggregated by child age.

(3) The number and percentage of disadvantaged children participating in early learning programs at each level of quality, disaggregated by race, family income, child age, disability, and limited English proficiency status.

(4) The number of early learning programs participating in the State quality rating system, disaggregated by setting, rating, and the number of high-quality early learning programs available in low-income communities.

(5) Information on how the funds provided under this title were used to increase the availability of high-quality early learning programs for each age group, disaggregated by race and limited English proficiency status, to the maximum extent practicable.

(6) Information on professional development and training expenditures, including—

(A) the number of early learning providers and early learning programs engaged in such activities; and

(B) the number of early learning providers enrolled in programs to obtain a credential or degree in early childhood education, disaggregated by the type of credential and degree.

(7) The change in the number and percentage of early learning providers with credentials or degrees in early childhood education, including the change in compensation given to such providers, in comparison to the prior fiscal year, disaggregated by early learning setting and the type of credential or degree.

(8) In the case of a State receiving a grant under section 402(a), the percentage of children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) who participate in the highest quality early learning programs, disaggregated by program setting and child age.

(9) Barriers to expanding access to high-quality early learning programs for disadvantaged children.

SEC. 407. CONSTRUCTION.

Nothing in this title—

(1) shall be construed to require a child to participate in an early learning program; or

(2) shall be used to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

SEC. 408. DEFINITIONS.

For purposes of this title:

(1) CHILD.—The term ''child'' refers to an individual from birth through the day the individual enters kindergarten.

(2) DISADVANTAGED.—The term ''disadvantaged'', when used with respect to a child, means a child whose family income is described in section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(4) LIMITED ENGLISH PROFICIENT.—The term ''limited English proficient'' has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) STATE.—The term ''State'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 409. AVAILABILITY OF FUNDS.

There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated) $1,000,000,000 for each of fiscal years 2010 through 2017. The authority to award grants under this title shall expire at the end of fiscal year 2017.

TITLE V—AMERICAN GRADUATION INITIATIVE

SEC. 501. AUTHORIZATION AND APPROPRIATION.

(a) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated), $730,000,000 for each of the fiscal years 2010 through 2013, and $680,000,000 for each of the fiscal years 2014 through 2019. The authority to award grants under this

title shall expire at the end of fiscal year 2019.

(b) ALLOCATIONS.—Of the amount appropriated under subsection (a)—

(1) $630,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out section 503;

(2) $630,000,000 shall be made available for each of the fiscal years 2014 through 2019 to carry out section 504;

(3) $50,000,000 shall be made available for each of the fiscal years 2010 through 2019 to carry out subsection (a) of section 505; and

(4) $50,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out subsections (b) and (c) of section 505.

(c) RESPONSIBILITY.—

(1) IN GENERAL.—With respect to sections 503 and 504, the Secretary of Education shall bear the responsibility for obligating and disbursing funds under such sections and ensuring compliance with applicable law and administrative requirements, subject to paragraph (2).

(2) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Labor shall jointly administer sections 503 and 504 on such terms as such Secretaries shall set forth in an interagency agreement.

SEC. 502. DEFINITIONS; GRANT PRIORITY.

In this title:

(1) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) COMMUNITY COLLEGE.—The term ''community college'' means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a community college or community college district that has at least one articulation agreement with a four-year institution of higher education;

(B) an area career and technical education school that has at least one articulation agreement with an institution of higher education;

(C) a public four-year institution of higher education that—

(i) offers two-year degrees;

(ii) will use funds provided under this section for activities at the certificate and associate degree levels; and

(iii) is not reasonably close, as determined by the Secretary, to a community college;

(D) a Tribal College or University;

(E) a public four-year institution of higher education that is in partnership with an eligible entity described in subparagraph (A), (B), (C), or (D);

(F) a State that—

(i) is in compliance with section 137 of the Higher Education Act of 1965 (20 U.S.C. 1015f);

(ii) has established and implemented a comprehensive articulation agreement between or among public institutions of higher education in the State that includes outlining the acceptability of community college courses in transfer for credit at public four-year institutions in the State; and

(iii) is in partnership with an eligible entity described in subparagraph (A), (B), (C), (D), or (E);

(G) a consortium of at least 2 entities described in subparagraphs (A) through (F).

(H) at the discretion of the Secretary, a private, not-for-profit, two-year institution of higher education in Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

(4) INDUSTRY OR SECTOR PARTNERSHIP.—The term ''industry or sector partnership'' has the meaning given such term in section 782(f) of the Higher Education Act of 1965.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) PHILANTHROPIC ORGANIZATION.—The term ''philanthropic organization'' has the meaning given such term in section 781(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(8) STATE.—The term ''State'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(9) STATE PUBLIC EMPLOYMENT SERVICE.—The term ''State public employment service'' refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(10) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms ''State workforce investment board'' and ''local workforce investment board'' refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.

(11) SUPPORTIVE SERVICES.—The term ''supportive services'' has the meaning given such term in section 101(46) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(46)).

(12) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SEC. 503. GRANTS TO ELIGIBLE ENTITIES FOR COMMUNITY COLLEGE REFORM.

(a) PROGRAM AUTHORIZATION.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—Subject to paragraph (2), from the amount appropriated to carry out this section, the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible entities, on a competitive basis, to establish and support programs described in subparagraph (B) at eligible entities described in subparagraphs (A) through (E) of section 502(a)(3).

(B) PROGRAMS.—The programs to be established and supported with grants under subparagraph (A) (and carried out through activities described in subsection (f)) shall be programs—

(i) that are—

(I) innovative programs; or

(II) programs of demonstrated effectiveness, based on the evaluations of similar programs funded by the Department of Education or the Department of Labor, or other research of similar programs; and

(ii) that lead to the completion of a postsecondary degree, certificate, or industry-recognized credential leading to a skilled occupation in a high-demand industry.

(2) LIMITATION.—For each fiscal year for which funds are appropriated to carry out this section, the aggregate amount of the grants awarded to eligible entities that are States, or consortia that include a State, shall be not more than 50 percent of the total amount appropriated under section 501(b)(1) for such fiscal year.

(3) PROHIBITION.—The Secretary shall not award a grant to an eligible entity for the same specific activities that are being supported by other Federal grant funds.

(b) GRANT DURATION AND AMOUNT.—

(1) DURATION.—A grant under this section shall be awarded to an eligible entity for a 4-year period, except that if the Secretary determines that the eligible entity has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (g) by the end of the third year of such grant period, no further grant funds shall be made available to the entity after the date of such determination.

(2) AMOUNT.—The minimum amount of a total grant award under this section over the 4-year period of the award shall be $750,000.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) enter into partnerships with—

(A) philanthropic or research organizations with expertise in meeting the goals of this section;

(B) businesses or industry or sector partnerships that—

(i) design and implement programs described in subsection (a)(1)(B);

(ii) pay a portion of the costs of such programs; and

(iii) agree to collaborate with one or more eligible entities to hire individuals who have completed a particular postsecondary degree, certificate, or credential program;

(C) labor organizations that provide technical expertise for occupationally specific education necessary for an industry-recognized credential leading to a skilled occupation in a high-demand industry;

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution;

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree;

(4) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor's degree; or

(5) are community colleges located in areas with high unemployment rates.

(d) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The amount of the non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible entity that has submitted an application under this section if the entity demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal shares required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to establish and support programs described in subsection (a)(1)(B) at eligible entities.

(4) EXCEPTION.—This subsection shall not apply to Tribal Colleges and Universities.

(e) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs under subsection (a)(1)(B) that the eligible entity will carry out using the grant funds, (including the programs, services, and policies under subsection (f)), including—

(1) the goals of such programs, services, and policies;

(2) how the eligible entity will allocate grant funds for such programs, services, and policies;

(3) how such programs, services, and policies, and the resources of the eligible entity, will enable the eligible entity to meet the benchmarks developed pursuant to subsection (g), and how the eligible entity will track and report the entity's progress in reaching such benchmarks;

(4) how the eligible entity will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the eligible entity will serve high-need populations through such programs, services, and policies;

(6) how the eligible entity will partner with industry or sector partnerships in the State, the State public employment service, and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) an assurance that the eligible entity will share information with the Learning and Earning Research Center established under section 505(b), once such Center is established;

(8) an assurance that the eligible entity will participate in the evaluation of such programs, services, and policies under subsection (i);

(9) the potential for such programs, services, and policies to be replicated at other institutions of higher education; and

(10) how the eligible entity will incorporate and support faculty and staff of the institution in meeting the goals of such programs, services, and policies.

(f) USES OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds to carry out the programs described in subsection (a)(1)(B), which shall include at least 2 of the following activities:

(1) Developing and implementing policies and programs to expand opportunities for students at eligible entities described in subparagraphs (A) through (E) of section 502(a)(3) to earn bachelor's degrees by—

(A) facilitating the transfer of academic credits between institutions of higher education, including the transfer of academic credits for courses in the same field of study; and

(B) expanding articulation agreements and guaranteed transfer agreements between such institutions, including through common course numbering and general core curriculum.

(2) Expanding, enhancing, or creating academic programs or training programs, which shall be carried out with industry or sector partnerships or in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(3) Providing student support services, including—

(A) intensive career and academic advising;

(B) labor market information and job counseling;

(C) transitional job support, supportive services, or assistance in connecting students with community resources; and

(D) library services, including information literacy activities, to—

(i) help increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education; and

(ii) assist individuals with obtaining and retaining employment.

(4) Creating workforce programs that provide a sequence of education and occupational training that leads to industry-recognized credentials, including programs that—

(A) blend basic skills, information literacy, and occupational training that lead to industry-recognized credentials;

(B) integrate developmental education curricula and instruction with for-credit coursework toward degree or certificate pathways; or

(C) advance individuals on a career path toward high-wage occupations in high-demand industries.

(5) Building or enhancing linkages, including the development of dual enrollment programs and early college high schools, between—

(A) secondary education or adult education programs (including programs established under the Carl D. Perkins Career and Technical Education Act of 2006 and title II of the Workforce Investment Act of 1998 (29 U.S.C. 9201 et seq.)); and

(B) eligible entities described in subparagraphs (A) through (E) of section 502(a)(3).

(6) Implementing other innovative programs, services, and policies designed to—

(A) increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education, at eligible entities described in subparagraphs (A) through (E) of section 502(a)(3); and

(B) increase the provision of training for students, including students who are veterans or members of the National Guard or Reserves, to enter skilled occupations in high-demand industries.

(7) Creating, in a timely and efficient manner, degree, certificate, and industry-recognized credential programs at eligible entities described in subparagraphs (A) through (E) of section 502(a)(3) that—

(A) reflect and respond to regional labor market developments and trends;

(B) effectively address the workforce needs of employers in the State; and

(C) are designed in consultation with such employers.

(8) Providing information technology training for students and members of the public seeking to improve their computer literacy and information technology skills through public accessibility to—

(A) community college computer labs; and

(B) information technology training provided on weeknights and weekends by an employee of a community college who is capable of basic computer instruction.

(9) Expanding, enhancing, or creating academic programs or training programs that focus on preparing students for skilled occupations in energy-related fields, which may be carried out in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(10) Expanding, enhancing, or creating academic programs or training programs that prepare students for occupations critical to serving veterans, including occupations within the Department of Veterans Affairs health care system.

(g) BENCHMARKS.—

(1) IN GENERAL.—Each eligible entity receiving a grant under this section shall develop quantifiable benchmarks on the following indicators (where applicable to the institution's use of funds provided under this section), to be approved by the Secretary:

(A) Closing gaps in enrollment and completion rates for—

(i) groups underrepresented in higher education; and

(ii) groups of students enrolled at the eligible entity (or at an institution of higher education under the jurisdiction of the eligible entity, in the case of an entity that is not an institution) who have the lowest enrollment and completion rates.

(B) Addressing local and regional workforce needs.

(C) Establishing articulation agreements between two-year and four-year public institutions of higher education within a State.

(D) Improving comprehensive employment and educational outcomes for postsecondary education and training programs, including—

(i) student persistence from one academic year to the following academic year;

(ii) the number of credits students earn toward a certificate or an associate's degree;

(iii) the number of students in developmental education courses who subsequently enroll in credit bearing coursework;

(iv) transfer of general education credits, including education credits earned while serving in the Armed Forces, between institutions of higher education, as applicable;

(v) completion of industry-recognized credentials or associate's degrees to work in skilled occupations in high-demand industries;

(vi) transfers to four-year institutions of higher education; and

(vii) job placement related to skills training or associate's degree completion.

(2) REPORT.—The eligible entity receiving such a grant shall annually measure and report to the Secretary the progress of the entity in achieving the benchmarks developed pursuant to paragraph (1).

(h) PROVISION OF TRANSFER OF CREDIT INFORMATION IN COMMUNITY COLLEGE COURSE SCHEDULES.—To the maximum extent practicable, each community college receiving a grant under this section shall include in each electronic and printed publication of the college's course schedule, in a manner of the college's choosing, for each course listed in the college's course schedule, whether such course is transferable for credit toward the completion of a 4-year baccalaureate degree at a public institution of higher education in the State in which the college is located.

(i) EVALUATION.—The Secretary shall allocate not more than two percent of the funds appropriated under section 501(b)(1) to the Institute of Education Sciences to conduct evaluations, ending not later than January 30, 2014, that—

(1) assess the effectiveness of the grant programs carried out by each eligible entity receiving such a grant in—

(A) improving postsecondary education completion rates (disaggregated by age, race, ethnicity, sex, income, and disability);

(B) improving employment-related outcomes for students served by such programs;

(C) serving high-need populations; and

(D) building or enhancing working partnerships with the State public employment service or State or local workforce investment boards; and

(2) include any other information or assessments the Secretary may require.

(j) REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on

grants awarded under this section, including—

(1) the amount awarded to each eligible entity under this section;

(2) a description of the activities conducted by each eligible entity receiving a grant under this section; and

(3) a summary of the results of the evaluations submitted to the Secretary under subsection (i) and the progress each eligible entity made toward achieving the benchmarks developed under subsection (g).

SEC. 504. GRANTS TO ELIGIBLE STATES FOR COMMUNITY COLLEGE PROGRAMS.

(a) PROGRAM AUTHORIZATION.—From the amount appropriated to carry out this section, the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible States, on a competitive basis, to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that demonstrated effectiveness under the evaluation described in section 503(i).

(b) ELIGIBLE STATE.—In this section, the term ''eligible State'' means a State that demonstrates to the Secretary in the application submitted pursuant to subsection (f) that the State—

(1) has a plan under section 782 of the Higher Education Act of 1965 to increase the State's rate of persistence in and completion of postsecondary education that takes into consideration and involves community colleges located in such State;

(2) has a statewide longitudinal data system that includes data with respect to community colleges;

(3) has an articulation agreement pursuant to section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a);

(4) is in compliance with section 137 of such Act (20 U.S.C. 1015f); and

(5) meets any other requirements the Secretary may require.

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (h) by the end of the third year of the grant period, non further grant funds shall be made available to the entity after the date of such determination.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree.

(e) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the reform described in subsection (g) that is carried out with the grant.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The amount of the Non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the reform described in subsection (g) that is carried out with the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible State that has submitted an application under this section if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal share required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out the systematic reform of community colleges in a State.

(f) APPLICATION.—An eligible State desiring to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs, service, and policies to be used by the State to achieve the systematic reform described in subsection (g), including—

(1) the goals of such programs, services, and policies;

(2) how the State will allocate grant funds to carry out such programs, services, and policies, including identifying any State or private entity that will administer such programs, services, and policies;

(3) how such programs, services, and policies will enable the State to—

(A) meet the benchmarks developed pursuant to subsection (h), and how the State will track and report the State's progress in reaching such benchmarks; and

(B) benefit students attending all community colleges within the State;

(4) how the State will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the State will serve high-need populations through such programs, services, and policies;

(6) how the State will partner with the State public employment service and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) how the State will evaluate such programs, services, and policies, which may include participation in national evaluations; and

(8) how the State will involve community colleges and community college faculty in the planning, implementation, and evaluation of such programs, services, and policies.

(g) USES OF FUNDS.—An eligible State receiving a grant under this section shall use the grant funds to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that the Secretary has determined to have demonstrated effectiveness based on the results of the evaluation described in section 503(i). States shall allocate not less than 90 percent of such grant funds to community colleges within the State.

(h) BENCHMARKS.—

(1) IN GENERAL.—Each eligible State receiving a grant under this section shall, in consultation with the Secretary, develop quantifiable benchmarks on the indicators identified in section 503(g)(1).

(2) PROGRESS.—An eligible State receiving such a grant shall annually measure and report to the Secretary progress in achieving the benchmarks developed pursuant to paragraph (1).

(i) REPORT.—

(1) REPORTS TO THE SECRETARY.—Each eligible State receiving a grant under this section shall annually submit to the Secretary and the Secretary of Labor a report on such grant, including—

(A) a description of the systematic reform carried out by the State using such grant; and

(B) the outcome of such reform, including the State's progress in achieving the benchmarks developed under subsection (h).

(2) REPORTS TO CONGRESS.—Not later than 6 months after the end of the grant period, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a summary of the reports submitted under paragraph (1) with respect to such grant period.

(j) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) community colleges play an important role in preparing and training students seeking to enter the workforce;

(2) it is vital that all States have access to the resources and assistance needed to compete for grants authorized under this section; and

(3) in executing the grant program authorized under this section, the Secretary should make available any and all assistance, guidance, and support to States seeking to compete for grants authorized under this section and should work to ensure that such grants are distributed in a fair and equitable manner.

SEC. 505. NATIONAL ACTIVITIES.

(a) OPEN ONLINE EDUCATION.—From the amount appropriated to carry out this section, the Secretary is authorized to make competitive grants to, or enter into contracts with, institutions of higher education, philanthropic organizations, and other appropriate entities to develop, evaluate, and disseminate freely-available high-quality online courses, including instructional materials, for training and postsecondary education readiness and success. Entities receiving funds under this subsection shall ensure that electronic and information technology activities meet the access standards established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(b) LEARNING AND EARNING RESEARCH CENTER.—

(1) IN GENERAL.—From the amount appropriated to carry out this section, the Director of the Institute of Education Sciences is authorized to award a grant to, or enter into a contract with, an organization with demonstrated expertise in the research and evaluation of community colleges to establish and operate the Learning and Earning Research Center (in this section referred to as the ''Center'').

(2) GRANT TERM.—The grant or contract awarded under this section shall be awarded for a period of not more than 4 years.

(3) BOARD.—The Center shall have an independent advisory board of 9 individuals who—

(A) are appointed by the Secretary, based on recommendations from the organization receiving the grant or contract under this section; and

(B) who have demonstrated expertise in—

(i) data collection;

(ii) data analysis; and

(iii) econometrics, postsecondary education, and workforce development research.

(4) CENTER ACTIVITIES.—The Center shall—

(A) develop—

(i) peer-reviewed metrics to help consumers make sound education and training choices, and to help students, faculty, workers, schools, businesses, researchers, and policymakers assess the effectiveness of community colleges, and courses of study at such colleges, in meeting education and employment objectives and serving groups that are underrepresented in postsecondary education;

(ii) common metrics and data elements to measure the education and employment outcomes of students attending community colleges;

(B) coordinate with the Institute of Education Sciences and States receiving a grant under subsection (c) to develop—

(i) standardized data elements, definitions, and data-sharing protocols to make it possible for data systems related to postsecondary education to be linked and interoperable, and for best practices to be shared among States;

(ii) standards and processes for facilitating sharing of data in a manner that safeguards student privacy;

(C) develop and make widely available materials analyzing best practices and research on successful postsecondary education and training efforts;

(D) make the data and metrics developed pursuant to subparagraph (A) available to the public in a transparent, user-friendly format that is accessible to individuals with disabilities; and

(E) consult with representatives from States with respect to the activities of the Center.

(c) STATE SYSTEMS.—

(1) IN GENERAL.—From the amount appropriated to carry out this section, the Secretary is authorized to award grants to States or consortia of States to establish cooperative agreements to develop, implement, and expand interoperable statewide longitudinal data systems that—

(A) collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age), and analyze student data from community colleges, including data on the programs of study and education and employment outcomes for particular students, tracked over time; and

(B) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement, and not supplant, other Federal and State resources that would otherwise be expended to carry out statewide longitudinal data systems, including funding appropriated for State Longitudinal Data Systems in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(3) PRIVACY AND ACCESS TO DATA.—

(A) IN GENERAL.—Each State or consortia that receives a grant under this subsection or any other provision of this Act shall implement measures to—

(i) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'');

(ii) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(iii) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(iv) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(v) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(I) prohibits the party from further disclosing the information;

(II) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(III) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(vi) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(vii) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(viii) ensure adequate enforcement of the requirements of this paragraph.

(B) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(i) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(ii) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(d) EVALUATION.—From the amounts appropriated to carry out this section, the Secretary shall, not later than 30 days after the date of the enactment of this Act, allocate not less than $1,000,000 for the contract with, and report by, the National Research Council required under section 1107(c)(2) of the Higher Education Opportunity Act (Public Law 110–315).

(e) MODEL TO DETERMINE CREDIT TRANSFERABILITY.—From the amounts appropriated to carry out this section, the Secretary may develop a model, which leverages existing technologies if appropriate, of a service that enables students to determine the transferability of credits between institutions of higher education voluntarily participating in such service.

(f) REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on the amounts awarded to entities receiving grants or contracts under this section, and the activities carried out by such entities under such grants and contracts.

TITLE VI—DEFUND ACORN ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Defund ACORN Act''.

SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term ''covered organization'' means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term ''organization'' includes the Association of Community Organizations for Reform Now (in this subsection referred to as ''ACORN'') and any ACORN-related affiliate.

(2) The term ''ACORN-related affiliate'' means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term ''applicable individual'' means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. ISSA moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end the following new title (and conform the table of contents accordingly):

TITLE VI—DEFUND ACORN ACT

SECTION 601. SHORT TITLE.

This title may be cited as the ''Defund ACORN Act''.

SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term ''covered organization'' means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State

law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term ''organization'' includes the Association of Community Organizations for Reform Now (in this subsection referred to as ''ACORN'') and any ACORN-related affiliate.

(2) The term ''ACORN-related affiliate'' means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term ''applicable individual'' means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. ISSA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 345; Nays ..... 75; Answered present 2 }

¶111.22 [Roll No. 718]

AYES—345

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Baldwin
Becerra
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Carson (IN)
Castor (FL)
Cleaver
Clyburn
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Doyle
Edwards (MD)
Ellison
Engel
Fattah
Filner
Fudge
Green, Al
Grijalva
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kilpatrick (MI)
Kucinich
Larsen (WA)
Lee (CA)
Lewis (GA)
Lynch
Markey (MA)
McCollum
McDermott
McGovern
Meeks (NY)
Mollohan
Moore (WI)
Moran (VA)
Nadler (NY)
Neal (MA)
Olver
Pallone
Pascrell
Payne
Polis (CO)
Price (NC)
Rahall
Rangel
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Stark
Thompson (MS)
Towns
Tsongas
Velázquez
Waters
Watson
Waxman
Wexler
Woolsey

ANSWERED ''PRESENT''—2

Hastings (FL)
Watt

NOT VOTING—11

Abercrombie
Barrett (SC)
Clarke
Connolly (VA)
Costa
Frank (MA)
McHugh
Nunes
Paul
Radanovich
Tanner

So the motion to recommit with instructions was agreed to.

Mr. George MILLER of California, pursuant to the foregoing order of the House, reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. George MILLER of California, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 253; Nays ..... 171 }

¶111.23 [Roll No. 719]

AYES—253

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper

Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Barrett (SC)
Conyers
Costa
Frank (MA)
McHugh
Nunes
Paul
Radanovich
Tanner

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶111.24 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That, in the engrossment of the foregoing bill, the Clerk be authorized to make technical corrections to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

¶111.25 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, September 21, 2009, at 4 p.m.; and further, when the House adjourns on Monday, September 21, 2009, it adjourn to meet at 12:30 p.m. on Tuesday, September 22, 2009, for morning-hour debate.

¶111.26 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1677. An Act to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

¶111.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. COSTA, for today.

And then,

¶111.28 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 6 o'clock and 13 minutes p.m., the House adjourned until 4 p.m. on Monday, September 21, 2009.

¶111.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. SKELTON, Mr. BLUMENAUER, Mr. KIND, Mr. JONES, Mr. KAGEN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Ms. NORTON, Mr. CONYERS, Ms. WATSON, Mr. RANGEL, Mr. MEEK of Florida, Ms. WATERS, Mr. PAYNE, Mr. CARSON of Indiana, and Mr. WATT):

H.R. 3591. A bill to establish a grant program to enhance existing secondary education programs for the purpose of teaching high school students about the Constitution of the United States and the constitutions of the individual States; to the Committee on Education and Labor.

By Mr. PASCRELL (for himself, Mr. REICHERT, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas):

H.R. 3592. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for producing oil from recycled waste; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Ms. ROS-LEHTINEN):

H.R. 3593. A bill to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. KANJORSKI, Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mr. LEE of New York, Ms. HERSETH SANDLIN, Mr. ROGERS of Alabama, Mr. JONES, Mrs. BACHMANN, and Mr. PAULSEN):

H.R. 3594. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 3595. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal tax

on fuels by the amount of any increase in the rate of tax on such fuel by the States; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H.R. 3596. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, Mr. OBERSTAR, Mr. WEINER, Ms. SCHAKOWSKY, and Mr. SABLAN):

H.R. 3597. A bill to extend certain economic recovery payments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3598. A bill to ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and water resources; to the Committee on Science and Technology.

By Mr. CLEAVER (for himself and Mr. FRANK of Massachusetts):

H.R. 3599. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CLEAVER:

H.R. 3600. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3601. A bill to amend the Credit CARD Act of 2009 to provide an earlier effective date, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY:

H.R. 3602. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 3603. A bill to rename the Ocmulgee National Monument; to the Committee on Natural Resources.

By Mr. NADLER of New York (for himself, Mr. SERRANO, Mr. FILNER, Mr. WEINER, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MORAN of Virginia, Mr. GUTIERREZ, and Mr. ENGEL):

H.R. 3604. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. ROONEY (for himself and Mr. PUTNAM):

H.R. 3605. A bill to amend title 23, United States Code, to authorize States to issue special permits to allow the operation of vehicles of up to 95,000 pounds on Interstate System highways for the hauling of livestock; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 3606. A bill to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. SCALISE, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. SHADEGG, Mr. GOHMERT, Mr. CULBERSON, Mr. HERGER, Mr. MILLER of Florida, Mr. KINGSTON, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. HALL of Texas, Mr. KING of Iowa, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. FRANKS of Arizona, Mr. PENCE, Mr. HENSARLING, Mr. FORBES, Mr. BOOZMAN, Mr. HARPER, Mr. ROE of Tennessee, Mr. LINDER, Mr. RYAN of Wisconsin, Mr. HELLER, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BURTON of Indiana, and Mr. PRICE of Georgia):

H. Res. 748. A resolution recognizing the importance of the property rights granted by the United States Constitution; affirming the duty of each Member of this body to support and defend such rights; and asserting that no public body should unlawfully obtain the property of any citizen of the United States for the benefit of another private citizen or corporation; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. MACK, Mr. MCCAUL, Mr. LAMBORN, Mr. BILBRAY, Mr. SMITH of New Jersey, Mr. GINGREY of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BILIRAKIS, Mr. BARTLETT, Mr. ROYCE, Mr. POE of Texas, Mr. TIAHRT, and Mr. SCHOCK):

H. Res. 749. A resolution expressing the sense of the House of Representatives regarding the November 29, 2009, elections in Honduras; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. BAIRD, Ms. HIRONO, Mr. COHEN, Mr. SMITH of Washington, Mr. LARSEN of Washington, and Mr. HONDA):

H. Res. 750. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the first player in the history of Major League Baseball with at least 200 base hits in nine consecutive seasons; to the Committee on Oversight and Government Reform.

By Mr. CHANDLER:

H. Res. 751. A resolution encouraging States to adopt laws that set clear guidelines for contact protocols for personal emergency response systems used by the Nation's senior citizens; to the Committee on Energy and Commerce.

By Mrs. HALVORSON (for herself, Mr. HARE, Ms. BEAN, Mr. QUIGLEY, Mr. FOSTER, and Mr. COSTELLO):

H. Res. 752. A resolution recognizing the tragic loss of life that occurred at the Cherry Mine in Cherry, Illinois, on its 100th anniversary and the contributions to worker and mine safety that resulted from this and other disasters; to the Committee on Education and Labor.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, and Mr. MURPHY of New York):

H. Res. 753. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. HOLDEN (for himself, Mr. SHUSTER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. DENT, Mr. CARNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Mr. DOYLE, Mr. PLATTS, Mr. KANJORSKI, Mr. GERLACH, Mr. FATTAH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mrs. DAHLKEMPER, Mr. PITTS, Mr. SESTAK, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 754. A resolution honoring the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq; to the Committee on Armed Services.

By Mr. MCMAHON (for himself and Mr. ROONEY):

H. Res. 755. A resolution celebrating the 30th anniversary of the creation of the Office of Special Investigations of the Department of Justice; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER (for himself and Mr. SOUDER):

H. Res. 756. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

¶111.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CARSON of Indiana.

H.R. 16: Mr. COHEN.

H.R. 208: Mr. COFFMAN of Colorado, Mrs. BLACKBURN, Mr. ACKERMAN, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. GOHMERT, Mr. HONDA, Ms. MCCOLLUM, Ms. MARKEY of Colorado, Mr. HEINRICH, Mr. LATTA, Mr. MINNICK, Mr. THORNBERRY, Mr. BOCCIERI, Mr. PIERLUISI, Mr. ROE of Tennessee, Mr. ARCURI, Mr. INGLIS, Mr. PETERSON, Mr. DAVIS of Kentucky, Mr. HIMES, Mr. HODES, and Mr. DAVIS of Tennessee.

H.R. 219: Mr. MARSHALL.

H.R. 233: Mr. JOHNSON of Georgia.

H.R. 272: Mr. PRICE of North Carolina.

H.R. 275: Mrs. MYRICK and Mr. RYAN of Wisconsin.

H.R. 333: Mr. CARSON of Indiana.

H.R. 413: Mrs. DAHLKEMPER, Mr. DAVIS of Kentucky, Mr. SNYDER, Mr. LATOURETTE, Mr. HOLDEN, and Mr. LEWIS of Georgia.

H.R. 422: Mr. HODES.

H.R. 444: Mr. NADLER of New York.

H.R. 450: Mr. GINGREY of Georgia.

H.R. 571: Mr. WELCH.

H.R. 621: Mr. COHEN.

H.R. 653: Mrs. CAPPS.

H.R. 678: Mr. LATHAM.

H.R. 690: Mr. PRICE of North Carolina.

H.R. 775: Mr. RUPPERSBERGER, Mr. THOMPSON of Pennsylvania, Mr. KRATOVIL, Mr. DOGGETT, and Mr. HODES.

H.R. 783: Mr. HODES.

H.R. 836: Mr. RUPPERSBERGER.

H.R. 932: Mr. CONYERS, Ms. KAPTUR, Mr. SESTAK, and Mr. DRIEHAUS.

H.R. 948: Mr. COHEN.

H.R. 953: Mr. INGLIS.

H.R. 977: Mr. COHEN.

H.R. 1079: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. GENE GREEN of Texas, and Mr. ROGERS of Alabama.

H.R. 1086: Mr. SCOTT of Georgia, Mr. CHAFFETZ, and Mr. KINGSTON.

H.R. 1132: Mr. PRICE of North Carolina, Mr. SCHRADER, Mr. BURGESS, Mr. BOREN, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. GALLEGLY, Mr. GEORGE MILLER of California, and Mr. PAULSEN.

H.R. 1182: Mr. PETERSON, Mr. INGLIS, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. FORBES, Mr. HIMES, and Mr. LOBIONDO.

H.R. 1194: Mr. TOWNS, Ms. BERKLEY, and Mr. CAO.

H.R. 1203: Mr. MCNERNEY, Mr. HEINRICH, and Mr. PRICE of Georgia.

H.R. 1207: Mr. NYE.

H.R. 1229: Mr. GERLACH.

H.R. 1250: Mr. POSEY.
H.R. 1283: Mr. KAGEN, Mr. MCNERNEY, and Mr. NEAL of Massachusetts.
H.R. 1346: Ms. TITUS.
H.R. 1402: Mr. MOORE of Kansas.
H.R. 1454: Mr. MINNICK.
H.R. 1507: Mr. FRANK of Massachusetts.
H.R. 1549: Mr. HASTINGS of Florida, Mr. SESTAK, Mr. COHEN, and Ms. DEGETTE.
H.R. 1570: Ms. WASSERMAN SCHULTZ.
H.R. 1585: Mr. THOMPSON of Pennsylvania and Mr. ROE of Tennessee.
H.R. 1587: Mr. SHIMKUS and Mr. MINNICK.
H.R. 1623: Mr. DANIEL E. LUNGREN of California.
H.R. 1670: Ms. BEAN.
H.R. 1695: Mr. OBERSTAR, Mr. GRIFFITH, and Mr. TIBERI.
H.R. 1706: Mr. WATT.
H.R. 1799: Mr. BISHOP of Utah.
H.R. 1826: Mr. PRICE of North Carolina.
H.R. 1829: Mr. BROWN of South Carolina and Mr. LARSEN of Washington.
H.R. 1864: Mr. HEINRICH, Mr. FILNER, Mr. MICHAUD, Mr. GRIFFITH, and Mr. ROE of Tennessee.
H.R. 1970: Mr. MELANCON.
H.R. 1987: Ms. BORDALLO and Mr. PETERSON.
H.R. 2000: Mrs. DAVIS of California.
H.R. 2006: Ms. WOOLSEY and Mr. JOHNSON of Georgia.
H.R. 2137: Mr. PLATTS.
H.R. 2139: Ms. KAPTUR and Mr. STARK.
H.R. 2194: Mr. CLAY, Mr. THOMPSON of California, Mr. TONKO, Mr. DAVIS of Illinois, Mr. MATHESON, and Mr. MURPHY of New York.
H.R. 2195: Ms. KILROY.
H.R. 2266: Mr. MURPHY of Connecticut.
H.R. 2267: Mr. MURPHY of Connecticut, Mr. CLAY, and Mr. SCHIFF.
H.R. 2279: Mr. COHEN.
H.R. 2299: Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. MCCOLLUM.
H.R. 2373: Mr. ELLSWORTH and Mr. FORBES.
H.R. 2378: Ms. DELAURO.
H.R. 2429: Mr. BRIGHT.
H.R. 2446: Mr. BOSWELL.
H.R. 2452: Mr. WILSON of Ohio and Ms. KILROY.
H.R. 2485: Mr. CUMMINGS, Mr. WU, and Mr. ROTHMAN of New Jersey.
H.R. 2555: Mr. PAYNE.
H.R. 2584: Mr. PENCE, Mr. EHLERS, Mr. THORNBERRY, Ms. KILROY, Mr. BISHOP of Utah, Mr. MILLER of North Carolina, Mrs. CAPITO, Mr. BARROW, and Mr. CAMPBELL.
H.R. 2607: Mr. DENT.
H.R. 2639: Ms. HERSETH SANDLIN.
H.R. 2708: Ms. SCHAKOWSKY.
H.R. 2746: Mr. GENE GREEN of Texas, Mr. SESTAK, Ms. BALDWIN, Ms. WOOLSEY, Mr. BOCCIERI, Mr. KAGEN, Mr. PASTOR of Arizona, and Mr. CONYERS.
H.R. 2766: Mr. HALL of New York.
H.R. 2782: Mr. BOCCIERI and Mr. WILSON of Ohio.
H.R. 2801: Ms. GINNY BROWN-WAITE of Florida, Mr. PAUL, and Mr. GRIFFITH.
H.R. 2894: Mr. CARSON of Indiana.
H.R. 2909: Mr. MCGOVERN.
H.R. 2932: Ms. FUDGE, Mr. COHEN, and Mr. AL GREEN of Texas.
H.R. 2935: Mr. THOMPSON of California, Mr. QUIGLEY, Mrs. EMERSON, Mr. KRATOVIL, and Mr. BOREN.
H.R. 2941: Mr. HALL of New York.
H.R. 3007: Ms. KAPTUR and Mr. MASSA.
H.R. 3012: Mr. MAFFEI.
H.R. 3017: Mr. HINCHEY and Mr. SABLAN.
H.R. 3044: Ms. TSONGAS, Mr. CAMPBELL, Mr. LUCAS, Mr. WALDEN, and Mr. BERRY.
H.R. 3101: Mr. STARK, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, and Mr. TOWNS.
H.R. 3105: Mr. MCKEON.
H.R. 3184: Mr. SESTAK.
H.R. 3212: Mr. MOORE of Kansas.
H.R. 3217: Mr. DANIEL E. LUNGREN of California and Ms. GRANGER.
H.R. 3226: Mr. THOMPSON of Pennsylvania, Mr. FLAKE, Mr. INGLIS, Mr. GUTHRIE, Mr. BARTON of Texas, and Mrs. CAPITO.
H.R. 3227: Mr. MCGOVERN.
H.R. 3238: Mr. CARSON of Indiana.
H.R. 3250: Mrs. MCCARTHY of New York and Mr. MCMAHON.
H.R. 3255: Mr. BLUMENAUER.
H.R. 3266: Mr. NYE.
H.R. 3284: Mr. SMITH of New Jersey.
H.R. 3307: Mr. POSEY.
H.R. 3308: Mr. MATHESON and Mr. TIM MURPHY of Pennsylvania.
H.R. 3324: Mr. SNYDER.
H.R. 3337: Mr. SCHRADER.
H.R. 3340: Ms. HERSETH SANDLIN.
H.R. 3355: Mr. SESTAK and Mr. FILNER.
H.R. 3381: Mr. BISHOP of New York.
H.R. 3383: Mr. BISHOP of Utah.
H.R. 3400: Mr. THOMPSON of Pennsylvania.
H.R. 3407: Mr. PETERSON.
H.R. 3421: Ms. VELÁZQUEZ.
H.R. 3438: Mr. AUSTRIA.
H.R. 3458: Mr. WAXMAN, Mr. SESTAK, and Ms. WOOLSEY.
H.R. 3472: Mr. MURPHY of New York, Mrs. HALVORSON, Ms. BEAN, and Mr. CONNOLLY of Virginia.
H.R. 3502: Ms. SLAUGHTER.
H.R. 3508: Mr. MARCHANT and Mr. SESSIONS.
H.R. 3510: Mr. SESTAK, Mr. MCGOVERN, and Mr. MEEKS of New York.
H.R. 3519: Mr. CARTER, Mr. RODRIGUEZ, and Ms. WOOLSEY.
H.R. 3548: Ms. WOOLSEY, Ms. DELAURO, Mr. HINCHEY, and Mr. BLUMENAUER.
H.R. 3549: Ms. SHEA-PORTER and Mr. PALLONE.
H.R. 3553: Mr. LUJÁN.
H.R. 3554: Ms. TSONGAS and Mr. PETERSON.
H.R. 3567: Mr. LUJÁN and Mr. SARBANES.
H.R. 3569: Mr. CHAFFETZ, Mr. BARTON of Texas, Mr. FLEMING, Mr. BRADY of Texas, and Mr. SHIMKUS.
H.R. 3571: Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. SMITH of Nebraska, Mr. FLEMING, Mr. PITTS, Mr. REHBERG, Mr. BARTON of Texas, and Mr. FORBES.
H.J. Res. 47: Mr. LANCE and Mr. JORDAN of Ohio.
H. Con. Res. 49: Mr. BAIRD.
H. Con. Res. 98: Mr. AL GREEN of Texas.
H. Con. Res. 151: Mr. INGLIS and Mr. COHEN.
H. Con. Res. 158: Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. LEWIS of California, Mr. CONNOLLY of Virginia, Mr. REYES, Mr. ISRAEL, Mr. CHILDERS, Mrs. EMERSON, Mrs. MALONEY, Mr. SERRANO, and Mr. CONYERS.
H. Con. Res. 160: Mr. DANIEL E. LUNGREN of California, Mr. COHEN, and Ms. HERSETH SANDLIN.
H. Con. Res. 168: Mr. MCDERMOTT.
H. Con. Res. 169: Mr. BUCHANAN, Mr. BOOZMAN, and Mr. SOUDER.
H. Con. Res. 170: Mr. HALL of Texas, Mr. BOUSTANY, Mr. COBLE, and Mr. NYE.
H. Con. Res. 181: Mr. ROGERS of Michigan and Ms. KAPTUR.
H. Con. Res. 183: Mr. CARTER, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BERRY, and Mr. BARTON of Texas.
H. Con. Res. 185: Mr. LUETKEMEYER, Mr. BOOZMAN, Mr. TIBERI, Mr. SESSIONS, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER.
H. Con. Res. 186: Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. MASSA, Mr. KISSELL, Mrs. KIRKPATRICK of Arizona, Mr. PERLMUTTER, Mr. ETHERIDGE, Ms. TSONGAS, Mr. VISCLOSKY, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. SARBANES, Mr. SALAZAR, Mr. SIRES, Ms. FUDGE, Mr. TOWNS, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. PAYNE, Mr. AL GREEN of Texas, Ms. PINGREE of Maine, Ms. EDWARDS of Maryland, Mr. CUMMINGS, Mr. BARROW, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. RUPPERSBERGER, Ms. NORTON, Mr. ANDREWS, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. QUIGLEY, Mr. WALZ, Mr. JACKSON of Illinois, Mr. CUELLAR, Mr. KINGSTON, Mr. RUSH, Mr. CLYBURN, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLAY, Mr. LYNCH, Mr. SCOTT of Virginia, Ms. LEE of California, Mr. CONYERS, Mr. LEVIN, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. RANGEL, Mr. FATTAH, Ms. CLARKE, Mrs. HALVORSON, Ms. WATERS, and Mr. GUTIERREZ.
H. Res. 22: Mr. HALL of New York.
H. Res. 55: Mr. COBLE, Mr. DENT, Mr. MCHENRY, and Mr. MORAN of Virginia.
H. Res. 150: Mr. AL GREEN of Texas.
H. Res. 167: Mr. MCINTYRE and Mr. ROTHMAN of New Jersey.
H. Res. 291: Mr. PASTOR of Arizona, Mr. MCDERMOTT, Mr. PETERSON, and Mr. COOPER.
H. Res. 568: Mr. BARTLETT, Mr. BILBRAY, and Mr. SOUDER.
H. Res. 577: Mr. KLEIN of Florida and Mr. SHIMKUS.
H. Res. 581: Mr. BONNER, Mr. MARSHALL, Mr. GINGREY of Georgia, Mr. ADERHOLT, and Mr. KING of Iowa.
H. Res. 615: Mr. LANCE.
H. Res. 627: Mr. BOREN.
H. Res. 684: Ms. RICHARDSON and Mr. JACKSON of Illinois.
H. Res. 692: Mr. MICHAUD, Mr. BAIRD, Mr. WELCH, Ms. SLAUGHTER, Mr. LYNCH, Mr. HIGGINS, Mr. TAYLOR, Mr. MAFFEI, Mr. GRIFFITH, Mr. MINNICK, Mr. LANGEVIN, Ms. SCHWARTZ, Mr. BACA, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. LUJÁN, Mr. DOYLE, Mr. BERRY, Ms. WASSERMAN SCHULTZ, and Ms. KILROY.
H. Res. 709: Mr. MURPHY of Connecticut, Ms. SUTTON, Mr. BARROW, Ms. TSONGAS, Mr. COOPER, Mr. ALTMIRE, Mr. LOEBSACK, and Ms. PINGREE of Maine.
H. Res. 729: Mrs. MILLER of Michigan.
H. Res. 731: Mr. AL GREEN of Texas.
H. Res. 733: Mr. SCOTT of Georgia, Mr. ENGEL, Mr. HOLDEN, Mr. RYAN of Ohio, Mr. HONDA, Mr. MICHAUD, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. SULLIVAN, and Mr. HARPER.
H. Res. 734: Mr. BROWN of South Carolina, Mr. MACK, and Mr. KLINE of Minnesota.
H. Res. 739: Mr. MASSA, Mr. NEUGEBAUER, Mr. PETERSON, Mr. SCOTT of Georgia, Mr. ROSS, Ms. JACKSON-LEE of Texas, and Mr. ELLISON.
H. Res. 740: Mr. CARNEY, Ms. MCCOLLUM, Mr. PUTNAM, Mr. SCHRADER, Mr. CHILDERS, Mr. INGLIS, Ms. HERSETH SANDLIN, Ms. HIRONO, Mr. MICHAUD, Mr. MARSHALL, Mr. MOORE of Kansas, and Mr. BOUCHER.
H. Res. 743: Mr. HODES, Mr. ABERCROMBIE, Mr. WELCH, Mr. HARE, Ms. HIRONO, Mr. MCMAHON, Mr. NEAL of Massachusetts, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. YARMUTH, Ms. SHEA-PORTER, Mr. CONNOLLY of Virginia, Mr. WU, Mr. KAGEN, Ms. LINDA T. SÁNCHEZ of California, and Ms. SUTTON.

¶111.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3226: Mr. CLAY.

MONDAY, SEPTEMBER 21, 2009 (112)

¶112.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WELCH,

who laid before the House the following communication:

WASHINGTON, DC,
September 21, 2009.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶112.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WELCH, announced he had examined and approved the Journal of the proceedings of Thursday, September 17, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶112.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami Yacht Club 2007 Conch Cup Regatta, Biscayne Bay, Miami, FL [COTP MIAMI 07-215] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River and Tillamook Bay Oregon and Washington Coastal Bars and entrances [CGD13-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; President of the United States Visit to Mobile, AL [COTP Mobile-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire—Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-196] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-199] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Miami, Miami, Florida [COTP Miami 07-201] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-210] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-230] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Biscayne Bay, Miami, Florida [COTP Miami 07-232] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH [CGD09-07-056] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Freedom Festival Target Fireworks, Detroit River, Detroit, MI [CGD09-07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ex-TRIPOLI transiting the San Fancisco Bay [COTP San Francisco Bay 07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Ordnance Recovery, Monterey Bay, California [COTP San Francisco Bay 08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Detroit Zone [CGD09-07-064] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hornblower Cruises Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Barge CASCADE, in San Francisco Bay, California [COTP San Francisco Bay 08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rincon Park Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 08-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Juan Harbor Swim, Bahia de San Juan, San Juan, PR [COTP San Juan 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COPT San Juan 07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Veteran's Glass City Skyway Bridge, Maumee River, Toledo, OH [CGD09-07-066] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COTP San Juan 07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Detroit Zone [CGD09-07-067] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Erie, Presque Isle Bay, Erie, PA [CGD09-07-104] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Americafest water-ski show, Fox River, Green Bay, WI [CGD09-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 100th Year Celebration Fireworks, St. Marys River, Sault Ste. Marie, MI [CGD09-07-105] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Buffalo Zone [CGD09-07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cheeseburger Festival Fireworks, Lake Huron, Caseville, MI [CGD09-07-107]

(RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Columbia River Bar and Tillamook Bay Entrance on the Oregon Coast [CGD13-08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Airshow, Saginaw River, Bay City, MI [CGD09-07-111] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nautical Mile Ventian Festival Fireworks, Lake St. Clair, St. Clair Shores, MI [CGD09-07-112] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-08-004] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Emergency Salvage Operation of Fishing Vessel HAESHIN at the Gray's Harbor and entrance on the Washington Coast [CGD13-08-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Umpqua River Bar and entrance [CGD13-08-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Norfolk International Terminals, Norfolk, VA [CGD05-07-500] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chris Craft Silver Cup Races, St. Clair River, Algonac, MI [CGD09-07-113] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; annual Ft. Lauderdale Air & Sea Show, Ft. Lauderdale, FL [CGD07-07-024] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY [CGD09-070-AA00] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Recovery Dive Operations, Milwaukee River, Milwaukee, WI [CGD09-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Club Cannonage, Lake St. Clair, Harsens Island, MI [CGD09-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: The Northern waters of the South Jetty of the Chetco River closed for Emergency Army Corps of Engineers Salvage Operations due to removal of Hazards to Navigation [CGD13-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-07-010] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [CGD13-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tugboat Race, Budd Inlet, Olympia, Washington [CGD13-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-070-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, Washington [CGD13-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Campboat Grand Prix of Savannah; Savannah, GA [Docket No.: CGD07-07-209] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Marine Mammal Protection, Neah Bay, WA [CGD13-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the Barge Mauna Loa [CGD13-07-037] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Horry County, SC [Docket No.: CGD07-07-227] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Oregon and Washington Coastal River Bars and Entrances [CGD13-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-104] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the Barge HO'OMAKA HOU [CGD13-07-041] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Miles River, Talbot County, MD [CGD05-07-105] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zones; Weather Forced Closure of the Columbia River, Tillamook Bay, Siuslaw and Umpqua River Bars and Entrances on the Oregon and Washington Coasts [CGD13-07-042] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [CGD05-07-106] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest Harbor, Baltimore, MD [CGD05-07-110] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayfield Fireworks, Lake Superior, Bayfield, WI [CGD09-06-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Dogue Creek and Little Hunting Creek, Charles County, MD and Faifax County, VA [CGD05-07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Fireworks, Lake Superior, Duluth, MN [CGD09-06-080] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party Fireworks, Irondequoit Bay, Webster, NY [CGD09-07-022] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Intracoastal Waterway, Virginia Beach, Virginia [Docket No.: CGD05-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Renzi FoodService, Alexandria Bay, NY [CGD09-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Lake Huron, Neebish Island, Michigan [CGD09-07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Village Fireworks Display, Sodus Bay, Sodus Point, NY [CGD09-07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Anacostia River, Sousa Bridge, Washington, DC [CGD05-07-115] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Chestnut Relay, Seneca River, Baldwinsville, NY [CGD09-07-049] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brewerton Fireworks, Brewerton, NY [CGD09-07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River, College and Spa Creeks, Annapolis, MD [Docket No.: GCD05-07-118] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in the Captain of the Port Charleston, South Carolina Zone [COTP Sector Charleston, SC 07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Sector Charleston Zone [COTP Sector Charleston 07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, USS Yorktown, Patriots Point, Charleston, South Carolina [COTP Charleston 07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moncks Corner, South Carolina, Fireworks Display [COTP Charleston 07-162] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apra Harbor, GU [COTP Guam 07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 08-001] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Fuller Warren Bridge Demolition, St. Johns River, Jacksonville, FL [COTP Jacksonville 07-005] (RIN: 1625-A00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veteran's Celebration Fireworks Display — Indian River, New Smyrna Beach, FL [COTP Jacksonville 07-074] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Jacksonville Zone [COTP Jacksonville 07-082] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moose International Meeting, Fireworks Display, Orange Park, Florida [COTP Jacksonville 07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Rocket Launch; Port Canaveral, FL [COTP Jacksonville 07-180] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Shuttle Launch; Port Canaveral, FL [COTP Jacksonville 07-1811] [COTP Jacksonville 07-181] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Celebration Fireworks Display, Atlantic Ocean, Flagler Beach, FL [COTP Jacksonville 07-186] (RIN:1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tug Island Fox and Barge U-791, Nassau Terminals, Fernandina, FL [COTP Jacksonville-07-194] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patrick Air Force Base 4th of July Freedom Fest Fireworks Display, Banana River, Patrick Air Force Base, FL [COTP Jacksonville 07-217] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone: Sea and Sky Spectacular 2007 — Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 07-228] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; World Space Expo-Banana River, Cape Canaveral, FL [COTP Jacksonville 07-231] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Liberty Island Conductor Removal, Sacramento River, California [COTP San Francisco Bay 07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stockton Fourth of July Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Eureka Fourth of July Fireworks Show, Humboldt Bay, CA [COTP San Francisco Bay 07-032] (RIN: 1628-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oakland World Music and Jazz Festival Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Diablo Jet Ski Action 2007 Summer Series, San Joaquin River, CA [COTP San Francisco Bay 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Delta Thunder Powerboat Race, Pittsburg, CA [COTP San Francisco Bay 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Pittsburg Seafood Festival Activities, Pittsburg, CA [COTP San Francisco Bay 07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Attorney Advisor, Department of Homeland Securtiy, transmitting the Department's final rule — Safety Zone; July Fourth Fireworks Show, City of Sausalito, Sausalito, CA [COTP San Francisco Bay 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [CGD13-08-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Attorney Advisor, Dpeartment of Homeland Security, transmitting the Department's final rule — Safety Zone; 2007 Miami Kayak Challenge, Intracoastal Waterway Lummus Island Cut, and Biscayne Bay, Miami, FL [COTP MIAMI 07-241] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶112.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WELCH, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2009, at 10:05 a.m.:

That the Senate passed with an amendment, requested a conference with the House, and appointed conferees, H.R. 3288.

Appointments:

Senate National Security Working Group

Commission to Study the Potential Creation of a National Museum of the American Latino

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶112.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WELCH, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 11, 2009, at 1:13 p.m.:

Appointments:

United States Senate Caucus on International Narcotics Control.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶112.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. WELCH, laid before the House the following communication from Mr. BARTON of Texas:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 18, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a subpoena, issued by the U.S. District Court for the Northern District of Texas, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOE BARTON,
Ranking Member.

¶112.7 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. WELCH, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: This letter is to inform you that I have sent a letter to New York Secretary of State Lorraine Cortés Vázquez notifying her that I am resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army. This resignation includes any boards upon which I have served by virtue of my position as a Member of Congress.

On September 16, 2009, I was confirmed by the United States Senate to be Secretary of the Army. It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and my state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I also want to thank all of my colleagues in the House, and in particular, New York's Congressional delegation, as I have enjoyed working with them during my time in Congress. I look forward to continuing to work with you and our colleagues in my new role as Secretary of the Army.

With best wishes, I am,

Sincerely yours,

JOHN M. MCHUGH,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. LORRAINE CORTÉS-VÁZQUEZ,
New York State Secretary of State,
Albany, NY.

DEAR SECRETARY CORTÉS-VÁZQUEZ: On September 16, I was confirmed by the United States Senate to be the Secretary of the Army. I am hereby resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army.

It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and state. I am truly honored that the President and the Senate have provided me the opporutunity to help lead the United States Army forward, and I am humbled by their support.

I want to thank you and all the State officials for our work together during my tenure in Congress.

With best wishes, I am,
Sincerely yours,
JOHN M. MCHUGH,
Member of Congress.

¶112.8 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. WELCH, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from New York [Mr. MCHUGH], the whole number of the House is adjusted to 433.

And then,

¶112.9 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. WELCH, by unanimous consent and pursuant to the special order of the House agreed to on September 17, 2009, at 4 o'clock and 5 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, September 22, 2009.

¶112.10 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2265. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes (Rept. 111–258). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes (Rept. 111–259). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2741. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes (Rept. 111–260). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; with an amendment (Rept. 111–261). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. 111–262). Referred to the Committee of the Whole House on the state of the Union.

¶112.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. MICA, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 3607. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. RAHALL, Mr. BACA, Ms. BERKLEY, Mrs. BONO MACK, Mr. BOREN, Mr. COLE, Mr. HERGER, Mr. KILDEE, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. LUJÁN, Mr. MCCARTHY of California, Ms. MCCOLLUM, Mr. PALLONE, Mr. POMEROY, Mr. RADANOVICH, and Mr. SHULER):

H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to codify the exclusion from gross income of medical care provided for Indians, and for other purposes; to the Committee on Ways and Means.

By Mr. MELANCON (for himself and Mr. TANNER):

H.R. 3609. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. POE of Texas, Ms. RICHARDSON, Mrs. BACHMANN, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, and Mr. GRIJALVA):

H. Res. 757. A resolution supporting the goals and ideals of a National Day of Remembrance for Homicide Victims; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROYBAL-ALLARD, Ms. HARMAN, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Ms. RICHARDSON):

H. Res. 758. A resolution commending the Water Replenishment District of Southern California for a job well done on the occasion of its 50th anniversary; to the Committee on Natural Resources.

¶112.12 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 501: Mr. HASTINGS of Florida.
H.R. 571: Mr. CARNEY and Mr. BRALEY of Iowa.
H.R. 644: Mr. WEXLER.
H.R. 646: Mr. MORAN of Virginia.
H.R. 668: Mr. HILL.
H.R. 678: Mr. POE of Texas.
H.R. 690: Mr. SMITH of Nebraska.
H.R. 1076: Mr. EDWARDS of Texas.
H.R. 1179: Mr. OBERSTAR.
H.R. 1182: Mr. DICKS, Mr. HODES, and Ms. TITUS.
H.R. 1207: Mr. KILDEE.
H.R. 1547: Mr. ROTHMAN of New Jersey.
H.R. 1619: Mr. SESTAK.
H.R. 1670: Mr. ARCURI.
H.R. 1721: Mr. RYAN of Ohio and Mr. SIRES.
H.R. 1770: Mr. SESTAK.
H.R. 1866: Mr. BLUMENAUER.
H.R. 1928: Mr. HOLT.
H.R. 2055: Mr. SABLAN and Mr. BAIRD.
H.R. 2115: Mr. TANNER.
H.R. 2149: Mr. BACHUS.
H.R. 2160: Mr. LATHAM.
H.R. 2262: Ms. LEE of California, Mr. OLVER, Mrs. LOWEY, and Ms. ZOE LOFGREN of California.
H.R. 2329: Mr. WOLF and Mr. GRAVES.
H.R. 2504: Mr. HALL of New York and Mr. LUJÁN.
H.R. 2568: Ms. LEE of California.
H.R. 2583: Mr. NYE.
H.R. 2702: Mr. MAFFEI.
H.R. 2743: Ms. KILPATRICK of Michigan.
H.R. 2931: Mr. LUJÁN, Mr. MASSA, and Mr. ARCURI.
H.R. 2935: Mr. KAGEN, Mr. GRAYSON, Mr. PASTOR of Arizona, Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. SPRATT, Mr. HIGGINS, Ms. MARKEY of Colorado, Mr. CLAY, and Mr. HARPER.
H.R. 2969: Ms. LEE of California.
H.R. 2978: Mr. VAN HOLLEN.
H.R. 3043: Ms. CLARKE.
H.R. 3104: Mr. BURTON of Indiana.
H.R. 3116: Mr. COBLE, Mr. MANZULLO, and Mr. WOLF.
H.R. 3168: Mr. PRICE of North Carolina.
H.R. 3381: Mr. MCMAHON.
H.R. 3382: Mr. PLATTS.
H.R. 3402: Mr. VAN HOLLEN.
H. Con. Res. 138: Mr. GENE GREEN of Texas, Mr. MCCAUL, and Mr. CULBERSON.
H. Con. Res. 151: Mr. CARDOZA, Mr. SHULER, Mr. BARROW, Mr. WALZ, Mr. TANNER, Mr. PAYNE, Ms. MARKEY of Colorado, and Mr. KRATOVIL.
H. Res. 20: Mr. AL GREEN of Texas.
H. Res. 159: Mr. MURTHA and Mr. BOUCHER.
H. Res. 494: Mr. ELLSWORTH, Mr. GUTHRIE, Mr. NYE, Ms. PINGREE of Maine, Mr. TEAGUE, Ms. TITUS, Mr. DRIEHAUS, Mr. LOEBSACK, Mr. GRIFFITH, and Mrs. HALVORSON.
H. Res. 561: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.
H. Res. 562: Ms. SLAUGHTER, Mr. ROTHMAN of New Jersey, and Mr. MCHUGH.
H. Res. 563: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.
H. Res. 727: Mrs. MCMORRIS RODGERS and Mr. PASTOR of Arizona.
H. Res. 729: Mrs. HALVORSON, Mrs. KIRKPATRICK of Arizona, and Ms. LORETTA SÁNCHEZ of California.
H. Res. 739: Mr. MCGOVERN, Ms. HERSETH SANDLIN, Mr. BERRY, Mr. BACA, Mr. ENGEL, and Mr. COSTA.
H. Res. 740: Ms. BORDALLO and Mr. PETERSON.

TUESDAY, SEPTEMBER 22, 2009 (113)

¶113.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
September 22, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶113.2 RECESS—12:46 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 46 minutes p.m., until 2 p.m.

¶113.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, called the House to order.

¶113.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced he had examined and approved the Journal of the proceedings of Monday, September 21, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶113.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [COTP San Juan 07-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [Docket No.: COTP San Juan 07-098] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Christiansted Harbor, Christiansted, U.S.V.I. [Docket No.: COTP San Juan 07-108] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port San Juan Tropical Cyclone Safety Zone [COTP San Juan 07-190] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones: San Juan Harbor and Rio Grande, Puerto Rico [COTP San Juan 07-193] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Croix Coral Reef Swim, Buck Island Channel, USVI [Docket No.: COTP San Juan 07-219] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bahia de Guanica, Guanica, PR [Docket No.: COTP San Juan 07-250] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sag Harbor Volunteer Ambulance Corp. Fireworks, Havens Beach, Sag Harbor, NY [CGD01-07-107] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 67, Edgewater Hotel, Elliott Bay, Washington [CGD13-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bellevue, KY, Ohio River Mile 469.2 to 470.2 [Docket No.: COTP Ohio Valley 07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 255.5 to 256.5, Tuscumbia, AL [Docket No.: COTP Ohio Valley-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 59/Seattle Aquarium and Pier 58, Elliott Bay, Washington [CGD13-07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile Marker 0.5 to Mile Marker 1.5, Kingston, TN [Docket No.: COTP Ohio Valley-07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 307.5 to 309.1, Huntington, WV [Docket No.: COTP Ohio Valley-07-029] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 70/Waterfront Seafood Grill Restaurant, Elliott Bay, Washington [CGD13-07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 125.4 to 126.6, Clarksville, TN [Docket No.: COTP Ohio Valley-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Budd Inlet, West Bay, Olympia, Washington [CGD13-07-047] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 262.8 to Mile Marker 268.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-031] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon [CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Warsaw, KY, Ohio River Mile 527.5 to 528.5 [Docket No.: COTP Ohio Valley 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon [CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Everglades, Fort Lauderdale, Florida [COTP Miami 07-202] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of the Tillamook Bay Bar and Entrance [CGD13-07-058] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oracle Air Show Demonstration, San Francisco Bay, CA [COTP San Francisco Bay 07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [CGD13-07-059] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Butterfly Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River Bar and Tillamook Bay Bar and Entrances [CGD13-08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Cup Shoot Out, Franks Tract, CA [COTP San Francisco Bay 07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Motor Vessel COSCO BUSAN, in San Francisco Bay, California [COTP San Francisco Bay 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ford Ironman 70.3 California Triathlon, Oceanside Harbor, CA [COTP San Diego 07-014] (RIN: 1625-00AA) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jet Jam Performance Weekend Jet Ski Races, Lake Havasu, AZ [COTP San Diego 07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 07-051] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 791.0 to 795.0, Evansville, IN [Docket No.: COPT Ohio Valley 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, CA [COTP San Diego 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 07-351] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 82.3 to 83.3, Grand Tower, IL [Docket No.: COTP Ohio Valley-07-037] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi Mile Marker 54.0 to 54.8, Cape Girardeau, MO [Docket No.: COTP Ohio Valley-07-038] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 190.6 to 191.1, Nashville, TN [Docket No.: COTP Ohio Valley-07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 324.0 to 324.5, Huntsville, AL [Docket No.: COTP Ohio Valley-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile Marker 58.0 to 59.0, Charleston, WV [Docket No.: COTP Ohio Valley-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restriction of all vessel traffic on the Gray's Harbor, Washington Bar and entrance [CGD13-08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 471 to 476, Chattanooga, TN [Docket No.: COTP Ohio Valley-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidental Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 931 to 935, Ledbetter, KY [COTP Ohio Valley-07-056] (RIN 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME, Presidential Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Peter's Fiesta Fireworks — Gloucester, Massachusetts [CGD01-07-090] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Point O'Woods Fire Department Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-106] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile Marker 951 to 953, Cairo, IL [Docket No.: COTP Ohio Valley-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 0.5 to 2.0, Cairo, IL [Docket No.: COTP Ohio Valley-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue Bay, Patchogue, NY [CGD01-07-160] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue River, Patchogue, NY [CGD01-07-159] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3681. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salem Haunted Happenings, Salem, MA [Docket No.: CGD01-07-154] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3682. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [CGD01-07-149] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3683. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Gillette Castle Celebration Fireworks, Connecticut River, East Haddam, CT [CGD01-07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3684. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [CGD01-07-146] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3685. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona) [COTP San Diego 07-006] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3686. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 602.0 to 603.5; Louisville, KY [Docket No.: COTP Ohio Valley 07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3687. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 496.8 to 497.8, Aurora, IN [Docket No.: COTP Ohio Valley-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3688. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 600 yards off North West shore of Lake Palourde, IVO Lake End Park Morgan City, LA [COTP Morgan City-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3689. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Morgan City-Port Allen Alternate Route, Mile Marker 14 to Mile Marker 16, bank to bank, Belle River, LA [COTP Morgan City-07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3690. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3691. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3692. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 604.4-605.0, Louisville, KY [COTP Ohio Valley 07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3693. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 307.8 to 308.8, Huntington, WV [COTP Ohio Valley-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3694. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 182.5 to 183.5, Parkersburg, West Virginia [Docket No.: COTP Ohio Valley-07-013] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3695. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile 46.1 to 57.1, Saint Albans, WV [Docket No.: COTP Ohio Valley-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3696. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-015] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3697. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 943 to 944, Metropolis, IL [Docket No.: COTP Ohio Valley-07-016] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3698. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 321.6 to 323.3, Ashland, KY [Docket No.: COTP Ohio Valley-07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 316.6 to 317.6, Big Sandy River Mile 0.0 to 0.5, South Point, OH [Docket No.: COTP Ohio Valley-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 265.2 to 266.2, Kanawha River Mile 0.0 to 0.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 355.5 to 356.5, Portsmouth, OH [Docket No.: COTP Ohio Valley-07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 171.3 to 172.6, Marietta, OH [Docket No.: COTP Ohio Valley-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 461 to 470 [Docket No.: COTP Ohio Valley 07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: The Event Store Fireworks, Southold Bay, Southold, NY [CGD01-07-143] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: NY Islanders Kick-Off Celebration Fireworks, Bayville, NY [CGD01-07-142] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Redstone Wedding Fireworks, Revere, MA [CGD01-07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3709. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Revere Fireworks, Revere, MA [CGD01-07-128] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3710. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Search and Rescue Operations, Quinnipiac River [CGD01-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3711. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Blynman Canal Bridge over the Blynman Canal, Gloucester, Massachusets [CGD01-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3712. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Friends of John Rouse Fireworks, East Beach, Port Jefferson, NY [CGD01-07-122] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3713. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidential Visit [CGD01-07-119] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3714. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Yankee Homecoming Fireworks, Newburyport, MA [CGD01-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3715. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Portland Harbor, Maine, The Zone Living Urban/Epic Triathlon [CGD01-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶113.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed

envelope received from the White House on Monday, September 21, 2009 at 5:18 p.m., and said to contain a message from the President whereby he notifies the Congress he has extended the national emergency with respect to those who commit, threaten to commit, or support terrorism.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶113.7 NATIONAL EMERGENCY WITH RESPECT TO TERRORISM

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *September 21, 2009.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–64).

¶113.8 CORAL REEF CONSERVATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 860) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.9 ILLEGAL, UNREPORTED, AND UNREGULATED FISHING

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1080) to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.10 ADAMS MEMORIAL FOUNDATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2802) to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.11 UPPER ELK RIVER WILD AND SCENIC STUDY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3113) to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.12 MAGNA WATER DISTRICT WATER REUSE

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2265) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.13 CALLEGUAS MUNICIPAL WATER DISTRICT

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2522) to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.14 CITY OF HERMISTON, OREGON, WATER RECYCLING

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2741) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.15 MINUTE MAN NATIONAL HISTORIAL PARK

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 599):

Whereas, since September 21, 1959, Minute Man National Historical Park has preserved key sites where the first battles of the American Revolutionary War occurred, and educated millions of Americans about the extraordinary events that led to the birth of the Nation and the ideals embodied in those courageous actions;

Whereas Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord that were at the center of the American Revolution;

Whereas the events, places, and people recognized by the Minute Man National Historical Park have become enduring testaments to American values and are among the most celebrated and cherished symbols in the history of the Nation;

Whereas the Minute Man National Historical Park includes multiple sites and landscapes along the route from Boston to Concord, known as the Battle Road, where American Militia and British soldiers fought numerous times on April 19, 1775;

Whereas American militia were first ordered to return British fire at Concord's North Bridge, a heroic action commemorated by American poet Ralph Waldo Emerson in his poem "The Concord Hymn" as the "shot heard 'round the world";

Whereas the park celebrates Paul Revere's legendary "midnight ride" of April 18, 1775, to warn American colonists that British soldiers were marching to Concord to destroy key military stores; and

Whereas more than one million Americans from States across the Nation and people from around the globe visit Minute Man National Historical Park every year to learn about the role that these New England communities played in the American Revolution: Now, therefore, be it

Resolved, that it is the sense of the House of Representatives that—

(1) Minute Man National Historical Park serves an essential role in preserving the sites and landscapes in New England where the American Revolution began, and in educating the public about these historic events;

(2) Minute Man National Historical Park honors and commemorates the ideals of democracy, liberty, and freedom that are the foundation of the Nation and sources of inspiration for people everywhere; and

(3) the creation of Minute Man National Historical Park 50 years ago represents a remarkable achievement that continues to benefit Americans around the Nation, to preserve the proud legacy of the American Revolution, and to serve as an enduring resource for future generations.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶113.16 NATIONAL WILD HORSE AND BURRO ADOPTION DAY

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 688):

Whereas in 1971, in Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶113.17 HAWK MOUNTAIN SANCTUARY

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 670):

Whereas Hawk Mountain Sanctuary is a year-round wildlife sanctuary that introduces students and visitors to the natural beauty of the central Appalachian Mountains of eastern Pennsylvania;

Whereas the 2,600 acres of woodland in the sanctuary and more than 13,000 acres of private and public lands in the area comprise one of the largest protected tracts of contiguous forest in eastern Pennsylvania;

Whereas the sanctuary consists of 8 miles of ridge and valley trails for visitors to hike and explore;

Whereas Hawk Mountain Sanctuary was the first refuge for birds of prey in the world;

Whereas over 12,000 raptors of various species find refuge in the Hawk Mountain Sanctuary every year;

Whereas during the autumn months, visitors have the unique opportunity to view numerous raptors of various species participating in a yearly migration through Pennsylvania;

Whereas Hawk Mountain Sanctuary is internationally known as a global information hub and a leader in the field of raptor biology and raptor conservation;

Whereas the sanctuary has a full-time staff of 16 employees and a volunteer workforce of more than 200 dedicated members;

Whereas the sanctuary staff works continually with world-class raptor scientists, conservationists, graduate students, and international interns to collaborate, collect, and analyze information and to formulate and test new conservation strategies;

Whereas Hawk Mountain Sanctuary offers weekend programs for local residents, guided

programs for students and groups, and fully accredited college-level courses in cooperation with Cedar Crest College, located in Allentown, Pennsylvania;

Whereas the sanctuary makes a concerted effort to work with local and regional conservationists in researching and preserving the ecology of the Appalachian Mountains;

Whereas the springs, ephemeral streams, vernal pools, and four small ponds of the mountains, as well as the nearby Little Schuylkill River and Kettle Creek, provide a crucial habitat for rare plants, invertebrates, and amphibians;

Whereas amateur ornithologist Richard Pough first noticed the area as an important location for raptor activity and brought attention to the area and its rich population of raptors by photographing the controversial hunting of hawks for sport;

Whereas in 1934, national conservationist Rosalie Edge visited Hawk Mountain after viewing photographs taken by Richard Pough, and with the guidance of bird conservationists Maurice and Irma Broun, advocated for an end to the sport hunting of hawks on the land before purchasing the land and opening it as a sanctuary for public use;

Whereas Rosalie Edge deeded the 1,400 acres to the Hawk Mountain Sanctuary Association, which was incorporated in Pennsylvania in 1938 as a nonprofit organization;

Whereas in 1965, the Secretary of the Interior designated the Hawk Mountain Sanctuary as a registered natural landmark;

Whereas in 1976, the Conservation Internship Program of the sanctuary was initiated, and the program has since trained 280 young conservationists representing 52 countries on 6 continents;

Whereas in 1987, Hawk Mountain Sanctuary received the prestigious Chevron Conservation Award; and

Whereas in 2002, the Acopian Center for Conservation Learning opened and the Wings of Wonder Gallery was dedicated: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and salutes the Hawk Mountain Sanctuary for celebrating its 75th anniversary;

(2) commends the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife, especially birds of prey, and the native ecology of the Appalachian Mountains and eastern Pennsylvania; and

(3) commends the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶113.18 CATHOLIC SISTERS

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 441); as amended:

Whereas the social, cultural, and political contributions of Catholic sisters have played a vital role in shaping life in the United States;

Whereas such women have joined in unique forms of intentional communitarian life dedicated to prayer and service since the very beginnings of our Nation's history, fearlessly and often sacrificially committing their personal lives to teaching, healing, and social action;

Whereas the first Catholic sisters to live and work in the United States were nine Ursuline Sisters, who journeyed from France to New Orleans in 1727;

Whereas at least nine sisters from the United States have been martyred since 1980 while working for social justice and human rights overseas;

Whereas Maura Clark, MM, Ita Ford, MM, and Dorothy Kazel, OSU were martyred in El Salvador in 1980;

Whereas Joel Kolmer, ASC, Shirley Kolmer, ASC, Kathleen McGuire, ASC, Agnes Mueller, ASC, and Barbara Ann Muttra, ASC were martyred in Liberia in 1992;

Whereas Dorothy Stang, SNDdeN was martyred in Brazil in 2005;

Whereas Catholic sisters established the Nation's largest private school system and founded more than 110 United States colleges and universities, educating millions of young people in the United States;

Whereas there were approximately 32,000 Catholic sisters in the United States who taught 400,000 children in 2,000 parochial schools by 1880, and there were 180,000 Catholic sisters who taught nearly 4,500,000 children by 1965;

Whereas today, there are approximately 59,000 Catholic sisters in the United States;

Whereas Catholic sisters participated in the opening of the West, traveling vast distances to minister in remote locations, setting up schools and hospitals, and working among native populations on distant reservations;

Whereas more than 600 sisters from 21 different religious communities nursed both Union and Confederate soldiers alike during the Civil War;

Whereas Catholic sisters cared for afflicted populations during the epidemics of cholera, typhoid, yellow fever, smallpox, tuberculosis, and influenza during the 19th and early 20th centuries;

Whereas Catholic sisters built and established hospitals, orphanages, and charitable institutions that have served millions of people, managing organizations long before similar positions were open to women;

Whereas approximately one in six hospital patients in the United States were treated in a Catholic facility;

Whereas Catholic sisters have been among the first to stand with the underprivileged, to work and educate among the poor and underserved, and to facilitate leadership through opportunity and example;

Whereas Catholic sisters continue to provide shelter, food, and basic human needs to the economically or socially disadvantaged and advocate relentlessly for the fair and equal treatment of all persons;

Whereas Catholic sisters work for the eradication of poverty and racism and for the promotion of nonviolence, equality, and democracy in principle and in action;

Whereas the humanitarian work of Catholic sisters with communities in crisis and refuge throughout the world positions them as activists and diplomats of peace and justice for the some of the most at risk populations; and

Whereas the Women & Spirit: Catholic Sisters in America Traveling Exhibit is sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and will open on May 16, 2009, in Cincinnati, Ohio: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and commends Catholic sisters for their humble service and courageous sacrifice throughout the history of this Nation; and

(2) supports the goals of the Women & Spirit: Catholic Sisters in America Traveling Exhibit, a project sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and established to recognize the historical contributions of Catholic sisters in the United States.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶113.19 JOHN J. SHIVNEN POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2215) to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, September 23, 2009.

The point of no quorum was considered as withdrawn.

¶113.20 NATIONAL JOB CORPS DAY

Mr. LYNCH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 163):

Whereas over the course of 45 years, nearly 3,000,000 youth in the United States have been provided a safe living and learning environment on Job Corps campuses nationwide;

Whereas 123 Job Corps campuses educate and train 60,000 youth in the United States each year;

Whereas throughout its more than four decades of existence, Job Corps has successfully provided the Nation's economically disadvantaged youth with critical residential, academic, and vocational services;

Whereas Job Corps is considered the Nation's largest and most successful high school dropout recovery and youth empowerment program;

Whereas youth enrolled in Job Corps, receive intensive academic remediation, gain employability, learn life skills, and receive job placement assistance;

Whereas Job Corps builds the lives of youth, many of whom are high school dropouts, read slightly below the 8th grade reading level, and have never held a full-time job;

Whereas in an average 8 month stay at Job Corps the vast majority of youth leave with a high school diploma or equivalency, improve their literacy by more than two grade levels, and 75 percent of Job Corps graduates secure employment or enter the military;

Whereas Job Corps' successful model of preparing youth in the United States has included partnerships and linkages with employers and labor representatives;

Whereas this public-private partnership of American ingenuity has led to local and large employers and labor representatives providing Job Corps students hands-on, practical experience through internships and helping during the transition from student to employee;

Whereas Job Corps students and staff have contributed to their communities through millions of hours of community service, signaling the importance of giving back to the communities in which they live;

Whereas dedicated Job Corps staff invest their time and talents in the lives of students and without whom Job Corps could not fulfill its mission;

Whereas the economic benefits of a local Job Corps center generate 100 permanent jobs, thus producing 15,000 qualified and dedicated staff in 48 States, the District of Columbia, and Puerto Rico; and

Whereas September 23, 2009, would be an appropriate day to designate as ''National Job Corps Day'', in honor of the 45th anniversary of Job Corps: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the designation of ''National Job Corps Day''; and

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of Job Corps.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed Wednesday, September 23, 2009.

The point of no quorum was considered as withdrawn.

¶113.21 DR. MARTIN LUTHER KING, JR. POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2971) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶113.22 UNEMPLOYMENT COMPENSATION EXTENSION

Mr. McDERMOTT moved to suspend the rules and pass the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, recognized Mr. McDERMOTT and Mr. DAVIS of Kentucky, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶113.23 RECESS—4:07 P.M.

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 7 minutes p.m., subject to the call of the Chair.

¶113.24 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. ALTMIRE, called the House to order.

¶113.25 PROVIDING FOR CONSIDERATION OF H.R. 324

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–263) the resolution (H. Res. 760) providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Ares, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶113.26 H. RES. 441—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 441) honoring the historical contributions of Catholic sisters in the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶113.27 [Roll No. 720]

YEAS—412

Ackerman	Cantor	Edwards (TX)
Aderholt	Cao	Ehlers
Adler (NJ)	Capito	Ellison
Akin	Capps	Ellsworth
Alexander	Cardoza	Emerson
Altmire	Carnahan	Engel
Andrews	Carson (IN)	Eshoo
Arcuri	Carter	Etheridge
Austria	Cassidy	Fallin
Baca	Castle	Farr
Bachmann	Castor (FL)	Fattah
Bachus	Chaffetz	Filner
Baird	Chandler	Flake
Baldwin	Childers	Fleming
Barrow	Chu	Forbes
Bartlett	Clarke	Fortenberry
Barton (TX)	Clay	Foster
Bean	Cleaver	Foxx
Becerra	Clyburn	Frank (MA)
Berkley	Coble	Franks (AZ)
Berman	Coffman (CO)	Frelinghuysen
Berry	Cohen	Fudge
Biggert	Cole	Gallegly
Bilbray	Conaway	Garrett (NJ)
Bilirakis	Connolly (VA)	Giffords
Bishop (GA)	Conyers	Gingrey (GA)
Bishop (NY)	Cooper	Gohmert
Blackburn	Costa	Gonzalez
Blumenauer	Costello	Goodlatte
Blunt	Courtney	Gordon (TN)
Boccieri	Crenshaw	Granger
Boehner	Crowley	Graves
Bonner	Cuellar	Grayson
Bono Mack	Culberson	Green, Al
Boozman	Cummings	Green, Gene
Boren	Dahlkemper	Griffith
Boswell	Davis (AL)	Guthrie
Boucher	Davis (CA)	Hall (NY)
Boustany	Davis (IL)	Hall (TX)
Boyd	Davis (KY)	Halvorson
Brady (PA)	Davis (TN)	Hare
Brady (TX)	Deal (GA)	Harman
Braley (IA)	DeFazio	Harper
Bright	DeGette	Hastings (FL)
Broun (GA)	DeLauro	Heinrich
Brown (SC)	Dent	Heller
Brown, Corrine	Diaz-Balart, L.	Hensarling
Brown-Waite, Ginny	Diaz-Balart, M.	Herger
Buchanan	Dicks	Herseth Sandlin
Burgess	Dingell	Higgins
Burton (IN)	Doggett	Hill
Butterfield	Donnelly (IN)	Himes
Buyer	Doyle	Hinchey
Calvert	Dreier	Hinojosa
Camp	Driehaus	Hirono
Campbell	Duncan	Hodes
	Edwards (MD)	Hoekstra

Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Jackson (IL)
Kirk
Loebsack
Matsui
Meek (FL)
Radanovich
Rohrabacher
Rush
Schock
Wu

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶113.28 H.R. 2971—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2971) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶113.29 [Roll No. 721]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Herseth Sandlin
Jackson (IL)
Kirk
Loebsack
Marshall
Meek (FL)
Murphy (CT)
Radanovich
Rohrabacher
Rush
Wu

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.30 H.R. 3548—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 331 / Nays 83

¶113.31 [Roll No. 722]

YEAS—331

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—83

Akin
Bachmann
Bachus
Barton (TX)
Berry
Boehner
Boozman
Boren
Boswell
Brady (TX)
Braley (IA)
Broun (GA)
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Connolly (VA)
Courtney
Culberson
Deal (GA)
Duncan
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Hensarling
Hodes
Hunter
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Lummis
Mack
Marchant
Markey (CO)
Matheson
McCaul
McClintock
Melancon
Miller (FL)
Moran (KS)
Moran (VA)
Murphy (CT)
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Perlmutter
Perriello
Pitts
Poe (TX)
Price (GA)
Roskam
Ross
Scalise
Sessions
Shadegg
Smith (NE)
Smith (TX)
Sullivan
Teague
Terry
Thornberry
Tiahrt
Westmoreland

NOT VOTING—18

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Jackson (IL)
Kirk
Loebsack
Meek (FL)
Radanovich
Rohrabacher
Rush
Wu

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶113.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MEEK of Florida, for today.

And then,

¶113.33 ADJOURNMENT

On motion of Ms. FOXX, at 11 o'clock and 16 minutes p.m., the House adjourned.

¶113.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 760. Resolution providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes (Rept. 111–263). Referred to the House Calendar.

¶113.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. AUSTRIA (for himself, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. LEE of New York, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. BILBRAY, Mrs. BLACKBURN, Mr. LAMBORN, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, Mr. MARCHANT, Ms. FALLIN, Mr. AKIN, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POSEY, Mr. TIBERI, Mr. THOMPSON of Pennsylvania, Mr. CHAFFETZ, Mr. SOUDER, Mr. FLEMING, Mr. SESSIONS, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. CASSIDY):

H.R. 3610. A bill to amend the Internal Revenue Code of 1986 to improve access to health care by allowing a deduction for the health insurance costs of individuals, expanding health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. LINDER, and Mr. TAYLOR):

H.R. 3611. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. DEAL of Georgia, and Mr. KINGSTON):

H.R. 3612. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty with respect to early retirement distributions for certain unemployed individuals; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 3613. A bill to amend the Ethics in Government Act of 1978 to modify financial disclosure filing requirements for certain employees of the Executive Office of the President; to the Committee on Oversight and Government Reform.

By Ms. VELÁZQUEZ:

H.R. 3614. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SCHRADER (for himself, Mr. NUNES, Mr. KIND, Mr. BUCHANAN, Mrs. BLACKBURN, Mr. BRIGHT, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Mr. MANZULLO, Mrs. MCMORRIS RODGERS, Mr. SCHAUER, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. CARNEY, Mr.

HALL of New York, Mr. HIMES, Ms. KOSMAS, Ms. MARKEY of Colorado, Mr. PAUL, Mr. SCHOCK, Mr. MINNICK, Mr. PERRIELLO, and Mr. NYE):

H.R. 3615. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Ms. FALLIN:

H.R. 3616. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. DEFAZIO, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3617. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. CUMMINGS, and Mr. LOBIONDO):

H.R. 3618. A bill to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ALEXANDER:

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve and National Guard and veterans recently separated from the Armed Forces; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3621. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 3622. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the construction of pond establishments for the purposes of non-commercial recreational fishing and conservation of water-based wildlife habitats; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3623. A bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3624. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the use of the arsenic compound known as roxarsone as a food additive; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 3625. A bill to provide for the Secretary of Education to study and report on the marketing of foods and beverages in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. MALONEY):

H.R. 3626. A bill to amend section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) to promote and support breastfeeding; to the Committee on Education and Labor.

By Mr. PERRIELLO:

H.R. 3627. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses in rural and small town America; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 3628. A bill to create a cause of action and allow standing in Federal courts against a country that denies or unreasonably delays the repatriation of a national ordered removed from the United States to such country who later commits a crime of violence in the United States, to withhold foreign assistance from each country that denies or unreasonably delays the repatriation of nationals of such country who have been ordered removed from the United States, to prohibit the issuance of visas to nationals of such country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself and Mr. GRIJALVA):

H.R. 3629. A bill to require the Secretary of Homeland Security to develop and implement a mitigation plan to address the ecological impacts of border security measures and activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. CLYBURN, Mr. BARRETT of South Carolina, and Mr. INGLIS):

H. Con. Res. 187. Concurrent resolution remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON (for himself and Mr. HEINRICH):

H. Con. Res. 188. Concurrent resolution recognizing the 75th anniversary of the National Conference of State Liquor Administrators; to the Committee on the Judiciary.

By Ms. SCHWARTZ (for herself and Mr. HINCHEY):

H. Con. Res. 189. Concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States at the soonest possible opportunity; to the Committee on Foreign Affairs.

By Mr. CAMP (for himself and Mr. KILDEE):

H. Res. 759. A resolution expressing condolences to the family of Jim Pouillon on his passing; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. CROWLEY, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. FLAKE, Ms. WATSON, Mr. ROHRABACHER, Mr. SIRES, Mr. DREIER, Mr. CONNOLLY of Virginia, Mrs. EMERSON, Mr. SHERMAN, Mr. MCMAHON, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Ms. WOOLSEY, Mr. ELLISON, Mr. KLEIN of Florida, Mrs. CAPPS, Mr. OLVER, Mr. COURTNEY, Mr. HARE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. NADLER of New York, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, Mr. TIERNEY, Mr. ARCURI, Mr. LYNCH, and Mr. PASTOR of Arizona):

H. Res. 761. A resolution remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, Mr. MURPHY of New York, and Mr. TONKO):

H. Res. 762. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. POE of Texas (for himself, Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, and Mr. INGLIS):

H. Res. 763. A resolution expressing the sense of the House of Representatives that the United Nations resolutions on the ''defamation of religions'' are incompatible with the fundamental freedoms of individuals to freely exercise and peacefully express their religious beliefs; to the Committee on Foreign Affairs.

¶113.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. AUSTRIA and Mr. MORAN of Kansas.

H.R. 147: Mr. CONNOLLY of Virginia, Mr. SMITH of New Jersey, and Mr. HEINRICH.

H.R. 197: Mr. MCCLINTOCK.

H.R. 208: Mr. GINGREY of Georgia, Mrs. MCMORRIS RODGERS, Mr. COSTELLO, Mr. LEE of New York, Mr. PUTNAM, Mr. JONES, Mr. MACK, Mr. LYNCH, Mrs. HALVORSON, and Mr. REHBERG.

H.R. 213: Mr. SNYDER.

H.R. 272: Mr. TIBERI.

H.R. 275: Mr. KLINE of Minnesota and Mr. JORDAN of Ohio.

H.R. 303: Mr. DRIEHAUS, Mr. PETERSON, and Mr. LANGEVIN.

H.R. 305: Mr. FILNER.

H.R. 333: Mr. DRIEHAUS, Mrs. MCMORRIS RODGERS, and Mr. KENNEDY.

H.R. 391: Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. BLUNT.

H.R. 422: Mr. FRANKS of Arizona, Mr. WOLF, and Mr. PAYNE.

H.R. 471: Mr. CARNEY, Mr. VISCLOSKY, Mr. HARE, Mr. DOYLE, and Mr. WOLF.

H.R. 571: Mr. MCMAHON and Mrs. MYRICK.

H.R. 621: Mr. ROE of Tennessee.

H.R. 649: Mr. JONES.

H.R. 678: Mr. MCGOVERN.

H.R. 690: Mr. HIMES and Mr. AUSTRIA.

H.R. 734: Mr. TEAGUE and Mr. BOREN.

H.R. 795: Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. RUSH, and Ms. RICHARDSON.

H.R. 811: Mr. PETERSON.

H.R. 816: Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, Mr. PIERLUISI, Mr. PUTNAM, Mr. BOCCIERI, Mr. LANGEVIN, Mr. LOBIONDO, Mr. HONDA, Mr. SHUSTER, Mr. INGLIS, Mr. PETERSON, Mrs. DAHLKEMPER, Ms. SCHAKOWSKY, and Mr. ADERHOLT.
H.R. 847: Mr. SIRES and Mr. LIPINSKI.
H.R. 855: Ms. SPEIER and Mr. WILSON of South Carolina.
H.R. 868: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BERKLEY, Mrs. MCCARTHY of New York, and Mr. YARMUTH.
H.R. 930: Mr. BAIRD.
H.R. 953: Mr. MAFFEI, Mr. NYE, and Ms. MARKEY of Colorado.
H.R. 1017: Mr. HIMES.
H.R. 1074: Mr. MCCLINTOCK and Mr. SHUSTER.
H.R. 1079: Ms. SCHAKOWSKY and Mr. PITTS.
H.R. 1086: Mr. WILSON of South Carolina.
H.R. 1147: Mrs. DAVIS of California.
H.R. 1173: Mr. MCGOVERN.
H.R. 1182: Mr. REHBERG, Mr. RAHALL, Mr. ELLSWORTH, Mr. COSTELLO, Mr. KANJORSKI, Mrs. HALVORSON, and Mr. MARSHALL.
H.R. 1203: Ms. SCHWARTZ.
H.R. 1207: Mr. MILLER of North Carolina.
H.R. 1242: Mr. LYNCH and Mrs. BIGGERT.
H.R. 1245: Mr. LUCAS.
H.R. 1255: Mr. MORAN of Kansas.
H.R. 1269: Mr. CHAFFETZ.
H.R. 1283: Mr. FALEOMAVAEGA.
H.R. 1300: Mr. FORBES.
H.R. 1322: Ms. ZOE LOFGREN of California and Ms. SLAUGHTER.
H.R. 1326: Mr. MURPHY of Connecticut.
H.R. 1339: Mr. BURGESS and Mr. COBLE.
H.R. 1454: Ms. SLAUGHTER and Mr. MASSA.
H.R. 1456: Mr. GRIJALVA.
H.R. 1474: Mr. COHEN.
H.R. 1548: Mr. PETERS.
H.R. 1570: Mr. FRANK of Massachusetts.
H.R. 1587: Mrs. MYRICK.
H.R. 1588: Mr. CULBERSON.
H.R. 1590: Mr. MCMAHON, Mr. ROTHMAN of New Jersey, Mr. SESTAK, Mrs. MILLER of Michigan, Ms. SCHAKOWSKY, and Mr. LEVIN.
H.R. 1608: Mr. TONKO.
H.R. 1618: Mr. DOGGETT.
H.R. 1628: Mr. MCCLINTOCK.
H.R. 1646: Mr. KLEIN of Florida.
H.R. 1695: Mr. WITTMAN, Mrs. MCMORRIS RODGERS, Ms. TITUS, Mr. KANJORSKI, Mr. COSTELLO, and Mr. KENNEDY.
H.R. 1727: Mr. RADANOVICH.
H.R. 1806: Mr. MCMAHON.
H.R. 1826: Mr. CHANDLER.
H.R. 1831: Mr. DRIEHAUS, Mr. FARR, Mr. ADLER of New Jersey, Mr. SCOTT of Georgia, and Ms. KAPTUR.
H.R. 1835: Mr. KING of New York, Mr. HODES, and Mr. ISSA.
H.R. 1864: Mr. MACK and Mr. KENNEDY.
H.R. 1885: Mr. YOUNG of Alaska.
H.R. 1917: Mr. SESTAK.
H.R. 1924: Ms. BALDWIN.
H.R. 1964: Mr. BRADY of Pennsylvania.
H.R. 1969: Mr. AL GREEN of Texas.
H.R. 1977: Mrs. MCCARTHY of New York and Mr. SCALISE.
H.R. 1985: Ms. CASTOR of Florida.
H.R. 1993: Mr. SARBANES and Mr. HALL of New York.
H.R. 2002: Mr. COHEN.
H.R. 2006: Mrs. NAPOLITANO.
H.R. 2017: Mr. FOSTER and Mr. MCNERNEY.
H.R. 2054: Mr. ISRAEL.
H.R. 2061: Mr. MORAN of Kansas.
H.R. 2067: Ms. SLAUGHTER and Mr. CAPUANO.
H.R. 2084: Mr. MORAN of Virginia.
H.R. 2138: Mr. LEE of New York and Ms. SLAUGHTER.
H.R. 2140: Mr. ISRAEL.
H.R. 2149: Mr. FRANK of Massachusetts and Mr. SCOTT of Virginia.
H.R. 2170: Mr. REHBERG.
H.R. 2194: Mr. ETHERIDGE and Mr. HELLER.
H.R. 2214: Mr. WAXMAN.
H.R. 2254: Mr. LOBIONDO, Mr. SCHRADER, and Mr. COHEN.
H.R. 2269: Mr. GUTIERREZ.
H.R. 2296: Mr. DANIEL E. LUNGREN of California.
H.R. 2302: Mr. BISHOP of Georgia and Mr. DAVIS of Kentucky.
H.R. 2319: Mr. PETRI.
H.R. 2328: Mr. EHLERS.
H.R. 2329: Mr. CHILDERS, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. PERRIELLO, and Mr. DAVIS of Kentucky.
H.R. 2365: Ms. SLAUGHTER.
H.R. 2393: Mr. SHULER.
H.R. 2408: Mr. TERRY.
H.R. 2413: Mr. YOUNG of Alaska, Mr. HIMES, and Ms. FUDGE.
H.R. 2429: Mr. SESTAK and Mr. CARNAHAN.
H.R. 2452: Mr. DEAL of Georgia, Mr. MARCHANT, Mrs. BACHMANN, Mr. BILBRAY, and Mr. BRALEY of Iowa.
H.R. 2476: Mr. BISHOP of Utah.
H.R. 2478: Mr. BAIRD, Mr. CARNAHAN, and Mr. PITTS.
H.R. 2499: Mr. NEAL of Massachusetts and Ms. HERSETH SANDLIN.
H.R. 2523: Mr. SABLAN.
H.R. 2555: Mr. ANDREWS.
H.R. 2567: Mr. WALZ and Ms. SUTTON.
H.R. 2573: Mr. WALZ.
H.R. 2575: Mr. CHAFFETZ.
H.R. 2626: Ms. MCCOLLUM.
H.R. 2695: Mr. ELLISON.
H.R. 2697: Mr. RYAN of Ohio and Ms. CHU.
H.R. 2708: Ms. CHU.
H.R. 2715: Mr. CALVERT.
H.R. 2733: Mr. ELLSWORTH and Mr. BURTON of Indiana.
H.R. 2736: Mr. ISRAEL, Mr. HODES, Mr. ALTMIRE, Mr. BOREN, and Ms. BERKLEY.
H.R. 2737: Mr. POSEY, Mr. MINNICK, Mrs. DAVIS of California, Mr. STUPAK, Mr. STEARNS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COHEN, Mrs. CAPITO, Mr. MAFFEI, Ms. BERKLEY, Mr. CAPUANO, Mr. TERRY, Mr. MCMAHON, Mr. SCHIFF, Mr. LOBIONDO, and Mr. ELLISON.
H.R. 2807: Ms. SCHAKOWSKY.
H.R. 2817: Mr. SCHIFF.
H.R. 2935: Mr. PITTS and Mr. DOYLE.
H.R. 2936: Mr. CARNEY and Mr. HOLDEN.
H.R. 2941: Mr. BAIRD, Mr. LIPINSKI, Ms. MATSUI, and Ms. ROYBAL-ALLARD.
H.R. 2964: Ms. WASSERMAN SCHULTZ.
H.R. 3012: Mr. RUSH and Mr. HEINRICH.
H.R. 3017: Mr. RYAN of Ohio, Mr. PIERLUISI, Mr. HINOJOSA, Mr. YARMUTH, Ms. CHU, Mr. MEEKS of New York, Mr. DICKS, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. AL GREEN of Texas, Mr. TOWNS, Ms. WATSON, Mr. BRALEY of Iowa, Mr. BAIRD, Mr. ARCURI, and Mr. DAVIS of Illinois.
H.R. 3042: Mr. COHEN and Mr. TONKO.
H.R. 3043: Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. HINOJOSA, and Mrs. MCCARTHY of New York.
H.R. 3070: Ms. JACKSON-LEE of Texas, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DRIEHAUS, Mr. MEEKS of New York, Mr. ELLISON, Ms. BORDALLO, Mr. CUMMINGS, Ms. LEE of California, Mr. DOGGETT, Mr. MCGOVERN, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. LEVIN, Mr. CARSON of Indiana, Mr. SERRANO, and Mr. WOLF.
H.R. 3085: Mr. COLE.
H.R. 3105: Mr. DANIEL E. LUNGREN of California and Mrs. BONO MACK.
H.R. 3141: Mr. TEAGUE.
H.R. 3206: Mr. OLVER, Ms. WATSON, and Mr. BAIRD.
H.R. 3226: Mr. FRELINGHUYSEN, Mr. DAVIS of Kentucky, Mr. LANCE, and Mrs. BIGGERT.
H.R. 3245: Mr. WAXMAN.
H.R. 3308: Mr. FORTENBERRY.
H.R. 3336: Mr. HOLDEN, Mr. WELCH, and Mr. DOGGETT.
H.R. 3339: Mr. GRIJALVA and Mr. INSLEE.
H.R. 3355: Mr. AL GREEN of Texas, Mr. PLATTS, and Mr. FOSTER.
H.R. 3365: Mr. HINOJOSA, Mr. MINNICK, Mr. BOUCHER, and Mr. BERMAN.
H.R. 3371: Mr. HIMES.
H.R. 3383: Mr. LEE of New York.
H.R. 3398: Mr. LARSEN of Washington.
H.R. 3400: Mr. TIAHRT.
H.R. 3454: Mr. THOMPSON of Mississippi.
H.R. 3485: Mr. HINCHEY and Mr. HALL of New York.
H.R. 3486: Mr. RAHALL, Mr. SARBANES, Mr. FILNER, Mr. HARE, Ms. KAPTUR, and Mr. LOBIONDO.
H.R. 3488: Mr. VAN HOLLEN and Ms. BALDWIN.
H.R. 3508: Mr. DENT, Mr. PITTS, and Mr. BURTON of Indiana.
H.R. 3522: Mr. WALZ.
H.R. 3524: Mr. FARR, Ms. ESHOO, and Mr. HEINRICH.
H.R. 3536: Mr. GRAYSON and Mr. WILSON of Ohio.
H.R. 3548: Mr. SIRES, Ms. HIRONO, Mr. WILSON of Ohio, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Ms. RICHARDSON, Mr. ACKERMAN, Mr. SERRANO, Mr. AL GREEN of Texas, Mr. ROGERS of Michigan, and Mr. SHERMAN.
H.R. 3554: Mr. RODRIGUEZ, Ms. KAPTUR, Mr. SMITH of Washington, and Mr. RAHALL.
H.R. 3569: Mr. SAM JOHNSON of Texas, Mr. REHBERG, Mr. CASSIDY, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BONNER, Mrs. BACHMANN, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. LANCE, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mrs. BIGGERT.
H.R. 3571: Mr. FRELINGHUYSEN, Mr. SHADEGG, and Mr. SCHOCK.
H.R. 3572: Mr. GINGREY of Georgia.
H.R. 3584: Mr. CLEAVER and Mr. LIPINSKI.
H.R. 3586: Mr. PAULSEN.
H.R. 3597: Ms. SLAUGHTER and Mrs. MALONEY.
H.R. 3607: Mr. LEWIS of Georgia.
H.R. 3608: Ms. RICHARDSON, Mr. HONDA, Mr. BONNER, Mr. ABERCROMBIE, Mr. OBERSTAR, and Mr. LUCAS.
H.J. Res. 47: Mr. LAMBORN and Mr. LEE of New York.
H. Con. Res. 43: Ms. NORTON.
H. Con. Res. 52: Mr. SESTAK.
H. Con. Res. 74: Mr. WHITFIELD.
H. Con. Res. 149: Mr. FRANKS of Arizona.
H. Con. Res. 151: Ms. WOOLSEY, Mr. KLEIN of Florida, Mr. ELLISON, Ms. BERKLEY, Mr. SIRES, Mr. CAO, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, Mr. ROSS, and Mr. GENE GREEN of Texas.
H. Con. Res. 158: Mr. JOHNSON of Georgia, Mr. MCINTYRE, and Mr. PRICE of North Carolina.
H. Con. Res. 160: Mr. BURGESS, Mr. KRATOVIL, and Mr. SULLIVAN. H. Con. Res. 163: Mr. ELLISON.
H. Con. Res. 170: Mr. WEXLER.
H. Con. Res. 177: Mr. POE of Texas, Mr. CAO, Mr. FILNER, Mr. MOORE of Kansas, Ms. BORDALLO, Ms. NORTON, Ms. MARKEY of Colorado, Mr. HOLDEN, Mr. COBLE, Mr. GERLACH, and Mr. SKELTON.
H. Con. Res. 181: Mr. LEE of New York and Mr. SCHAUER.
H. Con. Res. 186: Ms. SCHAKOWSKY.
H. Res. 16: Mr. GUTHRIE, Mr. CAMPBELL, Mr. GERLACH, Mrs. BACHMANN, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. PUTNAM, Mr. CONAWAY, Mr. SHIMKUS, Mr. DAVIS of Kentucky, Mr. GARRETT of New Jersey, Mr. JONES, Mr. CASTLE, Mr. EHLERS, Mrs. BLACKBURN, Mr. LAMBORN, Mr. PAUL, Ms. JENKINS, Mr. BACHUS, Mrs. CAPITO, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. KIRK, Mr. LEWIS of California, Mr. TIBERI, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. TERRY, Mr. TURNER, Mr. LEE of New York, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. HOLDEN, Mr. CLAY, Mr. DENT, Mr. CAPUANO, Mrs. MCCARTHY of New York, Ms.

KOSMAS, Mr. SCOTT of Georgia, Mr. CARNEY, Mr. MURTHA, Mr. HIMES, Mr. CROWLEY, Mr. ALTMIRE, Mr. PETERS, Mr. SESSIONS, and Mr. KING of New York.

H. Res. 55: Mr. SMITH of Texas and Mr. WILSON of South Carolina.

H. Res. 111: Mr. HARPER and Mr. CLAY.

H. Res. 175: Mr. ENGEL and Mr. CAO.

H. Res. 200: Mr. COHEN.

H. Res. 209: Mr. SESTAK.

H. Res. 255: Mr. HASTINGS of Florida and Mr. TANNER.

H. Res. 291: Mr. NYE and Mr. BACA.

H. Res. 351: Mrs. KIRKPATRICK of Arizona.

H. Res. 414: Mrs. EMERSON.

H. Res. 441: Mr. DONNELLY of Indiana and Mr. HIMES.

H. Res. 491: Ms. SUTTON.

H. Res. 605: Mr. TOWNS.

H. Res. 613: Ms. SLAUGHTER.

H. Res. 615: Mr. BUCHANAN and Mr. THOMPSON of Pennsylvania.

H. Res. 630: Mr. WALZ, Mr. MEEKS of New York, and Mr. HARE.

H. Res. 666: Mr. DANIEL E. LUNGREN of California and Mr. CAO.

H. Res. 672: Mr. AL GREEN of Texas.

H. Res. 692: Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BOSWELL, Ms. LEE of California, Ms. RICHARDSON, Mr. BARROW, Mr. DAVIS of Tennessee, Mr. POLIS, and Mr. ROSS.

H. Res. 693: Mr. GRIJALVA, Mr. FARR, Mr. MELANCON, Mr. CUELLAR, Mr. KUCINICH, Mr. KING of New York, Mr. PERLMUTTER, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. MOORE of Kansas, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, and Mr. BISHOP of New York.

H. Res. 704: Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. GENE GREEN of Texas, Mr. NYE, Mr. STARK, Mr. HALL of New York, Mr. TOWNS, and Mr. AL GREEN of Texas.

H. Res. 707: Mr. WAMP.

H. Res. 711: Mr. HONDA and Mr. SCHIFF.

H. Res. 715: Mr. MURPHY of Connecticut, Mr. GUTIERREZ, Mr. COHEN, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. MASSA, Mr. RYAN of Ohio, and Mr. HALL of New York.

H. Res. 716: Ms. RICHARDSON.

H. Res. 717: Ms. WOOLSEY.

H. Res. 721: Mr. KINGSTON, Mr. INGLIS, and Mr. NUNES.

H. Res. 727: Mr. BAIRD, Mr. LEVIN, Ms. SHEA-PORTER, Mr. BISHOP of Georgia, and Mr. MURTHA.

H. Res. 729: Mrs. BACHMANN.

H. Res. 733: Mr. WOLF, Mr. LEE of New York, Mr. SHERMAN, Mr. MCMAHON, Mr. LYNCH, Ms. FALLIN, and Mr. LARSEN of Washington.

H. Res. 736: Mr. NYE, Ms. SCHWARTZ, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Mr. KIRK, and Mr. MCGOVERN.

H. Res. 739: Mr. TANNER, Mr. GENE GREEN of Texas, Mr. MARSHALL, Mr. THOMPSON of Pennsylvania, Mr. POMEROY, Mr. ACKERMAN, and Mr. CARNAHAN.

H. Res. 740: Mr. SMITH of Nebraska, Mr. KIND, and Mr. SKELTON.

H. Res. 742: Mr. HOLDEN, Mr. MCINTYRE, Mr. TANNER, Mr. BOSWELL, and Mr. JONES.

H. Res. 743: Mr. CROWLEY, Ms. KOSMAS, Mr. HIMES, Mr. DELAHUNT, Mr. MAFFEI, Mrs. DAHLKEMPER, Ms. DEGETTE, Mr. WALZ, Mr. QUIGLEY, Mr. CARNEY, Mr. KENNEDY, Mr. ARCURI, Mr. ANDREWS, Mr. KILDEE, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. CAPPS, Mr. MCGOVERN, Mr. HOLDEN, and Mr. PAYNE.

H. Res. 748: Mrs. MCMORRIS RODGERS.

H. Res. 749: Mr. ROHRABACHER.

H. Res. 752: Mr. GEORGE MILLER of California, Mr. RAHALL, Mr. SCHOCK, Mr. JOHNSON of Illinois, and Mr. SHIMKUS.

H. Res. 754: Mr. COURTNEY, Mr. CONAWAY, Mr. SNYDER, Mr. MCKEON, Mr. LOBIONDO, Mr. MASSA, Mr. BARTLETT, Mr. ROONEY, Mr. KRATOVIL, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. ROGERS of Alabama, Mr. PIERLUISI, Ms. CORRINE BROWN of Florida, Mr. CAO, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. YOUNG of Alaska, Mr. PAYNE, Mr. SESSIONS, Mr. SCALISE, Mr. TIAHRT, Mr. BOSWELL, Mrs. BLACKBURN, Mr. FILNER, Mr. WOLF, and Mr. TAYLOR.

H. Res. 758: Ms. WATSON and Mrs. NAPOLITANO.

WEDNESDAY, SEPTEMBER 23, 2009 (114)

¶114.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HOLDEN, who laid before the House the following communication:

WASHINGTON, DC,
September 23, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶114.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Tuesday, September 22, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶114.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances [EPA-HQ-OPP-2009-0012; FRL-8433-8] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3717. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2009-0043; FRL-8432-2] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Acetochlor; Pesticide Tolerances [EPA-HQ-OPP-2009-0002; FRL-8434-1] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyralid; Pesticide Tolerance [OPP-2004-0139; FRL-7724-8] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3720. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azinphos-methyl, Disulfoton, Esfenvalerate, Ethalene oxide, Fenvalerate, et al.; Tolerance Actions [EPA-HQ-OPP-2008-0834;FRL-8426-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3721. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8431-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3722. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2008-0352; FRL-8430-4] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3723. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — School Breakfast Program: Severe Need Assistance [FNS-2005-0008] (RIN: 0584-AD50) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3724. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB77) September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3725. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Kansas Municipal Solid Waste Landfill Permit Program [EPA-R07-RCRA-2009-0646; FRL-8953-3] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3726. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Emissions Inventory; Baton Rouge Ozone Nonattainment Area [EPA-R06-OAR-2007-1064; FRL-8952-5] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3727. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility [EPA-R03-OAR-2009-0520; FRL-8953-1] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3728. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State and Local Assistance; Technical Correction [EPA-HQ-SFUND-2009-0617; FRL-8953-8] received September 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3729. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone [EPA-R05-OAR-2009-0221; FURL-8952-1] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3730. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone [EPA-R05-OAR-2009-0220; FRL-8952-2] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3731. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Excess Emissions [EPA-R06-OAR-2008-0815; FRL-8954-7] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3732. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Final DTV Table of Allotments, Televisions Broadcast Stations (Fond du Lac, Wisconsin) [MB Docket No. 09-115] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3733. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Waverly, Alabama) [MB Docket No.: 09-54] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3734. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Batesville, Texas) [MB Docket No.: 08-227] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3735. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Ann Arbor, Michigan) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3736. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Santa Fe, New Mexico) [MB Docket No.: 09-110] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3737. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Colorado Springs, Colorado) [MB Docket No. 09-111] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3738. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Dulac, Louisiana) [MB Docket No. 09-18] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3739. A letter from the Chief of Staff, Media Bureau, Federal Communications Commissions, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Ten Sleep, Wyoming) [MB Docket No.: 08-242] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3740. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No.: RM09-17-000] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3741. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an identification number in the Automated Export System (AES) [Docket Number: 090422707-9708-01] (RIN: 0607-AA48) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3742. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Nondiscrimination in Federally Assisted Railroad Programs; Removal [Docket No.: FRA-2008-0117, Notice No. 1] (RIN: 2130-AB98) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3743. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ58) August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3744. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortracker Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ57) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3745. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ59) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ72) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3747. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ76) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3748. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ75) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3749. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Primary Pacific Whiting Season for the Shore-Based Sector [Docket No. 090428799-9802-01] (RIN: 0648-XQ39) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3750. A letter from the Acting Director, Office Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ51) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3751. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket NO.: 080226308-9700-02] (RIN: 0648-AW50) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3752. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY [USCG-2009-0520] (RIN: 1625-AA08) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3753. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification [Docket No.: FAA-2006-26661; Amendment Nos. 61-124, 91-309 and 141-12] (RIN: 2120-AI86) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3754. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medication Prescribed by Non-VA Physicians (RIN: 2900-AL68) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3755. A letter from the Director of Regulation Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Osteoporosis for Former Prisoners of War (POWs) and Former POWs diagnosed with Posttraumatic Stress Disorder (PTSD) (RIN: 2900-AN16) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3756. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annual Paid Time Off Contributions (Rev. Rul. 2009-31) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3757. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Contribution Increases under Automatic Contribution Arrangements (Rev. Rul. 2009-30) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3758. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 Marginal Production Rates [Notice 2009-74] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3759. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corrections to Rev. Proc. 2009-39 Regarding Taxpayers Before the Joint Committee on Taxation (Announcement 2009-67) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3760. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 Section 43 Inflation Adjustment [Notice 2009-73] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3761. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adding Automatic Enrollment to SIMPLE IRA Plans —— Sample Amendment [Notice 2009-67] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3762. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Enrollment in SIMPLE IRAs [Notice 2009-66] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3763. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Adding Automatic Enrollment to Section 401(k) Plans—Sample Amendments [Notice 2009-65] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3764. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-38) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3765. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ICE Futures Canada, Inc., a regulated exchange of Canada, is a qualified board or exchange of Canada (Rev. Rul. 2009-24) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3766. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer Comparable Contributions to Health Savings Accounts under Section 4980G, and Requirement of Return for Filing of the Excise Tax under Section 4980B, 4980D, 4980E, or 4980G [TD 9457] (RIN: 1545-BG71) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3767. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reasonable Good Faith Interpretation of Required Minimum Distribution Rules by Governmental Plans [TD 9459] (RIN: 1545-BH53) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3768. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effect on Earnings and Profits (Rev. Rul. 2009-25) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3769. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of insurance principles to whether a reinsurance arrangement is sufficient for the assuming company to qualify as an insurance company under section 831(c) (Rev. Rul. 2009-26) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3770. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by Recontribution to a New Target, as a Cross-Chain Reorganization [TD 9458] (RIN: 1545-B172) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3771. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Air Cargo Screening [Docket No.: TSA-2009-0018; Amendment Nos. 1515-1, 1520-8, 1522-New, 1540-10, 1544-9, 1546-5, 1548-5, 1549-New] (RIN: 1625-AA64) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

¶114.4 DEFENSE PRODUCTION REAUTHORIZATION

Mr. WATT moved to suspend the rules and pass the bill of the Senate (S. 1677) to reauthorize the Defense Production Act of 1950, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. WATT and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶114.5 TEMPORARY EXTENSION OF PROGRAMS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶114.6 TAIWAN TYPHOON

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 733); as amended:

Whereas Typhoon Morakot hit the island of Taiwan on August 8, 2009, dropping approximately 2.6 meters or 102 inches of rain, more than half the average annual rainfall in many places;

Whereas central and southern Taiwan were hardest hit by the storm;

Whereas mudslides overwhelmed some places in south Taiwan, including the village of Hsiaolin, where 247 homes were lost;

Whereas floods or mudslides damaged more than 191,936 homes;

Whereas infrastructure and farm losses alone have totaled approximately $46,500,000,000 in Taiwanese dollars to date;

Whereas the devastation left by Typhoon Morakot is the worst the island has seen in 50 years;

Whereas as of late August 2009, the official death toll reached 602 with an additional 81 missing, where many of those are believed to be buried by mud in the village of Hsiaolin, which was almost completely covered in a mudslide triggered by several days of extremely heavy rainfall;

Whereas beginning on August 22, 2009, Taiwan held a three-day mourning period in memory of those who were killed in mudslides and floods after Typhoon Morakot;

Whereas the United States assisted efforts by providing Marine Corps C–130 aircraft from Marine Corps Air Station Futenma on Okinawa to deliver humanitarian relief supplies in addition to KC–130 aircraft and MH 53 and MH 60 helicopters from strategic United States bases located in Japan;

Whereas on March 24, 2009, the House of Representatives passed H. Con. Res. 55 to mark the 30th anniversary of the enactment of the Taiwan Relations Act (Public Law 96–8), codifying in law the basis for continued commercial, cultural, and other relations between the United States and the Republic of China (Taiwan); and

Whereas Taiwan has been a steadfast ally of the United States and a responsible and compassionate member of the world community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the terrible loss of life caused by Typhoon Morakot that occurred on August 8, 2009, in Taiwan;

(2) expresses its deepest condolences to the families of the many victims;

(3) recognizes the deep ties between the United States and Taiwan and expresses continued solidarity with its people during this time of crisis; and

(4) expresses gratitude to the people of the United States who have generously supported those humanitarian aid agencies working to assist the people of Taiwan in this time of need.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing condolences to the people and Government of Taiwan in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009.''.

A motion to reconsider the votes whereby the rules were suspended and

said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶114.7 RADIO FREE ASIA

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 3593) to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.8 QUADRICENTENNIAL CELEBRATION OF THE HUDSON RIVER

Ms. WATSON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 178); as amended:

Whereas the Netherlands and the United States are two countries united by shared values and historic ties;

Whereas 2009 marks the Quadricentennial year that Henry Hudson captained the ship ''Halve Maen'' under the auspices of the Dutch East India Company and discovered the Hudson River;

Whereas the discovery of that river and its fertile lands gave rise to the establishment of the New Netherland settlement and the ensuing positive relations between the Netherlands and America;

Whereas the Netherlands was the first country to salute the U.S. flag in 1776 at St. Eustatius;

Whereas the drafters of the Declaration of Independence were influenced by the Dutch Constitution;

Whereas the Netherlands has remained a friend and staunch ally of the United States, from providing necessary loans during the Revolutionary War to standing shoulder-to-shoulder in Afghanistan in defense of democratic values, protection of human rights and promotion of the rule of law;

Whereas the New Netherland settlement left a legacy of values such as open-mindedness, entrepreneurship, democracy, tolerance and hard work, as well as freedom of religion and speech;

Whereas the bonds of free trade, open markets and commerce have continuously linked the Dutch and the Americans to such an extent that the Netherlands remains among the top four foreign investors in the U.S.;

Whereas the Netherlands provided immediate assistance in the aftermath of Hurricane Katrina and continues today by sharing expertise in water management that will help rebuild New Orleans and its levees; and

Whereas the heritage of 400 years of friendship between the Netherlands and the United States is a laudable example and should be properly extolled: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that we reaffirm the historic ties and friendship between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶114.9 UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 2131) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.10 ROAD SAFETY

Ms. WATSON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 74); as amended:

Whereas according to the 2004 World Report on Road Traffic Injury Prevention, 40,000 people in the United States and 1,300,000 people globally die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles and the increased use of motor vehicles;

Whereas road crashes are the leading cause of death globally for young people between the ages of 10 and 24 years around the world;

Whereas the current estimated monetary cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas according to the World Health Organization, over 90 percent of motorist-related deaths occur in low- and middle-income countries;

Whereas according to the World Health Organization, motorist-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors;

Whereas the United States, other countries, and international organizations should promote the improvement of data collection and comparability, including by adopting the standard definition of a road death as ''any person killed immediately or dying within 30 days as a result of a road traffic crash'' as standard definitions of injury, and the facilitation of international cooperation to develop reliable data systems and analytical capability;

Whereas it is critical that the international community support collaborative action to enhance global road safety and reduce the risk of road crash death and injury around the world by fostering partnerships and cooperation between governments, private and public sectors, and within civil society, as well as relationships between the National Highway Traffic Safety Administration (NHTSA) and other national and international road safety authorities;

Whereas the United Nations General Assembly adopted a resolution in 2005 designating the third Sunday of November as a day of remembrance for road crash victims and their families, and calling on nations globally to improve road safety;

Whereas the United States Congress passed H. Con. Res. 87, as well as S. Con. Res. 39, in the 110th Congress supporting the goals and ideals of a world day of remembrance for road crash victims;

Whereas the United Nations General Assembly adopted a resolution in 2008 highlighting the impact of global road safety issues, encouraging nations to take action to reduce road crash risks across the world, and creating the first global high-level conference on road safety, to be hosted by the Russian Federation in Moscow in November 2009; and

Whereas the Ministerial Consultative Committee of the First Global Ministerial Conference on Road Safety in Moscow has drafted a declaration to designate 2010–2020 as the ''Decade of Action for Road Safety'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of a decade of action for road safety with a global

target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020;

(2) urges the Obama Administration and the Department of State, in conjunction with the National Highway Traffic Safety Administration (NHTSA), to set ambitious road traffic casualty reduction targets for United States citizens traveling abroad and at home;

(3) encourages enhancement of global efforts, including international harmonization of road safety regulations and good practices, to improve road safety and reduce road crash deaths and injuries; and

(4) urges the Obama Administration to take a leadership role at the First Ministerial Conference on Road Safety in Moscow and for the United States to work with nations around the world to achieve the goals and ideals of a decade of action for road safety.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶114.11 SERVICEMEMBERS OPPORTUNITY COLLEGES CONSORTIUM

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 491):

Whereas in order to enhance their military effectiveness and to achieve their educational, vocational, and career goals, servicemembers should share in the same postsecondary educational opportunities that are available to other citizens;

Whereas to enhance access to undergraduate educational opportunities for servicemembers, institutions should maintain a necessary flexibility of programs and procedures, particularly in admissions, credit transfer, and recognition of other applicable learning, including that gained in the military, in scheduling and format of courses, and in academic residency requirements to offset servicemembers' mobility, isolation from campuses, and part-time student status;

Whereas the Servicemembers Opportunity Colleges (SOC) Consortium, which was created in 1972 to provide educational opportunities to servicemembers who had trouble completing college degrees because of their frequent relocations, today includes more than 1,800 colleges and universities among its members;

Whereas the SOC Consortium is a vehicle to help coordinate voluntary postsecondary educational opportunities for servicemembers by advocating for the flexibility needed to improve access to and availability of educational programs for servicemembers, helping the military and higher education communities understand and respond to each other's resources, limits, and requirements for meeting the education and training needs of servicemembers, and strengthening the working relationships among military and higher education representatives;

Whereas each year, hundreds of thousands of servicemembers and their family members enroll in associate, bachelor, and graduate level degree programs offered by SOC Consortium members on school campuses, military installations, and armories within the United States and overseas;

Whereas SOC Consortium member institutions provide flexibility to servicemembers, their families, and veterans seeking college degrees and, in turn, these institutions benefit from the enrollment of mature, highly motivated adult students who are making use of tuition assistance or Montgomery GI Bill benefits to pay their education costs; and

Whereas in gratitude and respect for their service to the United States, all institutions of higher education in the country should strive to provide our servicemembers with the tools and opportunities they need to achieve their educational, vocational, and career goals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges (SOC) Consortium; and

(2) recognizes the institutions of higher education that are currently members of the SOC Consortium.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Ms. HIRONO and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.12 HOWARD UNIVERSITY SCHOOL OF LAW

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 684); as amended:

Whereas in 1867, shortly after the end of the Civil War, with funds provided by the Freedman's Bureau, Howard Normal and Theological Institute was established;

Whereas the following year, the Board of Trustees voted to expand the institute's curriculum and change the name to Howard University;

Whereas in 1869, Howard University School of Law, which shares Howard University's founding principles: Veritas et Utilitas (Truth and Service), was opened in an effort to address the great need to train lawyers who would have a strong commitment to helping African-Americans secure and protect their newly established rights granted by the 13th and 14th amendments to the Constitution;

Whereas Howard Law School is the first law school dedicated to the education of African-Americans;

Whereas Howard Law School's original faculty members were former Dean of the Law School, John Mercer Langston, and the Honorable Albert Gallatin Riddle;

Whereas John Mercer Langston, the namesake of Langston University, was the first African-American Member of the House of Representatives from the State of Virginia, representing Virginia's 4th district, and former President of Virginia Normal and Collegiate Institute (presently known as Virginia State University);

Whereas the Honorable Albert Gallatin Riddle, former Member of the 37th Congress, was an abolitionist and novelist;

Whereas Charlotte E. Ray (class of 1872) was not only the first African-American female graduate of Howard Law School, but was also the first African-American female to practice law in the District of Columbia;

Whereas James C. Napier (class of 1872), who was invited to attend Howard Law School by Dean John Mercer Langston, served as President William H. Taft's Registrar of the Treasury, and is 1 of 5 African-Americans whose signature has appeared on currency of the United States;

Whereas Robert H. Terrell (class of 1889) was the first African-American municipal judge for the District of Columbia;

Whereas former Dean of Howard Law School, William Henry Hastie, became the first African-American Governor of the United States Virgin Islands, the first African-American Federal magistrate judge, and the first African-American to be appointed as a Federal circuit court judge;

Whereas former Vice Dean, Charles Hamilton Houston, widely known as, ''the man who killed Jim Crow'', was known to remark to his students that, ''a lawyer is either a social engineer or a parasite on society . . .'';

Whereas Howard Law School served as the training ground and planning site for the lawyers who, through Brown v. Board of Education of Topeka, Kansas, rejected the notion that separate education equates to equal education;

Whereas civil rights attorneys Oliver Hill (class of 1933) and co-counsel, Spottswood Robinson III (class of 1939), were attorneys for the plaintiffs in Davis v. County School Board of Prince Edward County, which was 1 of 5 cases consolidated with Brown v. Board of Education of Topeka, Kansas;

Whereas Thurgood Marshall (class of 1933) was the lead litigator to argue Brown v. Board of Education of Topeka, Kansas, before the Supreme Court, and was later named Associate Justice on the Supreme Court;

Whereas Damon Keith (class of 1949) is currently a senior judge for the United States Court of Appeals for the Sixth Circuit;

Whereas Harris Wofford (class of 1954) is a former Senator from Pennsylvania and was a civil rights advisor to President John F. Kennedy;

Whereas former Mayor of Richmond, Virginia, L. Douglas Wilder (class of 1959), was the first African-American elected as Governor in the United States;

Whereas Vernon Jordan (class of 1960), former advisor to President Bill Clinton, noted that at Howard Law School, he found, ''a wife, a career, and a reaffirmation of [his] faith in the mission of black people'', and that his time at Howard, ''saved [his] soul'';

Whereas Roland Burris (class of 1963) is a Member of the United States Senate;

Whereas Gabrielle McDonald (class of 1966), Howard University Trustee Emerita, serves as an Arbitrator on the Iran-United States Claims Tribunal, is a former president and judge of the International Criminal Tribunal for the former Yugoslavia, formerly served as a judge for the United States District

Court for the Southern District of Texas and was elected to the ''Texas Woman's Hall of Fame'';

Whereas former Dean and professor at Howard Law School, J. Clay Smith (class of 1967), who was appointed by President Jimmy Carter in 1978 and President Ronald Reagan in 1981 to serve on the Equal Employment Opportunity Commission, in the capacities of Commissioner and Acting Chairman, is the author of ''Emancipation: The Making of the Black Lawyer 1844–1944'' and ''Rebels in Law: Voices in History of Black Women Lawyers'', and the editor of ''Supreme Justice: Speeches and Writings'', written by Thurgood Marshall;

Whereas Wiley Daniel (class of 1971) was the first African-American appointed as a judge for the United States District Court for the District of Colorado;

Whereas Isaiah Leggett (class of 1974) is the County Executive for Montgomery County, Maryland;

Whereas Jack Johnson (class of 1975) is the County Executive for Prince George's County, Maryland;

Whereas the recent addition of Vicky Miles-LeGrange (class of 1977) as Chief Judge of the United States District Court for the Western District of Oklahoma evidences the ongoing commitment of the faculty and staff of Howard Law School to equip alumni with the necessary tools to succeed at every level;

Whereas Gregory Meeks (class of 1978) is a Member of the United States House of Representatives;

Whereas former District of Columbia Mayors, Walter Washington (class of 1948) and Sharon Pratt Kelly (class of 1968), and current Mayor, Adrian Fenty (class of 1996), are alumni of Howard Law School;

Whereas Howard Law School is one of a select group of law schools that can boast having as alumni a Supreme Court Justice, numerous Federal and State judges, Members of both the House of Representatives and the Senate, a Governor, and several Mayors;

Whereas the Princeton Review ranks Howard Law School's faculty as the most diverse law school faculty in the Nation;

Whereas Spencer Boyer, a Professor at Howard Law School, has 38 years of service, which makes him one of the most senior African-American law professors in the United States;

Whereas the competitive efforts of the Huver I. Brown Trial Advocacy Moot Court Team, the Charles Hamilton Houston National Moot Court Team, and the Goler Teal Butcher International Moot Court Team are evidence of Howard Law School's dedication to the vigorous training of zealous advocates;

Whereas Howard Law School's curriculum, which includes a study abroad program in Cape Town, South Africa, the Civil Rights Clinic, the Fair Housing Clinic, the World Food Law Institute, and the Institute of Intellectual Property and Social Justice, demonstrates an aggressive commitment to provide relevant hands-on instruction in an ever-evolving legal environment;

Whereas for 10 years, through the Marshall-Brennan Constitutional Literacy Project, law students in the Howard University School of Law student-fellows program teach constitutional law in public high schools in the District of Columbia;

Whereas Howard Law School's comparatively low tuition and aggressive career services staff helped the school achieve a ranking of third on the Vault.com's list of the most underrated law schools in the Nation;

Whereas Howard Law School has contributed robustly to society through the education of attorneys who have gone on to serve the world in countless public and private capacities; and

Whereas there is no greater illustration of Howard Law School's motto, ''Leadership for America and the Global Community'', than the faculty, staff, students, and alumni of Howard University School of Law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Howard University School of Law's profound achievements and unwavering commitment to social justice for all people;

(2) encourages the continued dedication to the first-rate training of social engineers; and

(3) congratulates Howard University President, Sidney A. Ribeau, Ph.D., Howard University School of Law Dean, Kurt L. Schmoke, J.D., and the faculty, staff, students, and alumni of Howard Law School on the momentous occasion of its 140th anniversary.

The SPEAKER pro tempore, Mr. SNYDER, recognized Ms. HIRONO and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶114.13 WESTERN WYOMING COMMUNITY COLLEGE

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 696):

Whereas Western Wyoming Community College was established in 1959 through the efforts of a citizens committee and a general election that formed the original district;

Whereas the College began classes in Rock Springs High School, moved to the Reliance School, and then finally moved to its present College Drive location in Rock Springs in 1969;

Whereas the College opened an extended campus in Green River in 1975;

Whereas these expansions were made possible in part by the Sweetwater County voters, who approved 3 general obligation bond issues, leading to the construction of Western's current award-winning structure;

Whereas the College's service area now encompasses all of Southwestern Wyoming, including Sweetwater, Uinta, Carbon, Sublette, and Lincoln counties;

Whereas the College has grown from serving 40 students during the fall semester of 1959 to currently serving over 4,000 credit and 2,000 community education students each semester;

Whereas the College adheres to its Guiding Principles: ''Learning is our Purpose'', ''Students are our Focus'', ''Employees are our Most Important Resource'', ''The Community is our Partner'', ''Adapting to Change Defines our Future'', and ''Ethical Standards Guide our Actions'';

Whereas the College embodies these principles in its motto: ''A commitment to quality and success'';

Whereas the College is a valued partner with industry, education, and local business in its service area to provide transfer and technical education, workforce training, cultural and athletic activities, and community education courses;

Whereas the College is the fifth of 7 comprehensive community colleges in Wyoming, and a vital part of Wyoming's higher education system;

Whereas the transfer agreement between Wyoming's community colleges and the University of Wyoming creates a seamless transition for students wishing to continue their education; and

Whereas the fall of 2009 marks the 50th anniversary of the establishment of Western Wyoming Community College: Now, therefore, be it

Resolved, That the House of Representatives acknowledges and congratulates Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming.

The SPEAKER pro tempore, Mr. SNYDER, recognized Ms. HIRONO and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶114.14 WICHITA STATE UNIVERSITY

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 455); as amended:

Whereas the Wichita State University (WSU) men's and women's bowling teams won the 2009 United States Bowling Congress (USBC) Intercollegiate Bowling National Championship in Rockford, Illinois, on April 15–18, 2009;

Whereas the WSU men's team defeated the University of Nebraska-Lincoln and Webber International University and advanced to the finals, where they defeated Saginaw Valley State University two games to one in a best of three series to win the championship;

Whereas the WSU women's team defeated Ball State University, Fresno State University, and McKendree University and advanced to the finals, where they defeated Lindenwood University two games to zero to win the championship;

Whereas the WSU men's team has won nine USBC Intercollegiate Bowling National Championships, in 1980, 1987, 1993, 1994, 1995, 1998, 2003, 2008, and 2009, and has advanced to the national tournament a record 29 times;

Whereas the WSU women's team has won nine USBC Intercollegiate Bowling National Championships, in 1975, 1977, 1978, 1986, 1990, 1994, 2005, 2007, and 2009, and has advanced to the national tournament a record 34 times;

Whereas head coach Gordon Vadakin has led the men's and women's teams to a combined 32 USBC Intercollegiate Bowling National Championship tournaments and 17 national titles since he began coaching in 1976;

Whereas assistant coaches Mark Lewis, Brian Adelgren, and Nathan Bohr were also

instrumental in the WSU teams' 2009 victories;

Whereas the 2009 men's championship team, comprised of Jake Peters, Nick Pahr, Brandon Hall, Josh McBride, John Szczerbinski, Stephen Cowland, Josh Blanchard, Adam Ferri, Kyle Bischoff, Will Barnes, Geoffrey Young, and Kevin Tatrow, won the national title due to the combined efforts of each of its members;

Whereas the 2009 women's championship team, comprised of Melissa Hurst, Maggie Zakrzewski, Suzana Signaigo, Sandra Gongora, Jessica Baker, Samantha Hesley, Mariana Ayala, Daniela Alvarado, Rocio Restrepo, and Samantha Linder, won the national title due to the combined efforts of each of its members;

Whereas Sandra Gongora was named the National Collegiate Bowling Coaches Association and the Bowling Writers Association of America (BWAA) Female Collegiate Bowler of the Year, and John Szczerbinski and Josh Blanchard were BWAA Male Collegiate Bowler of the Year runners-up; and

Whereas Sandra Gongora, John Szczerbinski, and Josh Blanchard were named as first team All-Americans by the USBC: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends the Wichita State University men's and women's bowling teams for winning the 2009 United States Bowling Congress Intercollegiate Bowling National Championship.

The SPEAKER pro tempore, Mr. SNYDER, recognized Ms. HIRONO and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶114.15 FEDERAL AVIATION EXTENSION

Mr. OBERSTAR moved to suspend the rules and pass the bill (H.R. 3607) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The SPEAKER pro tempore, Mr. SNYDER, recognized Mr. OBERSTAR and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.16 STORMS AND FLOODS IN GEORGIA

Mr. OBERSTAR moved to suspend the rules and agree to the following resolution (H. Res. 765):

Whereas the State of Georgia has been hit by days of unusually strong storms that have resulted in downpours and flooding, beginning on September 18, 2009;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and Chickamauga Creek, swollen by days of rain, have overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods have taken human lives;

Whereas the floodwater has destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain have fallen in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and 21, 2009;

Whereas the rains have broken a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians have been evacuated from their homes and over 300 people are seeking refuge in shelters;

Whereas the Governor estimates that over 1,000 residences are seriously flooded;

Whereas the weather has closed schools in several counties;

Whereas as many as tens of thousands of people have been without power in metropolitan Atlanta;

Whereas search and rescue operations are continuing in several counties where the water continues to rise;

Whereas the Georgia Emergency Management Agency has coordinated with local emergency personnel and has worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency continues to facilitate requests for assistance from citizens and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders have acted valiantly in life safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency has activated its national and regional response coordination centers and is working closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the citizens and communities of the State that are impacted by these devastating floods; and

Whereas volunteers are giving their time to help ensure that evacuees are sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who continue to work to protect people from the still rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency continues its efforts to respond to any needs of the citizens and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

The SPEAKER pro tempore, Mr. SNYDER, recognized Mr. OBERSTAR and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶114.17 PROVIDING FOR CONSIDERATION OF H.R. 324

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 760):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 324) to establish the Santa Cruz Valley national Heritage Area, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. CARDOZA, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244 / Nays 177

¶114.18 [Roll No. 723]

YEAS—244

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Barrett (SC)
Capuano
Delahunt
Doyle
Fattah
Forbes
Perlmutter
Radanovich
Slaughter
Smith (NJ)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.19 H. RES. 765—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 765) expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶114.20 [Roll No. 724]

YEAS—421

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)

Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Barrett (SC)
Capuano
Delahunt
Doyle
Forbes
McMahon
Murphy (CT)
Pingree (ME)
Radanovich
Smith (NJ)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.21 H.R. 2215—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2215) to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SNYDER, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and pass said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 423 / Nays ..... 0 }

¶114.22 [Roll No. 725]

AYES—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Barrett (SC)
Cantor
Capuano
Delahunt
Doyle
Forbes
Radanovich
Smith (NJ)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.23 H.R. 3614—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 417 / Nays ..... 2 }

¶114.24 [Roll No. 726]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus

Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—13

Abercrombie
Barrett (SC)
Becerra
Capuano
Chandler
Delahunt
Doyle
Forbes
Poe (TX)
Radanovich
Ros-Lehtinen
Shadegg
Smith (NJ)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.25 SANTA CRUZ VALLEY NATIONAL HERITAGE AREA

Mr. GRIJALVA, pursuant to House Resolution 760, called up for consideration the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 760, the following amendment printed in House Report 111-263, was considered as agreed to:

Page 15, line 25, strike ''or''.

Page 16, line 3, strike the period and insert ''; or''.

Page 16, after line 3, insert the following:

(4) modifies, alters, or amends any border enforcement authority.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 760, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BISHOP of Utah, moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendments:

In section 5(c)(1) of the bill, insert '', in consultation with the Secretary of Homeland Security,'' after ''Secretary''.

In section 8(c) of the bill, amend paragraph (4) to read as follows:

(4) modifies, restricts, impedes, hinders, or supplants any border enforcement or security authority, including drug interdiction and illegal immigration control.

In section 9 of the bill, insert ''(a) CLARIFICATION.—'' before ''Nothing''.

At the end of section 9 of the bill, add the following:

(b) PRIVATE PROPERTY OWNER PROTECTION.—

(1) No privately owned property shall be preserved, conserved, or promoted by the management plan for the National Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) Any owner of private property included within the boundary of the National Heritage Area shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 13. BORDER SECURITY.

Nothing in this Act may impede, prohibit, or restrict activities of the Secretary of Homeland Security to achieve operational control (as defined under Public Law 109–367) within the National Heritage Area.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the nays had it.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 259 / Nays 167

¶114.26 [Roll No. 727]

YEAS—259

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge

Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hodes
Hoekstra
Holden
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—167

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berman
Berry
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Barrett (SC)
Capuano
Delahunt
Doyle
Granger
Smith (NJ)

So the motion to recommit with instructions was agreed to.

Mr. GRIJALVA, pursuant to the foregoing order of the House, reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. GRIJALVA demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 281 / Nays 142

¶114.27 [Roll No. 728]

AYES—281

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—142

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Putnam

Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—9

Barrett (SC)
Capuano
Delahunt
Diaz-Balart, M.
Doyle
Granger
Schock
Shuster
Smith (NJ)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.28 H. RES. 696—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 696) acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of those present had voted in the affirmative.

Mr. LOEBSACK demanded a recorded vote on the motion to suspend the rules and agree to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays ..... 0 }

¶114.29 [Roll No. 729]

AYES—418

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Arcuri
Barrett (SC)
Bartlett
Boehner
Capuano
Delahunt
Doggett
Doyle
Granger
Holden
Lummis
Minnick
Smith (NJ)
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶114.30 SURFACE TRANSPORTATION EXTENSION

Mr. OBERSTAR moved to suspend the rules and pass the bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. OBERSTAR and Mr. MICA, each for 20 minutes.

After debate,

¶114.31 MOTION TO ADJOURN

Mr. SIMPSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. SIMPSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 42 / Nays ..... 355 }

¶114.32 [Roll No. 730]

YEAS—42

Aderholt
Adler (NJ)
Akin
Alexander
Bartlett
Barton (TX)
Blackburn
Broun (GA)
Buyer
Campbell
Carter
Chaffetz
Clay
Foxx
Garrett (NJ)
Gohmert
Hastings (WA)
Heller
Hensarling
Inglis
Johnson (IL)
Johnson, Sam
King (IA)
Lamborn
Lewis (CA)
McCarthy (CA)
McHenry
Mica
Miller (MI)
Olson
Pastor (AZ)
Pitts
Posey
Price (GA)
Rehberg
Schwartz
Sensenbrenner
Shadegg
Simpson
Souder
Thornberry
Tiahrt

NAYS—355

Ackerman
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack

Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Abercrombie
Bachus
Barrett (SC)
Bean
Bishop (UT)
Boehner
Capuano
Costa
Davis (IL)
Delahunt
Dingell
Doyle
Edwards (TX)
Etheridge
Frank (MA)
Giffords
Granger
Kennedy
Kilpatrick (MI)
Kirk
Lowey
Marchant
Marshall
McMorris Rodgers
Meeks (NY)
Moran (KS)
Ortiz
Roskam
Sessions
Slaughter
Smith (NJ)
Speier
Stark
Waters
Young (AK)

So the motion to adjourn was not agreed to.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 335 / Nays 85

¶114.33 [Roll No. 731]

YEAS—335

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—85

Aderholt
Akin
Bachmann
Bachus
Bartlett
Blackburn
Blunt
Boehner
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Buyer
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Dreier
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Lummis
Mack
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)

Sullivan
Thornberry
Tiahrt
Tiberi
Wilson (SC)
Wolf

NOT VOTING—12

Barrett (SC)
Bishop (UT)
Capuano
Deal (GA)
Delahunt
Doyle
Granger
Marshall
Royce
Smith (NJ)
Speier
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶114.34 MOTION TO ADJOURN

Mr. KINGSTON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. KINGSTON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 50 / Nays 349

¶114.35 [Roll No. 732]

AYES—50

Aderholt
Akin
Bartlett
Barton (TX)
Broun (GA)
Buyer
Campbell
Carter
Chaffetz
Clay
Coffman (CO)
Flake
Garrett (NJ)
Gingrey (GA)
Gohmert
Harper
Hastings (WA)
Heller
Hensarling
Himes
Inglis
Jackson-Lee (TX)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
LaTourette
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
McHenry
Mica
Olson
Paul
Petri
Pitts
Price (GA)
Sensenbrenner
Sessions
Shadegg
Souder
Sullivan
Taylor
Thornberry
Tiahrt
Turner
Wolf
Young (AK)

NOES—349

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wu
Yarmuth
Young (FL)

NOT VOTING—33

Barrett (SC)
Bean
Bishop (UT)
Blackburn
Boehner
Boucher
Boyd
Capuano
Delahunt
Doyle
Granger
Grijalva
Holden
Larson (CT)
Lewis (GA)
McCaul
Meek (FL)
Miller, George
Moore (KS)
Murphy (NY)
Napolitano
Roskam
Roybal-Allard
Rush
Sarbanes
Sestak
Shimkus
Smith (NJ)
Speier
Stark
Thompson (MS)
Velázquez
Woolsey

So the motion to adjourn was not agreed to.

¶114.36 AMENDMENT OF THE SENATE TO H.R. 2918

On motion of Ms. WASSERMAN SCHULTZ, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Ms. WASSERMAN SCHULTZ, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ms. WASSERMAN SCHULTZ moved the previous question on the motion.

The question being put, viva voce,

Will the House now order the previous question on said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. ADERHOLT demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 171

¶114.37 [Roll No. 733]

AYES—240

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney

Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barrett (SC)
Bishop (UT)
Boehner
Boyd
Capuano
Delahunt
Doyle
Granger
Honda
Mack
McGovern
McNerney
Miller, George
Murphy, Tim
Richardson
Sestak
Skelton
Smith (NJ)
Speier
Stark
Waxman

So the previous question on the motion was ordered.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the motion to go to conference was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶114.38 MOTION TO INSTRUCT CONFEREES—H.R. 2918

Mr. ADERHOLT moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate on H.R. 2918, be instructed as follows: (1) to insist on the provisions contained in section 209 of the House bill; (2) to disagree to any proposition in violation of clause 9 of rule XXII which: a) includes any additional funding or language not committed to the conference; b) includes matter not committed to the conference committee by either House; c) modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee; (3) to not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. ADERHOLT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 191 / Nays 213

¶114.39 [Roll No. 734]

YEAS—191

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Clay
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—213

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Kagen
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson

Matsui
McCarthy (NY)
McCollum
McDermott
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—28

Barrett (SC)
Bean
Berman
Blunt
Boehner
Boyd
Capuano
Delahunt
Dicks
Doyle
Edwards (TX)
Granger
Johnson, E. B.
Kanjorski
McGovern
McKeon
Moore (WI)
Moran (VA)
Murtha
Pitts
Richardson
Sestak
Skelton
Smith (NJ)
Speier
Stark
Waxman
Wilson (OH)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶114.40 APPOINTMENT OF CONFEREES—H.R. 2918

Thereupon, the SPEAKER pro tempore, Ms. BALDWIN, by unanimous consent, appointed the following Members as managers on the part of the House at said conference: Ms. WASSERMAN SCHULTZ, Mr. HONDA, Ms. MCCOLLUM, Messrs. RYAN of Ohio, RUPPERSBEGER, RODRIQUEZ, OBEY, ADERHOLT, LATOURETTE, COLE, and LEWIS of California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶114.41 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–264) the resolution (H. Res. 766) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶114.42 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1677. An Act to reauthorize the Defense Production Act of 1950, and for other purposes.

¶114.43 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on September 21, 2009 she presented to the President of the United States, for his approval, the following bill:

H.R. 1243. An Act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

¶114.44 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DOYLE, for today after noon and balance of the week.

And then,

¶114.45 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 35 minutes p.m., the House adjourned.

¶114.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 766. Resolution providing for consideration of motions to suspend the rules (Rept. 111–264). Referred to the House Calendar.

¶114.47 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON):

H.R. 3630. A bill to promote crime awareness and cybercrime prevention initiatives, and for other purposes; to the Committee on the Judiciary.

By Ms. TITUS (for herself, Mr. STARK, Mr. PALLONE, Mr. RANGEL, Mr. WAXMAN, Mr. DINGELL, Ms. BALDWIN, Mr. BARROW, Mr. BOUCHER, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. DEGETTE, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PASCRELL, Mr. POMEROY, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. STUPAK, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WEINER, Mr. WELCH, Mr. YARMUTH, Mr. CARDOZA, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 3631. A bill to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 3632. A bill to provide improvements for the operations of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. HARMAN:

H.R. 3633. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. BOOZMAN, Mr. ROSS, and Mr. SNYDER):

H.R. 3634. A bill to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H.R. 3635. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal assistance with respect to disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. FILNER, Mr. AL GREEN of Texas, Mr. STARK, Mr. TOWNS, Mr. WEXLER, Mr. MEEK of Florida, Ms. SCHAKOWSKY, and Mr. HOLT):

H.R. 3636. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Ms. WATSON, Mr. PAYNE, Mr. FATTAH, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. AL GREEN of Texas, Ms. CLARKE, Ms. FUDGE, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. CLEAVER, Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. WATT, Mr. DAVIS of Illinois, Mr. RANGEL, Ms. RICHARDSON, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Mr. CUMMINGS, Ms. LEE of California, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. TITUS, Mr. TOWNS, Mr. THOMPSON of Mississippi, and Mr. CONYERS):

H. Con. Res. 190. Concurrent resolution recognizing the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. MCGOVERN):

H. Res. 764. A resolution expressing the sense of the House of Representatives on the importance of inter-religious dialogue and the protection of religious freedom and related human rights for persons of all faiths and nationalities in the Islamic Republic of Pakistan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. BARROW, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. MARSHALL, Mr. COHEN, Mr. NADLER of New York, Mr. BISHOP of New York, Mr. HIGGINS, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mrs. EMERSON, Mr. MCNERNEY, Mr. BLUMENAUER, Ms. DEGETTE, Mr. BRALEY of Iowa, Mr. MORAN of Kansas, Mr. PERLMUTTER, Ms. EDWARDS of Maryland, Mr. BAIRD, Ms. CLARKE,

Mrs. MALONEY, Mr. BUTTERFIELD, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. ENGEL, Mrs. CAPPS, Ms. SLAUGHTER, Mr. HINCHEY, Ms. MOORE of Wisconsin, Mr. EDWARDS of Texas, Ms. MCCOLLUM, Mr. STARK, Mr. FARR, Mrs. DAHLKEMPER, Mr. SALAZAR, Mr. BOYD, Mr. KISSELL, Mr. DICKS, Ms. WATERS, and Ms. JACKSON-LEE of Texas):

H. Res. 765. A resolution expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents; to the Committee on Transportation and Infrastructure; considered and agreed to.

By Mr. ANDREWS:

H. Res. 767. A resolution expressing support for designation of a National Animal Rescue Day to create awareness, educate humans in the importance of adoption, and create a humane environment for any pet, including the importance of spaying and neutering of animals, and the encouragement of animal adoptions throughout the United States; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York (for herself, Mr. PLATTS, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. CLEAVER, Ms. BALDWIN, and Mrs. MCMORRIS RODGERS):

H. Res. 768. A resolution expressing support for the designation of the month of October as ''National Work and Family Month''; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Ms. MATSUI, Mr. EHLERS, Mr. PRICE of North Carolina, and Mr. KENNEDY):

H. Res. 769. A resolution recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and expressing support for the goals of the National Learn and Serve Challenge; to the Committee on Education and Labor.

¶114.48 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARNEY:

H.R. 3637. A bill to waive the 35-mile rule to permit recognition of Tyler Memorial Hospital as a critical access hospital under the Medicare Program; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 3638. A bill for the relief of Jorge-Alonso Chehade-Zegarra; to the Committee on the Judiciary.

¶114.49 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Ms. FOXX.
H.R. 124: Mr. YOUNG of Florida.
H.R. 137: Mr. WITTMAN.
H.R. 510: Mr. GRAVES.
H.R. 571: Ms. PINGREE of Maine.
H.R. 615: Mr. LATHAM.
H.R. 622: Mr. KINGSTON.
H.R. 658: Mr. HIGGINS, Ms. FUDGE, Ms. PINGREE of Maine, and Mr. VISCLOSKY.
H.R. 690: Mr. ISSA, Mr. PRICE of Georgia, Ms. KOSMAS, Mr. CARTER, and Mr. PENCE.
H.R. 734: Mr. LANCE.
H.R. 745: Mr. HOLT.
H.R. 816: Mr. DAVIS of Alabama, Mr. MACK, Mr. COFFMAN of Colorado, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Mr. LIPINSKI, and Mr. ISRAEL.
H.R. 950: Mr. ELLISON.
H.R. 953: Mr. MURPHY of New York and Mr. COURTNEY.
H.R. 968: Mr. HOEKSTRA.
H.R. 997: Mr. LATHAM.
H.R. 1086: Mr. LEE of New York, Mr. HOEKSTRA, and Mr. GARY G. MILLER of California.
H.R. 1134: Ms. BALDWIN.
H.R. 1135: Mr. HOLDEN.
H.R. 1173: Ms. KOSMAS.
H.R. 1182: Mr. FRANKS of Arizona and Mrs. LOWEY.
H.R. 1189: Mr. CARNAHAN.
H.R. 1207: Mr. LEWIS of Georgia and Mr. ARCURI.
H.R. 1215: Mr. WU, Mr. CARSON of Indiana and Mr. FRANK of Massachusetts.
H.R. 1233: Mr. SENSENBRENNER.
H.R. 1245: Mr. LATHAM, Mr. BLUNT, and Mr. COSTA.
H.R. 1283: Mr. PERLMUTTER.
H.R. 1326: Mr. POLIS
H.R. 1362: Mr. GONZALEZ, and Mr. BOCCIERI.
H.R. 1402: Mr. SHULER.
H.R. 1408: Ms. HERSETH SANDLIN.
H.R. 1428: Mr. HOLT and Mr. LEVIN.
H.R. 1490: Ms. WASSERMAN SCHULTZ and Mr. ARCURI.
H.R. 1547: Mr. BRADY of Texas, Ms. FALLIN, and Mr. MICA.
H.R. 1557: Mr. MURPHY of New York.
H.R. 1570: Ms. ROS-LEHTINEN.
H.R. 1585: Mr. CASTLE.
H.R. 1618: Ms. TITUS.
H.R. 1623: Mr. CRENSHAW.
H.R. 1633: Mr. CALVERT.
H.R. 1677: Mr. SHIMKUS and Mr. WILSON of Ohio.
H.R. 1691: Mr. SHULER.
H.R. 1702: Ms. TSONGAS and Mr. CARSON of Indiana.
H.R. 1792: Mr. LATHAM.
H.R. 1826: Mr. YARMUTH.
H.R. 1927: Mr. SIRES and Mr. MASSA.
H.R. 1963: Mr. BISHOP of Georgia and Ms. CORRINE BROWN of Florida.
H.R. 2002: Mr. PAUL and Ms. WASSERMAN SCHULTZ.
H.R. 2006: Mr. CARNAHAN.
H.R. 2017: Mr. MICHAUD.
H.R. 2055: Ms. SPEIER.
H.R. 2057: Mr. CAPUANO.
H.R. 2067: Ms. SCHWARTZ.
H.R. 2112: Mr. HONDA, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, and Ms. ROYBAL-ALLARD.
H.R. 2138: Mr. FILNER.
H.R. 2149: Mr. ALEXANDER.
H.R. 2243: Mr. HARPER AND Mrs. MCMORRIS RODGERS.
H.R. 2254: Mr. GONZALEZ, Mr. DRIEHAUS, Mr. THOMPSON of Mississippi, Ms. ESHOO, Ms. TITUS, Mr. HALL of Texas, Mr. SHERMAN, Mr. MAFFEI, and Mr. CARSON of Indiana.
H.R. 2305: Mr. MARCHANT, Mr. PLATTS, and Mr. MANZULLO.
H.R. 2329: Mr. KAGEN.
H.R. 2365: Mr. TIERNEY.
H.R. 2393: Mrs. MILLER of Michigan.
H.R. 2421: Mr. DEAL of Georgia, Mr. HARPER, Mrs. MCCARTHY of New York, Mr. MCCLINTOCK, Mr. MARSHALL, Mr. TIM MURPHY of Pennsylvania, Mr. POSEY, Mr. REICHERT, Mr. SCHIFF, Ms. MARKEY of Colorado, Mrs. DAHLKEMPER, and Mr. WILSON of Ohio.
H.R. 2452: Mrs. BLACKBURN, Ms. ROS-LEHTINEN, Mr. BOSWELL, and Mr. SMITH of New Jersey.
H.R. 2499: Mr. GRIJALVA.
H.R. 2523: Mr. FALEOMAVAEGA.
H.R. 2542: Mr. REICHERT.
H.R. 2567: Mr. KENNEDY.
H.R. 2573: Mr. BRADY of Pennsylvania.
H.R. 2593: Mr. KISSELL.
H.R. 2672: Mr. BUCHANAN.
H.R. 2743: Ms. BERKLEY and Ms. TITUS.
H.R. 2801: Mr. LATHAM.
H.R. 2808: Mr. HERGER.
H.R. 2811: Ms. BERKLEY.
H.R. 2835: Ms. ZOE LOFGREN of California.
H.R. 2935: Mr. MCNERNEY, Mr. COURTNEY, Mr. WELCH, Ms. KOSMAS, Mr. CARNAHAN, and Mr. GALLEGLY.
H.R. 2964: Mr. BOUCHER.
H.R. 2980: Mr. MINNICK.
H.R. 3017: Ms. VELÁZQUEZ, Mr. MURPHY of New York, and Mr. TONKO.
H.R. 3037: Mr. HIMES and Mr. CLAY.
H.R. 3039: Mrs. BIGGERT.
H.R. 3057: Mr. MCGOVERN and Mr. GRIJALVA.
H.R. 3070: Mr. COURTNEY.
H.R. 3116: Mr. GRIFFITH, Ms. FOXX, Mrs. DAHLKEMPER, Mr. SHULER, Ms. SHEA-PORTER, and Mr. SPRATT.
H.R. 3135: Mr. MCDERMOTT.
H.R. 3136: Mr. MCDERMOTT and Mr. SESTAK.
H.R. 3178: Mr. DOGGETT.
H.R. 3201: Mrs. MCMORRIS RODGERS.
H.R. 3203: Mrs. MCMORRIS RODGERS and Mr. MINNICK.
H.R. 3225: Ms. DELAURO.
H.R. 3245: Mr. CLAY, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania.
H.R. 3250: Ms. SLAUGHTER, Ms. VELÁZQUEZ, and Mr. WEINER.
H.R. 3253: Ms. SLAUGHTER.
H.R. 3256: Mr. GRAVES.
H.R. 3284: Mr. CAMPBELL.
H.R. 3310: Mr. FLAKE.
H.R. 3322: Mr. ARCURI.
H.R. 3365: Mr. PETERSON, Mr. EHLERS, and Mr. PIERLUISI.
H.R. 3369: Mr. ROONEY.
H.R. 3407: Mr. CARSON of Indiana and Mr. BOOZMAN.
H.R. 3408: Mr. FILNER, Mr. HARE, Mr. LIPINSKI, Ms. BERKLEY, Ms. CHU, and Mr. KAGEN.
H.R. 3412: Mr. MCMAHON.
H.R. 3413: Mr. RODRIGUEZ.
H.R. 3421: Ms. LEE of California, Mr. MANZULLO, and Mr. MEEK of Florida.
H.R. 3480: Mr. ROTHMAN of New Jersey, and Mr. MCGOVERN.
H.R. 3515: Mrs. BIGGERT.
H.R. 3535: Mr. MASSA.
H.R. 3554: Mr. BISHOP of New York and Mr. PIERLUISI.
H.R. 3569: Mr. LATTA, Mr. ROGERS of Kentucky, Mr. JOHNSON of Illinois, and Mr. MILLER of Florida.
H.R. 3571: Mr. GARY G. MILLER of California, Mr. WITTMAN, and Mrs. EMERSON.
H.R. 3580: Mr. SMITH of Texas.
H.R. 3594: Mr. NEUGEBAUER and Mr. AKIN.
H.R. 3597: Mr. TIERNEY and Mr. DELAHUNT.
H.R. 3608: Mr. HEINRICH.
H.R. 3611: Mr. KLINE of Minnesota, Mr. PENCE, Mr. PITTS, Mr. MILLER of Florida, Mr. POE of Texas, Mr. MARCHANT, Mr. POSEY, Mr. MASSA, Mr. THOMPSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. MACK, Mr. REICHERT, Mr. BOOZMAN, Mr. AKIN, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. ROE of Tennessee, Mr. BROWN of South Carolina, Mr. BARTLETT, Mr. HOEKSTRA, Mr. GRIFFITH, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. WESTMORELAND, Mr. ROHRABACHER, Mr. HALL of Texas, Mrs. BACHMANN, Mr. COFFMAN of Colorado, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LATTA.
H.R. 3613: Mr. MARCHANT, Mr. POE of Texas, Mr. MILLER of Florida, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. POSEY, Mr. AKIN, Mr. KING of Iowa, Mr. GOHMERT, Mr. RYAN of Wisconsin, Mr. PITTS, Mr. HUNTER, Mr. BRADY of Texas, Mr. HERGER, Mr. CARTER, and Mr. JONES.
H.R. 3621: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. JONES, Mr. BOUCHER, Mr. PASCRELL, and Mr. SHERMAN.
H.J. Res. 42: Mr. YOUNG of Alaska, Mr. BONNER, and Mr. LOBIONDO.
H. Con. Res. 74: Mr. GALLEGLY.

H. Con. Res. 177: Mr. KING of New York, Mr. MCNERNEY, and Mrs. MYRICK.

H. Con. Res. 181: Mr. UPTON and Mr. MCCOTTER.

H. Con. Res. 185: Mr. WITTMAN and Mr. PAULSEN.

H. Res. 216: Mr. MCCOTTER.

H. Res. 408: Mr. MCKEON, Mr. NYE, Ms. EDWARDS of Maryland, Mr. FARR, Mr. MICHAUD, Mr. DONNELLY of Indiana, Ms. CASTOR of Florida, Mr. ETHERIDGE, Ms. DEGETTE, Mrs. CAPPS, Mr. THOMPSON of California, and Mr. HINCHEY.

H. Res. 554: Mr. QUIGLEY, Mr. GOODLATTE, Mr. DENT, Mrs. MILLER of Michigan, Mr. PETRI, Mr. ISSA, Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. BILIRAKIS, Mr. CRENSHAW, and Mrs. BIGGERT.

H. Res. 568: Mr. MCGOVERN and Mr. BERMAN.

H. Res. 605: Mr. QUIGLEY.

H. Res. 660: Mr. MILLER of North Carolina.

H. Res. 689: Mr. SCHOCK.

H. Res. 704: Mrs. MCCARTHY of New York and Ms. NORTON.

H. Res. 711: Ms. BALDWIN and Mr. MORAN of Virginia.

H. Res. 715: Mr. HINCHEY, Mr. KANJORSKI, Mr. PASCRELL, Mr. KUCINICH, and Mr. QUIGLEY.

H. Res. 721: Mr. YOUNG of Alaska, Mr. MCCOTTER, Mr. FLEMING, and Mr. LAMBORN.

H. Res. 725: Mr. SESTAK.

H. Res. 727: Mrs. MALONEY, Mr. RYAN of Ohio, Mr. SESSIONS, Mr. TIERNEY, and Mr. MARSHALL.

H. Res. 730: Mr. OBEY, Mr. HARE, Ms. BEAN, and Mr. CONYERS.

H. Res. 733: Mr. LINDER.

H. Res. 736: Mr. ROGERS of Kentucky and Mr. SCHOCK.

H. Res. 740: Ms. PINGREE of Maine, Mr. ELLSWORTH, Mr. SCHAUER, and Mr. COURTNEY.

H. Res. 741: Mr. TONKO and Mr. POLIS.

H. Res. 748: Mrs. BLACKBURN.

H. Res. 754: Mr. ELLSWORTH, Mr. BISHOP of Utah, and Mr. PETERS.

H. Res. 756: Mr. WOLF, Mr. YOUNG of Florida, and Mrs. NAPOLITANO.

H. Res. 757: Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, and Mr. SMITH of Washington.

H. Res. 763: Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. PITTS, Mr. HUNTER, and Mr. RYAN of Wisconsin.

THURSDAY, SEPTEMBER 24, 2009 (115)

The House was called to order by the SPEAKER.

¶115.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, September 23, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶115.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3772. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Energy; (H. Doc. No. 111—65); to the Committee on Appropriations and ordered to be printed.

3773. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Defense; (H. Doc. No. 111—66); to the Committee on Appropriations and ordered to be printed.

3774. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Write-Your-Own Arrangement [Docket ID FEMA-2008-0001] (RIN: 1660-AA58) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3775. A letter from the Office of Chief Counsel, Department of Homeland Security/FEMA, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8083] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3776. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program [Docket ID: OCC-2009-0007] (RIN: 1557-AD25) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3777. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Financial Accounting Standards Board's Accounting Standards Codification received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3778. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Examination of the 2008 Summer Youth Employment Program Contracts'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3779. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the letter report entitled ''Audit of Advisory Neighborhood Commission 1D for Fiscal Years 2006 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3780. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of the Department of Employment Service's 2008 Summer Youth Program'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3781. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3782. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ52) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3783. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Amendment 28 [Docket No.: 080630808-91192-03] (RIN: 0648-AW97) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3784. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 0810141351-9087-02] (RIN: 0648-XQ93) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3785. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Total Allowable Catch (TAC) Harvested for Loligo Squid Trimester II [Docket No.: 0808041043-9036-02] (RIN: 0648-XQ73) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3786. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 92) and Gulf of Alaska License (Amendment 82) Limitation Program [Docket No.: 0808011016-91210-04] (RIN: 0648-AX14) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ26) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No. 0812171612-9134-02] (RIN: 0648-XQ35) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3789. A letter from the Acting Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption [Docket No.: 090224231-91118-02] (RIN: 0648-AX54) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3790. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turtle Mitigation Requirements in Purse Seine Fisheries [Docket No.:090130104-9910-01](RIN: 0648-AX60) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3791. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Single Geographic Location Requirement in the Bering Sea Subarea; Amendments 62/62 [Docket No.: 071102641-91087-04] (RIN: 0648-AR06) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3792. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turtle Mitigation Requirements in Purse Seine Fisheries [Docket No.: 090130104-91027-02] (RIN: 0648-AX60) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3793. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2009-2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge [Docket No.: FWS-R3-NSR-2009-0007] (RIN: 1018-AW48) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3794. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2009 Term on Monday, October 5, 2009 at 10:00 am and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

3795. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race [Docket No.: USCG-2009-0659] (RIN: 1625-AA08) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training August and September, San Clemente Island, CA [Docket No.: USCG-2009-0456] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AVI September Fireworks Display, Colorado River, Laughlin, NV [Docket No.: USCG-2008-1262] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2008-1143; Directorate Identifier 2008-NM-136-AD; Amendment 39-15990; AD 2009-16-07] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2009-34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollovers from Employer Plans to Roth IRAs [Notice 2009-75] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3801. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Paid Time Off Contributions at Termination of Employment (Rev. Rul. 2009-32) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3802. A letter from the Regulation Coordinator, Centers for Medicare and Medicaid Services, transmitting the Service's final "Major" rule — Medicare Program; Limitation on Recoupment of Provider and Supplier Overpayments [CMS-6025-F] (RIN: 0938-AN42) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶115.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 59. A concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1035. An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 41. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Republican Leader, appoints the Senator from Idaho [Mr. RISCH] as a member of the United States Senate Caucus on International Narcotics Control.

¶115.4 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PASTOR of Arizona, laid before the House the following communication, which was read as follows:

WASHINGTON, DC,
September 22, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, H–232, The Capitol, Washington, DC.

Dear Madam Speaker: Effective Thursday, September 24, 2009, I will be resigning from my position on the Committee on Standards of Official Conduct. Please contact me if you have any additional questions or concerns.

Sincerely,

J. GRESHAM BARRETT,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶115.5 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 770):

Resolved, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. McCaul.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶115.6 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 766):

Resolved, That it shall be in order at any time through the legislative day of September 24, 2009, for the Speaker to entertain motions that the house suspend the rules relating to the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

When said resolution was considered.

After debate,

On motion of Ms. MATSUI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 182

¶115.7 [Roll No. 735]

YEAS—235

Abercrombie	Cummings	Himes
Ackerman	Dahlkemper	Hinchey
Adler (NJ)	Davis (AL)	Hinojosa
Altmire	Davis (CA)	Hirono
Andrews	Davis (IL)	Hodes
Arcuri	Davis (TN)	Holden
Baca	DeFazio	Holt
Baldwin	DeGette	Honda
Barrow	DeLauro	Hoyer
Bean	Dicks	Inslee
Becerra	Dingell	Jackson (IL)
Berkley	Doggett	Jackson-Lee (TX)
Berman	Donnelly (IN)	Johnson, E. B.
Berry	Driehaus	Kagen
Bishop (GA)	Edwards (MD)	Kanjorski
Bishop (NY)	Edwards (TX)	Kaptur
Blumenauer	Ellison	Kennedy
Boccieri	Ellsworth	Kildee
Boren	Engel	Kilpatrick (MI)
Boswell	Eshoo	Kilroy
Boucher	Etheridge	Kind
Boyd	Farr	Kirkpatrick (AZ)
Brady (PA)	Fattah	Kissell
Braley (IA)	Filner	Klein (FL)
Brown, Corrine	Foster	Kosmas
Butterfield	Frank (MA)	Kratovil
Capps	Fudge	Kucinich
Capuano	Giffords	Langevin
Cardoza	Gonzalez	Larsen (WA)
Carnahan	Gordon (TN)	Larson (CT)
Carney	Grayson	Lee (CA)
Carson (IN)	Green, Al	Levin
Castor (FL)	Green, Gene	Lipinski
Chu	Griffith	Loebsack
Cleaver	Grijalva	Lofgren, Zoe
Clyburn	Gutierrez	Lowey
Cohen	Hall (NY)	Luján
Connolly (VA)	Halvorson	Lynch
Cooper	Hare	Maffei
Costa	Harman	Maloney
Costello	Hastings (FL)	Markey (CO)
Courtney	Heinrich	Markey (MA)
Crowley	Herseth Sandlin	Marshall
Cuellar	Higgins	

Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Clarke
Clay
Conyers
Delahunt
Doyle
Fallin
Graves
Israel
Johnson (GA)
Lewis (GA)
Platts
Rooney
Speier
Towns

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶115.8 H. CON. RES. 163—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) expressing support for designation of September 23, 2009, as ''National Job Corps Day''.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 4

¶115.9 [Roll No. 736]

AYES—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—4

Blackburn
Broun (GA)
Deal (GA)
Flake

NOT VOTING—15

Barrett (SC)	Fallin	Lewis (GA)
Bishop (UT)	Gohmert	Rooney
Conyers	Graves	Schrader
Delahunt	Israel	Speier
Doyle	Larson (CT)	Towns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶115.10 MEDICARE PREMIUM FAIRNESS

Mr. PALLONE moved to suspend the rules and pass the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PALLONE and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HERGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 18

¶115.11 [Roll No. 737]

YEAS—406

Abercrombie	Boswell	Clarke
Ackerman	Boucher	Clay
Aderholt	Boustany	Cleaver
Adler (NJ)	Boyd	Clyburn
Alexander	Brady (PA)	Coble
Altmire	Brady (TX)	Coffman (CO)
Andrews	Braley (IA)	Cohen
Arcuri	Bright	Cole
Austria	Brown (SC)	Conaway
Baca	Brown, Corrine	Connolly (VA)
Bachmann	Brown-Waite, Ginny	Conyers
Bachus	Buchanan	Cooper
Baldwin	Burgess	Costa
Barrow	Burton (IN)	Costello
Bartlett	Butterfield	Courtney
Barton (TX)	Calvert	Crenshaw
Becerra	Camp	Crowley
Berkley	Campbell	Cuellar
Berman	Cantor	Culberson
Berry	Cao	Cummings
Biggert	Capito	Dahlkemper
Bilbray	Capps	Davis (AL)
Bilirakis	Capuano	Davis (CA)
Bishop (GA)	Cardoza	Davis (IL)
Bishop (NY)	Carnahan	Davis (KY)
Bishop (UT)	Carney	Davis (TN)
Blackburn	Carson (IN)	Deal (GA)
Blumenauer	Carter	DeFazio
Blunt	Cassidy	DeGette
Boccieri	Castle	DeLauro
Boehner	Castor (FL)	Dent
Bonner	Chandler	Diaz-Balart, L.
Bono Mack	Childers	Diaz-Balart, M.
Boozman	Chu	Dicks
Boren		Dingell
Doggett	Larson (CT)	Quigley
Donnelly (IN)	Latham	Radanovich
Dreier	LaTourette	Rahall
Driehaus	Latta	Rangel
Duncan	Lee (CA)	Rehberg
Edwards (MD)	Lee (NY)	Reichert
Edwards (TX)	Levin	Reyes
Ehlers	Lewis (CA)	Richardson
Ellison	Lewis (GA)	Rodriguez
Ellsworth	Linder	Roe (TN)
Emerson	Lipinski	Rogers (AL)
Engel	LoBiondo	Rogers (KY)
Eshoo	Loebsack	Rogers (MI)
Etheridge	Lofgren, Zoe	Rohrabacher
Fallin	Lowey	Rooney
Farr	Lucas	Ros-Lehtinen
Fattah	Luetkemeyer	Roskam
Filner	Luján	Ross
Fleming	Lummis	Rothman (NJ)
Forbes	Lungren, Daniel E.	Roybal-Allard
Fortenberry	Lynch	Royce
Foster	Mack	Ruppersberger
Foxx	Maffei	Rush
Frank (MA)	Maloney	Ryan (OH)
Franks (AZ)	Manzullo	Salazar
Frelinghuysen	Marchant	Sánchez, Linda T.
Fudge	Markey (CO)	Sanchez, Loretta
Gallegly	Markey (MA)	Sarbanes
Gerlach	Marshall	Scalise
Giffords	Massa	Schakowsky
Gingrey (GA)	Matheson	Schauer
Gohmert	Matsui	Schiff
Gonzalez	McCarthy (CA)	Schmidt
Goodlatte	McCarthy (NY)	Schock
Gordon (TN)	McCaul	Schrader
Granger	McCollum	Schwartz
Grayson	McCotter	Scott (GA)
Green, Al	McDermott	Scott (VA)
Green, Gene	McGovern	Sensenbrenner
Griffith	McHenry	Serrano
Grijalva	McIntyre	Sessions
Guthrie	McKeon	Sestak
Gutierrez	McMahon	Shea-Porter
Hall (NY)	McMorris Rodgers	Sherman
Hall (TX)	McNerney	Shimkus
Halvorson	Meek (FL)	Shuler
Hare	Meeks (NY)	Shuster
Harman	Melancon	Simpson
Harper	Mica	Sires
Hastings (FL)	Michaud	Skelton
Hastings (WA)	Miller (FL)	Slaughter
Heinrich	Miller (MI)	Smith (NE)
Heller	Miller (NC)	Smith (NJ)
Herger	Miller, Gary	Smith (TX)
Herseth Sandlin	Miller, George	Snyder
Higgins	Minnick	Souder
Himes	Mitchell	Space
Hinchey	Mollohan	Spratt
Hinojosa	Moore (KS)	Stark
Hirono	Moore (WI)	Stearns
Hodes	Moran (KS)	Stupak
Hoekstra	Murphy (CT)	Sullivan
Holden	Murphy (NY)	Sutton
Holt	Murphy, Patrick	Tanner
Honda	Murphy, Tim	Taylor
Hunter	Murtha	Teague
Inglis	Myrick	Terry
Inslee	Nadler (NY)	Thompson (CA)
Issa	Napolitano	Thompson (MS)
Jackson (IL)	Neal (MA)	Thompson (PA)
Jackson-Lee (TX)	Neugebauer	Thornberry
Jenkins	Nunes	Tiahrt
Johnson (GA)	Nye	Tiberi
Johnson (IL)	Oberstar	Tierney
Johnson, E. B.	Obey	Titus
Johnson, Sam	Olson	Tonko
Jones	Olver	Towns
Kagen	Ortiz	Tsongas
Kanjorski	Pallone	Turner
Kaptur	Pascrell	Upton
Kennedy	Pastor (AZ)	Van Hollen
Kildee	Paul	Velázquez
Kilpatrick (MI)	Paulsen	Visclosky
Kilroy	Payne	Walden
Kind	Perlmutter	Walz
King (IA)	Perriello	Wamp
King (NY)	Peters	Wasserman Schultz
Kingston	Peterson	Waters
Kirk	Petri	Watson
Kirkpatrick (AZ)	Pingree (ME)	Watt
Kissell	Pitts	Waxman
Klein (FL)	Platts	Weiner
Kline (MN)	Poe (TX)	Welch
Kosmas	Polis (CO)	Westmoreland
Kratovil	Pomeroy	Wexler
Kucinich	Posey	Whitfield
Lance	Price (NC)	Wilson (OH)
Langevin	Putnam	Wilson (SC)
Larsen (WA)		
Wittman	Wu	Young (FL)
Wolf	Yarmuth	
Woolsey	Young (AK)	

NAYS—18

Akin	Garrett (NJ)	McClintock
Baird	Hensarling	Pence
Bean	Hill	Price (GA)
Broun (GA)	Hoyer	Ryan (WI)
Chaffetz	Jordan (OH)	Shadegg
Flake	Lamborn	Smith (WA)

NOT VOTING—8

Barrett (SC)	Doyle	Moran (VA)
Buyer	Graves	Speier
Delahunt	Israel	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶115.12 SUBMISSION OF CONFERENCE REPORT—H.R. 2918

Ms. WASSERMAN SCHULTZ submitted a conference report (Rept. No. 111–265) on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶115.13 PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT TO H.R. 2918

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–266) the resolution (H. Res. 772) providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶115.14 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama, to the Committee on House Administration.

And then,

¶115.15 ADJOURNMENT

On motion of Mrs. BACHMANN, at 4 o'clock and 8 minutes p.m., the House adjourned.

¶115.16 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. WASSERMAN SCHULTZ: Committee of Conference. Conference report on H.R.

2918. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–265). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. House Resolution 772. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for the other purposes (Rept. 111–266). Referred to the House Calendar.

¶115.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. CAPUANO, Ms. HIRONO, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3639. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; to the Committee on Financial Services.

By Mr. CHILDERS (for himself and Mr. KRATOVIL):

H.R. 3640. A bill to amend the Internal Revenue Code of 1986 to extend and expand the first-time homebuyers credit and to provide a loss deduction on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. NYE:

H.R. 3641. A bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property is a qualified residential rental property for purposes of the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, and Mr. WEXLER):

H.R. 3642. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 3643. A bill to make technical corrections to section 3013(b) of the Water Resources Development Act of 2007; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. EHLERS, and Mr. FARR):

H.R. 3644. A bill to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. MATHESON, and Mr. LUJÁN):

H.R. 3645. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI:

H.R. 3646. A bill to amend the Communications Act of 1934 to establish a Lifeline Assistance Program for universal broadband adoption, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H.R. 3647. A bill to delay the implementation of the provisions of the Consolidated Natural Resources Act of 2008 applying Federal immigration laws to the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 3648. A bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 770. A resolution electing a minority member to a standing committee; considered and agreed to.

By Ms. MCCOLLUM (for herself, Mrs. CAPPS, Mr. ELLISON, Mr. COHEN, Mr. OBERSTAR, Mr. LANCE, Mr. GRIJALVA, Ms. BORDALLO, and Mr. GENE GREEN of Texas):

H. Res. 771. A resolution supporting the goals and ideals of a National Mesothelioma Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN (for himself and Mr. SESTAK):

H. Res. 773. A resolution expressing the sense of the House of Representatives with respect to the United States Submarine Force; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. DELAHUNT, and Mr. WEXLER):

H. Res. 774. A resolution expressing appreciation to Bermuda for accepting 4 individuals released from the detention facility at Naval Station, Guantanamo Bay, Cuba; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. DELAHUNT):

H. Res. 775. A resolution expressing appreciation to Portugal for accepting two detainees released from Guantanamo Bay prison; to the Committee on Foreign Affairs.

By Mr. HODES (for himself and Mr. CAPUANO):

H. Res. 776. A resolution congratulating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. POLIS):

H. Res. 777. A resolution honoring all those participating in a production of ''The Laramie Project: 10 Years Later'' in remembrance of Matthew Shepard; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H. Res. 778. A resolution expressing the sense of the House of Representatives that the White House's increasing use of ''czars'' leads to inadequate vetting standards and unacceptable growth in the size and scope of the Federal Government; to the Committee on Oversight and Government Reform.

¶115.18 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. PELOSI introduced a bill (H.R. 3649) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; which was referred to the Committee on the Judiciary.

¶115.19 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. JONES, Mr. HINOJOSA, Mr. YOUNG of Alaska, Mr. SNYDER, Ms. SCHAKOWSKY, Mr. BARTLETT, Mr. SKELTON, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. SPRATT, Mr. MCCARTHY of California, Mr. GRIFFITH, Mr. MELANCON, Mr. DAVIS of Tennessee, Ms. FALLIN, Mr. SHIMKUS, and Mr. SCOTT of Georgia.

H.R. 211: Ms. PINGREE of Maine.

H.R. 333: Mr. DAVIS of Alabama.

H.R. 365: Mr. SNYDER.

H.R. 484: Ms. ZOE LOFGREN of California and Mrs. MCMORRIS RODGERS.

H.R. 622: Mr. BISHOP of Georgia.

H.R. 690: Mr. NUNES, Mr. NEUGEBAUER, Mr. MANZULLO, and Mr. MCCAUL.

H.R. 716: Ms. BALDWIN.

H.R. 775: Mr. INGLIS, Mrs. DAHLKEMPER, Mr. MATHESON, Ms. TITUS, Mr. LEE of New York, Mr. COFFMAN of Colorado, Mr. WALDEN, and Ms. DEGETTE.

H.R. 836: Mr. KRATOVIL and Mr. TOWNS.

H.R. 868: Mr. LOEBSACK, Ms. PINGREE of Maine, Mr. CHANDLER, and Mr. LANGEVIN.

H.R. 916: Mr. SARBANES.

H.R. 932: Mr. COHEN and Mr. CARNAHAN.

H.R. 1022: Mr. FORBES and Mr. CARDOZA.

H.R. 1074: Mr. BACHUS.

H.R. 1103: Mr. CARNEY, Mr. ALTMIRE, and Mr. ROONEY.

H.R. 1132: Mr. CONAWAY, Mr. CARTER, Mr. THORNBERRY, Mr. BARTON of Texas, Mrs. CAPPS, Mr. WATT, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. HARPER, Mr. SMITH of Texas, Mr. TEAGUE, Mr. AL GREEN of Texas, and Mr. MATHESON.

H.R. 1203: Mr. TERRY.

H.R. 1207: Mr. CUELLAR.

H.R. 1250: Ms. BERKLEY.

H.R. 1283: Mr. RYAN of Ohio.

H.R. 1351: Mr. NUNES.

H.R. 1410: Mr. DOYLE.

H.R. 1469: Mr. ROTHMAN of New Jersey and Mr. GRAYSON.

H.R. 1505: Mrs. CAPITO and Mr. LOBIONDO.

H.R. 1521: Mr. FLEMING, Mr. GRAYSON, and Mr. WU.

H.R. 1558: Ms. LORETTA SANCHEZ of California.

H.R. 1560: Mr. WESTMORELAND.

H.R. 1585: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1695: Mr. LYNCH, Mr. SHULER, Mr. RAHALL, Mrs. LOWEY, and Mr. LIPINSKI.

H.R. 1751: Mr. MORAN of Virginia.

H.R. 1829: Mr. ANDREWS.

H.R. 1855: Ms. PINGREE of Maine.

H.R. 1961: Ms. TSONGAS.

H.R. 1989: Mr. LATTA.

H.R. 1993: Mr. HOLT.

H.R. 2017: Mr. GOODLATTE.

H.R. 2035: Mr. RADANOVICH.

H.R. 2138: Mr. MCNERNEY and Mr. WALZ.

H.R. 2139: Mr. SHADEGG.

H.R. 2266: Mr. PERRIELLO, Mr. WEXLER, Mr. ACKERMAN, Mr. CAPUANO, Mr. MCDERMOTT, and Mr. GUTIERREZ.

H.R. 2277: Mr. LEE of New York.

H.R. 2378: Mr. DINGELL.

H.R. 2421: Mrs. LOWEY, Mr. STEARNS, Ms. EDWARDS of Maryland, Mr. GRIFFITH, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, and Ms. RICHARDSON.

H.R. 2427: Mr. PASCRELL.

H.R. 2456: Mr. SARBANES.

H.R. 2480: Mrs. SCHMIDT and Mr. LOBIONDO.

H.R. 2492: Ms. ZOE LOFGREN of California.

H.R. 2499: Mr. TIERNEY.

H.R. 2517: Mr. DOYLE.

H.R. 2607: Mr. PUTNAM.

H.R. 2616: Mr. COHEN.

H.R. 2708: Mr. COLE.

H.R. 2906: Mr. CASTLE.

H.R. 2927: Mr. WILSON of South Carolina.

H.R. 2941: Mr. GRAYSON.

H.R. 2946: Mr. BISHOP of Georgia, Ms. BERKLEY, Mr. PAYNE, Mr. LUJÁN, Mr. SIRES, Mr. SALAZAR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. COSTA, Mr. GRIJALVA, and Mr. SERRANO.

H.R. 2949: Mrs. BONO MACK.
H.R. 2954: Ms. SCHAKOWSKY.
H.R. 2999: Mr. SESTAK.
H.R. 3001: Mr. PASTOR of Arizona.
H.R. 3007: Ms. SCHAKOWSKY.
H.R. 3011: Mr. MARCHANT, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. CAMP, Mr. HARPER, Ms. FOXX, Mr. MARIO DIAZ-BALART of Florida, Ms. GRANGER, Mr. CULBERSON, Mr. HENSARLING, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. HALL of Texas, Mr. GOHMERT, Mr. KING of Iowa, Mr. LOBIONDO, Mr. GOODLATTE, Mr. LATTA, Mrs. BLACKBURN, Mr. WALDEN, Mr. EHLERS, Mr. NUNES, Mr. SOUDER, Mr. COLE, Mr. SULLIVAN, Mrs. LUMMIS, Mr. REICHERT, Mr. MACK, and Mr. HOEKSTRA.
H.R. 3044: Mr. INGLIS, Mr. BACA, Mr. BRADY of Texas, Mr. DONNELLY of Indiana, Mr. WESTMORELAND, Mr. MACK, Mr. SAM JOHNSON of Texas, and Mr. SHERMAN.
H.R. 3076: Mr. CARSON of Indiana.
H.R. 3217: Mr. PUTNAM.
H.R. 3284: Mr. GRAYSON.
H.R. 3329: Mr. STARK and Mr. ELLISON.
H.R. 3371: Ms. RICHARDSON.
H.R. 3380: Mr. MICHAUD, Mr. BRALEY of Iowa, and Mr. SCHRADER.
H.R. 3401: Mr. COSTA and Mr. VAN HOLLEN.
H.R. 3438: Mr. BILBRAY and Mr. PITTS.
H.R. 3439: Ms. MATSUI.
H.R. 3455: Mr. AUSTRIA.
H.R. 3519: Mr. HARPER, Mr. PIERLUISI, and Mr. GOODLATTE.
H.R. 3535: Mr. GRAYSON.
H.R. 3545: Mr. GUTIERREZ and Ms. HIRONO.
H.R. 3551: Ms. BALDWIN.
H.R. 3554: Ms. BALDWIN.
H.R. 3567: Ms. CHU, Mr. HALL of New York, and Mr. CLAY.
H.R. 3569: Mr. WILSON of South Carolina.
H.R. 3572: Mr. BARTLETT.
H.R. 3578: Mr. FILNER.
H.R. 3592: Mr. HASTINGS of Florida.
H.R. 3604: Mr. HONDA.
H.R. 3612: Mr. KLINE of Minnesota.
H.R. 3631: Mr. COHEN, Mr. TIBERI, Mr. PIERLUISI, Mr. LARSEN of Washington, Mrs. LOWEY, Mr. KLEIN of Florida, Mr. MAFFEI, Mr. MASSA, and Mr. FRANKS of Arizona.
H.R. 3636: Ms. WOOLSEY.
H.J. Res. 26: Ms. MOORE of Wisconsin.
H. Con. Res. 51: Mr. CARSON of Indiana.
H. Con. Res. 129: Mr. JONES, Mr. NYE, Mrs. MCMORRIS RODGERS, Mr. FLEMING, Mr. MASSA, Mr. REICHERT, Mr. TIAHRT, Mr. ROONEY, and Mr. HASTINGS of Washington.
H. Con. Res. 149: Mr. ROE of Tennessee.
H. Con. Res. 168: Mr. COURTNEY and Mr. NYE.
H. Con. Res. 170: Mr. ROGERS of Kentucky, Mr. CAMPBELL, and Mr. MASSA.
H. Res. 16: Mr. LANCE, Mr. FRANK of Massachusetts, Mr. BRADY of Texas, and Mr. PAULSEN.
H. Res. 200: Ms. WATERS.
H. Res. 216: Mr. LAMBORN.
H. Res. 225: Mr. BROWN of South Carolina and Mr. GRAVES.
H. Res. 416: Mr. OLVER.
H. Res. 524: Mr. MCNERNEY.
H. Res. 554: Mr. BARROW, Mr. LAMBORN, Mr. UPTON, Mr. WOLF, and Mr. SIMPSON.
H. Res. 638: Mr. MILLER of North Carolina and Mr. SKELTON.
H. Res. 672: Mr. HONDA.
H. Res. 700: Mr. MANZULLO.
H. Res. 715: Mr. COURTNEY, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ.
H. Res. 727: Mr. WU, Mr. YOUNG of Florida, Mr. THOMPSON of California, and Mr. LOBIONDO.
H. Res. 740: Mr. CARNAHAN, Mr. LATTA, Mr. MASSA, and Mr. GRAYSON.
H. Res. 742: Mr. BOREN, Mr. BOCCIERI, Mr. DONNELLY of Indiana, Mr. COOPER, Ms. MCCOLLUM, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. YARMUTH, Ms. BALDWIN, Ms. HERSETH SANDLIN, Mr. NYE, Mr. DEFAZIO, Mr. HODES, Ms. SCHAKOWSKY, Mr. ETHERIDGE, Ms. ZOE LOFGREN of California, Mr. PETERSON, Mr. WALZ, Mr. ROGERS of Alabama, Mr. BONNER, Mr. CASSIDY, Ms. FOXX, Mrs. SCHMIDT, Mr. LUCAS, Mr. COLE, Mrs. MILLER of Michigan, Mrs. CAPITO, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mrs. MCMORRIS RODGERS, Mrs. BIGGERT, Mrs. MYRICK, Mrs. BONO MACK, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. WATERS, Ms. CLARKE, Ms. TITUS, Mrs. DAVIS of California, Ms. MARKEY of Colorado, Ms. WOOLSEY, Mrs. LOWEY, Ms. DEGETTE, Ms. GIFFORDS, and Mr. SNYDER.
H. Res. 743: Mr. GUTIERREZ, Mr. FOSTER, Mr. PETERS, Mr. MARSHALL, Mr. WEINER, Mr. BAIRD, Mrs. DAVIS of California, Ms. CLARKE, Ms. TITUS, Mr. MCDERMOTT, and Mr. DONNELLY of Indiana.
H. Res. 747: Mr. TOWNS, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. LATTA, and Mr. MCNERNEY.
H. Res. 752: Mr. BOUCHER and Ms. WOOLSEY.
H. Res. 759: Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. SMITH of New Jersey, Mrs. SCHMIDT, Mr. DONNELLY of Indiana, Mr. ROE of Tennessee, Mr. PENCE, Mr. LAMBORN, and Mr. HOEKSTRA.
H. Res. 768: Ms. DELAURO and Ms. WOOLSEY.

FRIDAY, SEPTEMBER 25, 2009 (116)

¶116.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BALDWIN, who laid before the House the following communication:

WASHINGTON, DC,
September 25, 2009.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶116.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Thursday, September 24, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶116.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Meptyldinocap; Pesticide Tolerances [EPA-HQ-OPP-2008-0854; FRL-8429-7] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerances [EPA-HQ-OPP-2008-0810; FRL-8434-2] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tembotrione; Pesticide Tolerances [EPA-HQ-OPP-2008-0813; FRL-8431-5] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiram; Pesticide Tolerance [EPA-HQ-OPP-2007-0020; FRL-8431-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Farm Credit Administration Board Meetings; Sunshine Act (RIN: 3052-AC58) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3808. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements (RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3809. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements (RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3810. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Defining ''Small Number of Animals'' for Minor Use Designation [Docket No.: FDA-2008-N-0176; Formerly Docket No. 2008N-0011] (RIN: 0910-AG03) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3811. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals LLC [Docket No.: DEA-329I] (RIN: 1117-AD23) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No.: NHTSA-2009-0145] (RIN: 2127-AK04) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to Denver Emergency Episode Plan [EPA-R08-OAR-2005-046 ; FRL-8957-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3814. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8959-2] (RIN: 2060-AG12) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California

State Implementation Plan, San Diego Air Pollution Control District [EPA-R09-OAR-2009-0620; FRL-8956-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0473; FRL-8956-8] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3817. A letter from the Acting Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket Nos.: 03-66, FCC 09-70] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3818. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Biloxi, Mississippi) [MB Docket No. 09-125] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3819. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service [IB Docket No. 07-101] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3820. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 0908141238-91252-01] (RIN: 0694-AE72) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3821. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Delay of Effective Date [Docket No.: FR-4998-F-05] (RIN: 2501-AD16) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Grand Prairie, TX [Docket No.: FAA-2009-0363; Airspace Docket No. 09-ASW-11] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Rockford, IL [Docket No.: FAA-2008-1114; Airspace Docket No. 08-AGL-17] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Aircraft Engine Standards Overtorque Limits [Docket No.: 2007-28502; Amendment No. 1-65, 33-30] (RIN No.: 2120-AJ06) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lake Havasu, AZ [Docket No.: FAA-2008-1099; Airspace Docket No. 08-AWP-10] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR [Docket No.: FAA-2008-0006; Airspace Docket No. 08-ANM-1] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ooguruk, AK [Docket No.: FAA-2009-0196; Airspace Docket No. 09-AAL-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quinhagak, AK [Docket No.: FAA-2008-0763; Airspace Docket No. 08-AAL-22] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Arlington, TX [Docket No. FAA-2009-0362; Airspace; Docket No. 09-ASW-10] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Neligh, NE [Docket No.: FAA-2009-0191; Airspace Docket No. 09-ACE-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedure, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30682; Amdt. No. 3335] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30681; Amdt. No 3334] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line [Docket No.: FRA-1999-6439, Notice No. 21] (RIN: 2130-AB88) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Investment Companies-Leverage Eligibility and Portfolio Diversification Requirements (RIN: 3245-AF92) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Services Under Section 482 Allocation of Income and Deductions from Intangible Property Apportionment of Stewardship Expense [TD 9456] (RIN: 1545-BI78, 1545-BI79, 1545-BI80] received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Declaratory Judgements — Gift Tax Determinations [TD 9460] (RIN: 1545-BD67) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3837. A letter from the Industry Director, Retailers, Food, Pharmaceuticals, and Healthcare, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance Issues in the Healthcare Industry #2 received September 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶116.4 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2918

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 772):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

Mr. MCGOVERN submitted the following amendment:

At the end of the resolution, add the following:

''Sec. 2. Upon the adoption of the conference report, the House, shall be considered to have adopted the concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2918.''

On motion of Mr. MCGOVERN, the previous question was ordered on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House agree to the amendment?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to the resolution, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶116.5 AMENDMENT OF THE SENATE TO H.R. 3183

On motion of Mr. PASTOR of Arizona, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. PASTOR of Arizona, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶116.6 MOTION TO INSTRUCT CONFEREES—H.R. 3183

Mr. FRELINGHUYSEN moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 3183, be instructed as follows: to not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of the House rule XXII), unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Florida, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶116.7 APPOINTMENT OF CONFEREES—H.R. 3183

Thereupon, the SPEAKER pro tempore, Ms. BALDWIN, by unanimous consent, appointed Messrs. VISCLOSKY, EDWARDS of Texas, PASTOR of Arizona, BERRY, FATTAH, ISRAEL, RYAN of Ohio, OLVER, DAVIS of Tennessee, SALAZAR, OBEY, FRELINGHUYSEN, WAMP, SIMPSON, REHBERG, CALVERT, ALEXANDER, and LEWIS of California, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶116.8 H. RES. 772—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Florida, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 772) providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as amended.

The question being put,

Will the House agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 209 / Nays 189

¶116.9 [Roll No. 738]

YEAS—209

Adler (NJ)
Altmire
Andrews
Arcuri
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Clarke
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Emerson
Fallin
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holt
Hunter
Inglis
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nye
Olson
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—34

Abercrombie
Ackerman
Baca
Blunt
Capuano
Cardoza
Clay
Conyers
Culberson
Delahunt
Doyle
Engel
Fleming
Graves
Higgins
Hill
Hinojosa
Israel
Issa
Johnson, E. B.
Jones
Langevin
Loebsack
Meek (FL)
Mica
Nunes
Platts
Schmidt
Schrader
Scott (GA)
Speier
Sullivan
Waters
Young (AK)

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶116.10 LEGISLATIVE BRANCH APPROPRIATIONS FY 2010

Ms. WASSERMAN SCHULTZ, pursuant to House Resolution 772, called up the following conference report (Rept. No. 111–265):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2918), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

REFERENCES

SEC. 1. Except as expressly provided otherwise, any reference to ''this Act'' or ''this joint resolution'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Victoria Reggie Kennedy, widow of Edward M. Kennedy, late a Senator from Massachussetts, $174,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $140,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $422,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SEC. 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88–454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking ''shall'' and inserting ''may''; and

(2) by adding at the end the following:

''(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

''(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

''(2) shall issue each report required under this section in electronic form; and

''(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,369,025,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $198,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $30,089,000 of which $2,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $313,665,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $276,703,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $25,098,000, of which $5,425,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

HOUSE FITNESS CENTER

SEC. 103. Any active duty member of the Armed Forces who is assigned to a congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 104. (a) Section 101(d) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(d)), as added by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by striking ''and made available'' and inserting ''and merged with and made available''.

(b) The amendment made by subsection (a) shall apply to funds appropriated for fiscal year 2010 and succeeding fiscal years.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $265,188,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $63,130,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,377,000, of which $884,000 shall remain available until September 30, 2011: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

''SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301

et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,783,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,182,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $50,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $119,133,000, of which $25,610,000 shall remain available until September 30, 2014: Provided, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $45,795,000, of which $19,560,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $27,012,000, of which $8,150,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,390,000, of which $900,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,459,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1303. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

SEC. 1304. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Architect of the Capitol, the House Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the ''Fund'').

(b) USE OF AMOUNTS.—Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets of the House of Representatives which the Architect is responsible for maintaining and preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committee on Appropriations of the House of Representatives.

(c) CONTINUING AVAILABILITY OF FUNDS.—Any amounts transferred to and merged with, or otherwise deposited into, the Fund shall remain available until expended.

(d) PERMITTING TRANSFERS FROM AMOUNTS APPROPRIATED FOR HOUSE OF REPRESENTATIVES.—Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b), as amended by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by adding at the end the following new subsection:

''(e) Amounts appropriated for any fiscal year for the House of Representatives under any heading other than the heading 'Members' Representational Allowances' may be transferred to the Architect of the Capitol and merged with and made available under the heading 'House Historic Buildings Revitalization Trust Fund', subject to the approval of the Committee on Appropriations of the House of Representatives.''.

(e) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SUPPORT AND MAINTENANCE DURING EMERGENCIES

SEC. 1305. (a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol—

(1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and

(2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library;

operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $446,151,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, $750,000 shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $250,000 shall be used to carry out activities under the Civil Rights History Project Act of 2009: Provided further, That of the total amount appropriated, $200,000 shall be used for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,490,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: Provided, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2010 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 pursuant to standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

(2) in subparagraph (G), by striking the period and inserting ''; or'' and

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

(4) The amendments made by subsection (a) shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,768,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the

Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $556,849,000: Provided, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(c) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(d) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''Provided further, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(e) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $12,000,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the

Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This Division may be cited as the ''Legislative Branch Appropriations Act, 2010''.

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2010

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2010, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2009 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2009, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(2) Section 155 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), except that subsections (c), (d), and (e) of such section shall not apply to funds made available under this joint resolution.

(3) Divisions C through E of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329).

(4) Divisions A through I of the Omnibus Appropriations Act, 2009 (Public Law 111–8), as amended by section 2 of Public Law 111–46.

(5) Titles III and VI (under the heading ''Coast Guard'') of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2009 or prior years; (2) the increase in production rates above those sustained with fiscal year 2009 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2009.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2009.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2010, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2010 without any provision for such project or activity; or (3) October 31, 2009.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2010 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2009, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2009, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2009 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2009, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Amounts made available by this joint resolution related to amounts provided in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252), and titles III and VI of the Supplemental Appropriations Act, 2009 (Public Law 111–32), are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, except that amounts so designated under this section shall not exceed $129,989,000,000.

SEC. 115. The provisions of section 14103 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution, and such provisions shall also apply to funds made available in this joint resolution.

SEC. 116. Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 117. The authority provided by paragraphs (3) and (4) of section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3); 1758(h)(4)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 119. Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)(ii)) shall be applied by substituting ''October 1, 2008, and October 1, 2009'' for ''October 1, 2008'' and shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 120. The authority provided by section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'' at a rate for operations of $7,065,707,000.

SEC. 122. The authority provided by section 8116 of division C of Public Law 110–329 and section 310 of title III of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 123. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 125. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 126. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and

activities under title IV of S. 1432 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Second Fiscal Year 2010 Budget Request Act (D.C. Act 18–188).

SEC. 127. The authority provided by section 5739 of title 5, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution, notwithstanding subsection (e) of such section 5739.

SEC. 128. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''the 11-year period beginning on the first day the pilot program is in effect''.

SEC. 129. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016a and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 130. The requirement set forth in section 610(b) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

SEC. 131. Section 550(b) of Public Law 109–295 shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''three years after the date of enactment of this Act''.

SEC. 132. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 133. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 134. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 135. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291), as amended by section 336 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 136. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113), as amended by section 335(6) of Public Law 108–108, shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 137. The authority provided by section 325 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108), as amended by section 426 of division E of Public Law 111–8, shall continue to apply through the date specified in section 106(3) of this joint resolution.

SEC. 138. The authority provided by the 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109–54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 139. Notwithstanding any other provision of law, including section 703 of Public Law 109–415, the authorities provided in title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall continue in effect as they were in effect during fiscal year 2009, and apply through the date specified in section 106(3) of this joint resolution.

SEC. 140. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''the end of fiscal year 2009''.

SEC. 141. Notwithstanding section 101, amounts are provided for ''Veterans Health Administration—Medical Services'', ''Veterans Health Administration—Medical Support and Compliance'', and ''Veterans Health Administration—Medical Facilities'' of the Department of Veterans Affairs at rates for operations not exceeding the lower of the amount in the President's fiscal year 2010 Budget Request (H. Doc. 111–3), the amount in H.R. 3082, as passed by the House of Representatives on July 10, 2009, or the amount in S. 1407, as reported by the Committee on Appropriations of the Senate on July 7, 2009.

SEC. 142. Notwithstanding section 7042(b) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for Iraq shall be obligated under the terms and conditions of section 1106(b) of Public Law 111–32.

SEC. 143. Notwithstanding section 7040(f) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for the Palestinian Authority shall be obligated under the terms and conditions of section 1107 of Public Law 111–32.

SEC. 144. Notwithstanding sections 7042(a) and 7070(e) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for assistance for Iraq and Zimbabwe shall be obligated under the terms and conditions of section 1108 of Public Law 111–32.

SEC. 145. The authority provided by section 1113 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 146. The authority provided by section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 147. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 148. The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831 (a)(3)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 149. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew or amend, in a timely manner, all section 8 project-based, section 202, and section 811, rental assistance contracts. In renewing or amending such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution.

SEC. 150. Commitments to guarantee loans, as authorized by the National Housing Act and insured under the Mutual Mortgage Insurance Fund, shall not exceed a loan principal of $1,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 151. Commitments to guarantee loans, as authorized by section 306 of the National Housing Act, shall not exceed a loan principal of $2,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 152. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, through the date specified in section 106(3) of this joint resolution, insure, and enter into commitments to insure mortgages under section 255 of such Act. During the period covered by this joint resolution, for new loans guaranteed pursuant to section 255 of the National Housing Act (12. U.S.C. 1715z–20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate.

SEC. 153. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in such section 24(o).

SEC. 154. Funds made available under section 101 for the National Transportation Safety Board shall include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in 2001 under a capital lease.

SEC. 155. (a) Section 48103(6) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with an amount that equals $3,820,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 365; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2009, through the date specified in section 106(3) of this joint resolution. This subsection shall be in effect through the earlier of the date of enactment of an Act amending section 48103 of title 49, United States Code, or the date specified in section 106(3) of this joint resolution.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting ''2010'' for ''2009''.

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2009 and any prior fiscal year.

SEC. 156. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

(b) Subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting ''or any joint resolution making continuing appropriations for the fiscal year 2010'' before the semicolon at the end.

SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) USE OF FUNDS.—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency

Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

(c) DISTRIBUTION OF FUNDS UNDER TITLES III AND V OF SAFETEA–LU.—Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

SEC. 158. (a) APPROPRIATION OF FUNDING FOR CERTAIN HIGHWAY TRUST FUND PROGRAMS.—For the period from October 1, 2009, through the date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under section 158 of this joint resolution that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as—

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

(b) CONTRACT AUTHORITY.—Funds made available under this joint resolution to be expended under the authority of section 158 of this joint resolution shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

(c) CALCULATION.—The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

SEC. 159. (a) EXTENSION OF AUTHORITY FOR EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied—

(A) by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking ''under'' and all that follows and inserting ''under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).''.

(b) MASS TRANSIT ACCOUNT.—

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking ''in accordance with'' and all that follows and inserting ''in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).''.

(c) EXCEPTION TO LIMITATIONS ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code shall be applied—

(1) by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

SEC. 160. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by inserting ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009,''; and

(2) in subsection (b)(1)(A), by inserting ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009''.

SEC. 161. (a) Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''(as in effect'' in subparagraph (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010),'';

(2) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010), and''; and

(3) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010).''.

(b) Paragraph (2) of section 9504(d) of such Code shall be applied by substituting the date that is one day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

SEC. 162. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to sections 158 through 162 of this joint resolution shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 164. (a) Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

''(iii) $1,400,000,000, not later than September 30, 2009;''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109–435; 120 Stat. 3251).

This division may be cited as the ''Continuing Appropriations Resolution, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
DEBBIE WASSERMAN SCHULTZ,
MICHAEL HONDA,
BETTY MCCOLLUM,
TIM RYAN,
C.A. RUPPERSBERGER,
CIRO RODRIGUEZ,
Managers on the Part of the House.

BEN NELSON,
DANIEL K. INOUYE,
MARK PRYOR,
JON TESTER,
LISA MURKOWSKI,
THAD COCHRAN,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 772, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Ms. BALDWIN, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 217 / Nays ..... 190 }

¶116.11 [Roll No. 739]

YEAS—217

Abercrombie	Cohen	Fudge
Adler (NJ)	Connolly (VA)	Gonzalez
Altmire	Conyers	Gordon (TN)
Andrews	Cooper	Grayson
Arcuri	Costa	Green, Al
Baldwin	Costello	Green, Gene
Barrow	Courtney	Grijalva
Bean	Crowley	Gutierrez
Berkley	Cuellar	Hall (NY)
Berman	Cummings	Halvorson
Bishop (GA)	Dahlkemper	Hare
Bishop (NY)	Davis (AL)	Harman
Blumenauer	Davis (CA)	Hastings (FL)
Boccieri	Davis (IL)	Heinrich
Boren	Davis (TN)	Herseth Sandlin
Boswell	DeFazio	Himes
Boucher	DeGette	Hinchey
Boyd	DeLauro	Hirono
Brady (PA)	Diaz-Balart, L.	Hodes
Braley (IA)	Diaz-Balart, M.	Holden
Brown, Corrine	Dicks	Holt
Butterfield	Dingell	Honda
Capps	Doggett	Hoyer
Cardoza	Donnelly (IN)	Inslee
Carnahan	Edwards (TX)	Jackson (IL)
Carney	Ellsworth	Johnson (GA)
Carson (IN)	Engel	Kagen
Castor (FL)	Eshoo	Kanjorski
Chandler	Etheridge	Kaptur
Childers	Farr	Kennedy
Chu	Fattah	Kildee
Clay	Filner	Kilroy
Cleaver	Foster	Kind
Clyburn	Frank (MA)	Kissell

Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Becerra
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hoekstra
Hunter
Inglis
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
McNerney
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schakowsky
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden
Wamp
Westmoreland
Whitfield
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—25

Ackerman
Baca
Berry
Blunt
Capuano
Clarke
Culberson
Delahunt
Doyle
Graves
Higgins
Hill
Israel
Issa
Johnson, E. B.
Jones
Loebsack
Mica
Nunes
Poe (TX)
Scott (GA)
Speier
Sullivan
Wilson (OH)
Wilson (SC)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

Pursuant to section 2 of House Resolution 772, as amended, H. Con. Res. 191 was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶116.12 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1687. An Act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''.

H.R. 2053. An Act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

H.R. 2121. An Act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An Act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

H.R. 2913. An Act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

H.R. 3607. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 832. An Act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1599. An Act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

¶116.13 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. BALDWIN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2009, at 5:57 p.m.:

That the Senate passed S. 1707.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶116.14 ADJOURNMENT OVER

On motion of Mr. CROWLEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, September 29, 2009, for morning-hour debate.

¶116.15 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1599. An Act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

¶116.16 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today;

To Mr. HILL, for today; and

To Mr. JONES, for today.

And then,

¶116.17 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 2 o'clock and 19 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, September 29, 2009.

¶116.18 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BAIRD (for himself, Mr. EHLERS, Mr. MACK, Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. KRATOVIL):

H.R. 3650. A bill to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 3651. A bill to reauthorize the Impact Aid Program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARROW:

H.R. 3652. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3653. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Mr. MELANCON):

H.R. 3654. A bill to authorize the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration to procure, launch, and operate the next generation of weather forecasting satellites; to the Committee on Science and Technology.

By Mr. RUSH:

H.R. 3655. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS (for herself, Mr. KENNEDY, and Mr. SESSIONS):

H.R. 3656. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 3657. A bill to amend title 38, United States Code, to provide for members of the United States Public Health Service and National Oceanographic and Atmospheric Administration Corps to transfer unused benefits under Post-9/11 Educational Assistance Program to family members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SABLAN:

H.R. 3658. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918 considered and agreed to.

By Mrs. BIGGERT (for herself, Mr. STUPAK, Ms. ZOE LOFGREN of California, Mr. WOLF, and Mr. ISRAEL):

H. Res. 779. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 780. A resolution recognizing the celebration of Filipino American History Month in October; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. MCMORRIS RODGERS, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. SESSIONS, Mr. KENNEDY, Mr. KIRK, and Mr. COBLE):

H. Res. 781. A resolution supporting the goals and ideals of Down Syndrome Awareness Month; to the Committee on Energy and Commerce.

TUESDAY, SEPTEMBER 29, 2009 (117)

¶117.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. CLAY, who laid before the House the following communication:

WASHINGTON, DC,
September 29, 2009.

I hereby appoint the Honorable WM. LACY CLAY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶117.2 RECESS—12:38 P.M.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶117.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TONKO, called the House to order.

¶117.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TONKO, announced he had examined and approved the Journal of the proceedings of Friday, September 25, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶117.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3838. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Country of Origin Labeling of Packed Honey [Doc. No.: AMS-FV-08-0075; FV-08-330] (RIN: 0581-AC89) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3839. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No.: AMS-FV-08-0108; FV09-916/917-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3840. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate [Doc. No.: AMS-FV-08-0107; FV09-925-2 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3841. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0038; FV09-922-1 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3842. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0044; FV09-959-2 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3843. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2 [Doc. No.: AMS-FV-08-0094; FV09-948-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3844. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-08-0105; FV09-932-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3845. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements [Doc. No.: AMS-FV-08-0106; FV09-925-1 FIR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3846. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2009 Amendments) [Doc. #: AMS-CN-09-0015; CN-09-002] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3847. A letter from the Acting Administrator, Department of Agriculture/Agricultural Marketing Service, transmitting the Department's final rule — User Fees for 2009 Crop Cotton Classification Services to Growers [Doc. #: AMS-CN-09-0011; CN-09-001] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3848. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1365] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3849. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

3850. A letter from the Speaker, National Assembly of Kuwait, transmitting Congratulations to the United States on the Anniversary of its Founding; to the Committee on Foreign Affairs.

3851. A letter from the Secretary General, Organization for Security and Cooperation in Europe, Parliamentary Assembly, transmitting the Vilnius Declaration and Resolutions adopted on July 3, 2009 at the Eighteenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, pursuant to Public Law 102-138, section 169(e) (105 Stat. 679); to the Committee on Foreign Affairs.

3852. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's Annual No FEAR Report to Congress for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

3853. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''Federal Student Loan

Repayment Program FY 2008'', pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

3854. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Virginia Advisory Committee; to the Committee on the Judiciary.

3855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Areas R-5103A, R-5103B, and R-5103C; McGregor, NM [Docket No.: FAA-2009-0770; Airspace Docket No. 09-ASW-20] (RIN: 2120-AA66) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No.: FAA-2009-0136; Directorate Identifier 2008-NM-171-AD; Amendment 39-16022; AD 2009-19-05] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No.: FAA-2009-0292; Directorate Identifier 2008-NM-011-AD; Amendment 39-16011; AD 2009-18-15] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0447; Directorate Identifier 2008-NM-172-AD; Amendment 39-15993; AD 2009-17-02] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 7874: Treatment of Certain Stock of the Foreign Acquiring Corporation [Notice: 2009-78] received September 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3860. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Procedures for taxpayers to make an election to defer recognizing discharge of indebtedness income (Rev. Proc. 2009-37) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3861. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Work Opportunity Tax Credit [Notice 2009-69] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3862. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Industry Director Directive on Section 936 Exit Strategies #3 received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3863. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Attorney Advisor Program Sunset Date Extension [Docket No.: SSA-2009-0023] (RIN: 0960-AH01) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3864. A letter from the Acting Deputy Assistant Administrator, U.S. Agency for International Development, transmitting the Agency's thrid fiscal year 2009 quarterly report on unobligated and unexpended appropriated funds, pursuant to Public Law 111-8, section 7002; jointly to the Committees on Appropriations and Foreign Affairs.

¶117.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. TONKO, laid before the House the following communication from Mr. MCHENRY:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for deposition testimony issued by the District court of Caldwell, State of North Carolina in connection with a civil case now pending in the same court.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

PATRICK T. MCHENRY,
Member of Congress.

¶117.7 UNITED STATES CIVIL RIGHTS TRAIL SYSTEM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 685) to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.8 BAY AREA REGIONAL WATER RECYCLING PROGRAM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, September 30, 2009.

¶117.9 UINTAH WATER CONSERVANCY DISTRICT

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2950) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.10 LEADVILLE MINE DRAINAGE TUNNEL

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3123) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.11 THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 905) to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶117.12 CHESAPEAKE BAY OFFICE OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1771) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, September 30, 2009.

¶117.13 CHESAPEAKE BAY WATERSHED

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1053) to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. BORDALLO and Mr. WITTMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, September 30, 2009.

¶117.14 NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 16):

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. TONKO, recognized Mr. LYNCH and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶117.15 HONORING THE LIFE OF JIM JOHNSON

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 693):

Whereas the City of Philadelphia, Pennsylvania, and the NFL lost one of our greatest treasures yesterday;

Whereas Philadelphia Eagles Defensive Coordinator Jim Johnson passed away on July 28, 2009, after a courageous battle with cancer;

Whereas he was a veteran of 22 years as an NFL assistant;

Whereas Johnson is regarded as one of the top defensive masterminds in NFL history;

Whereas over the last decade, he gained a great deal of praise as the orchestrator of the renowned Eagles defense;

Whereas his aggressive style kept Philadelphia at or near the top of the NFL in nearly every major defensive category since he joined the Eagles staff on January 22, 1999;

Whereas from 2000–08, Johnson's units ranked second in the NFL in sacks (390), 3rd down efficiency (34.0 percent) and red zone touchdown percentage (43.9 percent), and fourth in fewest points allowed (17.7 per game);

Whereas during his 10-year tenure in Philadelphia, the Eagles earned 7 playoff berths, 5 trips to the NFC Championship game, and 1 Super Bowl appearance (following the 2004 season);

Whereas as the Eagles' defensive chief, Johnson's defense has produced 26 Pro Bowl selections, including Brian Dawkins (7), Troy Vincent (5), Jeremiah Trotter (4), Hugh Douglas (3), Lito Sheppard (2), Asante Samuel (1), Trent Cole (1), Michael Lewis (1), Corey Simon (1), and Bobby Taylor (1);

Whereas Head Coach Andy Reid correctly stated that ''He (Johnson) really represented everything this city (Philadelphia) is all about, with his toughness and grit'', ''That's the way he fought this cancer'';

Whereas 4 of his defensive assistants have gone on to successful careers with other NFL franchises, including Steve Spagnuolo (head coach of the St. Louis Rams), John Harbaugh (head coach of the Baltimore Ravens), Ron Rivera (defensive coordinator of the San Diego Chargers), and Leslie Frazier (defensive coordinator of the Minnesota Vikings);

Whereas prior to his tenure in Philadelphia, Johnson served as the linebackers coach with Seattle in 1998;

Whereas that year, Johnson helped the Seahawks register 10 touchdowns on defense, including 8 interceptions returned for scores, second-most in NFL history;

Whereas he arrived in Seattle after a 4-year stint in Indianapolis, spending the last 2 years as defensive coordinator;

Whereas while with the Colts, Johnson helped them secure a berth in the AFC Championship game at Pittsburgh in 1995;

Whereas Johnson spent 8 seasons with the Arizona Cardinals (1986–93);

Whereas after overseeing the Cardinals defensive line for 4 seasons, Johnson excelled as their secondary coach, helping Aeneas Williams become the first rookie cornerback to lead the league in interceptions (6) since 1981;

Whereas Johnson began his coaching career as head coach at Missouri Southern (1967–68), before serving 4-year tenures at Drake and Indiana;

Whereas from 1977–83, Johnson served as defensive coordinator and assistant head coach at Notre Dame, a stint that included a national championship in 1977;

Whereas an all-conference quarterback himself at Missouri, Johnson went on to spend 2 seasons with Buffalo as a tight end (1963–64);

Whereas a native of Maywood, Illinois, Johnson earned a bachelor's degree in education and a master's degree in physical education from Missouri; and

Whereas Johnson is survived by his wife, Vicky, 2 children, Scott and Michelle, and 4 grandchildren, Katie, Justin, Brandon, and Jax: Now, therefore, be it

Resolved, That the House of Representatives honors Jim Johnson and extends condolences to his family on the occasion of his death.

The SPEAKER pro tempore, Mr. TONKO, recognized Mr. LYNCH and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶117.16 SICKLE CELL DISEASE AWARENESS MONTH

Mr. LYNCH moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 186):

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African-American infants, 1 in 1,000 newborn Hispanic-Americans, and is found in persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African-Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Sickle Cell Disease Awareness Month.

The SPEAKER pro tempore, Mr. TONKO, recognized Mr. LYNCH and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶117.17 CHULA VISTA PARK VIEW LITTLE LEAGUE

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 725):

Whereas on Sunday, August 30, 2009, the Chula Vista Park View Little League Baseball Team from Chula Vista, California, rallied to defeat the Taoyuan, Taiwan (Chinese Taipei) Little League Team by a score of 6 to 3 to win the 2009 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas Chula Vista Park View is in its 41st season of playing little league baseball and is the fourth team from San Diego County to play in the Little League World Series championship game;

Whereas the 2009 Chula Vista Park View Little League World Championship Team consists of players Isaiah Armenta, Oscar Castro, Jr., Nick Conlin, Kiko Garcia, Bulla Graft, Seth Godfrey, Markus Melin, Jensen Petersen, Daniel Porras, Jr., Luke Ramirez, Andy Rios, and Bradley Roberto;

Whereas the 2009 Chula Vista Park View Little League World Championship Team is led by Manager Oscar Castro, Coach Ric Ramirez, and Park View Little League President Rod Roberto;

Whereas the Chula Vista Park View Little League team was successful because of solid coaching and execution of fundamentals and discipline;

Whereas the fans of the Chula Vista Park View Little League team showed enthusiasm, support, and courtesy for the game of baseball and all of the players and coaches;

Whereas the performance of the Chula Vista Park View Little League team demonstrated to parents and communities throughout the United States that athletic participation builds character and leadership in children; and

Whereas the achievement of the Chula Vista Park View Little League Baseball Team is the cause of enormous pride for the Nation, the State of California, and especially for the city of Chula Vista: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Chula Vista Park View Little League Baseball Team from Chula Vista, California, on winning the 2009 Little League World Series Championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the members, parents, coaches, and managers of the Chula Vista Park View Little League team;

(3) recognizes and commends the people of Chula Vista, California, for the outstanding loyalty and support that they displayed for the Chula Vista Park View Little League team throughout the season; and

(4) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City of Chula Vista and each player, manager, and coach of the Chula Vista Park View Little League Baseball Team.

The SPEAKER pro tempore, Mr. TONKO, recognized Mr. LYNCH and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶117.18 CONSTITUTION DAY

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 734); as amended:

Whereas the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution was subsequently ratified by each of the original 13 States;

Whereas the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

Whereas the Constitution has provided the means and structure for this Nation and its citizens that is unparalleled by any other country;

Whereas the Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

Whereas the House of Representatives continues to strive to preserve and strengthen the values and rights bestowed by the Constitution upon the United States and its citizens;

Whereas the Constitution is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution deserves the recognition, respect, and reverence of all people in the United States;

Whereas every person in the United States should celebrate the freedom and responsibilities of the Constitution;

Whereas the preservation of such values and rights in the hearts and minds of United States citizens would be advanced by official recognition of the signing of the Constitution; and

Whereas September 17, 2009, is designated as ''Constitution Day'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the goals and ideals of ''Constitution Day''; and

(2) calls upon the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. TONKO, recognized Mr. LYNCH and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for the goals and ideals of 'Constitution Day'.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶117.19 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. TONKO, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 29, 2009, at 11:06 a.m.:

That the Senate passed with an amendment H.R. 3614.

That the Senate passed S. 1717.

That the Senate passed with an amendment; requests a conference with the House of Representatives and appointed conferees H.R. 2996.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶117.20 AMENDMENT OF THE SENATE TO H.R. 3614

Ms. VELAZQUEZ moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes:

Strike sections 2 and 3.

The SPEAKER pro tempore, Mr. TONKO, recognized Ms. VELAZQUEZ and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. TONKO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶117.21 RECESS—3:56 P.M.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 56 minutes p.m., subject to the call of the Chair.

¶117.22 AFTER RECESS—6:02 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶117.23 AMENDMENT OF THE SENATE TO H.R. 2997

On motion of Ms. DELAURO, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Ms. DELAURO, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶117.24 MOTION TO INSTRUCT CONFEREES—H.R. 2997

Mr. KINGSTON moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2997, be instructed as follows: to not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of the House rule XXII), unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. KINGSTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶117.25 PUBLIC WORKS PROJECT

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER, on September 24, 2009, the Committee on Transportation and Infrastructure met in open session to consider 11 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program, including six construction resolutions (authorizing $302.6 million) and five repair and alteration resolutions (authorizing $510.4 million). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on September 24, 2009.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairman.

Enclosures.

ALTERATION ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM VARIOUS BUILDINGS—PEW–2010

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307,

appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROGRAM SUMMARY

This alteration prospectus proposes the implementation of energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2010. Projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

JUSTIFICATION

The Energy Policy Act of 2005 (Public Law 109–58) required a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management was, concerning energy consumption reduction, incorporated into law as the energy independence and Security Act of 2007. The Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in federally operated buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water.

In addition, the Energy Independence and Security Act of 2007 included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30%); installation of advanced meters for water and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations. Approval of this FY 2010 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

AUTHORIZATION REQUESTED—$20,000,000

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new high efficiency systems including the installation of energy management control systems.

Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.

Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.

Installing automatic occupancy light controls, lighting fixture modifications and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.

Installing new or modifying existing temperature control systems.

Replacing electrical motors with multi-speed or variable-speed motors.

Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

Installing and caulking storm windows and doors to prevent the passage of air and moisture through the building envelope.

Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.

Providing and implementing water conservation projects.

Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.

Providing distributed generation systems.

CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended:— — —, Acting Commissioner, Public Building Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

DESIGN/ALTERATION—HIGH PERFORMANCE ENERGY PROJECTS—ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—VARIOUS BUILDINGS—PEISA–2010

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for implementation of high performance energy projects and conservation measures in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROGRAM SUMMARY

This alteration prospectus proposes the implementation of high performance energy projects and conservation measures in Government-owned buildings during fiscal year 2010. Projects, to be accomplished in Federal buildings throughout the country, are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund geothermal and other high-performance green building retrofit work, as well as designs for new facilities that incorporate these technologies. As we formulate and develop future projects, we will incorporate these activities into our designs. As appropriate, we will use the authority in this prospectus to incorporate this requirement into previously funded and authorized activities. The authority requested in this prospectus is for a diverse set of retrofit and design projects with engineering solutions to reduce energy consumption and/or costs.

JUSTIFICATION

The Energy Policy Act of 2005 (Public Law 109–58) required a 2% energy usage reduction as measured in BTU/gsf per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. In regard to energy consumption reduction, Executive Order 13423 on Strengthening Environmental, Energy and Transportation Management was, incorporated into law as the Energy Independence and Security Act of 2007 (EISA). Both increased the energy reduction mandates to 3% per year, and the Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in federally operated buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

In addition, EISA included provisions that exceed the requirements of the Energy Policy Act of 2005. One specific long term requirement is to eliminate fossil fuel generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. High-performance green building initiatives and infrastructure designs and retrofits will assist in reaching the targeted reductions.

EISA also requires GSA to create at least two technology acceleration programs, for high-efficiency lighting and for geothermal space conditioning (ground source heat pump), as well as others that are cost effective.

The technology acceleration programs are broad in their application and potentially dramatic in their ability to improve the human and energy performance attributed to buildings. Lighting control systems, even with the lighting energy improvements of the past 30 years in Federal buildings, have the ability to improve the working performance conditions and reduce energy consumption by nearly 30%. The capital cost of these renovations is considerable, as most require the removal and replacement of ceiling systems, and the re-wiring of electrical distribution. The geothermal (ground source

heat pump) program requires significant training both for GSA personnel and contractors. EPA and DoE have programs that can be adapted for GSA, and the cost of the program is reduced accordingly. The feasibility studies are considerable in number, and involve information about site conditions for existing buildings that are not readily available in our records, as well as vast changes in the direction to procurement and engineering professionals across the agency. GSA's ability to design and implement this acceleration program will have great value to the rest of the Federal inventory, as the lessons learned and programmatic guidance developed will be applicable to many other building types. The upfront capital costs of geothermal systems are typically 1.5 times conventional systems, and yield a positive return on investment typically in the 10–15 year range (dependent upon geological conditions (capital) and the cost of energy (operations)).

Approval of this fiscal year 2010 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

Authorization Requested—$20,000,000.

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies, along with potential new designs. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators.

Projects will vary in size by location and by delivery method. Typical projects include the following:

Designing new facilities to conform to EISA and to incorporate these new technologies.

Designing new facilities to incorporate other sustainable, green building technologies, such as solar power, wind power, green roofs, and photovoltaic techniques.

Drilling to install vertical and horizontal geothermal loops.

Installing heat pumps and other types of geothermal equipment.

Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.

Installing new or modifying existing green building materials.

Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.

Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

Installing other green building technologies such as hot water heat recycling, renewable heating systems, seasonal thermal storage systems, and solar air conditioning, green roofs, and cool roofs.

CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended:— — —Acting Commissioner, Public Building Service

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—FIRE PROTECTION & LIFE SAFETY PROGRAM—VARIOUS BUILDINGS—PFP–2010

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2010, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROGRAM SUMMARY

This prospectus proposes alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during Fiscal Year 2010. Projects in federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include the following:

Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.

Installing emergency voice communication systems to facilitate occupant notification and/or evacuation.

Installing and/or expanding fire sprinkler coverage to protect federal property.

Constructing additional or enclosing existing exit stair towers to ensure timely evacuation of buildings in the event of an emergency.

JUSTIFICATION

GSA conducts periodic life safety and fire protection assessments of federal buildings nationwide to assess fire risk. As a result of these assessments, a number of life safety and fire protection issues have been identified that need to be addressed in order to reduce the risk of injury, the loss of federal property, and interruption of a federal agency mission.

This prospectus will provide upgrades to a number of GSA federal buildings that do not meet current or national or GSA building fire alarm codes. These buildings contain antiquated hardwired fire alarm systems with replacement parts that are no longer available, lack voice communication capability, and a complete sprinkler system.

Authorization Requested—$20,000,000.

CERTIFICATION OF NEED

It has been determined that the practical solution to achieving the identified building fire and life safety goals is to proceed with the fire and life safety work indicated above.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—NEW EXECUTIVE OFFICE BUILDING—WASHINGTON, DC—PDC–0105–WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW., in Washington, D.C., at design and review costs of $394,000 (design costs of $451,000 were previously authorized), management and inspections costs of $6,257,000 {management and inspection costs of $423,000 were previously authorized), and estimated construction costs of $23,625,000 (estimated construction costs of $5,388,000 were previously authorized), at a proposed total cost of $30,276,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of July 21, 2004.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

PROJECT SUMMARY

The General Services Administration (GSA), proposes to amend Prospectus PDC–0105–DC05 due to changes in scope, internal swing space requirements, material escalations, and security escort costs not originally contemplated for the New Executive Office Building located at 725 17th Street, NW in Washington, DC.

MAJOR WORK ITEMS

HVAC system upgrades, demolition and abatement, interior construction, internal swing space build out, fire protection alarm, lighting and branch wiring, communications, superstructure.

PROJECT BUDGET

Design and Review	
Design and Review (FY2005)	$451,000
Additional Design (FY2010 Request)	394,000
Design and Review Subtotal	845,000
Management and Inspection (M&I)	
M&I (FY2005)	423,000
Additional M&I (FY2010 Request)	6,257,000
M&I Subtotal	6,680,000
Estimated Construction Cost (ECC)	
ECC (FY2005)	5,388,000
Additional ECC (FY2010 Request)	23,625,000
ECC Subtotal	29,013,000
Estimated Total Project Cost*	36,538,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Additional—Design, ECC and M&I)—$30,276,000.

PRIOR AUTHORITY AND FUNDING

The House Committee on Transportation and Infrastructure authorized $6,262,000 for

design, construction and management and inspection on July 21, 2004.

The Senate Committee on Environment and Public Works authorized $6,262,000 for design, construction and management and inspection on November 17, 2004.

Through Public Law 108–447, Congress appropriated $6,262,000 for design, construction and management and inspection in FY 2005.

PRIOR PROSPECTUS-LEVEL PROJECTS IN BUILDING (PAST 10 YEARS):

None.

Schedule	Start	End
Design	FY2005	FY2009
Construction	FY2010	FY2012

BUILDING

The New Executive Office Building is a 10-story reinforced concrete building with a red brick façade. The building which is proximate to the White House Complex, a desirable feature for the building's tenants, was constructed in 1966. The building has approximately 432,131 gsf with 110 parking spaces.

MAJOR TENANT AGENCIES

Executive Office of the President—Office of Management and Budget, Defense—Office of the Secretary; Department of Homeland Security—U.S. Secret Service.

PROPOSED PROJECT

The proposed project will replace components of the existing HVAC system. The fan coil units (FCUs) on the ninth and tenth floors will be replaced, along with deteriorated black iron riser piping from the third through tenth floors.

In addition to replacing the existing perimeter riser system, asbestos-containing material (ACM) shall be abated. To avoid potential hazardous exposure from the asbestos abatement, GSA will create internal swing space for the tenant agency to temporarily relocate from the ninth and tenth floors. Costs to build out the temporary space, and tenant moves including relocation of the telecommunication equipment, and the furniture are included in this prospectus.

Funds for escort security costs during construction are requested due to the sensitive nature of the customers' operations. Access to the project site will be limited to cleared escorted personnel.

Superstructure work will cover firestopping (insulation and sealing) of the pipe penetrations on each floor.

As the ceilings are demolished, new energy efficient lights will replace the existing lighting and wiring. Project specifications include the replacement of ceiling panels with a panel product which includes approximately seventy-five percent recycled content and finished with paint composed of low volatile organic compounds (VOC).

In 2002, a project replaced the FCUs except those on the ninth and tenth floors. The FCUs on floors nine and ten were not replaced at that time because the coils are located in the ceiling plenum. The ninth floor ceiling plenum is insulated with sprayed-on fireproofing containing asbestos which needs to be abated prior to construction. The initial project revealed that the riser piping along with its branches and valves have deteriorated and should be replaced.

MAJOR WORK ITEMS

HVAC Upgrades	$16,972,000
Building Demolition and Abatement	3,317,000
Interior Construction	4,679,000
Internal Swing Space Build Out	546,000
Fire Protection Alarm	628,000
Lighting and Branch Wiring	1,704,000
Communications	980,000
Superstructure	187,000
Total ECC	$29,013,000

JUSTIFICATION

Congress previously authorized this project in fiscal year 2005; however, the project scope increased pursuant to review of the 35% design completion, which uncovered logistical difficulties in maintaining customer operations during construction as originally scoped. Initial estimates did not fully capture the complexities of construction in the occupied building. The project scope is therefore increased to include: additional upgrades for the heating, ventilating and air-conditioning components and controls; security escorts required during construction; customer move expenses; and materials escalation costs.

After further investigation of the piping and FCUs, additional equipment and operating deficiencies were identified. Most of these deficiencies are related to equipment having reached the end of its useful life and some are a result of previous renovations that did not include certain adjustments to the HVAC system that might have been incorporated in larger projects.

Significant leaks due to the deterioration of the risers have resulted in extensive damage and disruption to agency operations. A major leak in August 2006 caused a day-long building shutdown and tenant productivity losses, as well as extensive damage to the tenant's space. Riser failures should be considered eminent and leaks could again cause extensive damage and interruption to the tenant's missions which are critical to the operation of the Executive Office of the President.

The upgraded HVAC work will provide increases in energy efficiency and will provide improved controls and monitoring by utilizing newer state of the art technology.

The recent implementation of HSPD–12 and the customer's need for security escorts during construction must now be accommodated.

Customer moves are required in order to abate the asbestos and install the new fan coil units and variable frequency drives located in the ceilings on the 9th and 10th floors. It is necessary to remove the ceilings in their entirety including lights, sprinklers and fire alarms, and telecommunication equipment.

Materials escalation will be necessary because construction will proceed in four phases to accommodate OMB's time sensitive operations. This lengthens the project delivery schedule and is a reason for the increase in cost.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

RECOMMENDATION

Alteration.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — —, Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING—WASHINGTON, DC—PDC–0035–WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to the Dwight D. Eisenhower Office Building located at Pennsylvania Avenue and 17th Street, NW, in Washington, D.C., at design and review costs of $1,050,000, at management and inspections costs of $1,800,000, and estimated construction costs of $12,150,000, at a proposed total cost of $15,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

PROJECT SUMMARY

The General Services Administration (GSA) proposes a comprehensive roof replacement to the Dwight D. Eisenhower Executive Office Building (EEOB) located at Pennsylvania Ave and 17th Street, NW, in Washington, DC.

MAJOR WORK ITEMS

Building roofing systems repairs and select systems replacement activities including; flat seam copper roofing replacement; skylight repairs and replacement; dormer and chimney repairs; lightning protection; flashing systems repairs and/or replacement and slate repairs and/or replacement.

PROJECT BUDGET

Design and Review	$1,050,000
Estimated Construction Cost (ECC)	12,150,000
Management and Inspection (M&I)	1,800,000
Estimated Total Project Cost (ETPC)*	$15,000,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC, M&I)—$15,000,000.

PRIOR AUTHORITY AND FUNDING

None.

Schedule	Start	End
Design	FY2010	FY2010
Construction	FY2010	FY2011

BUILDING

The EEOB, constructed in 1888, is on the National Register of Historic Places. This building functions as the principal support facility for the White House operations, offering 691,783 gross square feet and 46 outside parking spaces.

TENANT AGENCIES

Executive Office of the President of the United States, Department of Homeland Security, Department of Defense and General Services Administration

PROPOSED PROJECT

The existing roof design is a complex mansard system with flat, vertical and angled surfaces; multiple peaks, valleys, changes in plane and flashing connections, dormers, chimneys, skylights, domes, and other impressive architectural details. The long term replacement tasks include repairs, replacement and/or new installation of all; skylights, flat seam copper roofing, lightning protection, cast iron dormer metals, chimney trim and flashings, other roof flashing and counter flashing components and miscellaneous sealants and appurtenances.

MAJOR WORK ITEMS

Flat Seam Copper Roofing	$6,339,000
Skylight Repair	2,641,000
Dormer and Chimney Repair	1,585,000
Lightning Protection	528,000
Flashing and Slate Replacement	1,057,000
Total ECC	$12,150,000

JUSTIFICATION

The EEOB roofing system was partially repaired and replaced under a major project completed during 1988–1994. The previous scope of work in the most recent multi phased project did not provide for or include, the installation of roof-access traffic ways, maintenance platforms, waterproof mission-critical equipment installations, a permanent and available fall protection system, gutter/downspout and rain water conductor piping. Foot traffic, to accomplish maintenance of the roofing system and other work, has exacerbated damage, resulting in hundreds of leaks throughout the building.

SUMMARY OF ENERGY COMPLIANCE

The EEOB roof replacement will implement design principles to be integrated as seamlessly as possible into all aspects of both the design and construction process, Currently we are looking at options that will achieve the goal of obtaining certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

RECOMMENDATION

Alteration.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

ALTERATION—WEST AND EAST WING INFRASTRUCTURE SYSTEMS REPLACEMENT—WASHINGTON, DC—PDC–0017–WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives that, pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to the New Executive Office Building, located at 725 17th Street, NW, in Washington, DC, at design costs of $18,687,000 (design costs of $22,179,000 were previously authorized), at management and inspections costs of $14,504,000 (management and inspection costs of $12,416,000 were previously authorized), and estimated construction costs of $164,159,000 (estimated construction costs of $144,271,000 were previously authorized), at a proposed total cost of $197,350,000, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of September 24, 2008.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

PROJECT SUMMARY

The General Services Administration (GSA) proposes to amend prospectus number PDC0017–WAO9 for repair and alterations to the West Wing of the White House to include the East Wing of the White House located at 1600 Pennsylvania Avenue, NW, Washington, DC. GSA re-examined the original plan and phases to implement critical changes at the West Wing and upon that evaluation recognized that completing the West and East Wing primary system replacement together given the similarity of scope was the most cost and time efficient approach.

MAJOR WORK ITEMS

Demolition and abatement, site work, structural and finishes work, fire suppression system, mechanical systems to include HVAC and Chemical Biological Radiological (CBR), electrical systems and fire alarm, physical security and information technology systems.

PROJECT BUDGET

Design and Review	
Phase I (FY2008 Reprogramming—West Wing Ph I)	$9,689,000
Additional Phase I (FY09 Proposed Reprogramming—East Wing Ph I)	16,860,000
Phase II (future fiscal year—West Wing Ph II)	6,245,000
Phase III (future fiscal year—East Wing Ph II)	8,072,000
Design and Review Subtotal	$40,866,000
Estimated Construction Cost (ECC)	
Phase I (FY2009—West Wing PH I	$70,271,000
Additional Phase I ECC (FY2010 Request—East Wing PH I)	111,177,000
Phase II (future fiscal year—West Wing Ph II)	74,000,000
Phase III (future fiscal year—East Wing Ph II)	52,982,000
ECC Subtotal	$308,430,000
Management and Inspection (M&I)	
Phase I (FY2009—West Wing Ph I)	$6,216,000
Additional Phase I M&I (FY2010 Request—East Wing Ph $)	9,823,000
Phase II (future fiscal year—West Wing Ph II)	6,200,000
Phase III (future fiscal year—East Wing Ph II)	4,681,000
M&I Subtotal	$26,920,000
Estimated Total Project Cost*	$376,216,000

* Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Additional Authorization Requested (Design, ECC, M&I)—$203,595,000.[1]

[1] This request is for the balance of authorization required for the East Wing portion of the project. The West Wing portion has been fully authorized.

FY2010 Funding Requested (Additional Phase I ECC and M&I)—$121,000,000.

PRIOR AUTHORITY AND FUNDING

The House and Senate Appropriations Committees approved a reprogramming request of $9,689,000 for design for the West Wing portion of the project in FY2008.

The House Committee on Transportation and Infrastructure authorized $15,934,000 for design for the West Wing portion of the project on September 24, 2008.

The House Committee on Transportation and Infrastructure authorized $162,932,000 for design construction and management and inspection for the West Wing portion of the project on September 24, 2008.

The Senate Committee on Environment and Public Works authorized $172,621,000 for design, construction and management and inspection for the West Wing portion of the project on May 21, 2008.

Through Public Law 111–8, Congress appropriated $76,487,000 for partial construction and management and inspection in FY2009.

PRIOR PROSPECTUS-LEVEL PROJECTS IN BUILDING (PAST 10 YEARS)

None.

Schedule	Start	End
Design	FY2008	FY2013
Construction	FY2010	FY2016.

BUILDING

Originally constructed in 1902, the West Wing is the part of the White House in which the Oval Office, the Cabinet Room and the Situation Room are located. It serves as the day-to-day office of the President of the United States. It is roughly 30,000 gross square feet and includes offices for senior members of the Executive Office of the President of the United States and their support staff.

The East Wing as it exists today was added to the White House in 1942 and serves as office space for the First Lady and her staff, the Department of Defense, and the United States Secret Service. The East Wing also

includes the President's Theater, the visitor's entrance and the East Colonnade.

TENANT AGENCY

Executive Office of the President of the United States.

PROPOSED PROJECT

A study of the electrical and mechanical systems of the West Wing was completed and the findings identified a critical need for the immediate replacement of the aged and failing systems in order to prevent an imminent equipment failure and the resultant interruption of services. There is currently no redundant HVAC equipment for the West Wing and this has prevented shutdown for testing and maintenance of the equipment for many years. The West Wing electrical systems have also reached the end of their reliable productivity and failure would result in discontinued operations.

Similar studies have been undertaken and completed on the East Wing and indicate the condition of the utilities in the East Wing is similar to the West Wing, replacement is necessary to prevent imminent failure. In order to secure continuous reliable HVAC and electrical service to both the West and East Wing, GSA proposes replacing all primary systems and secondary distribution systems that serve the interior of the each wing.

While the projects were originally planned as separate projects, GSA is now planning to combine the replacement of the primary systems for the West and East Wing in Phase I of the project. The replacement of the secondary distribution systems for the West and East Wings will follow in Phase II and Phase III, respectively.

The proposed total project includes the construction of a new accessible, utility pathway to allow for the service and maintenance of the new systems infrastructure. As there is currently no space available in the building to accommodate any additional equipment, the project will include the construction of new mechanical and electrical rooms to support the new services. Select structural and architectural restoration of areas that are disturbed in the systems replacement will be included. Fire life safety upgrades including automatic fire suppression and fire alarm systems. Mechanical work includes HVAC systems and controls, CBR systems, plumbing storm and sewer systems. Electrical power, lighting, select emergency power and lighting and select UPS systems. Physical security system includes; access control, intrusion detection, video assessment and emergency notifications systems. Both copper and fiber optic backbones are included for the IT systems infrastructure.

All utility services will be rerouted to allow the GSA necessary access to operate, maintain, and repair infrastructure, services and equipment as required.

MAJOR WORK ITEMS

Site Work	$41,298,000
Structural and Finishes Work	68,356,000
Fire Suppression System	16,062,000
Mechanical Systems	87,479,000
Electrical System & Fire Alarm, Physical Security and IT Systems	78,560,000
Demolition/Abatement	16,675,000
Total ECC	$308,430,000

JUSTIFICATION

GSA completed a systems evaluation and technical study of the physical plant, infrastructure and facilities serving each wing as well as select systems and equipment resulting in sequential projects. While the projects were originally planned as separate projects, GSA and the Administration have determined that combining the West and East Wing primary systems replacement projects together would be more cost effective by eliminating duplicate costs for mobilization, demobilization, remobilization, management, inspections and reduced construction time and cost. In addition, the combined projects create less disruption to mission critical operations given the connection, continuation and extension of similar utilities and infrastructure scope of work connecting West Wing services with the East Wing. A provision will be made in the design of West Wing Phase I for the replacement of the secondary distribution systems for the West and East Wings that will follow in Phase II and Phase III, respectively.

SUMMARY OF ENERGY COMPLIANCE

The West and East Wing Infrastructure Project will integrate and implement sustainable design principles and energy efficiency effort as seamlessly as possible into all aspects of both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

There are no feasible alternatives to this project.

RECOMMENDATION

Alteration.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

AMENDED PROSPECTUS—CONSTRUCTION—UNITED STATES COURTHOUSE ANNEX—SAN DIEGO, CA—PCA–CTC–SD09

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations in the amount of $78,000,000 are authorized for management and inspection and construction of the United States Courthouse Annex, San Diego, California, not to exceed 466,886 gross square feet. This resolution amends the Transportation and Infrastructure Committee resolution dated July 19, 2006;

Provided, that the Administrator of General Services shall ensure that the San Diego, California Courthouse Complex contains no more than 22 courtrooms;

Provided further, that the Administrator of General Services shall not construct more than six courtrooms or 12 chambers in the San Diego, California Courthouse Annex under the authority of this resolution;

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the San Diego Courthouse Complex;

Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the San Diego, California Courthouse Annex shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the San Diego Courthouse Annex, for court or other court-related use requested in the San Diego, California Courthouse Annex;

Provided further, that, prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the number of courtrooms, chambers, court space, court related space, and other agency space to be provided in the San Diego, California Courthouse Annex;

Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the procurement for the construction of the San Diego, California Courthouse Annex, as of the date of adoption of this resolution, shall be authorized or obligated for the project,

Provided further, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project,

Provided further, that, within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA's decision.

DESCRIPTION

The General Services Administration (GSA) proposes the construction of a 466,886 gross square foot U.S. Courthouse Annex (CT Annex), including 105 inside parking spaces, in San Diego, CA. The CT Annex will meet the 30-year space needs of the courts and court-related agencies in conjunction with the existing Edward J. Schwartz Federal Building and U.S. Courthouse (FBCT). San Diego was one of the four emergency projects on the Judiciary's Revised Five-Year Courthouse Project Plan—FY2005–2009, approved by the Judicial Conference on March 26, 2004.

PROJECT SUMMARY

Site Information	
Site acquired	2.27 acres
Building Area	
Gross square feet (excluding inside parking)	419,636
Gross square feet (including inside parking)	466,886
Project Budget	
Site (FY1999, 2002, 2003, 2005)	$31,916,000
Design (FY2003, 2006)	13,711,000
Management and Inspection (M&I) (FY2006)	7,740,000
Additional M&I	2,260,000
Estimated Construction Cost (ECC) (FY2006)	$248,816,000
Additional ECC	108,102,000
Total ECC ($760/gsf including inside parking[1])	356,918,000
Estimated Total Project Cost*	$412,545,000

[1]The ECC/gsf does not include $2.3 million for repair and alteration work to the Edward J. Schwartz Federal Building & U.S. Courthouse to re-orient the public entrance to face the proposed annex which is included in the Total ECC.

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

Authorization Requested (Additional ECC & M&I)—$110,362,000.

FY2009 Funding Requested—$110,362,000.

PRIOR AUTHORITY AND FUNDING

The House Transportation and Infrastructure Committee authorized $302,183,000:

$15,400,000 for site on July 23, 1998; $3,100,000 for site and $11,237,000 for design, or $14,337,000, for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on July 8, 2001; $9,360,000 for additional site and $204,000 for additional design for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on July 24, 2002; $2,516,000 for additional site and $552,000 for additional design, or $3,068,000, for a 614,394 gsf Courthouse Annex, including 105 inside parking spaces, on July 21, 2004; and $1,540,000 for additional site, $1,718,000 for additional design, $248,816,000 for construction, and $7,740,000 for management and inspection for a 466,886 gsf Courthouse Annex, including 105 inside parking spaces, on July 19, 2006.

The Senate Environment and Public Works Committee authorized $302,183,000: $15,400,000 for site on September 23, 1998; $3,100,000 for site and $11,237,000 for design, or $14,337,000, for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on September 25, 2001; $9,360,000 for additional site and $204,000 for additional design for a 583,746 gsf Courthouse Annex, including 46 inside parking spaces, on September 26, 2002; $2,516,000 for additional site and $552,000 for additional design, or $3,068,000, for a 614,394 gsf Courthouse Annex, including 105 inside parking spaces, on November 17, 2004; $1,540,000 for additional site, $1,718,000 for additional design, $221,345,000 for construction, and $7,740,000 for management and inspection for a 619,644 gsf Courthouse Annex, including 105 inside parking spaces, on July 20, 2005; and $27,471,000 for additional construction for a 466,886 gsf Courthouse Annex, including 105 inside parking spaces, on May 23, 2006.

Funding is $302,183,000:

Congress appropriated $273,172,000: $15,400,000 for FY 1999 (Public Law 105–277), $23,901,000 for FY 2003 (Public Law 108–7); $3,068,000 for FY 2005 (Public Law 108–447); and $230,803,000 for FY 2006 (Public Law 109–115).

GSA reprogrammed $29,011,000: $1,540,000 to the project in FY 2002 and $27,471,000 to the project in FY 2006.

SCHEDULE

FY 1998—Site.
FY 2003—Design.
FY 2009—Construction.
FY 2013—Occupancy.

OVERVIEW OF PROJECT

In fiscal year 2006, GSA submitted a prospectus for a CT Annex providing 619,644 gross square feet of space (PCA-CTC-SD06). Due to increased construction materials costs, GSA and the District Court agreed to reduce the scope of this project. GSA submitted an amended prospectus with a revised plan (PCA-CTC-SD07). Under this revised plan, GSA eliminated six proposed floors of the building. The number of proposed district courtrooms, but not chambers, was reduced from 18 to 14 and the number of appellate chambers was reduced from 3 to 2 in the 10-year program. The proposed expansion district courtrooms, but not chambers, were reduced from 5 to 0 in the 30-year program. The new CT Annex will provide 466,886 gross square feet, 152,758 gross square feet less than the original construction prospectus for this project. After submitting the revised plan, GSA encountered additional difficulty and was unable to award the reduced project. Due to continuing materials escalation, limited bidding, market conditions, and further delays in award, GSA is seeking additional funding and authorization.

The CT Annex will provide 14 district courtrooms and 18 chambers, two Court of Appeals judges' chambers, a visiting district chamber, District Clerk's office, Pretrial Services and the U.S. Marshals Service. Pretrial Services will occupy space within the building until that space is needed for conversion to six additional district judge's chambers. The project will include modification of the entrance to the existing FB-CT. Currently, the lobby of this building is accessed from Front Street. The new access will be from the courtyard between the new CT Annex and the existing FB-CT. Also, construction will include a tunnel linking the existing FB-CT to the new CT Annex and an extension connecting the existing prisoner tunnel to the new CT Annex.

After completion of the CT Annex, the existing FB-CT will be retained to provide space for the magistrate, senior district, and two Court of Appeals judges. The U.S. Bankruptcy Court will continue to occupy the Jacob Weinberger Courthouse.

One Court of Appeals Judge, Pretrial Services and a portion of the U.S. Attorney's office are in leased locations in the downtown area. These leases will be extended or terminated to coincide with the occupancy of the new CT Annex.

TENANT AGENCIES

The CT Annex will house the District Judges, District Clerk, two Court of Appeals Judges, Pretrial Services, and the U.S. Marshals Service.

DELINEATED AREA

The CT Annex will be constructed in the Central Business District on a site adjacent to the existing FB-CT. This site has been acquired except for closing of Union and E Streets.

JUSTIFICATION

The District Court currently occupies space in the existing FB-CT. This building cannot accommodate the Courts' total space requirements and was not designed to accommodate needed expansion on the site. Some of the modifications to FB-CT resulted in less than adequate sized courtrooms that have been used for 13 years.

Federal construction of a new CT Annex in conjunction with continued use of the existing FB-CT is the most desirable housing strategy to meet the projected space needs of the Southern District Courts and court-related agencies in San Diego. The new CT Annex will improve the flow of prisoners, adequately house the district judges, and significantly increase security. Completion of the CT Annex will permit one Court of Appeals judge and Pretrial Services to vacate leased space.

The Judicial Conference, in September 2003, declared a space emergency at San Diego in order to recognize the effect of aggressive border enforcement initiatives on the court's facilities and the serious security and operational problems at this location.

The additional funds requested in this prospectus are due to increased construction material costs. During the past two years, the construction industry has experienced a significant increase in costs, primarily due to the increased demand for raw materials from construction in international markets and coastal communities in the United States affected by hurricanes. For example, construction material costs in the Southern California area have escalated by approximately 11 percent per year. Much of the raised access flooring in the building and metric measurement were eliminated in further efforts to reduce costs.

EXPLANATION OF CHANGES

The gross square footage of the project is the same as currently authorized. However, to provide one courtroom for every two senior judges, two senior district courtrooms in the existing building were reassigned for magistrate judge use. Also, the projected number of magistrate judges was reduced from 18 to 14. The reassignment and reduction means that there are now five unassigned courtrooms that will be used for ADR Suites and attorney conference rooms.

The Estimated Total Project Cost (ETPC) of the proposed project reflects an increase of $110,362,000 from the ETPC of the project currently authorized by the House and Senate Committees (which is the result of construction escalation and change in the projected start of construction from 2006 to 2009.)

DEPARTURES

2nd Special Proceedings Courtroom—This departure was identified in a previous prospectus signed on March 28, 2002 and approved by the House and Senate Committees on July 24, 2002 and September 26, 2002, respectively, and in subsequent resolutions. Approximate cost $1,000,000.

With eight courtrooms for four senior district judges, the project does comply with the July 19, 2006, resolution of the House Committee on Transportation and Infrastructure, which authorized the proposed project, requiring (via amendment to the U.S. Courts Design Guide) that each U.S. Courthouse construction project provide one courtroom for every two senior judges.

SPACE REQUIREMENTS OF THE U.S. COURTS

	Current		Request		
	Courtrooms	Judges	Courtrooms Existing Buildings	Courtrooms New Building	Judges
District					
Active	13	13	0	14	18
Senior	3	5	4	0	8
Visiting	0	2	0	0	1
Magistrate	*8	9	**19	0	14
Circuit	0	****3	0	0	4
Total:	24	32	***23	14	45

*These courtrooms do not meet minimum USCDG standards.
**Seven of these courtrooms do not meet minimum USCDG standards. The five unassigned courtrooms and chambers will be used as ADR Suites and attorney conference rooms.
***One magistrate courtroom will be converted to a new lobby facing the new CT Annex.
****One judge is in leased space.

SUMMARY OF ENERGY COMPLIANCE

This project is designed to meet the requirements of the Facilities Standards for the Public Buildings Service.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COSTS)

New Construction:	$340,927,000
Lease:	$540,465,000

RECOMMENDATION—CONSTRUCTION

The 30-year, present value cost of construction is $199,538,000 less than the cost of leasing, an equivalent annual cost advantage of $13,129,000.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 26, 2008.

Recommended: — — —, Commissioner, Public Buildings Service.

Approved: — — —, Administrator, General Services Administration.

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
Madawaska LPOE														
DHS - Customs and Border Protection	9	9	4,144	1,082	0	5,226	7,348	29	29	20,309	3,791	2,447	26,547	26,547
GSA - PBS	1	1	165	505	0	670	942	1	1	519	453	0	972	972
HHS - Food and Drug Administration	0	0	0	0	0	0	0	1	1	64	453	720	1,237	1,237
Total:	**10**	**10**	**4,309**	**1,587**	**0**	**5,896**	**8,290**	**31**	**31**	**20,892**	**4,697**	**3,167**	**28,756**	**28,756**

Special Space	
Laboratory	720
Holding Cell	469
Restroom	361
Physical Fitness	768
Conference	599
Food Service	250
Total:	**3,167**

ACQUISITION—COLUMBIA PLAZA BUILDING—WASHINGTON, DC—PDC–0000–WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. 3307, appropriations are authorized for acquisition, through a purchase option, of the Columbia Plaza Building located at 2401 E Street, NW, Washington, D.C., at a proposed cost of $100,000,000, a prospectus for which is attached to and included in this resolution.

DESCRIPTION

The General Services Administration (GSA) proposes to acquire, through a purchase option, the Columbia Plaza Building located at 2401 E St., NW, Washington, DC. The government has an option to purchase the building at the set price of $100,000,000 at the end of the current lease term in 2012, provided 365 days notice has been given to the lessor.

BUILDING

The Columbia Plaza Building was constructed in the mid 1960s. Prior to the Department of State's (DOS) initial occupancy in 1992 the building underwent a major renovation converting the space from residential use to office use. GSA currently leases 511,500 rentable square feet and 361 parking spaces at Columbia Plaza for the DOS under a 20–year lease agreement that expires in April 2012.

PROJECT BUDGET

Building and Site Acquisition—$100,000,000.

Authorization Requested (Acquisition)—$100,000,000.

JUSTIFICATION

DOS and GSA signed a Memorandum of Understanding (MOU) in 1987 committing both agencies to consolidate DOS space and personnel in the Foggy Bottom area of the District of Columbia and Rosslyn, VA. The Columbia Plaza Building, located northwest of the Harry S Truman (Main State) Building, has been occupied for more than 20 years as a leased location. The Columbia Plaza Building's location in Foggy Bottom is directly adjacent to Main State and supports the goals of DOS as identified in the 1987 MOU. The building's proximity to both Main State and the approximately 3.5 million square feet DOS occupies in the Foggy Bottom area provides many operational benefits ranging from human resources, mobility in and around the State's Foggy Bottom locations, and efficiencies in facility operations through information technology linkages and security. Given all of these factors, DOS continues to have a long-term need for the space in the Columbia Plaza Building.

Alterations for $30,600,000 were completed in 1992 and the government currently operates virtually all aspects of the facility. GSA recently performed a Building Engineering Report (BER) for the Columbia Plaza Building which reported that the building is in fair overall condition. As part of the $30M investment in 1992, GSA was directed by Congressional resolution that ''GSA will attempt to include a purchase option in the lease contract''. GSA successfully negotiated a purchase option as part of the terms of the 20-year lease. The terms of the purchase option and price were set when the lease transaction was signed in 1992. The government's option to purchase the building is currently established at $100,000,000 or approximately $151 per gross square foot. This price is well below the current market rates for buildings of comparable size in Washington, DC, especially a building with long-term government occupancy. In 2006, GSA completed a fair market value (FMV) appraisal which indicated the FMV of Columbia Plaza Building to be approximately $190,000,000, well above the established option price to the government.

TENANT AGENCIES

Department of State.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

Purchase—$317,305,000.

Lease—$513,447,000.

The 30-year, present value cost of purchase is $196,142,000 less than the cost of leasing, an equivalent annual cost advantage of $12,614,000.

RECOMMENDATION

Acquisition.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — —, Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouter, Acting Administrator, General Services Administration.

DESIGN/BUILD—FEDERAL BUILDING–FBI DISTRICT OFFICE—MIAMI/MIRAMAR, FL—PFL–FBC–MI10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new Federal Building in the Miami/Miramar, Florida area for the Federal Bureau of Investigation, currently located in twelve separate locations spread across the Miami, Miramar, and Dade County, Florida area, at site costs of $9,000,000, design and review costs of $11,924,000, management and inspection costs of $8,401,000 and estimated construction costs of $161,350,000, for a combined cost of $190,675,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

DESCRIPTION

The US General Services Administration proposes building a new Federal Building in the Miami/Miramar, Florida area for the Federal Bureau of Investigation (FBI). This facility will serve to meet the FBI's current and future space needs as their new District Office in South Florida, and will consolidate their current space spread across the Miami, Miramar, and Dade County, Florida area in twelve separate locations.

PROJECT SUMMARY

Site Information	
To be acquired acreage	9.0
Building Area	
Building without Parking (gsf)	474,801
Building with Parking (gsf)	474,801
Number of outside parking spaces	30
Structured Parking Spaces	535

PROJECT BUDGET

Site	$9,000,000
Design and Review Subtotal	11,924,000
Estimated Construction Cost (ECC) ($452/gsf incl. inside parking)	161,350,000
Management and Inspection (M&I)	8,401,000
Estimated Total Project Cost (ETPC)*	$190,675,000

Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC, and M&I)—$190,675,000.

FY 2010 Funding Request—$190,675,000.

Schedule	Start	End
Design	FY2010	FY2012
Construction	FY2011	FY2014

OVERVIEW OF PROJECT

The new Miami FBI District Office will provide for the space requirements and security needs for the FBI in the South Florida area. 535 secured structured parking spaces will be incorporated into the construction of the FBI District Office facility and made available to the FBI, primarily for the use of Government-owned vehicles and other official Government purposes. Surface parking spaces will also be provided.

TENANT AGENCIES

Department of Justice—Federal Bureau of Investigation

JUSTIFICATION

An important component of the priorities of the FBI is the availability of efficient and cost effective facilities, with state-of-the-art infrastructure in which to carry out the FBI's mission. FBI requires a facility that meets the Level 4 Interagency Security Committee (ISC) criteria, with sufficient space for the current and projected workforce. In addition, the expansion of the secure work environment is essential to foster synergy among FBI elements for greater coordination and productivity internally and with partner organizations. The existing, disparate FBI facilities are incapable of providing the increased square footage necessary to support new functions and cannot meet enhanced IT infrastructure and security requirements. A new, consolidated location will provide the FBI with sufficient space to meet its current requirements and allow for full compliance with the ISC guidelines.

The requirement for FBI's consolidated Miami Field Division office was originally to be included in the larger Miami/Miramar, FL DOJ lease consolidation, along with the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as requested under PFL–01–MI06, and originally authorized by the House Committee on Transportation and Infrastructure on February 16, 2006, and the Senate Committee on Environment and Public Works on November 17, 2005. In 2007, it was determined by DOJ that the original consolidated campus strategy was

no longer logistically or financially feasible. Therefore, GSA requested authority to procure DEA's requirements separately (Prospectus No. PFL–02–MI08), which were authorized by the House Committee on Transportation and Infrastructure on September 24, 2008, and the Senate Committee on Environment and Public Works on September 17, 2008. The ATF's requirements were delivered below the prospectus threshold. Given the size, complexity, long term nature, and other aspects of the FBI's requirements, GSA determined that a Federally owned facility would better serve the mission and operations of the Government.

SUMMARY OF ENERGY COMPLIANCE

This project will be designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn LEED certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

ALTERNATIVES CONSIDERED (30-YEAR, PRESENT VALUE COST ANALYSIS)

New Construction—$352,712,000.

Lease—$520,093,000.

The 30 year, present value cost of new construction is $167,380,000 less than the cost of lease, an equivalent annual cost advantage of $10,764,000.

RECOMMENDATION

Construction.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended: — — —, —Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

Housing Plan
Federal Bur[illegible] Investigation
M[illegible], FL

PF [illegible]-MI10

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
GSA Leases														
16320 NW 2nd Ave Bldg - Miami, FL	604	604	91,704	2,000	26,104	**119,808**	**137,779**	0	0	0	0	0	**0**	**0**
Lincoln Square Bldg - Miami, FL	24	24	21,973	0	0	**21,973**	**25,269**	0	0	0	0	0	**0**	**0**
Flamingo Park of Commerce - Miramar, FL	13	13	29,800	0	0	**29,800**	**34,270**	0	0	0	0	0	**0**	**0**
FBI Leases		0							0					
Miramar Self Storage - Miramar, FL	0	0	0	600	0	**600**	**690**	0	0	0	0	0	**0**	**0**
16400 NW 2nd Ave Bldg - Miramar, FL	0	0	0	3,933	0	**3,933**	**4,523**	0	0	0	0	0	**0**	**0**
8245 NW 53rd Street - Miramar, FL	19	19	3,896	0	0	**3,896**	**4,480**	0	0	0	0	0	**0**	**0**
Southwest 6th Street - Plantation, FL	41	41	3,944	0	0	**3,944**	**4,536**	0	0	0	0	0	**0**	**0**
16320 NW 2nd Ave - Miami, FL	0	0	0	1,760	0	**1,760**	**2,024**	0	0	0	0	0	**0**	**0**
Tech Storage - Miami, FL	0	0	0	6,000	0	**6,000**	**6,900**	0	0	0	0	0	**0**	**0**
Health Care Warehouse - Miami,FL	0	0	0	5,355	0	**5,355**	**6,158**	0	0	0	0	0	**0**	**0**
Shared Space with Local Police Departments														
9105 25th Street NW - Miramar, FL	19	19	1,900	0	0	**1,900**	**2,185**	0	0	0	0	0	**0**	**0**
100 Southwest 3rd - Pompano Beach	13	13	2,000	0	0	**2,000**	**2,300**	0	0	0	0	0	**0**	**0**
NEW FBI DISTRICT OFFICE (FEDERALLY-OWNED)	0	0	0	0	0	**0**	**0**	890	890	195,738	85,150	74,300	**355,188**	**437,926**
Total:	**733**	**733**	**155,217**	**19,648**	**26,104**	**200,969**	**231,114**	**890**	**890**	**195,738**	**85,150**	**74,300**	**355,188**	**437,926**

	Current	Proposed
	Utilization	
Rate	165	172

Current UR excludes 34,148 USF of office support space
Proposed UR excludes 43,062 USF of office support space

Special Space	
Laboratory	1,000
Private Restrooms	750
Food Service	2,600
ADP	27,225
Conference/Training	11,200
Physical Fitness	4,500
Vehicle Bay/Maintenance	15,675
Boat Bay	4,000
Emergency Generator	300
Weapons/Ammo Vaults	700
Processing Rooms	3,350
Inside Parking/Garage	3,000
Total:	**74,300**

CONSTRUCTION—U.S. LAND PORT OF ENTRY—MADAWASKA, ME—PME–BSD–MW10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new land port of entry at Madawaska, ME to replace the existing Port of Entry, at management and inspection costs of $3,827,000 and estimated construction costs of $46,300,000, for a combined cost of $50,127,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

DESCRIPTION

The General Services Administration (GSA) proposes the construction of a new land port of entry (POE) at Madawaska, ME to replace the existing POE, expand inspection lanes, and operational functions. The proposed project will replace the undersized main administration building at 2 Bridge Street, while addressing current safety, security, circulation, and efficiency issues.

Project Summary	
Site Information	
Government-owned	.87 acres
To be acquired	12.45 acres
Building Area	
Building (including canopies)	39,211 gsf
Building (excluding canopies)	28,756 gsf
Number of inside parking spaces	5[1]
Number of outside parking spaces	48[2]
Cost Information	
Site Development Cost[3]	$17,181,000
Building Costs (includes inspection canopies) ($743/gsf)	$29,119,000
Project Budget	
Site Acquisition (FY 2005 & FY 2008)	$14,406,000
Design and Review (FY 2005 & FY 2008)	4,514,000
Additional Design and Review (American Recovery and Reinvestment Act (ARRA) 2009)	750,000
Management and Inspection (M&I)	3,827,000
Estimated Construction Cost (ECC)	46,300,000
Estimated Total Project Cost*	$69,797,000

[1] The existing facility does not have any inside parking spaces.

[2] Parking spaces include 5 spaces for visitor parking, 30 for employees, 6 for referral and service, and 7 for truck inspection. Currently, there are 6 outside parking spaces at the facility.

[3] Site Development includes site clearing, demolition, roadways and utilities.

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested (ECC and M&1)—$50,127,000.*

GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US–VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

PRIOR AUTHORITY AND FUNDING

The House Committee on Transportation and Infrastructure authorized $1,760,000 for site acquisition and design on July 21, 2004.

The Senate Committee on Environment and Public Works authorized $1,760,000 for site acquisition and design on November 17, 2004.

The House Committee on Transportation and Infrastructure authorized $17,600,000 for additional site acquisition and additional design on September 20, 2006.

The Senate Committee for Environment and Public Works authorized additional site acquisition and additional design on September 27, 2006.

Through Public Law 108–447, Congress appropriated $1,760,000 for site acquisition and design in FY 05 on December 8, 2004.

Through Public Law 110–161, Congress appropriated $17,160,000 for additional site acquisition and design on December 26, 2007.

Through Public Law 111–5, American Recovery and Reinvestment Act of 2009, GSA's Spending Plan included $750,000 for additional design.

Schedule	Start	End
Design	FY2008	FY2010
Construction	FY2010	FY2012

OVERVIEW OF PROJECT

This project will provide for the improvement and expansion to this POE on approximately 13.32 acres of land. GSA owns approximately .87 acres and will purchase an additional 12.45 acres. The scope of the project includes a total replacement of the existing original 6,000 gsf building built in 1959 with a new, multiple building facility totaling 28,756 gsf. The planned expansion includes: a 10,423 gsf main administration building; 1,275 gsf for 2 non-commercial inspection lanes and an enclosed secondary inspection bay; a 146 gsf outbound inspection booth; 12,753 gsf of commercial inspection offices, dock, cargo facility, inspection booth, a non-intrusive inspection (NII) facility; a 1,894 pedestrian processing facility; and 2,265 gsf of indoor parking.

TENANT AGENCIES

Department of Homeland Security (DHS)—Customs and Border Protection (CBP), Department of Health and Human Services (HHS)—Food and Drug Administration (FDA), and GSA.

LOCATION

The Madawaska land POE is located in northern Maine in Aroostook County, at 2 Bridge Street, at the international border between the United States and Canada separating the State of Maine and the Province of New Brunswick, and adjacent to the Canadian town of Edmundston.

JUSTIFICATION

The existing site at Madawaska is very small, situated on less than one acre of land and is geographically constrained by the St. Johns River, Nexfor Fraser Papers and the Montreal Maine & Atlantic Railroad. The planned addition of radiation portal monitors and other on-site inspection equipment will only exacerbate the situation as the existing site lacks sufficient staging and queuing areas. In addition, site parking and vehicle maneuvering areas are inadequate, the commercial truck traffic pattern, and visitor and employee parking are not clear and well defined, Existing site constraints imposed by the railroad and paper company, require that an elevated roadway be constructed to allow for a full inspection operation by CBP.

Madawaska is New England's third busiest port in automobile traffic and sixth busiest in truck traffic. On-site staffing has increased substantially since September 11, 2001, resulting in the need for additional space. The existing facility lacks sufficient office and storage space, as well as a secure area to perform standard interview and search procedures. There is no commercial secondary inspection area to perform a proper secondary inspection, which at times involves unloading a typical tractor-trailer. As a result, secondary truck inspections are done at roadside. This effort often causes traffic congestion that backs up onto the bridge.

SUMMARY OF ENERGY COMPLIANCE

This project is designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environment Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

ALTERNATIVES CONSIDERED

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

RECOMMENDATION

Construction.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended:— — — Acting Commissioner, Public Buildings Service.

Approved: Paul F. Prouty, Acting Administrator, General Services Administration.

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
Madawaska LPOE														
DHS - Customs and Border Protection	9	9	4,144	1,082	0	5,226	7,348	29	29	20,309	3,791	2,447	26,547	26,547
GSA - PBS	1	1	165	505	0	670	942	1	1	519	453	0	972	972
HHS - Food and Drug Administration	0	0	0	0	0	0	0	1	1	64	453	720	1,237	1,237
Total:	**10**	**10**	**4,309**	**1,587**	**0**	**5,896**	**8,290**	**31**	**31**	**20,892**	**4,697**	**3,167**	**28,756**	**28,756**

Special Space	
Laboratory	720
Holding Cell	469
Restroom	361
Physical Fitness	768
Conference	599
Food Service	250
Total:	**3,167**

CONSTRUCTION—U.S. LAND PORT OF ENTRY—TORNILLO–GUADALUPE—EL PASO COUNTY, TX—PTX–BSC–TG10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new port of entry at Fabens-Casita in El Paso County, TX, at additional design costs of $3,800,000, management and inspections costs of $6,381,000 and estimated construction costs of $81,384,000, for a combined cost of $91,565,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rational for GSA's decision.

Provided further, that beginning on the date of approval of this resolution, GSA shall, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out alteration, design, or construction projects.

Provided further, that beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

DESCRIPTION

The General Services Administration (GSA) proposes the construction of new port of entry (POE) facilities to replace the existing POE at Fabens-Casita in El Paso County, TX. The proposed facility will be known as the Tornillo-Guadalupe POE.

PROJECT SUMMARY

Site Information:	
Government-owned	6.3 acres
To be acquired	[1] 109 acres
Building Area:	
Building (including canopies)	86,596 gsf
Building (excluding canopies)	74,596 gsf
Number of outside parking spaces:	160
Cost Information	
Site Development Cost [2]	$63,512,000
Building Costs (includes inspection canopies) ($206/gsf)	$17,872,000

[1] Acreage is to be donated to GSA by El Paso County, TX.

[2] Site development costs include grading, utilities, paving and traffic control, drainage ponds and culverts (including piping and structures), lighting, and fencing.

PROJECT BUDGET

Design and Review (FY 2008)	$4,290,000
Additional Design	3,800,000
Management & Inspection (M&I)	6,381,000
Estimated Construction Cost (ECC)	81,384,000
Estimated Total Project Cost	$95,855,000

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested (Additional Design, ECC, M&I) $91,565,000.*

GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's), These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscoptic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

PRIOR AUTHORITY AND FUNDING

The House Committee on Transportation and Infrastructure authorized $4,290,000 for design on May 23, 2007.

The Senate Committee on Environment and Public Works authorized $4,290,000 for design on September 20, 2007.

Through Public Law 110–161, Congress appropriated $4,290,000 for design on December 26, 2007.

Schedule	Start	End
Design	FY2008	FY2010
Construction	FY2010	FY2013

PROJECT OVERVIEW

The GSA proposes construction of the Tornillo-Guadalupe POE to support a new international bridge crossing for which the County of El Paso, TX, obtained a Presidential Permit on March 31, 2005. The County of El Paso will construct the bridge structure, while GSA proposes to construct the POE facilities. The proposed POE will include sufficient infrastructure and facilities to support present and future demand by privately owned vehicles (POV), pedestrian and commercial traffic, both northbound and southbound. Facilities to process POV, bus, and pedestrian traffic and inspections are to include: main administration building, headhouse, four primary POV and eight secondary inspection stations, a screened ''hard secondary'' area, bus disembark and reload areas, parking for staff, service and visitors, secondary inspection canopy, POV return lanes to Mexico, requisite Non-Invasive Inspection (NII) systems (VACIS II, radiation portal monitors (RPM) and license plate readers (LPR), etc.), seizure vehicle parking area, a booth for outlease to the Texas Alcoholic Beverage Commission, and a pedestrian parkway.

Facilities to support commercial traffic and inspections include: a commercial building, ten covered commercial docks, two primary inspection booths with a canopy and bypass lane, NII systems, hazardous materials containment area, exit booth, bulk cargo bin, Agriculture Quarantine Inspection (AQI), and narcotics storage. The facility will also provide an incinerator, kennel facilities, heliport, and communication tower. Additionally, inspection facilities for the Federal Motor Carrier Safety Administration (FMCSA) will be provided. The site will be fully secured by perimeter fencing and electronic surveillance. The existing Fabens POE will be demolished and the property will be integrated into the new proposed site at the location of the new bridge. Per the Presidential Permit, the County of El Paso will be responsible for demolition of the existing Fabens-Caseta bridge once the new bridge and POE facilities are complete.

The gross square footage requirement has increased by 8,451 square feet from the 78,145 square feet authorized for design in Prospectus PTX-BSD-TG08. The scope increase and need for additional design funding have resulted from additional requirements identified for NII systems, bird holding, security requirements, energy efficiency, and additional paving.

TENANT AGENCIES

Department of Homeland Security (DHS)-Customs and Border Protection (CBP), Department of Transportation (DOT)-Federal Motor Carrier Safety Administration (FMCSA), Texas Alcoholic Beverage Commission (TABC), and GSA.

LOCATION

The proposed location is approximately one-third mile northwest of the existing Fabens POE in El Paso County, TX.

JUSTIFICATION

The County of El Paso and its counterpart in Mexico are attempting to provide border residents with economic development opportunities and relief from the traffic backups at the congested POEs in downtown El Paso. A new facility has been determined to be needed in this area, primarily due to the processing constraints at the Fabens POE and the structural issues of the existing bridge. The proposed POE at Tornillo-Guadalupe will replace the existing port, which subsequently, will be demolished.

The existing Fabens-Caseta Bridge was constructed in 1938 and is not structurally sound enough to allow commercial vehicle crossings. The bridge is only 16 feet wide with a maximum permissible load level of 12 tons, cannot accommodate today's standard 15 to 20 tons, thereby limiting the Fabens port to processing only pedestrian and POV traffic. The existing facility is comprised of modular buildings which have reached full capacity and are unable to adequately support the needs of CBP. The Fabens modular buildings' lack of adequate space has hindered the ability of CBP to process, interview, segregate, and detain visitors to the U.S. Inefficiencies of the current facility include a domestic water system which requires water to be hauled from the nearby community. Water is only used for restrooms and hose bibs and bottled water is provided for employees to drink. Furthermore, the water system is not sufficient to provide fire-fighting capability even though the buildings have fire sprinklers. The existing septic system is not designed for the number of employees at the facility. Also, the main building does not have a public restroom.

The existing site has little utility infrastructure beyond single phase electrical power and copper telecommunications lines. The new facilities will require water, wastewater services, upgraded power, fiber optics, and natural gas. El Paso County, as part of the Presidential Permit application, has made the commitment to bring all necessary utility service to the edge of the property.

SUMMARY OF ENERGY COMPLIANCE

This project is designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

ALTERNATIVES CONSIDERED

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

RECOMMENDATION

Additional design and construction.

CERTIFICATION OF NEED

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009.

Recommended — — —, Acting Commissioner, Public Buildings Service.

Approved Paul F. Prouty, Acting Administrator, General Services Administration.

Locations	Current*							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
New LPOE - Tornillo-Guadalupe														
DHS - CBP	24	24	2,750	0	8,024	10,774	10,774	122	122	9,613	303	54,178	64,094	67,237
DOT - Federal Motor Carrier Safety	0	0	0	0	0	0	0	4	4	1,366	0	6,616	7,982	8,219
GSA - PBS	0	0	0	0	0	0	0	1	1	100	0	900	1,000	1,150
Outlease - TABC	0	0	0	0	0	0	0	2	2	0	0	1,520	1,520	1,550
Total	**24**	**24**	**2,750**	**0**	**8,024**	**10,774**	**10,774**	**129**	**129**	**11,079**	**303**	**63,214**	**74,596**	**78,156**

* Current section depicts space at existing Fabens-Casita POE. The new Tornillo-Guadalupe facility will replace the facilities at Fabens Casita.

Special Space	
Laboratory	420
Holding Cell	790
Restroom	2,250
Physical Fitness	560
Conference	200
ADP	810
Food Service	578
Bird Holding	125
Vaults	315
Processing Area	1,000
Lockers	780
Secured Storage	300
Control Booth	704
Kennels	1,678
Dock	10,080
Inspection Canopy	40,784
Secured Room	900
Mail Rooms	40
GSA Shop	900
Total:	**63,214**

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶117.26 H.R. 905—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 905) to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 286 / Nays 107

¶117.27 [Roll No. 740]

YEAS—286

Ackerman
Aderholt
Adler (NJ)
Andrews
Arcuri
Austria
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shuler
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—107

Akin
Alexander
Altmire
Bachmann
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nunes
Pitts
Poe (TX)
Posey
Rehberg
Roe (TN)
Rogers (AL)
Roskam
Scalise
Schmidt
Schock
Shadegg
Shimkus
Simpson
Smith (NE)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Walden
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—39

Abercrombie
Baca
Barrett (SC)
Boehner
Butterfield
Capuano
Conyers
Davis (IL)
Engel
Gerlach
Gohmert
Grayson
Harman
Israel
Jackson-Lee (TX)
Maloney
McCollum
Miller, George
Moran (VA)
Neugebauer
Ortiz
Paul
Pence
Radanovich
Richardson
Rohrabacher
Royce
Sarbanes
Sestak
Sires
Smith (WA)
Sutton
Teague
Tiberi
Wamp
Wasserman Schultz
Wexler
Whitfield
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.28 H. RES. 16—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 16) supporting the goals and ideals of National Life Insurance Awareness Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 1

¶117.29 [Roll No. 741]

YEAS—394

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján

Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)

NAYS—1

Stark

NOT VOTING—37

Abercrombie
Baca
Barrett (SC)
Butterfield
Cantor
Capuano
Conyers
Davis (IL)
DeFazio
Engel
Gerlach
Gohmert
Harman
Israel
Jackson-Lee (TX)
Maloney
McCollum
Miller, George
Moran (VA)
Neugebauer
Paul
Pence
Radanovich
Rogers (AL)
Rohrabacher
Sarbanes
Sestak
Sires
Slaughter
Sutton
Teague
Wamp
Wasserman Schultz
Wexler
Whitfield
Yarmuth
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶117.30 MOTION TO INSTRUCT CONFEREES TO H.R. 2997—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on the motion, by Mr. KINGSTON, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 359 / Nays 41

¶117.31 [Roll No. 742]

YEAS—359

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Nunes
Nye
Oberstar
Olson
Ortiz
Pallone
Pascrell
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Walden
Walz
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—41

Becerra
Berry
Clarke
Clyburn
Delahunt
DeLauro
Farr
Frank (MA)
Fudge
Grijalva
Hirono
Honda
Hoyer
Johnson, E. B.
Kennedy
Kilpatrick (MI)
Larson (CT)
Lee (CA)
Lofgren, Zoe
Luján
Markey (MA)
Matsui
McDermott
McGovern
Moore (WI)
Napolitano
Obey
Olver
Pastor (AZ)
Payne
Price (NC)
Roybal-Allard
Sánchez, Linda T.
Schakowsky
Skelton
Speier
Tsongas
Velázquez
Visclosky
Waters
Watson

NOT VOTING—32

Abercrombie
Baca
Barrett (SC)
Butterfield
Capuano
Conyers
Davis (IL)
Gerlach
Gohmert
Harman
Higgins
Israel
Jackson-Lee (TX)
Maloney
Miller, George
Moran (VA)
Neugebauer
Paul
Pence
Radanovich
Rohrabacher
Sestak
Sires
Sutton
Taylor
Teague
Tierney
Wamp
Wasserman Schultz
Wexler
Whitfield
Young (FL)

So, the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶117.32 APPOINTMENT OF CONFEREES—H.R. 2997

Thereupon, the SPEAKER pro tempore, Mr. BLUMENAUER, by unanimous consent, appointed Ms. DELAURO, Messrs. FARR, BOYD, BISHOP of Georgia, DAVIS of Tennessee, Ms. KAPTUR, Messrs. HINCHEY, JACKSON of Illinois, OBEY, KINGSTON, LATHAM, Mrs. EMERSON, Messrs. ALEXANDER, and LEWIS of California, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶117.33 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3607. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶117.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and until 5 p.m. September 30; and

To Mr. BACA, for September 25.

And then,

¶117.35 ADJOURNMENT

On motion of Mr. SCHOCK, at 10 o'clock and 57 minutes p.m., the House adjourned.

¶117.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 685. A bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; with amendments (Rept. 111–267). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2442. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes (Rept. 111–268). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2950. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; with an amendment (Rept. 111–269). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 905. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes; with an amendment (Rept. 111–270). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1771. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 111–271). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1053. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; with an amendment (Rept. 111–272 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1881. A bill to enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes (Rept. 111–273 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1881. A bill to enhance the transportation security functions of the Department of Homeland Security by providing for an enhanced personnel system for employees of the Transportation Security Administration, and for other purposes (Rept. 111–273 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2711. A bill to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties; with an amendment (Rept. 111–274). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; with an amendment (Rept. 111–275). Referred to the Committee of the Whole House on the state of the Union.

¶117.37 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1053 referred to the Committee of the Whole House on the state of the Union.

¶117.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU:

H.R. 3659. A bill amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid for energy efficient property placed in service in commercial buildings pursuant to an approved energy efficiency plan; to the Committee on Ways and Means.

By Mr. WU (for himself and Mrs. BONO MACK):

H.R. 3660. A bill to amend the Internal Revenue Code of 1986 to promote tax parity between the residential and business fuel cell tax credits; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3661. A bill to amend title 38, United States Code, to provide for a monthly housing stipend under the Post-9/11 Educational Assistance Program for individuals pursuing programs of education offered through distance learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. REYES, and Mr. WEXLER):

H.R. 3662. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. SPACE (for himself, Mr. TERRY, Mr. BERRY, Mrs. EMERSON, Mr. MORAN of Kansas, Mr. MELANCON, Mr. GONZALEZ, Mr. DOGGETT, and Mr. POMEROY):

H.R. 3663. A bill to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ:

H.R. 3664. A bill to direct the Secretary of Health and Human Services to establish a Healthcare Innovation Zone pilot program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mrs. CAPPS, Ms. MATSUI, and Ms. MOORE of Wisconsin):

H.R. 3665. A bill to amend title XIX of the Social Security Act to provide for payment for Medicaid services furnished by Ryan White part C grantees under a cost-based prospective payment system; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself and Mr. REICHERT):

H.R. 3666. A bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 3667. A bill to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. KIRK, Mr. SPACE, Mr. COLE, Mr. KILDEE, and Mr. BECERRA):

H.R. 3668. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ:

H.R. 3669. A bill to prohibit employers from carrying life insurance policies on their rank and file employees; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself, Mr. TURNER, Ms. SCHWARTZ, Ms. BERKLEY, Mr. CROWLEY, Mr. HINCHEY, Mr. LANGEVIN, Mr. COHEN, Mr. VAN HOLLEN, Mr. SKELTON, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. CLAY, Mr. CLEAVER, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. RYAN of Ohio, Mr. HOLT, Mr. BOUCHER, Mr. KENNEDY, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. BOSWELL, and Mr. HIGGINS):

H.R. 3670. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the rehabilitation of older buildings, including owner-occupied residences; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. BERRY, Mr. BRALEY of Iowa, Ms. MCCOLLUM, Mr. BOSWELL, Mr. ELLISON, Mr. LOEBSACK, and Mr. WALZ):

H.R. 3671. A bill to promote Department of the Interior efforts to provide a scientific

basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Natural Resources.

By Mrs. McCARTHY of New York (for herself, Mr. COSTELLO, Mr. ANDREWS, Mr. KENNEDY, Ms. KAPTUR, and Ms. FUDGE):

H.R. 3672. A bill to provide for an increase of $150 in Social Security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year, and to amend title II of the Social Security Act to eliminate the requirement that there be a Social Security cost-of-living adjustment for an adjustment in the contribution and benefit base to occur; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 3673. A bill to extend the temporary suspension of duty on certain liquid-filled glass bulbs; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. OBEY, Mr. WALZ, Mr. PERRIELLO, Mr. HOLDEN, Mr. BARTLETT, Mr. COURTNEY, Mr. ARCURI, Mr. MASSA, Mr. MICHAUD, Ms. SLAUGHTER, Mr. PLATTS, Mrs. DAHLKEMPER, Ms. SHEA-PORTER, Mr. OLVER, and Mrs. KIRKPATRICK of Arizona):

H.R. 3674. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Ways and Means.

By Mr. TIAHRT:

H. Con. Res. 192. Concurrent resolution expressing the sense of Congress that the Association of Community Organizations for Reform Now (ACORN) should lose its exemption from taxation under the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. JOHNSON of Georgia (for himself, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. DAVIS of Alabama, Ms. GIFFORDS, Mr. GRIFFITH, Mr. HALL of New York, Mr. HIMES, Ms. HIRONO, Ms. JACKSON-LEE of Texas, Mr. MINNICK, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. PIERLUISI, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. SMITH of Texas, Mr. PERLMUTTER, Mr. DAVIS of Tennessee, Mr. MILLER of North Carolina, Mr. ANDREWS, Ms. WOOLSEY, Mr. BROUN of Georgia, Mr. HARE, Mr. MEEKS of New York, Ms. BERKLEY, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. DELAHUNT, and Mr. MCGOVERN):

H. Res. 782. A resolution demanding that the Government of Iran immediately disclose the existence of any additional nuclear-related facilities and provide unfettered access to its Qom enrichment facility; to the Committee on Foreign Affairs.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MEEKS of New York, Mr. PIERLUISI, Mr. NUNES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Mr. GENE GREEN of Texas, Mr. ROSKAM, Mr. SERRANO, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. BACA, Mr. DENT, Mr. MCCOTTER, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. LARSON of Connecticut, and Mr. BURTON of Indiana):

H. Res. 783. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. CAO, Ms. LEE of California, Mr. GENE GREEN of Texas, Mr. CROWLEY, Mr. HONDA, Ms. CHU, Ms. HIRONO, Mr. DAVIS of Illinois, Ms. WATSON, Mr. ELLISON, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Ms. FUDGE, Ms. KILROY, Mr. JOHNSON of Georgia, Mr. BECERRA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. CUMMINGS, Mr. LEVIN, Mr. CLEAVER, Mr. PASCRELL, Mr. NADLER of New York, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CLARKE, Mr. ACKERMAN, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. CLAY, Ms. WATERS, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. SABLAN, Mr. SHERMAN, and Mr. FILNER):

H. Res. 784. A resolution honoring the 2560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought; to the Committee on Foreign Affairs.

¶117.39 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

191. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 7 urging the President and the Congress of the United States to expand federally funded research efforts aimed at developing a reliable means of detecting pancreatic cancer in its early stages and more effective means of treatment through legislative measures; to the Committee on Energy and Commerce.

192. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 69 urging the Congress of the United States to enact legislation to waive for two years the requirement that Michigan match federal Highway funds; to the Committee on Transportation and Infrastructure.

193. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 70 urging the President and Congress to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects; to the Committee on Transportation and Infrastructure.

¶117.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. OBEY.
H.R. 161: Mr. POSEY.
H.R. 211: Mr. BISHOP of New York and Mr. PASTOR of Arizona.
H.R. 235: Ms. MARKEY of Colorado and Mr. GINGREY of Georgia.
H.R. 330: Ms. RICHARDSON.
H.R. 391: Mr. CALVERT.
H.R. 471: Mr. COSTELLO.
H.R. 555: Mr. WEINER.
H.R. 560: Mr. LINDER and Mr. LATHAM.
H.R. 571: Mr. MASSA, Ms. EDWARDS of Maryland, Mr. HONDA, and Mr. ISRAEL.
H.R. 621: Mr. FORBES, Ms. MOORE of Wisconsin, and Mr. CAMP.
H.R. 624: Mr. HONDA and Mr. RADANOVICH.
H.R. 653: Ms. SCHAKOWSKY.
H.R. 658: Mr. GRAYSON.
H.R. 669: Ms. HIRONO and Mr. PASCRELL.
H.R. 676: Mr. RAHALL.
H.R. 690: Mr. HALL of Texas, Ms. GRANGER, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. BUYER, Mr. FOSTER, Mr. SOUDER, Mr. WHITFIELD, Mr. SMITH of Texas, and Mr. DICKS.
H.R. 745: Mr. COSTELLO.
H.R. 790: Mr. NEAL of Massachusetts.
H.R. 1026: Mr. MCCLINTOCK.
H.R. 1030: Mr. RANGEL, Mr. LATOURETTE, Mr. ELLISON, and Mr. MCGOVERN.
H.R. 1065: Mr. FRANKS of Arizona and Mr. FLAKE.
H.R. 1093: Mr. TIM MURPHY of Pennsylvania, Mr. SPRATT, and Mr. MURTHA.
H.R. 1126: Mr. MANZULLO.
H.R. 1179: Ms. MATSUI.
H.R. 1203: Mr. COURTNEY and Mrs. BONO MACK.
H.R. 1204: Mr. WESTMORELAND.
H.R. 1205: Mr. MILLER of Florida.
H.R. 1207: Mr. DOYLE.
H.R. 1230: Mr. BRALEY of Iowa and Ms. SCHAKOWSKY.
H.R. 1245: Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, and Mr. REHBERG.
H.R. 1255: Mr. LUETKEMEYER.
H.R. 1283: Mr. REYES.
H.R. 1319: Mr. RADANOVICH.
H.R. 1324: Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. HIGGINS, Mr. HODES, and Mr. ABERCROMBIE.
H.R. 1327: Mr. BOUSTANY, Mr. MCCAUL, Mr. HOYER, Mr. PENCE, Ms. CASTOR of Florida, and Mr. HARPER.
H.R. 1395: Mr. LEWIS of California.
H.R. 1402: Mr. TIBERI.
H.R. 1410: Mr. PRICE of North Carolina.
H.R. 1426: Mr. GOODLATTE.
H.R. 1454: Mr. BAIRD.
H.R. 1483: Mr. MCGOVERN.
H.R. 1548: Mr. LUETKEMEYER.
H.R. 1557: Mrs. MYRICK.
H.R. 1570: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1615: Mr. SNYDER.
H.R. 1628: Mr. MANZULLO.
H.R. 1646: Mr. HARPER.
H.R. 1677: Mr. BONNER and Mr. THOMPSON of Mississippi.
H.R. 1685: Ms. PINGREE of Maine and Mr. JACKSON of Illinois.
H.R. 1689: Mr. BOREN.
H.R. 1691: Mr. CALVERT.
H.R. 1744: Mrs. CAPITO and Mr. BACA.
H.R. 1769: Mr. QUIGLEY.
H.R. 1831: Mr. FORBES, Mr. NEUGEBAUER, and Mr. JACKSON of Illinois.
H.R. 1908: Mr. ROSS and Mr. THOMPSON of California.
H.R. 1970: Mr. GRAVES.
H.R. 1981: Mr. MANZULLO.
H.R. 1993: Ms. BEAN and Mr. ABERCROMBIE.
H.R. 2017: Mr. KLINE of Minnesota, Ms. BORDALLO, Mr. TOWNS, Mr. ORTIZ, and Mr. MORAN of Kansas.
H.R. 2035: Mr. CARNEY.
H.R. 2058: Ms. ZOE LOFGREN of California.
H.R. 2061: Mr. MANZULLO.
H.R. 2083: Mr. KLINE of Minnesota.
H.R. 2084: Mrs. NAPOLITANO.
H.R. 2103: Mr. MICHAUD.
H.R. 2138: Mr. HALL of New York, Mr. MCGOVERN, and Mr. BOOZMAN.
H.R. 2149: Mr. FORBES, Mr. KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. PRICE of Georgia.
H.R. 2246: Mrs. MALONEY.
H.R. 2251: Ms. SPEIER.
H.R. 2329: Mr. JOHNSON of Georgia.
H.R. 2345: Ms. JENKINS, Mr. PAULSEN, and Mr. DRIEHAUS.
H.R. 2377: Ms. RICHARDSON and Mr. JOHNSON of Georgia.
H.R. 2382: Mr. MCGOVERN.
H.R. 2452: Mr. PITTS, Mr. BURTON of Indiana, Mr. POSEY, Mr. MOORE of Kansas, and Mr. CUELLAR.
H.R. 2478: Mr. DOGGETT, Mr. PASTOR of Arizona, Mr. BOOZMAN, and Ms. DELAURO.
H.R. 2489: Mr. SARBANES.
H.R. 2499: Mr. LYNCH.
H.R. 2515: Mr. MICHAUD.
H.R. 2521: Mr. GUTIERREZ, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2523: Mr. STUPAK.
H.R. 2555: Mr. JACKSON of Illinois.
H.R. 2560: Mr. BARTLETT, Mr. HOLT, Mr. OLVER, Mr. CALVERT, and Mr. LANGEVIN.
H.R. 2567: Ms. MATSUI and Mr. Stark.
H.R. 2584: Mr. CAMP, Mr. WILSON of Ohio, Mr. ARCURI, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2648: Mr. HARE and Mr. ELLSWORTH.
H.R. 2655: Mr. CAO.
H.R. 2672: Mrs. MCMORRIS RODGERS.
H.R. 2698: Mr. ANDREWS, Mr. MASSA, and Ms. MARKEY of Colorado.
H.R. 2699: Mr. MASSA and Ms. MARKEY of Colorado.
H.R. 2743: Mr. BRADY of Texas and Mr. CAPUANO.
H.R. 2771: Mrs. KIRKPATRICK of Arizona.
H.R. 2788: Mr. BOSWELL, Mr. DREIER, Mr. MASSA, Mr. SNYDER, Mrs. BONO MACK, Mr. MCKEON, Mr. WU, Mr. ROHRABACHER, Mr. ISSA, and Mr. LEWIS of California.
H.R. 2807: Mr. LUJÁN.
H.R. 2866: Mr. LEVIN and Ms. MARKEY of Colorado.
H.R. 2870: Ms. MCCOLLUM.
H.R. 2900: Mr. MCCLINTOCK and Mr. NEUGEBAUER.
H.R. 2935: Mr. KLINE of Minnesota and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2936: Ms. SLAUGHTER and Mr. LATOURETTE.
H.R. 2939: Mrs. BLACKBURN and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2941: Mr. MCCOTTER and Mr. LANCE.
H.R. 3017: Mr. RANGEL, Mr. WATT, and Mr. REYES.
H.R. 3024: Mr. ALTMIRE, Mr. WU, and Mr. COHEN.
H.R. 3077: Mr. BOSWELL, Mr. SERRANO, Mr. OBERSTAR, and Mr. GEORGE MILLER of California.
H.R. 3116: Ms. SUTTON and Mrs. BLACKBURN.
H.R. 3202: Mrs. CAPPS and Mr. KUCINICH.
H.R. 3226: Mr. DEAL of Georgia and Mr. PLATTS.
H.R. 3238: Mr. JACKSON of Illinois.
H.R. 3245: Ms. DELAURO and Mr. MCGOVERN.
H.R. 3255: Mr. HERGER.
H.R. 3286: Mr. COHEN, Ms. SLAUGHTER, and Mr. STARK.
H.R. 3308: Mr. WILSON of South Carolina and Mr. BACHUS.
H.R. 3337: Mr. SESTAK.
H.R. 3348: Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. SESSIONS.
H.R. 3375: Mrs. MYRICK.
H.R. 3403: Ms. MATSUI.
H.R. 3421: Mr. GRIJALVA, Ms. MCCOLLUM, and Mr. CONYERS.
H.R. 3467: Mr. MASSA.
H.R. 3486: Ms. FUDGE and Mr. CAMP.
H.R. 3531: Mr. WEINER.
H.R. 3535: Mr. NADLER of New York.
H.R. 3554: Mr. FATTAH, Mr. PLATTS, Mr. HOLDEN, Mr. GUTIERREZ, Mr. ROHRABACHER, Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. CHILDERS, Mr. HINCHEY, Mr. ISRAEL, and Mr. MOORE of Kansas.
H.R. 3559: Mr. LEWIS of Georgia.
H.R. 3560: Ms. CLARKE.
H.R. 3569: Ms. JENKINS, Mr. SOUDER, and Mr. CARTER.
H.R. 3571: Mr. FORTENBERRY.
H.R. 3572: Mr. HALL of New York.
H.R. 3585: Mr. LIPINSKI, Mr. INSLEE, Mr. COOPER, Mr. BAIRD, and Mr. MCCAUL.
H.R. 3597: Mr. GUTIERREZ.
H.R. 3610: Mr. WESTMORELAND, Mr. PAUL, and Mr. MILLER of Florida.
H.R. 3621: Mr. DOYLE and Mr. HIGGINS.
H.R. 3630: Mr. EDWARDS of Texas.
H.R. 3644: Ms. BORDALLO.
H.R. 3646: Mr. WELCH.
H.R. 3650: Mr. PALLONE, Ms. BORDALLO, Mr. BARROW, Mrs. CAPPS, and Ms. ROS-LEHTINEN.
H.J. Res. 47: Ms. HERSETH SANDLIN and Mr. BOOZMAN.
H. Con. Res. 51: Mr. BERMAN.
H. Con. Res. 98: Mr. GRIJALVA.
H. Con. Res. 139: Mr. BISHOP of Utah, Mr. BOREN, Mr. BRIGHT, Mr. DICKS, Ms. GIFFORDS, Mr. SKELTON, and Mr. SMITH of Washington.
H. Con. Res. 144: Mr. COOPER and Ms. ZOE LOFGREN of California.
H. Con. Res. 151: Mr. NYE, Mr. MILLER of North Carolina, Mr. SHERMAN, and Mr. DOGGETT.
H. Con. Res. 181: Mr. CAMP and Mr. KILDEE.
H. Con. Res. 185: Mr. LEWIS of California, Mr. DEAL of Georgia, and Mr. SMITH of Nebraska.
H. Res. 16: Mr. BACA.
H. Res. 55: Mr. PITTS, Mrs. BONO MACK, and Mr. BACHUS.
H. Res. 111: Ms. WATSON.
H. Res. 159: Mr. SMITH of Washington, Mr. PETERS, Mr. JOHNSON of Georgia, Ms. MATSUI, and Mr. MURPHY of Connecticut.
H. Res. 175: Mr. GUTIERREZ and Mr. TOWNS.
H. Res. 199: Mr. CALVERT.
H. Res. 615: Mr. AUSTRIA and Mr. HALL of Texas.
H. Res. 692: Mr. GENE GREEN of Texas.
H. Res. 706: Mr. MURPHY of Connecticut and Mr. INGLIS.
H. Res. 715: Mrs. MILLER of Michigan, Mr. REHBERG, Ms. Chu, Ms. DEGETTE, Mr. PETERSON, Mr. KILDEE, Ms. EDWARDS of Texas, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. TONKO, Mr. STUPAK, Ms. FUDGE, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. WEINER, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mr. WU, and Mr. GENE GREEN of Texas.
H. Res. 727: Mr. BACA, Mr. WOLF, Mr. MCGOVERN, Mr. CONNOLLY of Virginia, Mr. MCCAUL, Mr. GARRETT of New Jersey, Mr. ABERCROMBIE, Mr. MCCLINTOCK, Mr. MORAN of Virginia, Mr. MASSA, Mrs. DAHLKEMPER, Mr. HOLT, and Mr. KENNEDY.
H. Res. 730: Mr. THOMPSON of California, Mr. MURPHY of Connecticut, Ms. SCHWARTZ, and Mr. SENSENBRENNER.
H. Res. 731: Ms. LORETTA SANCHEZ of California, Mr. PASCRELL, Ms. NORTON, Mr. MASSA, Mr. CAO, Mr. DANIEL E. LUNGREN of California, Ms. RICHARDSON, Mrs. MILLER of Michigan, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Ms. KILROY, Ms. HARMAN, and Ms. TITUS.
H. Res. 739: Mr. BRADY of Texas and Mr. GOODLATTE.
H. Res. 740: Mr. LUETKEMEYER, Mr. BOREN, and Mr. FATTAH.
H. Res. 748: Mr. BILBRAY, Mr. JOHNSON of Georgia, Mr. COBLE, Mr. PETERSON, and Mr. DUNCAN.
H. Res. 749: Mr. BOOZMAN and Mrs. MYRICK.
H. Res. 752: Mr. WILSON of Ohio, Mrs. MCCARTHY of New York, Mr. LIPINSKI, Mr. KIRK, Mr. BERMAN, Mr. DAVIS of Alabama, and Mr. MINNICK.
H. Res. 768: Mr. TONKO and Mr. GRIJALVA.
H. Res. 771: Mr. BACA, Mrs. LOWEY, and Ms. SLAUGHTER.
H. Res. 773: Mr. MASSA, Mr. BROWN of South Carolina, Mr. CULBERSON, and Mr. BERRY.
H. Res. 774: Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. CLYBURN, and Mr. COHEN.
H. Res. 775: Mr. COSTA and Mr. COHEN.

¶117.41 PETITIONS

Under clause 1 of Rule XXII,

70. The SPEAKER presented a petition of North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution 8 urging the President and Congress to act in every possible manner to defend the freedoms that have been promised to us by the United States Constitution; which was referred to the Committee on Armed Services.

WEDNESDAY, SEPTEMBER 30, 2009 (118)

The House was called to order by the SPEAKER.

¶118.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, September 29, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶118.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3865. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Decreased Assessment Rates [Doc. No. AMS-FV-09-0013; FV09-916/917-2 IFR] August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3866. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Peanut Promotion, Research, and Information Order; Section 610 Review [Doc. No.: AMS-FV-08-0110; FV-08-704], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3867. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Revision of Outgoing Quality Control Requirements [Doc. No.: AMS-FV-08-0045; FV08-981-2 IFR] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3868. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1353] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3869. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Payments in Lieu of Low Income Housing Tax Credits (RIN: 1505-AC17) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3870. A letter from the Asst. Gen. Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — International Education Programs [Docket ID ED-2009-OPE-0002] (RIN: 1840-AC97] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3871. A letter from the Secretary, Department of Energy, transmitting a report entitled ''Smart Grid System Report'', pursuant to Public Law 110-140, section 1302; to the Committee on Energy and Commerce.

3872. A letter from the Acting Principal Deputy, Assistant Secretary — Indian Affairs, Department of the Interior, transmitting a proposed plan pursuant to a Settlement Agreement entered into by the U.S. Department of Justice and the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to 25 U.S.C. 1401; to the Committee on Natural Resources.

3873. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ended February 28, 2009, pursuant to Public Law 88-504; to the Committee on the Judiciary.

3874. A letter from the Program Anaylst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0 [Docket No.: FAA-2006-25173; Directorate Identifier 2006-NE-24-AD; Amendment 39-16021; AD 2009-19-04] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3875. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Temporary Assistance for Needy Families (TANF) Carry-Over Funds (RIN: 0970-AC40) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3876. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Energy Project Credit [Notice 2009-72] August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶118.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 293

In the Senate of the United States, September 29, 2009.

Whereas, Henry Bellmon served as a United States Marine from 1942–1946, where he served as a platoon tank commander in the Pacific theater, and was awarded the Legion of Merit for his service in Saipan and the Silver Star for bravery in action on Iwo Jima;

Whereas, Henry Bellmon served as a Major in the Marine Corps Reserve until 1954;

Whereas, Henry Bellmon served two nonconsecutive terms as governor of the State of Oklahoma from 1963–1967, when he was elected as the state's first Republican governor, and from 1987–1991; and

Whereas, Henry Bellmon served the people of Oklahoma with distinction for 12 years in the United States Senate from 1969–1981;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Henry Bellmon, former member of the United States Senate,

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Henry Bellmon.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2131. An Act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 3593. An Act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

The message also announced that Mr. KIRK and Mr. LEMIEUX be added as conferees, on the part of the Senate, to replace the late Senator Kennedy and recently retired Senator Martinez, on the bill (H.R. 2647) ''An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.''

¶118.4 WAR AGAINST TERRORISM

Ms. CLARKE moved to suspend the rules and agree to the resolution (H. Res. 731):

Whereas it has been 8 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies;

Whereas, as evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta, Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, and the shooting and bombing attacks in Mumbai, India, on November 26, 2008, the thwarted terrorist attacks targeting the Brooklyn Bridge in March 2003, Herald Square in New York City in 2004, the PATH Tunnel trains in New York and New Jersey in 2006, the U.S. Army Base at Fort Dix, New Jersey in May 2007, JFK International Airport in June 2007, and the Air National Guard base in Newburgh, New York and synagogues in Riverdale and the Bronx, New York in 2009, citizens across the country and in the world should remain vigilant, prepared, and informed;

Whereas during the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of Government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2009 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CLARKE and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CLARKE objected to the vote on the ground that a quorum was not present and not voting.

The point of no quorum was considered as withdrawn.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause

8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 1, 2009.

¶118.5 UNIVERSITY OF WASHINGTON WOMEN'S SOFTBALL TEAM

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 517):

Whereas, on June 2, 2009, for the first time in school history, the Women Huskies won the NCAA National Softball Championship game with a 3–2 victory over the University of Florida;

Whereas University of Washington pitcher Danielle Lawrie was named the Women's College World Series MVP and the USA Softball National Collegiate Player of the Year;

Whereas the Huskies finished the 2009 season with an impressive record of 51–12;

Whereas the members of the 2009 University of Washington softball team are excellent representatives of a university that is one of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders; and

Whereas the members of the women's softball have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Washington for winning the 2009 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Washington win the championship; and

(3) respectfully requests the Clerk of the House to transmit an enrolled copy of this resolution to President of the University of Washington, Mark A. Emmert; the Director of Athletics of the University of Washington, Scott Woodward, and the Coach of the University of Washington softball team, Heather Tarr.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 1, 2009.

¶118.6 NATIONAL LEARN AND SERVE CHALLENGE

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 769):

Whereas service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified community or school needs;

Whereas service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;

Whereas service-learning has been identified as an effective tool in addressing the Nation's dropout epidemic by making education more hands-on and relevant, and has been especially effective in addressing the epidemic with respect to disadvantaged youth;

Whereas service-learning is proven to provide the greatest benefits to disadvantaged and at-risk youth by building self-confidence, which often translates into overall academic and personal success;

Whereas service-learning provides not only meaningful experiences, but a greater quantity and quality of interactions between youth and potential mentors in the community;

Whereas service-learning simultaneously empowers youth as actively engaged learners, citizens, and contributors to the community;

Whereas youth engaged in service-learning provide critical service to the community by addressing a variety of needs in towns, cities, and States, including needs such as tutoring young children, elderly care, community nutrition, disaster relief, environmental stewardship, financial education, public safety, and a host of other needs;

Whereas far reaching and diverse research base shows that service-learning enhances the academic, career, cognitive, and civic development of kindergarten through 12th-grade students, and of higher education students;

Whereas service-learning strengthens and increases the number of partnerships among institutions of higher education, local schools, and communities, which strengthens communities and improves academic learning;

Whereas service-learning programs unleash a multitude of skilled and enthusiastic college students to serve in the communities surrounding their colleges;

Whereas service-learning programs engage students in actively addressing and solving pressing community issues and are strengthening the ability of nonprofit organizations to meet community needs;

Whereas Learn and Serve America, a program established under subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), is the only federally funded program dedicated to service-learning and engages over 1,100,000 youth in service-learning annually;

Whereas Learn and Serve America is a highly cost-effective program, averaging approximately $25 per participant and leveraging $1 for every Federal dollar invested; and

Whereas the National Learn and Serve Challenge is an annual event that is taking place this year from October 5 through October 11, 2009, that spotlights the value of service-learning to young people as well as schools, college campuses, and communities, encourages others to launch service-learning activities, and increases recognition of Learn and Serve America: Now, therefore, be it:

Resolved, That the House of Representatives—

(1) recognizes the benefits of service-learning in—

(A) enriching and enhancing academic outcomes for youth;

(B) engaging youth in positive experiences in the community; and

(C) encouraging youth to make more constructive choices with regards to their lives;

(2) encourages schools, school districts, college campuses, community-based organizations, nonprofits, and faith-based organizations to work towards providing youth with more service-learning opportunities; and

(3) expresses support for the goals of the National Learn and Serve Challenge.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.7 100TH ANNIVERSARY OF THE STATE NEWS AT MICHIGAN STATE UNIVERSITY

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 487):

Whereas, on March 10, 1909, the first edition of the Holcad was printed at Michigan Agricultural College;

Whereas the Holcad was founded to defend the student body of Michigan Agricultural College against criticism;

Whereas the Holcad eventually changed its name to the State News, and Michigan Agricultural College became Michigan State University;

Whereas in 1971, the State News became a 501(c)3 organization, independent from Michigan State University;

Whereas the State News employs hundreds of students and trains them in reporting, photography, design, web programming, and advertising;

Whereas for 100 years, the State News has connected students to each other and other members of the East Lansing community;

Whereas the State News provides an avenue for students and members of the East Lansing community to voice their opinions and report news; and

Whereas the State News has upheld a commitment to journalism and has created a more informed and unified citizen body: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of the State News.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause

8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 1, 2009.

¶118.8 NATIONAL CAMPUS SAFETY AWARENESS MONTH

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 90):

Whereas college and university campuses are not immune from the crime problems that face the rest of society in the United States;

Whereas a total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89–329);

Whereas criminal experts estimate that between ⅕ and ¼ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;

Whereas each year, 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;

Whereas 1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;

Whereas Security On Campus, Inc. (hereinafter referred to as ''SOC''), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;

Whereas each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and

Whereas National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and

(2) encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.9 STATUE OF HELEN KELLER

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 41); as amended:

SECTION 1. ACCEPTANCE OF STATUE OF HELEN KELLER FROM THE PEOPLE OF ALABAMA FOR PLACEMENT IN UNITED STATES CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller furnished by the people of Alabama for placement in the United States Capitol in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent persons.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue accepted under this section. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. BRADY of Pennsylvania, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶118.10 TAY-SACHS AWARENESS MONTH

Mr. PALLONE moved to suspend the rules and agree to the resolution (H. Res. 692); as amended:

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease, which is usually fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease;

Whereas approximately 1,500,000 Americans are carriers of Tay-Sachs disease;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and screening for this disease should be available when clinically indicated; and

Whereas heightened awareness and public-private partnerships to find a treatment are effective ways to combat this horrific disease: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Tay-Sachs Awareness Month and supports a public-private partnership for education and research efforts with respect to Tay-Sachs disease.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PALLONE and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 1, 2009.

¶118.11 125TH ANNIVERSARY OF THE LOUISVILLE SLUGGER

Mr. PALLONE moved to suspend the rules and agree to the resolution (H. Res. 314):

Whereas John Andrew ''Bud'' Hillerich made the first Louisville Slugger, originally known as the ''Falls City Slugger'', for Pete ''The Old Gladiator'' Browning of the Louisville Eclipse in Louisville, Kentucky, in 1884;

Whereas Hillerich & Bradsby Co. is a fifth-generation, family-owned company celebrating its 125th anniversary;

Whereas today the Louisville Slugger is the Official Bat of Major League Baseball, having had more than 8,500 professional baseball players under contract, beginning in 1905 with Honus Wagner, and including Hall of Fame members such as Ty Cobb, Babe Ruth, Lou Gehrig, Joe DiMaggio, Stan Musial, Mickey Mantle, Jackie Robinson, Roberto Clemente, Hank Aaron, and Louisville's own Pee Wee Reese;

Whereas Hillerich & Bradsby Co. has made over 100,000,000 Louisville Slugger bats in 125 years and currently makes approximately 1,800,000 bats, including souvenir bats, yearly;

Whereas 80 percent of National Baseball Hall of Fame hitters were under contract with Louisville Slugger;

Whereas 60 percent of today's Major League Baseball players use Louisville Slugger bats;

Whereas since 1884, Hillerich & Bradsby Co. has expanded production to include aluminum bats, the PowerBilt golf club, baseball and softball gloves and mitts, hockey sticks, and a variety of anatomical and ergonomic gloves;

Whereas in 1996, Hillerich & Bradsby Co. opened the Louisville Slugger Museum and Factory, the first museum devoted to hitters, including executive offices, wood bat plant, and a world class museum, in downtown Louisville, just 10 blocks away from

where Bud Hillerich made the first Louisville Slugger in 1884; and

Whereas the Louisville Slugger name is synonymous with baseball, evoking excitement and nostalgia among ball players of all ages and skill levels: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and salutes Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Hillerich & Bradsby Co. for appropriate display.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PALLONE and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.12 MEDICAL EQUIPMENT

Mr. PALLONE moved to suspend the rules and pass the bill (H.R. 3663) to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. PALLONE and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.13 FOREIGN EVIDENCE REQUEST EFFICIENCY

Mr. SCHIFF moved to suspend the rules and pass the bill of the Senate (S. 1289) to improve title 18 of the United States Code.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SCHIFF and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶118.14 ARSONIST AND CRIMINAL BOMBER REGISTRY

Mr. SCHIFF moved to suspend the rules and pass the bill (H.R. 1727) to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SCHIFF and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.15 NATIONAL DAY OF REMEMBRANCE FOR HOMICIDE VICTIMS

Mr. SCHIFF moved to suspend the rules and agree to the resolution (H. Res. 757):

Whereas homicide is a devastating epidemic in this Nation, destroying families and communities;

Whereas women are disproportionately victims of homicide perpetrated by intimate partners;

Whereas intimate partner homicide is the leading cause of death for African-American women ages 15–45;

Whereas, on average, 3 women per day are murdered by their current or former husbands or partners and the Centers for Disease Control and Prevention finds that women experience 2,000,000 injuries from intimate partner violence each year;

Whereas according to the Centers for Disease Control and Prevention, the cost of intimate partner violence exceeded $5,800,000,000 in 2003;

Whereas, for the years 1976 to 2005 combined, among all homicide victims, females were particularly at risk for intimate killings and sex-related homicides, with 64.8 percent of all female homicide victims during that time being murdered by an intimate partner;

Whereas one-third of all murdered females are victims of intimate partner homicide annually, with separated females having the highest homicide rate;

Whereas intimate partner violence resulted in 1,544 deaths in 2004, and of those deaths, 25 percent were males and 75 percent were females;

Whereas the time that a victim of domestic violence leaves a violent situation is the most dangerous time for a victim and increases his or her likelihood of becoming a victim of homicide;

Whereas homicide is the second leading cause of traumatic death for pregnant women and recently pregnant women, accounting for nearly 31 percent of maternal injury deaths;

Whereas numerous agencies across this country provide support to the families of homicide victims and the tireless work of agency staff and volunteers is worthy of acknowledgment; and

Whereas victims of domestic violence-related homicides should be remembered during the National Day of Remembrance for Homicide Victims to honor their memories: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Day of Remembrance for Homicide Victims; and

(2) acknowledges the epidemic of intimate partner homicide in this Nation, its disproportionate impact on women, and the work of agencies across this country to address this epidemic and provide support and resources to all survivors of victims of homicide, including the families of intimate partner homicide.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SCHIFF and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.16 FEDERAL CRIMINAL PROHIBITIONS OF EXPLOSIVES

Mr. SCHIFF moved to suspend the rules and pass the bill (H.R. 1333) to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. SCHIFF and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.17 DR. NORMAN E. BORLAUG

Mr. BERMAN moved to suspend the rules and agree to the resolution (H. Res. 739):

Whereas the United States honors Norman E. Borlaug as an Iowan, humanitarian, and father of the ''Green Revolution'';

Whereas Dr. Borlaug was born on March 25, 1914, and grew up on a family farm outside Cresco, Iowa;

Whereas Dr. Borlaug attended the University of Minnesota, where he received B.A. and Ph.D. degrees and was also a star NCAA wrestler;

Whereas, for over 20 years, Dr. Borlaug was a member of the faculty of Texas A&M University;

Whereas Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico where he made his breakthrough achievement in developing a strain of wheat that could exponentially increase yields while actively resisting disease;

Whereas Dr. Borlaug's ''green revolution'' uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan;

Whereas Dr. Borlaug's approach to wheat production next spread throughout the Middle East, and soon his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has been credited to saving to more than a billion people;

Whereas in 1970, Dr. Borlaug received the Nobel Peace Prize, the only person working in agriculture to ever be so honored, and since then he has received numerous honors and awards, including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, the Rotary International Award for World Understanding and Peace, and the Congressional Gold Medal;

Whereas, up until his death on September 12, 2009, Dr. Borlaug continued to work to alleviate poverty and malnutrition throughout the world;

Whereas Dr. Borlaug created the World Food Prize in 1986, which is the ''Nobel Prize for Food and Agriculture'' and which has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States;

Whereas the headquarters of the World Food Prize is located in Des Moines, Iowa; and

Whereas Dr. Borlaug's humanitarian works have made him an American hero who will never be forgotten: Now, therefore, be it

Resolved, That the House of Representatives honors the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶118.18 LIU XIAOBO

Mr. BERMAN moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151); as amended:

Whereas Liu Xiaobo has inspired untold numbers of Chinese people to stare down their government and demand change;

Whereas on December 9, 2008, a diverse group of more than 300 Chinese scholars, writers, lawyers, and activists issued Charter 08, a manifesto calling on the Chinese Communist Party to abandon authoritarian rule in favor of democracy, the guarantee of human rights, and the rule of law;

Whereas Liu Xiaobo was one of the original signers of Charter 08 and was taken into custody shortly before the manifesto was released, has been detained ever since, and now faces charges of ''inciting subversion of state power'';

Whereas Charter 08 documents the widespread failings of the Chinese Communist Party, calls for urgent and extensive political reforms in China, enumerates and endorses the ideas and principles of freedom, human rights, equality, Republicanism, democracy, and constitutional rule, and enumerates 19 recommendations for political reform within Communist China;

Whereas Charter 08 says that ''the most fundamental principles of democracy are that the people are sovereign, and that the people select their own government'';

Whereas Chinese authorities violated Chinese law in handling Liu Xiaobo's case, including keeping him under ''residential surveillance'' beyond the legal time limit and at an undisclosed location, denying him access to his family or lawyers, and refusing to allow a fellow Charter 08 signatory to represent him;

Whereas the signatories of Charter 08 represent numerous strata of Chinese society, including former members of the Chinese Communist Party;

Whereas the document which caused him to be confined to a windowless room, without access to books or writing materials, is as simple as those in the founding documents of this country which have inspired us all for over 200 years;

Whereas Liu Xiaobo signed his name to those simple but powerful words despite having already spent 20 months in prison for his part in the 1989 protests in Tiananmen Square, and three years in a re-education through labor camp for challenging China's one-party rule; and

Whereas Liu Xiaobo's leadership has inspired the Chinese people and the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that China's Government immediately release Liu Xiaobo and begin making strides toward true representative democracy.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 1, 2009.

¶118.19 ANTARCTIC TREATY

Mr. BERMAN moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 51); as amended:

Whereas the Antarctic Treaty was signed by 12 nations in Washington, DC, on December 1, 1959, ''with the interests of science and the progress of all mankind'';

Whereas the Antarctic Treaty was established to continue and develop international ''cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year'';

Whereas the Antarctic Treaty came into force on June 23, 1961, after its unanimous ratification by the seven countries (Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom) with territorial claims in the region and five other countries (Belgium, Japan, South Africa, the Soviet Union, and the United States), which had collaborated in Antarctic research activities during the International Geophysical Year from July 1, 1957, through December 31, 1958;

Whereas the Antarctic Treaty now has 47 nations as signatories that together represent nearly 90 percent of humanity;

Whereas Article IV of the Antarctic Treaty states that ''no acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica'';

Whereas the 14 articles of the Antarctic Treaty have provided a lasting foundation for maintaining the region south of 60 degrees south latitude, nearly 10 percent of the Earth's surface, ''for peaceful purposes only'';

Whereas the Antarctic Treaty prohibits ''any measure of a military nature'';

Whereas the Antarctic Treaty has promoted international nuclear cooperation by prohibiting ''any nuclear explosions in Antarctica and the disposal there of radioactive waste material'';

Whereas the Antarctic Treaty provides a framework for the signatories to continue to meet ''for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty'';

Whereas common interests among the Antarctic Treaty nations facilitated the development and ratification of the Convention on the Conservation of Antarctic Marine Living Resources;

Whereas the international cooperation represented by the Antarctic Treaty offers humankind a precedent for the peaceful governance of international spaces;

Whereas in celebration of the 50th anniversary of the International Geophysical Year,

the Antarctic Treaty Parties in their Edinburgh Declaration recognized the current International Polar Year for its contributions to science worldwide and to international cooperation; and

Whereas the International Polar Year program has endorsed the Antarctic Treaty Summit that will convene in Washington, DC, at the Smithsonian Institution on the 50th anniversary of the Antarctic Treaty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes that the Antarctic Treaty has greatly contributed to science and science cooperation worldwide and successfully ensured the ''use of Antarctica for peaceful purposes only and the continuance of international harmony'' for the past half century; and

(2) encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit to identify lessons from 50 years of international cooperation under the Antarctic Treaty that have legacy value for humankind.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.20 STRATEGIC PARTNERSHIP WITH PAKISTAN

Mr. BERMAN moved to suspend the rules and pass the bill of the Senate (S. 1707) to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶118.21 H.R. 2442—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 240 / Nays ..... 170 }

¶118.22 [Roll No. 743]

YEAS—240

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—170

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—22

Abercrombie
Barrett (SC)
Becerra
Burgess
Capuano
Carney
Clyburn
Conyers
Costa
Jackson-Lee (TX)
Lowey
Maloney
Miller, George
Myrick
Neugebauer
Rangel
Slaughter
Sutton
Teague
Waxman
Whitfield
Young (FL)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶118.23 H.R. 1771—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1771) to reauthorize the Chesapeake Bay Office

of the National Oceanic and Atmospheric Administration, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 338 / Nays 78

¶118.24 [Roll No. 744]

YEAS—338

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—78

Alexander
Bachmann
Bilirakis
Blackburn
Bonner
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Carter
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Duncan
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Paul
Pence
Poe (TX)
Radanovich
Rehberg
Roe (TN)
Royce
Scalise
Schmidt
Sensenbrenner
Shadegg
Shimkus
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Westmoreland

NOT VOTING—16

Abercrombie
Akin
Barrett (SC)
Capuano
Carney
Conyers
Crowley
Dicks
Maloney
Moore (KS)
Neugebauer
Payne
Sutton
Teague
Whitfield
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.25 H.R. 1053—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1053) to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 418 / Nays 1

¶118.26 [Roll No. 745]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock

McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—13

Abercrombie
Barrett (SC)
Buyer
Capuano
Carney
Conyers
Doyle
Maloney
Neugebauer
Sutton
Teague
Whitfield
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶118.27 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 191. A concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.''.

¶118.28 SUBMISSION OF CONFERENCE REPORT—H.R. 3183

Mr. PASTOR of Arizona, submitted a conference report (Rept. No. 111–278) on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶118.29 SUBMISSION OF CONFERENCE REPORT—H.R. 2997

Ms. DeLAURO, submitted a conference report (Rept. No. 111–278) on the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶118.30 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 3183

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–280) the resolution (H. Res. 788) providing for consideration of the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶118.31 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2131. An Act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2918. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3593. An Act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

¶118.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARNEY, for today through October 13; and

To Mr. NEUGEBAUER, for September 29 and balance of the week.

And then,

¶118.33 ADJOURNMENT

On motion of Mr. WEINER, at 7 o'clock and 58 minutes p.m., the House adjourned.

¶118.34 REPORTS OF COMMITTEES ON PUBLIC BILS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes (Rept. 111–276 Pt. 1). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3045. A bill to reform the housing choice voucher program under section 8 of the United Stats Housing Act of 1937, with an amendment (Rept. 111–277). Referred to the Committee of the Whole House on the state of the Union.

Mr. PASTOR: Committee of Conference. Conference report on H.R. 3183. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–278). Ordered to be printed.

Ms. DELAURO: Committee of Conference. Conference report on H.R. 2997. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–279). Ordered to be printed.

Ms. MATSUI: Committee on Rules. House Resolution 788. A resolution providing for consideration of the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–280). Referred to the House Calendar.

¶118.35 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than October 23, 2009.

¶118.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself, Ms. KILROY, Mr. ISRAEL, Mr. COURTNEY, and Mr. SCHIFF):

H.R. 3675. A bill to improve the quality and cost effectiveness of cancer care to Medicare beneficiaries by establishing a national demonstration project; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. MILLER of Florida, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. FLEMING, Mr. KINGSTON, Mr. AKIN, Mr. WAMP,

Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Utah, Mr. TIAHRT, Mr. MANZULLO, Mr. LAMBORN, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. PITTS, and Mr. BARTLETT):

H.R. 3676. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify Program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 3677. A bill to provide relief payments to recipients of Social Security and railroad retirement benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. PETRI, Mr. BOYD, Mr. EHLERS, and Mr. GRAVES):

H.R. 3678. A bill to amend title 49, United States Code, to modify the authority of the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations and security directives using emergency procedures; to the Committee on Homeland Security.

By Ms. MCCOLLUM (for herself, Mr. STARK, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. ELLISON, Ms. LEE of California, Mr. OBEY, and Ms. WOOLSEY):

H.R. 3679. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote certain corporations or companies guilty of certain felony convictions; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. HONDA, Mr. FALEOMAVAEGA, and Ms. HIRONO):

H.R. 3680. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself and Mr. TIERNEY):

H.R. 3681. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas:

H.R. 3682. A bill to require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. KLINE of Minnesota):

H.R. 3683. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the Teacher Incentive Fund Program, and for other purposes; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 3684. A bill to amend the Small Business Investment Act of 1958 to improve the New Markets Venture Capital Program and to establish an Angel Investment Program, and for other purposes; to the Committee on Small Business.

By Mr. STEARNS:

H.R. 3685. A bill to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; to the Committee on Veterans' Affairs.

By Mr. TOWNS (for himself and Mr. WHITFIELD):

H.R. 3686. A bill to authorize appropriations for the Federal Trade Commission for certain international technical assistance activities; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 785. A resolution authorizing the Committee on the Judiciary to inspect and receive certain tax returns and tax return information for the purposes of its investigation into whether United States District Judge G. Thomas Porteous should be impeached, and for other purposes; to the Committee on Rules.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. SPRATT, Mr. DINGELL, Mr. HINOJOSA, Mr. KUCINICH, Mr. LUJÁN, Ms. MARKEY of Colorado, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. SHEA-PORTER, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. HONDA, Mr. HOLT, Mr. BILBRAY, Mr. MCDERMOTT, Ms. MATSUI, Mr. BERRY, Mr. AL GREEN of Texas, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. YARMUTH, Ms. CLARKE, Ms. FUDGE, Ms. MOORE of Wisconsin, Ms. ZOE LOFGREN of California, Mr. SCHAUER, Mr. OLVER, Mr. HINCHEY, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COURTNEY, Mr. BECERRA, Mr. PASTOR of Arizona, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. WALZ):

H. Res. 786. A resolution commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. LOBIONDO, Mr. SPRATT, Mrs. LOWEY, Mr. GRIJALVA, Mr. BURTON of Indiana, Mr. ISRAEL, Mr. KIRK, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. PAYNE, Mr. LARSON of Connecticut, Mr. SMITH of New Jersey, Mr. WOLF, Mr. MOORE of Kansas, Mr. DINGELL, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. LATOURETTE, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Ms. SCHAKOWSKY, Mr. MANZULLO, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Mr. DOGGETT, and Mr. HIMES):

H. Res. 787. A resolution expressing support for designation of October 13, 2009, as National Metastatic Breast Cancer Awareness Day; to the Committee on Energy and Commerce.

¶118.37 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

194. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 29 urging the President of the United States and the United States Congress to encourage and promote continued responsible exploration, development, and production of domestic oil and gas resources; to the Committee on Natural Resources.

195. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 7 urging the United States Congress to preserve its right to enact a law providing for the evironmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness; to the Committee on Natural Resources.

196. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 24 memorializing the Congress of the United States to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration and that the Alaska State Legislature is opposed to further wilderness or other restrictive designation in the area of the coastal plain; to the Committee on Natural Resources.

197. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 16 urging the Congress to support responsible development of the oil and gas resources in federal waters offshore of Alaska's coast as a means to ensure energy independence, security for the nation, and jobs for Alaskans; to the Committee on Natural Resources.

198. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 28 memorializing the Congress of the United States to recognize the sovereignty for the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; to the Committee on the Judiciary.

¶118.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 208: Ms. KOSMAS, Mr. BISHOP of New York, Mr. PRICE of North Carolina, Mr. BROUN of Georgia and Mr. BRIGHT.

H.R. 213: Ms. FOXX.

H.R. 303: Mr. ADERHOLT, Mr. MACK, Mr. NYE, and Mr. CRENSHAW.

H.R. 333: Mr. ALEXANDER.

H.R. 413: Mr. CAPUANO, Mr. MCDERMOTT, Mr. MINNICK, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Ms. Chu, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. CLEAVER, and Mr. GRIJALVA.

H.R. 460: Ms. LORETTA SANCHEZ of California.

H.R. 615: Ms. KILROY.

H.R. 635: Ms. KILROY.

H.R. 666: Mr. OLSON.

H.R. 690: Mr. CULBERSON and Mr. BUTTERFIELD.

H.R. 734: Mr. MILLER of Florida and Mr. GRAVES.

H.R. 761: Mr. ISRAEL.

H.R. 811: Mr. NYE.

H.R. 874: Mr. BOREN, Mr. CASSIDY, Ms. CHU, Mr. FALEOMAVAEGA, Mr. AL GREEN of Texas, Mr. HILL, Ms. HIRONO, Mrs. KIRKPATRICK of Arizona, Mr. LATOURETTE, Mr. MASSA, Mr. MINNICK, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. SABLAN, Mr. SCHRADER, Ms. SHEA-PORTER, Ms. TITUS, and Mr. TONKO.

H.R. 1032: Mr. ROSS.

H.R. 1166: Mr. DELAHUNT.

H.R. 1182: Mr. ISSA, Mr. TURNER, Mr. YARMUTH, Mr. BERRY, Mr. THOMPSON of California, Mr. WELCH, Mr. COHEN, Mr. BISHOP of New York, Mr. COFFMAN of Colorado, and Mr. KLEIN of Florida.

H.R. 1207: Mr. DAVIS of Tennessee.

H.R. 1215: Mr. CAO.

H.R. 1230: Mr. MCCOTTER.

H.R. 1310: Mr. KAGEN.

H.R. 1326: Mr. PASCRELL and Mr. HOLT.
H.R. 1443: Mr. HOLT.
H.R. 1584: Mr. BONNER.
H.R. 1599: Mrs. MCMORRIS RODGERS.
H.R. 1623: Mr. BILBRAY and Mr. NYE.
H.R. 1645: Ms. WATERS.
H.R. 1699: Mr. SESTAK.
H.R. 1791: Mr. CAO.
H.R. 1864: Mr. KLEIN of Florida.
H.R. 1868: Mr. TIM MURPHY of Pennsylvania and Mr. OLSON.
H.R. 1925: Mr. MAFFEI, Mr. ENGEL, Mr. ANDREWS, Mr. HALL of New York, Ms. DEGETTE, Mr. LARSEN of Washington, Ms. VELÁZQUEZ, Mr. SCOTT of Georgia, Mr. WALZ, and Mr. ADLER of New Jersey.
H.R. 1941: Mr. SPRATT.
H.R. 1970: Mr. BOCCIERI.
H.R. 1993: Mr. WELCH, Mr. SCHIFF, and Mr. DONNELLY of Indiana.
H.R. 2017: Mrs. NAPOLITANO, Mr. BURTON of Indiana, Mr. CAO, and Mr. ALEXANDER.
H.R. 2103: Ms. HIRONO.
H.R. 2135: Mr. MORAN of Kansas.
H.R. 2137: Mr. GRAYSON and Mr. QUIGLEY.
H.R. 2149: Mr. COOPER.
H.R. 2160: Mr. ROHRABACHER, and Mr. GARRETT of New Jersey.
H.R. 2209: Mr. ROONEY.
H.R. 2243: Mr. ALEXANDER.
H.R. 2349: Mr. WALZ and Mr. KENNEDY.
H.R. 2358: Ms. GIFFORDS.
H.R. 2408: Ms. BALDWIN.
H.R. 2421: Mr. JOHNSON of Illinois, Mr. KILDEE, and Mr. SHADEGG.
H.R. 2429: Mr. MITCHELL.
H.R. 2452: Mr. LEWIS of Georgia, Mr. NYE, and Mr. ROONEY.
H.R. 2476: Mr. CHAFFETZ and Mr. FARR.
H.R. 2483: Mr. LEE of New York.
H.R. 2515: Mr. SABLAN.
H.R. 2563: Mr. REHBERG and Mr. CARDOZA.
H.R. 2567: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2672: Mr. MASSA.
H.R. 2695: Mr. HALL of Texas and Mr. SHULER.
H.R. 2756: Mr. PETRI and Mr. WU.
H.R. 2766: Ms. HIRONO.
H.R. 2842: Mr. BOEHNER.
H.R. 2866: Mr. SARBANES.
H.R. 2879: Mr. LUJÁN.
H.R. 2932: Ms. RICHARDSON, Mr. STARK, and Mr. BACA.
H.R. 2941: Mr. ALTMIRE.
H.R. 3012: Mr. SPACE.
H.R. 3092: Ms. BALDWIN.
H.R. 3098: Mr. SESTAK.
H.R. 3101: Mr. KANJORSKI and Mr. HINCHEY.
H.R. 3110: Mr. FORBES.
H.R. 3240: Mrs. BLACKBURN, Mr. SOUDER, Mr. MORAN of Virginia, Mr. DUNCAN, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, Mrs. EMERSON, Mr. MAFFEI, Mr. DANIEL E. LUNGREN of California, and Mr. FRANKS of Arizona.
H.R. 3340: Mrs. MALONEY.
H.R. 3356: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3359: Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, and Mr. RUPPERSBERGER.
H.R. 3375: Mr. MASSA.
H.R. 3403: Mr. FARR.
H.R. 3407: Mr. OBERSTAR and Mr. LATOURETTE.
H.R. 3427: Mrs. HALVORSON and Mr. KIRK.
H.R. 3448: Mr. CHAFFETZ.
H.R. 3458: Mr. INSLEE and Mr. HINCHEY.
H.R. 3472: Mr. SMITH of Washington, Ms. KOSMAS, and Ms. TSONGAS.
H.R. 3522: Mr. FILNER.
H.R. 3554: Mr. KAGEN and Mr. LATHAM.
H.R. 3594: Mr. FRANKS of Arizona, Mr. LUETKEMEYER, Mr. HERGER, Mr. MANZULLO, Mr. CONAWAY and Mr. ISSA.
H.R. 3596: Mr. ABERCROMBIE.
H.R. 3608: Mr. REHBERG.
H.R. 3611: Mr. LUETKEMEYER, Mr. HERGER, Ms. FALLIN, and Mr. LAMBORN.
H.R. 3612: Mr. CHAFFETZ and Ms. FALLIN.
H.R. 3613: Mr. CULBERSON and Mr. CHAFFETZ.
H.R. 3625: Mr. HIMES.
H.R. 3650: Ms. PINGREE of Maine.
H.R. 3663: Mr. DAVIS of Kentucky and Mr. JONES.
H.R. 3671: Mr. HARE.
H.R. 3674: Mr. OBERSTAR.
H. Con. Res. 149: Mr. KLINE of Minnesota.
H. Con. Res. 151: Mr. MCGOVERN and Mr. JOHNSON of Georgia.
H. Con. Res. 160: Mrs. MALONEY, Mr. ROE of Tennessee, Mr. THOMPSON of California, Mr. BOSWELL, and Mr. GUTHRIE.
H. Con. Res. 170: Mr. DAVIS of Kentucky and Mr. YOUNG of Alaska.
H. Con. Res. 185: Mr. BACHUS, Mr. BLUNT, Mr. BUCHANAN, Mr. BURGESS, Mr. CAMP, Mr. DENT, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. JONES, Mr. LUCAS, Mr. MCCOTTER, Mr. MICA, Mr. MILLER of Florida, Mr. PUTNAM, Mr. REICHERT, Mr. ROSKAM, Mr. YOUNG of Alaska, and Mr. HASTINGS of Washington.
H. Res. 255: Mr. STARK.
H. Res. 554: Mr. ROGERS of Michigan, Mr. KISSELL, Mr. TURNER, Mr. SMITH of New Jersey, Mr. MASSA, Mr. GRIFFITH, Mr. YOUNG of Alaska, Mr. INGLIS, Mr. GERLACH, and Mr. WILSON of South Carolina.
H. Res. 627: Mr. LAMBORN.
H. Res. 700: Mr. POLIS of Colorado.
H. Res. 715: Mr. GALLEGLY.
H. Res. 721: Mr. MORAN of Kansas, Mr. MILLER of Florida, and Mr. BARTON of Texas.
H. Res. 727: Mr. WITTMAN, Mr. RADANOVICH, Mr. SMITH of New Jersey, Mr. BERRY, Mr. WILSON of South Carolina, and Mrs. BLACKBURN.
H. Res. 729: Mr. BOOZMAN.
H. Res. 736: Mr. TURNER and Mr. FORTENBERRY.
H. Res. 739: Mr. EDWARDS of Texas.
H. Res. 748: Mr. LUETKEMEYER and Ms. FALLIN.
H. Res. 749: Mr. POSEY.
H. Res. 756: Mr. HARPER and Mr. LAMBORN.
H. Res. 763: Mr. LAMBORN.
H. Res. 768: Ms. SCHAKOWSKY.
H. Res. 782: Mr. FILNER, Mr. ROSS, Mr. WEXLER, Ms. NORTON, Mr. POLIS of Colorado, Mr. SIRES, Mr. FATTAH, Mr. DEAL of Georgia, Mr. SKELTON, Mr. WESTMORELAND, and Mr. KINGSTON.

¶118.39 PETITIONS

Under clause 1 of rule XXII:

71. The SPEAKER presented a petition of City Council, City of Pensacola, relative to Resolution No. 15-09 reaffirming the City's Opposition to Offshore mineral Exploration and Extraction; which was referred to the Committee on Natural Resources.

THURSDAY, OCTOBER 1, 2009 (119)

¶119.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DAVIS of Tennessee, who laid before the House the following communication:

WASHINGTON, DC,
October 1, 2009.

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶119.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DAVIS of Tennessee, announced he had examined and approved the Journal of the proceedings of Wednesday, September 30, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶119.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3877. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final ''Major'' rule — Farm Storage Facility Loan and Sugar Storage Facility Loan Programs (RIN: 0560-AH60) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ametryn, Amitraz, Ammonium Soap Salts of Higher Fatty Acids, Bitertanol, Coppers, et al., Tolerance Actions [EPA-HQ-OPP-2009-0251; FRL-8431-7] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2008-0624; FRL-8431-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3880. A letter from the Secretary, Securities & Exchange Commission, transmitting the Commission's final rule — Extension of the Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps (RIN: 3235-AK26) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3881. A letter from the Secretary, Department of Education, transmitting the Department's final rule — International Education Programs [Docket ID ED-2009-OPE-0002] (RIN: 1840-AC97) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3882. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment [Docket No.: OSHA-2007-0044] (RIN: 1218-AC08) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3883. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final ''Major'' rule — Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket No.: EERE-2008-BT-STD-0013] (RIN: 1904-AB83) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries—Technical Correction [EPA-HQ-OAR-2008-0236; FRL 8954-3] (RIN: 2060-AP85) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales

Rule Fees (RIN: 3084-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Health Breach Notification Rule (RIN: 3084-AB17) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3887. A letter from the Program Manager, Health and Human Services, transmitting the Department's final rule — Breach Notification for Unsecured Protected Health Information (RIN: 0991-AB56) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3888. A letter from the Acting Assistant Secretary, Legislative Affairs, Deaprtment of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3889. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3890. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3891. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3892. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3893. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3894. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3895. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3896. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3897. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3898. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3899. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3900. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3901. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3902. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3903. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3904. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3905. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3906. A letter from the Acting Assistant Secretary, Legislative Affiars, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3907. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3908. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3909. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3910. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3911. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3912. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3913. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3914. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3915. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3916. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3917. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3918. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3919. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — EPAAR Prescription and Clauses-Government Property-Contract Property Administration [EPA EPA-HQ-OARM-2008-0817; FRL-8956-4] (RIN: 2030-AA98) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3920. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf — Technical Corrections [Docket No.: MMS-OMM-2009-0008] (RIN: 1010-AD52) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3921. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3922. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3923. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Early Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3924. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3925. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratroy Bird

Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [FWS-R9-MB-2008-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3926. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final ''Major'' rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season [FWS-R9-MB-2009-0124] (RIN: 1018-AW31) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3927. A letter from the Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — State Highway-Rail Grade Crossing Action Plans [Docket No.: FRA-2009-0032; Notice No. 1] (RIN: 2130-AC05) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, and -300 Series Airplanes; and Model 747SP and 747SR Series Airplanes [Docket No.: FAA-2009-0477; Directorate Identifier 2008-NM-191-AD; Amendment 39-16003; AD 2009-18-07] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2009-0489; DirectorateIdentifier 2009-CE-025-AD; Amendment 39-16000; AD 2009-18-04] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas. S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes [Docket No.: FAA-2009-0386; Directorate Identifier 2008-NM-184-AD; Amendment 39-16002; AD 2009-18-06] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-15999; AD 2009-18-03] (RIN 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes [Docket No.: FAA-2009-0496; Directorate Identifier 2008-NM-139-AD; Amendment 39-16001; AD 2009-18-05] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5B1/P; -5B2/P; -5B3/P; -5B3/P1; -5B4/P; -5B4/P1; -5B5/P; -5B6/P; -5B7/P; -5B8/P; -5B9/P; -5B1/3; -5B2/3; -5B3/3; -5B4/3; -5B5/3; -5B6/3; -5B7/3; -5B8/3; -5B9/3; -5B3/3B1; and -5B4/3B1 Turbofan Engines [Docket No.: FAA-2008-0174; Directorate Identifier 2008-NE-03-AD; Amendment 39-15997; AD 2009-18-01] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities Excise Taxes [TD 9462] (RIN:1545-BH91) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3936. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by a Real Estate Mortage Investment Conduit (REMIC) [TD 9463] (RIN: 1545-BG77)received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3937. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications of Commercial Mortgage Loans Held by an Investment Trust [Notice 2009-79] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3938. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Agency's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-45) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3939. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools [FNS-2005-0009] (RIN: 0584-AD83) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and Labor.

¶119.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 186. A concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

¶119.5 AMENDMENT OF THE SENATE TO H.R. 2892

On motion of Mr. PRICE of North Carolina, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. PRICE of North Carolina, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶119.6 MOTION TO INSTRUCT CONFEREES—H.R. 2892

Mr. ROGERS of Kentucky, moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2892, be instructed as follows: (1) Recede to subsection (a) of section 567 of amendment of the Senate (the Detainee Photographic Records Protection Act); (2) Insist on subsections (b) and (c) of section 552 of the House bill (regarding the inclusion of individuals detained at Naval Station Guantanamo Bay, Cuba on the No Fly list and the prohibition on the provision of immigration benefits for such individuals); (3) Recede to Senate position on the subsections (a) and (d) of section 552 of House bill (regarding certain threat assessments and the transfer of individuals detained at Naval Station Guantanamo Bay, Cuba to the United States); (4) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives), unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. ROGERS of Kentucky, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 258 / Nays ..... 163 }

¶119.7 [Roll No. 746]

YEAS—258

Aderholt	Barton (TX)	Boccieri
Akin	Bean	Boehner
Alexander	Biggert	Bonner
Altmire	Bilbray	Bono Mack
Arcuri	Bilirakis	Boozman
Austria	Bishop (GA)	Boren
Bachmann	Bishop (NY)	Boucher
Bachus	Bishop (UT)	Boustany
Barrow	Blackburn	Boyd
Bartlett	Blunt	Brady (TX)

Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Hoekstra
Holden
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sanchez, Loretta
Scalise
Schauer
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—163

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Spratt
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu

NOT VOTING—11

Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Schmidt
Shadegg
Stark
Whitfield

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶119.8 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶119.9 H. RES. 517—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 517) congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶119.10 [Roll No. 747]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel

Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Adler (NJ)
Barrett (SC)
Capuano
Carney
Maloney
McCarthy (CA)
Neugebauer
Schmidt
Shadegg
Stark
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶119.11 H. RES. 487—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 487) recognizing the 100th anniversary of the State News at Michigan State University.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶119.12 [Roll No. 748]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Adler (NJ)
Barrett (SC)
Berman
Capuano
Carney
Carter
Heller
Maloney
Massa
McCarthy (CA)
Neugebauer
Royce
Rush
Schmidt
Shadegg
Stark
Wexler
Whitfield
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶119.13 APPOINTMENT OF CONFEREES—H.R. 2892

The SPEAKER, pro tempore, Ms. DEGETTE, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes: Messrs. PRICE of North Carolina, SERRANO, RODRIGUEZ, RUPPERSBERGER, MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Messrs. FARR, ROTHMAN, OBEY, ROGERS of Kentucky, CARTER, CULBERSON, KIRK, CALVERT, and LEWIS of California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶119.14 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 3183

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 788):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

On motion of Ms. MATSUI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 181

¶119.15 [Roll No. 749]

YEAS—234

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Adler (NJ)
Barrett (SC)
Capuano
Carney
Gingrey (GA)
Inslee
Lamborn
Luján
Maloney
McCarthy (CA)
Neugebauer
Pascrell
Quigley
Schmidt
Souder
Wexler
Whitfield

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶119.16 H. RES. 692—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 692) supporting the goals and ideals of Tay-Sachs Awareness Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution; as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶119.17 [Roll No. 750]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Adler (NJ)
Barrett (SC)
Capuano
Carney
Gordon (TN)
Lamborn
Luján
Maloney
Markey (CO)
McCarthy (CA)
McNerney
Neugebauer
Pascrell
Quigley
Schmidt
Wexler
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶119.18 H. CON. RES. 151—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Con. Res. 151) recognizing the 50th anniversary of the signing of the Antarctic Treaty; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 1

¶119.19 [Roll No. 751]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—21

Adler (NJ)
Barrett (SC)
Capuano
Carney
Conyers
Deal (GA)
Ellison
Gohmert
Lamborn
Luján
Maloney
McCarthy (CA)
Miller (NC)
Neugebauer
Pascrell
Quigley
Schmidt
Tiberi
Visclosky
Wexler
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶119.20 ENERGY AND WATER APPROPRIATIONS FY 2010

Mr. PASTOR of Arizona, pursuant to H. Res. 788, called up the following conference report (Rept. No. 111–278):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183), making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $160,000,000, to remain available until expended.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,031,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: Provided, That $1,500,000 of the funds appropriated under this heading in title I of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 601–609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: Provided further, That the Chief of Engineers is directed to use $12,594,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $1,417,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: Provided further, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $2,750,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,500,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That not less than $3,000,000 of the funds provided for the Levisa and Tug Forks in Kentucky shall be used for the project in the Town of Martin, Kentucky.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,661,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $134,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $185,000,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts

contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DIMINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 105. The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–254) (as enacted into law by Public Law 106–554) is amended by striking ''$40,000,000'' and inserting ''$60,000,000''.

SEC. 107. The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading ''Construction'', to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

SEC. 108. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 109. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 110. Section 592(g) of Public Law 106–53 (113 Stat. 380), as amended by section 120 of Public Law 108–137 (117 Stat. 1837) and section 5097 of Public Law 110–114 (121 Stat. 1233), is further amended by striking ''$110,000,000'' and inserting ''$200,000,000'' in lieu thereof.

SEC. 111. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of $53,500,000, with an estimated Federal cost of $37,700,000 and an estimated non-Federal cost of $15,800,000.

SEC. 112. Section 595(h) of Public Law 106–53 (113 Stat. 384), as amended by section 5067 of Public Law 110–114 (121 Stat. 1219), is further amended by—

(1) striking the phrase ''$25,000,000 for each of Montana and New Mexico'' and inserting the following language in lieu thereof: ''$75,000,000 for Montana, $25,000,000 for New Mexico''; and

(2) striking ''$50,000,000'' and inserting ''$100,000,000'' in lieu thereof.

SEC. 113. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of $16,500,000 with an estimated Federal cost of $10,725,000 and an estimated non-Federal cost of $5,775,000.

SEC. 114. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of $39,360,000 with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $14,360,000.

SEC. 115. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 141) is amended by striking ''$10,000,000'' and inserting ''$27,000,000'' in lieu thereof.

SEC. 116. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: Provided, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 117. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110–114; 121 Stat. 1041) is amended by inserting after the word ''before'', the following: '', on and after''.

SEC. 118. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102–580; Energy and Water Development Appropriations Act, 1999, Public Law 105–245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of $53,040,000 with an estimated first Federal cost of $38,355,000 and an estimated non-Federal first cost of $14,685,000.

SEC. 119. Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking ''subclause (II)'' and inserting ''subclauses (II) and (III)''; and

(2) by adding at the end the following:

''(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

''(aa) the completion of a post authorization change report; and

''(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.''.

SEC. 120. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army shall reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

SEC. 121. Notwithstanding any other provision of law, including section 103(c)(4) of Public Law 99–662 (33 U.S.C. 2213(c)(4)), the cost of any work carried out heretofore or hereafter on construction of the trail system authorized for the J. Percy Priest Dam and Reservoir, Tennessee by section 5132 of Public Law 110–114 (121 Stat. 1249) shall be a Federal cost, the total of which may not exceed $10,300,000.

SEC. 122. Section 3112(1) of the Water Resources Development Act, 2007 (Public Law 110–114; 121 Stat. 1041) is amended by inserting after the word ''before'', the following: '', on and after''.

SEC. 123. Section 805(a)(2) of Public Law 106–541 (114 Stat. 2704) is amended by striking ''2010'' each place it appears and inserting ''2013''.

SEC. 124. The Secretary of the Army is authorized to carry out the project for storm damage reduction, Kahuku, Oahu, Hawaii, at a total cost of $6,700,000, with an estimated Federal cost of $4,360,000 and an estimated non-Federal cost of $2,340,000.

SEC. 125. The Secretary of the Army is authorized to acquire 24 parcels of land consisting of approximately 235 acres located within Township 21 South, Range 28 East, Sections 25, 26, 27, 34, 35 and 36, and township 22 south, Range 28 East, Section 3 in Tulare County, for the Dam Safety Seismic Remediation project at Success Dam on the Tule River in the State of California, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 901); Provided, That the lands shall be available for use in connection with any activity carried out at the Success Dam Reservoir.

SEC. 126. during the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army shall implement measures recommended in the efficacy study, or provided in interim reports, authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121), with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from bypassing the Chicago Sanitary and Ship Canal Dispersal Barrier Project referred to in that section and to prevent aquatic nuisance species from dispersing into the Great Lakes.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $40,300,000, to remain available until expended, of which $1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $951,158,000, to remain available until expended, of which $48,740,000 shall be available for transfer to the Upper Colorado River Basin Fund and $17,256,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That $4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: Provided further, That $3,500,000 of the funds appropriated under this heading shall be available for the ''Power Program Services'' to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005: Provided further, That the funds provided herein for the St. Mary Storage Unit facilities, Milk River Project, Montana, shall be used on a nonreimbursible basis: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau

of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457) is amended by striking ''over a period of 10 fiscal years'' each place it appears in subsections (a)(1) and (b) and inserting ''through fiscal year 2015''.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking ''(a)(1) Using'' and inserting the following:

''(a) ACTION BY SECRETARY.—

''(1) PROVISION OF FUNDS.—

''(A) IN GENERAL.—Using'';

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting ''or the National Fish and Wildlife Foundation'' after ''University of Nevada'';

(ii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

''(I) under clause (i); and

''(II) in conjunction with willing landowners.''; and

(E) by adding at the end the following:

''(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

''(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

''(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

''(II) as soon as practicable after that date of enactment.

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

''(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and all that follows through ''beneficial to—'' and inserting ''paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—''; and

(B) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.''.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, subject to subsection (b), $66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, $2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) $5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3294);

(C) $1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities;

(D) $1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin; and

(E) $45,000,000 to implement the 1996 Truckee River Water Quality Settlement Agreement by acquiring water rights for the benefit of the Truckee River and Pyramid Lake.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) $25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) $25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) $1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) $10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) $5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) $200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon and Mineral Counties, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89–108, as amended by section 9 of Public Law 99–294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: Provided, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: Provided further, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title I of Public Law 108–361 is amended by striking ''2010'' wherever it appears and inserting ''2014'' in lieu thereof.

SEC. 211. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended by striking ''countries'' and inserting ''counties''.

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of enactment of this Act shall, be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709) if the transfer under this clause—

(1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and

(2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,242,500,000, to remain available until expended: Provided, That funds provided under this heading in this and prior appropriation Acts are available for on-site and off-site improvements for the Ingress/Egress and Traffic Capacity Upgrades project at the National Renewable Energy Laboratory: Provided further, That, of the $80,000,000 provided under the wind energy subaccount under Energy Efficiency and Renewable Energy, up to $8,000,000 may be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power production: Provided further, That, of the amount appropriated in this paragraph, $292,135,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Energy Efficiency and Renewable Energy Projects'' in the joint explanatory statement accompanying the conference report on this Act.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $171,982,000, to remain available until expended: Provided, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: Provided further, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: Provided further, That, of the amount appropriated in this paragraph, $13,075,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Electricity Delivery and Energy Reliability Projects'' in the joint explanatory statement accompanying the conference report on this Act.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, $786,637,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $2,500,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Energy Projects'' in the joint explanatory statement accompanying the conference report on this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $672,383,000, to remain available until expended: Provided, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That, of the amount appropriated in this paragraph, $36,850,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Fossil Energy Projects'' in the joint explanatory statement accompanying the conference report on this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $23,627,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $243,823,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $244,673,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $573,850,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, $4,903,710,000, to remain available until expended: Provided, That $15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the ''Advanced Research Projects Agency—Energy'' account: Provided further, That, of the amount appropriated in this paragraph, $76,890,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Science Projects'' in the joint explanatory statement accompanying the conference report on this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''NWPA''), $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPA: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined

in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: Provided further, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: Provided further, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: Provided further, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: Provided further, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: Provided further, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal: Provided further, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided,, That for necessary administrative expenses to carry out this Loan Guarantee program, $43,000,000 is appropriated, to remain available until expended: Provided further, That $43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than $0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $288,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $168,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; $6,384,431,000, to remain available until expended: Provided, That $357,800,000 is provided to Stockpile Systems activities including $91,956,000 for the B61 Stockpile Systems activities: Provided further, That upon completion of the Nuclear Posture Review and confirmation of the requirement for the B61–12, the NNSA is authorized to reallocate an additional $15,000,000 within the Stockpile Systems activities to support the continuation of the B61–12 non-nuclear upgrade study, with notification to cognizant congressional committees within 15 days of the implementation of this action: Provided further, That no funds may be obligated or expended for B61–12 nuclear components without prior approval by the Appropriations Committees of the House and Senate: Provided further, That, of the amount appropriated in this paragraph, $3,000,000 shall be used for the projects specified under the heading ''Congressionally Directed Weapons Activities Projects'' in the joint explanatory statement accompanying the conference report on this Act.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,136,709,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $250,000 shall be used for the projects specified under the heading ''Congressionally Directed Defense Nuclear Nonproliferation Projects'' in the joint explanatory statement accompanying the conference report on this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $945,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $420,754,000, to remain available until expended: Provided, That $10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to ''Non-Defense Environmental Cleanup'': Provided further, That, of the amount appropriated in this paragraph, $13,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Office of the Administrator (NNSA) Projects'' in the joint explanatory statement accompanying the conference report on this Act.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, $5,642,331,000, to remain available until expended, of which $463,000,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund'': Provided, That, of the amount appropriated in this paragraph, $4,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Defense Environmental Cleanup Projects'' in the joint explanatory statement accompanying the conference report on this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities,

in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, $847,468,000, to remain available until expended: Provided, That of the amount appropriated in this paragraph, $3,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Other Defense Activities Projects'' in the joint explanatory statement accompanying the conference report on this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,944,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $13,076,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $256,711,000 to remain available until expended, of which $245,216,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $109,181,000, of which $97,686,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, $7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, up to $18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: Provided further, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $220,000: Provided further, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $298,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding account, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) WAGE RATE REQUIREMENTS.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.''.

SEC. 311. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 312. (a) ULTRA EFFICIENT VEHICLES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''an ultra efficient vehicle or'' after ''means''; and

(B) by adding at the end the following new paragraph:

''(5) ULTRA EFFICIENT VEHICLE.—The term 'ultra efficient vehicle' means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

''(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

''(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

''(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.'';

(2) in subsection (b)—

(A) by inserting '', ultra efficient vehicle manufacturers,'' after ''automobile manufacturers'';

(B) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''and'' at the end of subparagraph (B) and inserting ''or''; and

(iii) by adding at the end the following new subparagraph:

''(C) ultra efficient vehicles; and''; and

(C) in paragraph (2), by inserting '', ultra efficient vehicles,'' after ''qualifying vehicles'';

(3) in subsection (g), by inserting ''or are utilized primarily for the manufacture of ultra efficient vehicles'' after ''20 years''; and

(4) in subsection (h)(1)(B), by striking ''automobiles'' the first place it appears and inserting ''ultra efficient vehicles, automobiles,''.

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were—

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

SEC. 313. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

SEC. 314. Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

(1) in subsection (a)(3), by striking ''Corps of Engineers'' and inserting ''Southwestern Power Administration'';

(2) by adding at the end of subsection (a) the following new paragraph:

''(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and energy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.'';

(3) by adding at the end of subsection (a) the following new paragraph:

''(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than $5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.'';

(4) by adding at the end of subsection (a) the following new paragraph:

''(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

''(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

''(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

''(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.''; and

(5) by adding at the end of subsection (a) the following new paragraph:

''(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), 'time of implementation' shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).''.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $76,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $13,000,000, to remain available until expended: Provided, That no funds in this Act shall be expended for the relocation of the Delta Regional Commission headquarters.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,500,000, to remain available until expended.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,056,000,000, to remain available until expended: Provided, That of the amount appropriated herein, $29,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $153,598,000: Provided further, That of the amounts appropriated, $10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,466,000 until expended: Provided, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2010 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS

NUCLEAR REGULATORY COMMISSION REPORTING REQUIREMENT

SEC. 401. The Nuclear Regulatory Commission shall, not later than 60 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

SEC. 402. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: '''(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.''.

AUTHORITY OF NUCLEAR REGULATORY COMMISSION

SEC. 403. The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading ''Salaries and expenses'' under the heading ''Nuclear Regulatory Commission'' under the heading ''Independent agencies'' of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 629).

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

LIGHT BULB RESTRICTION

SEC. 502. To the extent practicable funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 503. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the title, the following new section 411:

''SEC. 411. Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: Provided further, That funds set aside under this section shall remain available for obligation until September 30, 2012.''.

AGENCY ADMINISTRATIVE EXPENSES

SEC. 504. (a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term ''agency''—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch and receives funding under this Act; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 506. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–203) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 507. (a) The Continuing Appropriations Resolution, 2010 is amended—

(1) in subsections (a) and (b) of section 158, by striking ''section 158'' each place it appears and inserting ''section 157''; and

(2) in section 162, by striking ''sections 158 through 162'' and inserting ''sections 157 through 161''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Continuing Appropriations Resolution, 2010.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
MARION BERRY,
CHAKA FATTAH,
STEVE ISRAEL,
TIM RYAN,
JOHN W. OLVER,
LINCOLN DAVIS,
JOHN T. SALAZAR,
RODNEY P. FRELINGHUYSEN,
ZACH WAMP,
MICHAEL K. SIMPSON,
RODNEY ALEXANDER,
Managers on the Part of the House.

BYRON L. DORGAN,
ROBERT C. BYRD,
PATTY MURRAY,
DIANNE FEINSTEIN,
JACK REED,
FRANK R. LAUTENBERG,
TOM HARKIN,
JON TESTER,
DANIEL K. INOUYE,
ROBERT F. BENNETT,
THAD COCHRAN,
MITCH MCCONNELL,
RICHARD C. SHELBY,
LAMAR ALEXANDER,
GEORGE V. VOINOVICH,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 788, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. TIERNEY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 308 / Nays 114

¶119.21 [Roll No.752]

YEAS—308

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—114

Andrews
Bachmann
Baird
Barrow
Bartlett
Barton (TX)
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Duncan
Emerson
Fallin
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kind
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lewis (CA)
Lewis (GA)
Linder
Lucas
Lummis
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Roskam
Royce

Ryan (WI)	Shadegg	Tiahrt
Scalise	Shimkus	Walden
Scott (GA)	Smith (NE)	Westmoreland
Sensenbrenner	Smith (TX)	Wilson (SC)
Sessions	Sullivan	Young (AK)

NOT VOTING—10

Adler (NJ)	Maloney	Schmidt
Barrett (SC)	McCarthy (CA)	Whitfield
Capuano	Neugebauer	
Carney	Pascrell	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶119.22 H. RES. 731—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KRATOVIL, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 731) expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KRATOVIL, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶119.23 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, October 2, 2009, at 10 a.m.; and further, when the House adjourns on Friday, October 2, 2009, it adjourn to meet at 12:30 p.m. on Tuesday, October 6, 2009, for morning-hour debate.

¶119.24 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on September 30, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3593. An Act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

H.R. 2131. An Act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2918. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3614. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 3607. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

And then,

¶119.25 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 5 o'clock and 26 minutes p.m., the House adjourned until 10 a.m. on Friday, October 2, 2009.

¶119.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 2393. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes (Rept. 111–281). Referred to the Committee of the Whole House on the state of the Union.

¶119.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3687. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Mr. ARCURI (for himself, Mr. BUYER, Mr. CASTLE, Mr. POLIS of Colorado, Mr. DONNELLY of Indiana, and Mr. DEAL of Georgia):

H.R. 3688. A bill to encourage programs of health promotion or disease prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. HASTINGS of Washington):

H.R. 3689. A bill to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA (for himself, Mr. RAHALL, Ms. HIRONO, and Mr. ABERCROMBIE):

H.R. 3690. A bill to establish a Commission on Recognition of Indian Tribes to review and act on petitions by Indian groups applying for Federal recognition, and for other purposes; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. TIBERI, and Mr. REICHERT):

H.R. 3691. A bill to extend to 2010 the program for economic recovery payments established under the American Recovery and Reinvestment Act of 2009; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Transportation and Infrastructure, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. HINCHEY, Mr. GRIJALVA, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. RAHALL, Mr. HARE, Mr. BERMAN, Ms. MCCOLLUM, Mr. NADLER of New York, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. HIRONO, Ms. LEE of California, Mr. TIERNEY, Mr. WEXLER, Mr. STARK, Mr. WAXMAN, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. WU, Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. SHERMAN, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, Ms. ESHOO, Mr. OLVER, Ms. BALDWIN, Mr. LANGEVIN, Mr. COHEN, Mr. COSTELLO, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. NYE, Mr. MARKEY of Massachusetts, Mr. HEINRICH, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. QUIGLEY, Mr. LEVIN, Mr. DEFAZIO, Mr. MICHAUD, Mr. ACKERMAN, Mr. FILNER, Ms. WOOLSEY, Ms. BERKLEY, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Ms. SCHWARTZ, Mr. SCHIFF, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. RYAN of Ohio, Mr. PASCRELL, Mr. HIGGINS, Mr. RANGEL, Mr. GRAYSON, Mr. DINGELL, Mr. SARBANES, Ms. DEGETTE, Mr. BLUMENAUER, Mr. CLEAVER, Mr. LUJÁN, Mr. SPRATT, Mr. CLAY, Ms. SPEIER, Ms. DELAURO, Mr. CONYERS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PERRIELLO, Mr. YARMUTH, Mr. FARR, Ms. EDWARDS of Maryland, Mr. SESTAK, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. SNYDER, Mr. MCDERMOTT, Mr. HALL of New York, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. KILDEE, Mr. CHANDLER, Mr. WATT, Mr. DOYLE, Mr. PETERS, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. ISRAEL, Mr. COOPER, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. BISHOP of New York, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Mr. CARSON of Indiana, Ms. WATERS, Mrs. LOWEY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. BRALEY of Iowa, Mrs. DAVIS of California, Mr. ALTMIRE, Mr. ELLISON, Mr. MOORE of Kansas, Mr. BUTTERFIELD, Mr. GONZALEZ, Mr. MEEK of Florida, Ms. KILROY, Mr. MASSA, Ms. CASTOR of Florida, Mrs. MCCARTHY of New York, Mr. KIND, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. TONKO, Ms. VELÁZQUEZ, Mr. DOGGETT, Ms. SUTTON, Mr. LANCE, Mr. DELAHUNT, Mr. FOSTER, Mr. MAFFEI, Mr. BRADY of Pennsylvania, Mr. LYNCH, Ms. TSONGAS, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL):

H.R. 3692. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. THORNBERRY, Mr. DENT, Mr. MCCAUL, Mr. SESSIONS, and Mr. WALDEN):

H.R. 3693. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia:

H.R. 3694. A bill to establish judicial procedures for causes and claims relating to any action or decision by a Federal official regarding the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):

H.R. 3695. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. JONES, Mr. LANCE, Mr. MCCARTHY of California, Mr. ROYCE, Mr. MCCOTTER, Mr. POSEY, Mr. KING of New York, Mrs. CAPITO, Mr. GERLACH, Mrs. BIGGERT, Mr. LEE of New York, Mr. MCHENRY, Mrs. BACHMANN, Mr. MANZULLO, Mr. PRICE of Georgia, Mr. ISSA, and Mr. SMITH of Texas):

H.R. 3696. A bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes; to the Committee on Financial Services.

By Mr. COLE:

H.R. 3697. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas:

H.R. 3698. A bill to authorize grants to State and local law enforcement training centers to provide training to State and local law enforcement agencies and officers to communicate with telecommunications carriers in emergency situations, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. MCGOVERN, Ms. WATERS, Mr. CONYERS, Mr. ELLISON, Mr. LEWIS of Georgia, Ms. WATSON, Mr. TOWNS, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. HONDA, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. FILNER, and Mr. GRAYSON):

H.R. 3699. A bill to prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan; to the Committee on Armed Services.

By Mr. GINGREY of Georgia:

H.R. 3700. A bill to establish requirements for any health reform legislation enacted by the Congress or the President during the 111th Congress; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 3701. A bill to establish the More Books for Africa Program to facilitate the donation, processing, shipping, and distribution of text and library books to African schools, libraries, community centers, and other centers of learning in partnership with United States-based entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOOZMAN:

H.R. 3702. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, Mr. MCMAHON, and Mr. TURNER):

H.R. 3703. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 3704. A bill to authorize a Department of Veterans Affairs major medical facility lease in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Mr. MCGOVERN, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, and Mr. HASTINGS of Florida):

H.R. 3705. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey:

H.R. 3706. A bill to require borrowers under FHA-insured mortgages for single-family housing to make downpayments of at least 5 percent and to prohibit financing of closing costs under such mortgages; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey:

H.R. 3707. A bill to amend the Internal Revenue Code of 1986 to exclude combat zone compensation of members of the Armed Forces from employment taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 3708. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the earned income of a spouse of a member of the Armed Forces of the United States serving in a combat zone; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. SIMPSON, Mr. MINNICK, and Mr. BLUMENAUER):

H.R. 3709. A bill to amend the Geothermal Steam Act of 1970 to authorize noncompetitive leasing of certain areas adjoining other lands for which a qualified company or individual holds a preexisting legal right to develop geothermal resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. SHERMAN, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BLUMENAUER, Mr. HINCHEY, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. DELAURO, Mr. WEXLER, Mr. GRIJALVA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. CONYERS, Mrs. MALONEY, Mr. HARE, Mr. MARKEY of Massachusetts, Mr. HOLT, Ms. WOOLSEY, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. PASCRELL, Mr. MOORE of Kansas, Mr. ACKERMAN, Mr. SERRANO, Ms. BALDWIN, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 3710. A bill to end the use of body-gripping traps in the National Wildlife Refuge System; to the Committee on Natural Resources.

By Mr. NADLER of New York:

H.R. 3711. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. ARCURI, Mr. CAMPBELL, Mr. DOYLE, Mr. GERLACH, Mr. HINCHEY, Mr. ISRAEL, Mr. MURTHA, Ms. SCHWARTZ, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. FORTENBERRY, Mr. GORDON of Tennessee, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. PITTS, Mr. SESTAK, and Mr. WOLF):

H.R. 3712. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 invasion of Pennsylvania, the Battle of Gettysburg, and President Abraham Lincoln's Gettysburg Address; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. PITTS, Mrs. MYRICK, Mrs. BONO MACK, Mr. BUYER, Mr. UPTON, and Mr. HALL of Texas):

H.R. 3713. A bill to provide bipartisan solutions to lower health costs, increase access to affordable coverage, and give patients more choices and control; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Appropriations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. PENCE):

H.R. 3714. A bill to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHWARTZ (for herself, Mr. TIBERI, Mr. CARNAHAN, Mr. GORDON of Tennessee, Ms. BERKLEY, Mr. WELCH, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. CONNOLLY of Virginia, Mr. HOLT, Mr. DOYLE, Mr. TURNER, Mr. ALTMIRE, Mr. COURTNEY, Mr. PRICE of North Carolina, Mr. TONKO, Mr. ARCURI, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. TIERNEY, Ms. TSONGAS, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. SESTAK):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. WELCH):

H.R. 3716. A bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3717. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mr. PIERLUISI, Mr. MICA, Mr. YOUNG of Alaska, Mr. SERRANO, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, Ms. WASSERMAN SCHULTZ, and Mr. CROWLEY):

H.R. 3718. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. GONZALEZ):

H. Con. Res. 193. Concurrent resolution expressing the sense of Congress regarding the need to pass meaningful legislation to protect commercial and government data from data breaches; to the Committee on Science and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H. Res. 789. A resolution expressing support for designation of October 2, 2009, as World MRSA Day; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Ms. TITUS, Mr. HELLER, Mr. WAMP, Mr. HASTINGS of Florida, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Ms. WATSON, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. LANGEVIN, Mr. DONNELLY of Indiana, Mr. DUNCAN, Mr. DAVIS of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. HARE, Mr. KIND, Mr. HOLT, Mr. DRIEHAUS, Mr. WALZ, Mr. THOMPSON of Mississippi, and Mr. LOEBSACK):

H. Res. 790. A resolution supporting the goals and ideals of a national day of remembrance on October 30, 2009, for American nuclear weapons program workers and uranium miners, millers, and haulers; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. OLSON, Mr. BARROW, Ms. DEGETTE, Mr. BURGESS, Mr. INSLEE, Ms. WOOLSEY, Mr. GONZALEZ, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. MCCAUL, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. MOLLOHAN, Mr. COSTELLO, Mr. REYES, and Mr. HONDA):

H. Res. 791. A resolution congratulating the Aldine Independent School District in Harris County, Texas, on winning the 2009 ''Broad Prize for Urban Education''; to the Committee on Education and Labor.

By Mr. POSEY (for himself and Ms. HIRONO):

H. Res. 792. A resolution honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing and for being an ambassador of the sport and excellent role model; to the Committee on Oversight and Government Reform.

By Mr. REYES (for himself, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. BUTTERFIELD, Ms. ZOE LOFGREN of California, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. HOLT, Mr. EHLERS, Mr. BARTLETT, Mr. MCGOVERN, Mr. OLVER, Ms. MATSUI, Mr. BOREN, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. POE of Texas, Mr. HALL of Texas, Ms. CORRINE BROWN of Florida, and Mr. FOSTER):

H. Res. 793. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

By Mr. ROHRABACHER (for himself, Mr. DELAHUNT, and Mr. BURTON of Indiana):

H. Res. 794. A resolution calling for a runoff election in Afghanistan between the two top finishers; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 795. A resolution honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encouraging the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001; to the Committee on Natural Resources.

¶119.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Harper.

H.R. 32: Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. TIERNEY, and Mr. LUCAS.

H.R. 124: Mrs. MILLER of Michigan and Mr. LINDER.

H.R. 213: Mr. GOODLATTE, Mr. MOLLOHAN, Mr. GARY G. MILLER of California, and Mr. KILDEE.

H.R. 227: Mr. ROE of Tennessee.

H.R. 268: Mr. MANZULLO.

H.R. 275: Mr. WOLF and Mr. KRATOVIL.

H.R. 391: Mr. THORNBERRY, Mr. CULBERSON, Mr. HOEKSTRA, Mr. KING of Iowa, Mrs. MCMORRIS RODGERS, and Mr. RYAN of Wisconsin.

H.R. 422: Mr. BUTTERFIELD and Mr. MCCLINTOCK.

H.R. 442: Ms. MARKEY of Colorado.

H.R. 471: Mr. HOLDEN, Mr. LIPINSKI, and Mr. RYAN of Ohio.

H.R. 503: Mr. MARKEY of Massachusetts.

H.R. 510: Mrs. MILLER of Michigan and Mrs. EMERSON.

H.R. 571: Mr. MILLER of North Carolina.

H.R. 579: Mr. COHEN.

H.R. 690: Mrs. CAPITO and Mr. REICHERT.

H.R. 718: Mr. SHUSTER.

H.R. 836: Mrs. HALVORSON and Mr. TURNER.

H.R. 868: Mr. SOUDER, Mr. SIRES, and Mr. DOGGETT.

H.R. 932: Ms. MOORE of Wisconsin and Mr. LARSON of Connecticut.

H.R. 953: Mr. CHILDERS.

H.R. 1067: Mr. RYAN of Ohio and Mr. COURTNEY.

H.R. 1074: Mr. TURNER.

H.R. 1079: Mr. BISHOP of Utah.

H.R. 1086: Mr. GRAVES.

H.R. 1132: Mr. MCCLINTOCK.

H.R. 1233: Mr. CHAFFETZ.

H.R. 1245: Mr. LEE of New York, Mr. OLSON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WAMP.

H.R. 1310: Mr. DRIEHAUS.

H.R. 1351: Mr. CUMMINGS and Mr. DEAL of Georgia.

H.R. 1352: Mr. MURTHA.

H.R. 1378: Ms. GIFFORDS.

H.R. 1398: Mr. PERLMUTTER.

H.R. 1441: Mr. MILLER of North Carolina.

H.R. 1521: Mr. HASTINGS of Washington and Mrs. CAPITO.

H.R. 1569: Mr. BERMAN and Mr. STARK.

H.R. 1596: Mr. MINNICK, Mr. RAHALL, Mr. SNYDER, Mrs. MALONEY, and Mr. BERRY.

H.R. 1618: Ms. RICHARDSON and Ms. SUTTON.

H.R. 1623: Mr. INGLIS.

H.R. 1677: Mr. DEAL of Georgia, Mr. COLE, and Mr. GONZALEZ.

H.R. 1695: Ms. FOXX.

H.R. 1766: Mr. CARSON of Indiana and Mr. THOMPSON of Mississippi.

H.R. 1792: Mr. ISRAEL.

H.R. 1799: Mr. KAGEN.

H.R. 1800: Ms. HARMAN.

H.R. 1826: Ms. TSONGAS and Ms. KAPTUR.

H.R. 1829: Mr. ETHERIDGE, Mrs. BIGGERT, Mrs. MILLER of Michigan, and Mr. MILLER of North Carolina.

H.R. 1831: Mr. LARSEN of Washington, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, and Ms. TSONGAS.

H.R. 1908: Mr. KRATOVIL and Mr. BLUMENAUER.

H.R. 1941: Mr. SHULER.

H.R. 1987: Mr. JOHNSON of Georgia and Mr. ORTIZ.

H.R. 2000: Mr. SCHAUER and Mr. ABERCROMBIE.

H.R. 2001: Mr. POLIS of Colorado, Mr. KILDEE, Ms. SCHWARTZ, Mr. ENGEL, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. CASTLE, Mr. UPTON, Mr. SALAZAR, Ms. HIRONO, Ms. SHEA-PORTER, Mr. OLVER, Ms. BERKLEY, and Mr. FILNER.

H.R. 2017: Mr. CUMMINGS and Mr. REHBERG.

H.R. 2054: Mr. THOMPSON of Mississippi.

H.R. 2109: Mr. WEXLER, Mr. COHEN, Mr. EHLERS, Mr. PLATTS, and Mr. MCGOVERN.

H.R. 2136: Mr. LATOURETTE, Mr. PRICE of North Carolina, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Ms. HIRONO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, and Ms. SUTTON.

H.R. 2139: Ms. DELAURO, Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. VAN HOLLEN.

H.R. 2149: Mr. BOUCHER.

H.R. 2176: Mr. MASSA and Mr. THOMPSON of Pennsylvania.

H.R. 2227: Mr. INGLIS and Mrs. BIGGERT.

H.R. 2246: Ms. TSONGAS.

H.R. 2266: Mr. CARSON of Indiana, Mr. WATT, Mr. NADLER of New York, Mr. POLIS of Colorado, and Mr. THOMPSON of Mississippi.

H.R. 2267: Mr. THOMPSON of Mississippi and Mr. SMITH of Washington.

H.R. 2329: Mr. CARSON of Indiana.

H.R. 2336: Ms. ZOE LOFGREN of California.

H.R. 2366: Mr. LATHAM.

H.R. 2369: Mr. COHEN.

H.R. 2393: Ms. FALLIN.

H.R. 2398: Mr. ROE of Tennessee, Mr. GALLEGLY, and Mr. MILLER of North Carolina.

H.R. 2404: Ms. SLAUGHTER.

H.R. 2406: Mrs. CAPITO and Mr. FORTENBERRY.

H.R. 2421: Mr. SKELTON.

H.R. 2446: Mr. ROSS.

H.R. 2452: Mr. KRATOVIL.

H.R. 2493: Ms. LORETTA SANCHEZ of California, Mr. BURTON of Indiana, and Mr. BACA.

H.R. 2499: Mr. CROWLEY.

H.R. 2502: Mr. BILBRAY and Mr. POLIS of Colorado.

H.R. 2541: Mr. KIRK and Mr. SCHOCK.

H.R. 2553: Mr. LANCE.

H.R. 2556: Mr. HOEKSTRA.

H.R. 2567: Mr. MASSA.

H.R. 2573: Mr. DOYLE and Ms. BERKLEY.

H.R. 2584: Mr. CROWLEY, Mr. SNYDER, and Mr. COBLE.

H.R. 2597: Mr. BOSWELL and Mr. RUPPERSBERGER.
H.R. 2672: Ms. MARKEY of Colorado.
H.R. 2698: Mr. YOUNG of Alaska.
H.R. 2699: Mr. YOUNG of Alaska.
H.R. 2727: Mr. EDWARDS of Texas, Mr. LIPINSKI, and Mr. MILLER of North Carolina.
H.R. 2788: Mrs. MILLER of Michigan, Mr. POSEY, Mr. LINDER, and Mr. GARY G. MILLER of California.
H.R. 2817: Mr. HONDA.
H.R. 2842: Mrs. BACHMANN and Mr. MCCLINTOCK.
H.R. 2852: Mr. KISSELL, Mr. BOUCHER, and Mr. UPTON.
H.R. 2879: Mr. TEAGUE.
H.R. 2891: Mr. BOSWELL.
H.R. 2903: Mr. OBERSTAR and Mr. KAGEN.
H.R. 2935: Mr. MILLER of North Carolina, Mr. CALVERT, Ms. MATSUI, Mrs. MILLER of Michigan, and Mr. TEAGUE.
H.R. 2936: Mrs. DAHLKEMPER.
H.R. 3002: Mr. BLUNT.
H.R. 3015: Mr. MARSHALL, Mr. CARTER, Mr. BARTLETT, Mr. GRAVES, Mr. MILLER of Florida, Ms. GRANGER, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mr. WOLF, Mr. BUYER, Mr. DENT, and Mr. WHITFIELD.
H.R. 3018: Mr. BURGESS, Mr. HALL of Texas, Mr. TIBERI, and Mr. BARTON of Texas.
H.R. 3044: Mr. CONAWAY, Mr. CARTER, Mr. HUNTER, Mr. BILIRAKIS, Ms. KOSMAS, Mr. LUJAN, Mr. CRENSHAW, Mr. SCHOCK, and Mr. HILL.
H.R. 3046: Mrs. MILLER of Michigan.
H.R. 3070: Mr. KILDEE.
H.R. 3116: Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. DUNCAN, and Mr. PASTOR of Arizona.
H.R. 3140: Mr. JONES.
H.R. 3174: Mrs. CAPITO.
H.R. 3227: Ms. MARKEY of Colorado.
H.R. 3251: Mr. SOUDER.
H.R. 3355: Mr. COURTNEY and Mr. GERLACH.
H.R. 3375: Mrs. BLACKBURN.
H.R. 3380: Mr. LATOURETTE, Mr. SHERMAN, and Mr. PALLONE.
H.R. 3400: Mr. GARY G. MILLER of California and Mr. HALL of Texas.
H.R. 3407: Ms. GINNY BROWN-WAITE of Florida and Mr. KAGEN.
H.R. 3420: Mr. COHEN.
H.R. 3421: Mr. ORTIZ, Mr. OLVER, Ms. SUTTON, Ms. EDWARDS of Maryland, Mr. COURTNEY, Ms. WATSON, and Ms. WOOLSEY.
H.R. 3427: Mr. FOSTER.
H.R. 3463: Mr. LATOURETTE.
H.R. 3486: Mr. HODES and Mr. DONNELLY of Indiana.
H.R. 3501: Mr. COHEN.
H.R. 3510: Mr. COHEN and Mr. BISHOP of New York.
H.R. 3519: Ms. MARKEY of Colorado, Mr. MORAN of Kansas, and Mr. COHEN.
H.R. 3524: Mr. KIND, Mr. MCNERNEY, Mr. CALVERT, Mr. THOMPSON of Mississippi, Mr. FILNER, and Mr. CONAWAY.
H.R. 3554: Ms. SUTTON.
H.R. 3569: Mr. LUCAS and Mr. WITTMAN.
H.R. 3582: Mr. LATTA.
H.R. 3586: Mr. WALZ.
H.R. 3608: Mr. JONES.
H.R. 3610: Mr. LATTA and Mr. JORDAN of Ohio.
H.R. 3611: Mr. MCMAHON.
H.R. 3612: Mr. SMITH of Texas and Ms. MARKEY of Colorado.
H.R. 3613: Mr. LUCAS, Mr. WITTMAN, and Mr. SOUDER.
H.R. 3621: Mr. LIPINSKI and Mr. BISHOP of New York.
H.R. 3636: Mr. BERMAN.
H.R. 3674: Mr. BOCCIERI.
H.R. 3680: Mr. ABERCROMBIE and Mr. SABLAN.
H.J. Res. 26: Mr. KIRK.
H. Con. Res. 42: Mr. MEEK of Florida, Ms. NORTON, and Mr. CONYERS.
H. Con. Res. 43: Mr. MEEK of Florida and Mr. CONYERS.
H. Con. Res. 129: Ms. PINGREE of Maine, Mr. BOREN, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. SESTAK, Mr. EHLERS, and Mr. Thornberry.
H. Con. Res. 160: Mr. LATHAM, Mr. WITTMAN, and Mr. MCCAUL.
H. Con. Res. 168: Mr. MURPHY of New York.
H. Con. Res. 177: Mr. PAULSEN and Mr. KRATOVIL.
H. Con. Res. 181: Mr. DINGELL and Mr. HINCHEY.
H. Res. 150: Mr. CLAY, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, and Mr. CARNAHAN.
H. Res. 159: Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. MORAN of Virginia, Mr. MINNICK, Mr. HINCHEY, and Ms. BERKLEY.
H. Res. 504: Mr. KIRK.
H. Res. 510: Mr. LANGEVIN.
H. Res. 554: Mr. MINNICK, Mr. GINGREY of Georgia, Mr. BOEHNER, Mr. FLEMING, Mr. BISHOP of Utah, Mr. RADANOVICH, Mr. CAMPBELL, Mr. KIRK, Mr. DEAL of Georgia, Mr. COBLE, Mr. MICA, Mr. YOUNG of Florida, Mr. TERRY, Mr. THORNBERRY, Mr. BLUNT, Mr. BARTON of Texas, Mr. ROGERS of Kentucky, Mr. LUETKEMEYER, Mr. GOHMERT, Mr. PUTNAM, Mr. THOMPSON of Pennsylvania, Mr. REICHERT, Mr. TIBERI, Mr. BILBRAY, and Mr. PENCE.
H. Res. 567: Mr. GALLEGLY, Mr. BERMAN, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. MACK, Mr. COSTA, Mrs. CAPPS, Mr. BUCHANAN, Ms. MATSUI, Mr. SCHIFF, Mr. LEWIS of California, Mr. DREIER, Mr. ISSA, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. MCNERNEY, and Mr. SHERMAN.
H. Res. 603: Mr. FILNER and Mr. MASSA.
H. Res. 605: Mr. MURPHY of New York and Mr. STEARNS.
H. Res. 611: Mrs. LOWEY.
H. Res. 649: Mr. SABLAN, Ms. BALDWIN, Mr. FILNER, and Mr. RUSH.
H. Res. 660: Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. EDWARDS of Maryland, and Mr. RUSH.
H. Res. 700: Mr. COHEN.
H. Res. 708: Mr. QUIGLEY, Mr. JOHNSON of Illinois, and Mr. JACKSON of Illinois.
H. Res. 709: Ms. MATSUI.
H. Res. 715: Mr. KIRK.
H. Res. 719: Mr. MORAN of Kansas.
H. Res. 736: Mr. SOUDER.
H. Res. 740: Mr. SHULER.
H. Res. 747: Mr. SHIMKUS and Mr. MURPHY of New York.
H. Res. 749: Mr. INGLIS.
H. Res. 752: Mr. RUSH, Mr. LOEBSACK, and Mr. ROSKAM.
H. Res. 754: Mr. BOOZMAN and Mr. KLINE of Minnesota.
H. Res. 759: Mr. UPTON.
H. Res. 773: Mr. SHUSTER, Mr. WOLF, Mr. WITTMAN, and Mr. NEAL of Massachusetts.
H. Res. 783: Mr. WOLF, Mr. SCHAUER, and Ms. ROYBAL-ALLARD.
H. Res. 786: Mr. ACKERMAN, Mr. PAYNE, Mr. ENGEL, Mr. DELAHUNT, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. BORDALLO, Ms. WOOLSEY, Mr. GINGREY of Georgia, and Mr. COSTELLO.

FRIDAY, OCTOBER 2, 2009 (120)

¶120.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
October 2, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶120.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, October 1, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶120.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3940. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish; Amendment 1 [Docket No.: 071220873-91153-02] (RIN: 0648-SD25) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3941. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Experimental Permitting Process, Exempted Fishing Permits, and Scientific Research Activity [Docket No.: 071121736-91118-03] (RIN: 0648-AR78) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, and #3 [Docket No.: 090324366-9371-01] (RIN: 0648-XQ50) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3943. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR04) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0526; Directorate Identifier 2009-NM-029-AD; Amendment 39-16008; AD 2009-18-12] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0563; Directorate Identifier 2008-NM-180-AD; Amendment 39-16005; AD 2009-18-09] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No.: FAA-2009-0515; Directorate Identifier 2008-NM-071-AD; Amendment 39-16007; AD 2009-18-11] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. (RR) RB211 Trent 900 Series Turbofan Engines [Docket No.: FAA-2009-0771; Directorate Identifier 2009-NE-14-AD; Amendment 39-16009; AD 2009-18-13] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, -900 and -900ER Series Airplanes [Docket No.: FAA-2009-0212; Directorate Identifier 2008-NM-122-AD; Amendment 39-16019; AD 2009-19-02] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No.: FAA-2009-0476; Directorate Identifier 2008-NM-188-AD; Amendment 39-16006; AD 2009-18-10] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2009-0786; Directorate Identifier 2009-NM-145-AD; Amendment 39-16014; AD 2009-18-18] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0264; Directorate Identifier 2008-NM-174-AD; Amendment 39-16017; AD 2009-18-20] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 Airplanes [Docket No.: FAA-2009-0465; Directorate Identifier 2007-NM-244-AD; Amendment 39-16012; AD 2009-18-16] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0522; Directorate Identifier 2008-NM-127-AD; Amendment 39-16010; AD 2009-18-14] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes [Docket No.: FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, and B4-2C Airplanes [Docket No.: FAA-2009-0397; Directorate Identifier 2008-NM-023-AD; Amendment 39-16018; AD 2009-19-01] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0381; Directorate Identifier 2009-NM-008-AD; Amendment 39-16016; AD 2009-18-19] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, 400, and -500 Series Airplanes [Docket No.: FAA-2009-0787; Directorate Identifier 2009-NM-090-AD; Amendment 39-16015; AD 2009-02-06 R1] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model AB412 and AB412 EP Helicopters [Docket No.: FAA-2009-0804; Directorate Identifier 2008-SW-56-AD; Amendment 39-16013; AD 2009-18-17] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0781; Directorate Identifier 2009-NM-111-AD; Amendment 39-16004; AD 2009-18-08] (RIN: 2120-AA64) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶120.4 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent and pursuant to the special order of the House agreed to on October 1, at 10 o'clock and 4 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, October 6, 2009.

¶120.5 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2296: Ms. GRANGER, Mrs. CAPITO, Mrs. MCMORRIS RODGERS, and Mr. MCKEON.

H.R. 2672: Mr. MICHAUD.

H. Res. 711: Mr. LINCOLN DIAZ-BALART of Florida and Mr. INGLIS.

TUESDAY, OCTOBER 6, 2009 (121)

¶121.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. SCHRADER, who laid before the House the following communication:

WASHINGTON, DC,
October 6, 2009.

I hereby appoint the Honorable KURT SCHRADER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶121.2 RECESS—12:48 P.M.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 48 minutes p.m., until 2 p.m.

¶121.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, called the House to order.

¶121.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. RICHARDSON, announced she had examined and approved the Journal of the proceedings of Friday, October 2, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶121.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3960. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-08-0114; FV09-989-1 FIR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3961. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Change in Reporting Requirements [Doc. No.: AMS-FV-08-0017; FV08-920-2 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3962. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes [Doc. No.: AMS FV-08-0097; FV09-980-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3963. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment

Rate [Doc. No.: AMS-FV-09-0048; FV09-993-1 IFR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3964. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefurit, Tangerines, and Tangelos Grown in Florida; Order Amending Marketing Order No. 905 [Doc. No.: AO-85-A10; AMS-FV-07-0132; FV08-905-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3965. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon and Imported Irish Potatoes; Relaxation of Size Requirements [Doc. No.: AMS-FV-08-0062; FV08-945-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3966. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances [EPA-HQ-OPP-2008-0806; FRL-8427-7] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3967. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Private Security Contractors (PSCs) Operating in Contingency Operations [DOD-2008-OS-0125] (RIN: 0790-AI38) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3968. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8087] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3969. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3970. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] (RIN: 0584-AD73) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3971. A letter from the Deputy Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Vocational Rehabilitation Service Projects for American Indians with Disabilities [Docket ID ED-2009-OSERS-0008] (RIN: 1820-AB63) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3972. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Vaulting and Paying Benefits received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3973. A letter from the Department Director, Regulations Policy And Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Charging for Investigational Drugs Under an Investigational New Drug Application [Docket No.: FDA-2006-N-0237] (formerly Docket No.: 2006N-0061) (RIN: 0910-AF13) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3974. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays [Docket No.: FDA-2009-N-0344] received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3975. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2009-0079; FRL-8945-1] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3976. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2009-0385; FRL-8948-6] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3977. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Boise, Idaho) [MB Docket No.: 09-96] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3978. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Prohibitions on Market Manipulation [Project No. P082900] (RIN: 3084-AB12) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3979. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to Certain End-User Controls under the Export Administration Regulations; Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List [Docket No.: 090126062-91139-01] (RIN: 0694-AE54) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3980. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule; Extension [Docket No.: 090206152-9249-01] (RIN: 0648-AX61) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3981. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf—Changing Proprietary Term of Certain Geophysical Information [Docket ID: MMS-2008-OMM-0006] (RIN: 1010-AD41) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3982. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Techinical Changes to Production Measurement and Training Requirements [Docket ID MMS-2008-OMM-0023] (RIN: 1010-AD55) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3983. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (TCM) IO-520, TSIO-520, and IO-550 Series Reciprocating Engines with Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed [Docket No.: FAA-2007-0051; Directorate Identifier 2007-NE-37-AD; Amendment 39-15986; AD 2009-16-03] (RIN: 2120-AA64) received September 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines [Docket No.: FAA-2009-0555; Directorate Identifier 2009-NE-18-AD; Amendment 39-15996; AD 2009-17-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0532; Directorate Identifier 2008-NM-024-AD; Amendment 39-15994; AD 2009-17-03] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3986. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Plentywood, MT [Docket No.: FAA-2009-0225; Airspace Docket No. 09-ANM-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3987. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-7 Airplanes [Docket No.: FAA-2009-0509; Directorate Identifier 2009-CE-029-AD; Amendment 39-15985; AD 2009-16-02] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3988. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Revenue Procedure 2007-44 (Rev. Proc. 2009-36) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3989. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revocation of Elections By Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under section 204 of WRERA (Revenue Procedure 2009-43) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3990. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Program allowing Department of Treasury to partner with private investors to form public-private investment partnerships to acquire legacy securities (Rev. Proc. 2009-42) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3991. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting of Discharges of Indebt edness (RIN: 1545-BH99) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶121.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. RICHARDSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 5, 2009, at 9:37 a.m.:

That the Senate agreed to S. Con. Res. 42.

That the Senate agreed to S. Con. Res. 43.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶121.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. RICHARDSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 6, 2009, at 9:42 a.m.:

That the Senate passed without amendment H.R. 3663.

That the Senate passed S. 251.

That the Senate agreed to without amendment H. Con. Res. 178.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶121.8 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Ms. RICHARDSON, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Friday, October 2, 2009:

S. 1707. An Act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

¶121.9 RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to section 4 of the Ronald Reagan Centennial Commission Act of 2009 (Public Law 111-25), and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the Ronald Reagan Centennial Commission: Mr. FOSTER and Mr. MOORE of Kansas.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶121.10 ADULT EDUCATION AND FAMILY EDUCATION AND FAMILY LITERACY WEEK

Mr. POLIS moved to suspend the rules and agree to the following resolution (H. Res. 707); as amended:

Whereas the literacy of its citizens is essential for the economic well-being of the United States, our society, and the individuals who can benefit from full participation therein;

Whereas literacy and education skills are a prerequisite to individuals reaping the full benefit of opportunities in the United States;

Whereas the economy and our position in the world marketplace depend on having a literate, skilled population;

Whereas the education skills of parents and reading to children have a direct impact on the educational success of their children;

Whereas, parental involvement is a key predictor of a child's success, the level of parental involvement increases as the education level of the parent increases;

Whereas parents in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result, children's lives become more stable, and success in the classroom, and in all future endeavors, becomes more likely;

Whereas studies show that two important factors that influence student achievement are the mother's education level and poverty in the home, it is clear that if adults are not part of the learning equation, then there is no long-term solution to our Nation's education challenges;

Whereas many older people in the United States lack the reading, math, or English skills to read a prescription and follow medical instructions, endangering their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills to obtain and keep a job with a family-sustaining income, continue their education, or participate in job training programs;

Whereas many high school dropouts do not have the literacy skills to complete their education, transition to postsecondary education or vocational training, or become employed;

Whereas a large portion of those in prison have low educational skills, and prisoners without skills are more likely to return to prison once released;

Whereas many of our Nations' immigrants do not have the literacy skills to succeed in their new home country;

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English language skills to succeed at home, in the workplace, and in society;

Whereas National Adult Education and Family Literacy week highlights the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society; and

Whereas the week of October 18, 2009, would be an appropriate date to designate as National Adult Education and Family Literacy Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Adult Education and Family Literacy Week, including raising public awareness about the importance of adult education and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education and family literacy programs; and

(3) requests that the President issue a proclamation recognizing the importance of adult education and family literacy programs, calling upon the Federal Government, States, localities, schools, libraries, nonprofit organizations, community-based organizations, consumer advocates, institutions of higher education, labor unions, and businesses to support increased access to adult education and family literacy programs to ensure a literate society.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. POLIS and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶121.11 CAMPUS FIRE SAFETY MONTH

Mr. POLIS moved to suspend the rules and agree to the following resolution (H. Res. 167):

Whereas each year, States across the Nation formally proclaim September as Campus Fire Safety Month;

Whereas since January 2000, at least 129 people including students, parents, and children, have died in student housing fires, many of which were preventable;

Whereas over 80 percent of these deaths have occurred in off-campus occupancies;

Whereas a majority of the students across the Nation live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants;

Whereas it is recognized that automatic fire alarm systems provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken;

Whereas it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of a building's occupants;

Whereas many students are living in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college career;

Whereas it is vital to educate the future generations of our Nation about the importance of fire safety behavior so that these behaviors can help to ensure their safety during their college years and beyond; and

Whereas by developing a generation of firesafe adults, future loss of life from fires can be significantly reduced: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Campus Fire Safety Month;

(2) encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year; and

(3) encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing and take the necessary steps to ensure firesafe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. POLIS and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶121.12 COUNTRY MUSIC

Mr. POLIS moved to suspend the rules and agree to the following resolution (H. Res. 650):

Whereas country music was created in the United States and its distinctive sound makes it a uniquely American institution;

Whereas country music is rooted in the folk traditions of the British Isles;

Whereas in the United States, those roots became entangled with the ethnic music of immigrants from other regions and African slaves to create a uniquely American sound;

Whereas in 1922, a country music performance was broadcast on the radio for the first time, and the earliest commercial recording of country music was made, featuring the song ''Sallie Gooden'', performed by fiddlist A.C. ''Eck'' Robertson;

Whereas throughout the 1920s, the earliest country music records and radio programs brought the music out of the rural heartland and into homes across the United States;

Whereas no institution is more closely associated with country music than WSM Radio's Grand Ole Opry in Nashville, Tennessee, which, since 1925, has introduced the United States to many of the great talents of country music through live Saturday night performances;

Whereas two of the top selling solo artists of all time, Elvis Presley and Garth Brooks, are rooted in country music;

Whereas Garth Brooks, with 128,000,000 records sold, is the top selling solo artist in United States history;

Whereas top country musician Willie Nelson said that country music is where ''people tell their life stories''; and

Whereas country music continues to increase in popularity in the United States and around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares country music to be a uniquely American art form; and

(2) recognizes that country music should be honored for its contributions to American life and culture.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. POLIS and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 7, 2009.

¶121.13 READ FOR THE RECORD DAY

Mr. POLIS moved to suspend the rules and agree to the following resolution (H. Res. 741); as amended:

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas year-round, Jumpstart recruits and trains college students and community volunteers to work with preschool children in low-income communities, helping them to develop the language, literacy, and social skills they need to succeed in school and in life;

Whereas since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children in communities across the Nation;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is an annual campaign, now in its fourth year, that brings national attention to the crisis in early education by organizing the world's largest shared reading experience;

Whereas the goals of the campaign are to raise national awareness about the importance of early education by engaging 1,000,000 children reading the same book on the same day, provide books to children in low-income households through donations and book purchases and sponsorship, and prepare students for school success;

Whereas Jumpstart hopes to engage more than 1,000,000 children to read ''The Very Hungry Caterpillar'' in this record-breaking celebration of reading, service, and fun, all in support of the Nation's preschoolers; and

Whereas October 8, 2009, would be an appropriate date to designate as national Jumpstart's ''Read for the Record Day'' because it is the date Jumpstart aims to set a new world record for the world's largest shared reading experience on the same day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''Read for the Record Day'';

(2) commends Jumpstart's Read for the Record in its fourth year; and

(3) encourages adults, including grandparents, parents, teachers, and college students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy and Jumpstart's year-long program working with preschool children in low-income communities.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. POLIS and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶121.14 DYKE MARSH WILDLIFE PRESERVE

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 701):

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86–41 ''so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount'';

Whereas the Honorable John D. Dingell of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leafed cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative John Dingell's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 years and into the future.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. BORDALLO and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MORAN of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 7, 2009.

¶121.15 NATIONAL ESTUARIES DAY

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 710):

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than $800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating $8,000,000,000 to $12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits;

Whereas 62.3 percent of habitat restoration funds of the National Oceanic and Atmospheric Administration (NOAA) under the American Recovery and Reinvestment Act (Public Law 111–5) were awarded to projects in estuaries, and 90 percent of the total NOAA habitat restoration funding under such Act will benefit estuaries; and

Whereas September 26, 2009, has been designated ''National Estuaries Day'' to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Estuaries Day'';

(2) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(3) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(4) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(5) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. BORDALLO and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶121.16 FLIGHT 93 NATIONAL MEMORIAL

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 795):

Whereas, on September 11, 2001, the passengers and crew of United Flight 93 courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital;

Whereas the Flight 93 crash site is a profound national symbol of American patriotism and spontaneous leadership of citizen heroes;

Whereas the people of Shanksville, Pennsylvania, came together as a community to protect the sacred ground and construct a temporary memorial where Flight 93 crashed on September 11th;

Whereas the Flight 93 Ambassadors, created by members of the Shanksville community after the tragic events of September 11th, have exhibited selfless dedication and leadership by preserving and recounting the heroic story of the brave intervention of the passengers and crew against the terrorists to the memorial's visitors; and

Whereas in large part due to the efforts of the community and Flight 93 Ambassadors, Congress authorized the creation of a permanent national memorial as part of the National Park System under Public Law 107–226, the Flight 93 National Memorial Act: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Shanksville, Pennsylvania, community and Flight 93 Ambassadors for—

(A) their foresight, dedication, and leadership in protecting the Flight 93 temporary memorial, the preservation and sharing of the heroic story of the brave intervention of the passengers and crew against terrorists; and

(B) their efforts to establish a permanent national memorial to Flight 93; and

(2) encourages the Secretary of the Interior and the National Park Service to complete the Flight 93 National Memorial, as authorized by the Flight 93 National Memorial Act, by the 10th anniversary of the September 11th attacks.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. BORDALLO and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 7, 2009.

¶121.17 RECESS—3:29 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 29 minutes p.m., subject to the call of the Chair.

¶121.18 AFTER RECESS—5:30 P.M.

The SPEAKER pro tempore, Mr. SERRANO, called the House to order.

¶121.19 AMENDMENT OF THE SENATE TO H.R. 2647

On motion of Mr. SKELTON, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SKELTON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶121.20 MOTION TO INSTRUCT CONFEREES—H.R. 2647

Mr. FORBES moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2647, be instructed to not recede to the Senate on division E of the amendment of the Senate (regarding the Matthew Shepard Hate Crimes Prevention Act).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. FORBES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶121.21 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2997

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–287) the resolution (H. Res. 799) providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶121.22 PERMITTING CONFEREES TO CLOSE CONFERENCE— H.R. 2647

Mr. SKELTON moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes; be closed to the public at such times as sensitive national security information is under consideration; *Provided*, *however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas and nays were required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 405 / Nays ..... 7 }

¶121.23 [Roll No. 753]

YEAS—405

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Blumenauer
DeFazio
Johnson (IL)
Kucinich
McDermott
Paul
Stark

NOT VOTING—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Costa
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶121.24 MOTION TO INSTRUCT CONFEREES TO H.R. 2647—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. FORBES, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 178 / Nays 234

¶121.25 [Roll No. 754]

YEAS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nunes
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Cao
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
King (IA)
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶121.26 H. RES. 707—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 707) expressing support for designation of the week of September 13, as Adult Education and Family Literacy Week; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶121.27 [Roll No. 755]

YEAS—412

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas

Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Radanovich
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for designation of the week of October 18, 2009, as National Adult Education and Family Literacy Week.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended, was, by unanimous consent, laid on the table.

¶121.28 STATUE OF HELEN KELLER

On motion of Mr. DAVIS of California, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 42):

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the ''double dungeon of darkness and silence'' by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became ''America's Goodwill Ambassador to the World'';

Whereas Helen pioneered the concept of ''talking books'' for the blind;

Whereas LIFE Magazine hailed Helen as ''one of the 100 most important Americans of the 20th Century—a national treasure''; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶121.29 APPOINTMENT OF CONFEREES—H.R. 2647

The SPEAKER pro tempore, Mr. MAFFEI, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. MCKEON, BARTLETT, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, BISHOP of Utah, TURNER, and WITTMAN.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. REYES, SCHIFF, and HOEKSTRA.

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833 and 2834 of the House bill and secs. 531–534 and 3136 of the Senate amendment, and modifications committed to conference: Ms. WOOLSEY, Mr. ALTMIRE, and Mrs. BIGGERT.

From the Committee on Energy and Commerce, for consideration of secs. 247, 315 and 601 of the House bill and secs. 311, 601, 2835 and 3118 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, MARKEY of Massachusetts, and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of Title XII, Title XIII and sec. 1517 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. TITUS, and Mr. BILIRAKIS.

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to

conference: Messrs. CAPUANO, GONZALEZ, and DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of secs. 583, 584, 1021 and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086 and Division E of the Senate amendment, and modifications committed to conference: Mr. NADLER of New York, Ms. ZOE LOFGREN of California, and Mr. GOHMERT.

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference: Messrs. RAHALL, FALEOMAVAEGA, and HASTINGS of Washington.

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113 and Title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105 and 1162 of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, LYNCH, and FORTENBERRY.

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and SMITH of Nebraska.

From the Committee on Small Business, for consideration of sec. 830 of the House bill and secs. 833, 834, 838, 1090 and Division F of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ and Messrs. NYE, and GRAVES.

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601 and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference: Mr. CUMMINGS, Ms. RICHARDSON, and Mr. MICA.

From the Committee on Veterans' Affairs, for consideration of secs. 525, 583, 584 and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of Title X, secs. 1084 and 1085 of the Senate amendment, and modifications committed to conference: Messrs. RODRIGUEZ, DONNELLY of Indiana, and BUYER.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶121.30 CHANGE OF CONFEREE—H.R. 2647

The SPEAKER pro tempore, Mr. NYE, by unanimous consent, pursuant to clause 11 of rule I, the chair removed the gentleman from Texas as a conferee from the Permanent Select Committee on Intelligence and appointed the gentleman from Florida, Mr. Alcee HASTINGS, on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

Ordered, That the Clerk notify the Senate of the foregoing thereof.

¶121.31 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 251. An Act to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 43. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke, to the Committee on House Administration.

¶121.32 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3663. An Act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

On Friday, October 2, 2009:

H.R. 1687. An Act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''.

H.R. 2053. An Act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

H.R. 2121. An Act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An Act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

H.R. 2913. An Act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

¶121.33 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature on October 2, 2009, to enrolled bills of the Senate of the following titles:

S. 1289. An Act to improve title 18 of the United States Code.

¶121.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRENSHAW, for today;

To Mr. HINOJOSA, for today; and

To Mr. NEUGEBAUER, for today.

And then,

¶121.35 ADJOURNMENT

On motion of Mr. GOHMERT, at 11 o'clock and 46 minutes p.m., the House adjourned.

¶121.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 719. Resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; with an amendment (Rept. 111–282). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 138. Resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas (Rept. 111–283). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes (Rept. 111–284). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 465. Resolution recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes; with amendments (Rept. 111–285). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse'' (Rept. 111–286). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 799. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–287). Referred to the House Calendar.

¶121.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER (for himself and Mr. MICHAUD):

H.R. 3719. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Veterans Economic Opportunity Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself, Mr. SCHOCK, Mr. BRALEY of Iowa, and Mr. BOSWELL):

H.R. 3720. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. CONYERS, Mr. ANDREWS, Mr. NADLER of New York, Mr. COURTNEY, Ms. CHU, Ms. CLARKE, Mr.

HOLT, Mr. HARE, Mr. KILDEE, Mr. LOEBSACK, Mr. SABLAN, Mr. SCOTT of Virginia, Ms. HIRONO, Ms. WOOLSEY, Mr. BISHOP of New York, and Mr. SESTAK):

H.R. 3721. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 3722. A bill to amend the Small Business Investment Act of 1958 to improve the New Markets Venture Capital and Renewable Fuel Capital Investment Programs, and for other purposes; to the Committee on Small Business.

By Mrs. HALVORSON:

H.R. 3723. A bill to amend the Small Business Act to improve the activities carried out under section 7(a) of such Act, and for other purposes; to the Committee on Small Business.

By Ms. BERKLEY (for herself, Mr. ABERCROMBIE, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. SENSENBRENNER, and Mr. THOMPSON of California):

H.R. 3724. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. CASTLE (for himself and Mr. CAPUANO):

H.R. 3725. A bill to relieve traffic congestion; to the Committee on Transportation and Infrastructure.

By Mrs. CHRISTENSEN:

H.R. 3726. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. BERKLEY, Mr. BLUMENAUER, Ms. MATSUI, Mr. POLIS, Ms. TITUS, Mrs. NAPOLITANO, and Mr. PERLMUTTER):

H.R. 3727. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Science and Technology.

By Mr. HASTINGS of Florida:

H.R. 3728. A bill to make certain improvements in the laws applicable to the detention of individuals at United States detainment facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3729. A bill to amend section 31 of the Small Business Act with respect to awarding contract opportunities to qualified HUBZone small business concerns, and for other purposes; to the Committee on Small Business.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3730. A bill to provide for financial literacy education; to the Committee on Education and Labor.

By Mr. LUJÁN (for himself, Mr. SIRES, Mr. MILLER of North Carolina, Mr. GONZALEZ, Mr. WU, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SABLAN, Mr. BACA, Mr. LARSON of Connecticut, Mr. OLVER, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. HIRONO, Mr. TONKO, Mr. GRIJALVA, Mr. HINOJOSA, Mr. REYES, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. PERRIELLO, Mr. TEAGUE, and Mr. HEINRICH):

H.R. 3731. A bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy; to the Committee on Education and Labor.

By Mr. MITCHELL (for himself and Mr. HELLER):

H.R. 3732. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SESTAK:

H.R. 3733. A bill to amend title 10, United States Code, to expand the eligibility of members of the Armed Forces to participate in programs of higher education offered by the Community College of the Air Force; to the Committee on Armed Services.

By Mr. SIRES (for himself, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mrs. MALONEY, Mr. TOWNS, Mr. ROTHMAN of New Jersey, Mr. MCMAHON, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. RUSH, Mr. QUIGLEY, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. DAVIS of Alabama, Mr. COHEN, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. SERRANO, and Mr. CAPUANO):

H.R. 3734. A bill to authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide Federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. MORAN of Kansas):

H.R. 3735. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mrs. LOWEY:

H. Con. Res. 194. Concurrent resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. DANIEL E. LUNGREN of California:

H. Con. Res. 195. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H. Res. 796. A resolution expressing the sense of the House of Representatives that no American should be penalized for failing to purchase Government-mandated health coverage; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. DANIEL E. LUNGREN of California, Mr. WU, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. GORDON of Tennessee, Mr. CUELLAR, Mr. CARNAHAN, Mr. HIMES, Ms. KILROY, Mr. LUJÁN, Mr. LANGEVIN, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, and Ms. FUDGE):

H. Res. 797. A resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month; to the Committee on Science and Technology.

By Mr. MCDERMOTT (for himself, Mr. ROYCE, Mr. CROWLEY, Mr. PALLONE, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 798. A resolution conveying the best wishes of the House of Representatives to those celebrating Diwali; to the Committee on Oversight and Government Reform.

By Ms. SPEIER (for herself, Ms. HIRONO, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. SABLAN, Mr. CAO, Mr. SCOTT of Virginia, Mr. FILNER, Ms. CHU, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. BACA, Mrs. CAPPS, Mr. THOMPSON of California, Mr. ROSS, Mr. SIRES, Mr. HONDA, Mr. BILBRAY, Mr. GRIJALVA, Mr. COSTA, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Mr. INGLIS, Ms. WOOLSEY, Mr. BURTON of Indiana, and Mr. WU):

H. Res. 800. A resolution expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. TOWNS, and Mr. RANGEL):

H. Res. 801. A resolution expressing congratulations and support for the appointment of former President William J. Clinton as United Nations Special Envoy for Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SESTAK (for himself and Mr. MCGOVERN):

H. Res. 802. A resolution recognizing the commencement of the 9th year of Operation Enduring Freedom and the sacrifice and contributions of United States service members and their families in support of Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. SPACE (for himself and Mr. TERRY):

H. Res. 803. A resolution expressing the support of the House of Representatives regarding the merits and benefits of the Laundry Environmental Stewardship Program (ESP) program, which improves the environment through textile services industry wide conservation of water and energy, reducing pollutants, and using safer surfactants; to the Committee on Energy and Commerce.

¶121.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. ROTHMAN of New Jersey.
H.R. 25: Mr. HALL of Texas and Ms. GRANGER.
H.R. 29: Mr. DAVIS of Illinois.
H.R. 86: Mr. CHAFFETZ.
H.R. 124: Mr. YOUNG of Alaska.
H.R. 197: Mr. HARPER, Ms. GRANGER, and Mr. TURNER.
H.R. 198: Mr. PITTS.
H.R. 305: Mr. HEINRICH.
H.R. 406: Mr. ARCURI, Ms. NORTON, Mrs. SCHMIDT, Mr. CARDOZA, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. CAPUANO, Mr. PIERLUISI, Mr. INSLEE, Mr. FORTENBERRY, Ms. BEAN, and Mr. JACKSON of Illinois.
H.R. 453: Mr. COHEN.
H.R. 510: Ms. SHEA-PORTER and Mr. TERRY.
H.R. 571: Mr. LARSON of Connecticut, Mr. POLIS, and Mr. BOCCIERI.
H.R. 574: Mr. OBERSTAR.
H.R. 597: Mr. KILDEE.
H.R. 614: Mr. JONES.
H.R. 616: Mr. DAVIS of Alabama and Mr. YOUNG of Alaska.
H.R. 621: Mr. OBERSTAR.
H.R. 624: Mr. ELLISON.
H.R. 635: Mr. CLEAVER.
H.R. 678: Mr. NYE, Ms. KAPTUR, Mr. JOHNSON of Georgia, and Mr. SIRES.
H.R. 690: Mr. PALLONE.
H.R. 789: Ms. MOORE of Wisconsin.
H.R. 840: Mr. SESTAK.
H.R. 881: Mr. ROE of Tennessee.
H.R. 916: Mr. LEWIS of Georgia, Mr. CHANDLER, and Mrs. DAVIS of California.
H.R. 958: Mr. YARMUTH.
H.R. 988: Mr. HEINRICH, Mr. PAULSEN, and Mr. ETHERIDGE.
H.R. 995: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. MCINTYRE.
H.R. 1021: Mr. ALTMIRE.
H.R. 1067: Mr. ENGEL and Mr. SMITH of Washington.
H.R. 1074: Ms. MARKEY of Colorado and Mr. HARPER.
H.R. 1079: Mr. SCALISE, Mr. TOWNS, Mr. ELLISON, and Mr. SCHIFF.
H.R. 1093: Mr. ROTHMAN of New Jersey.
H.R. 1101: Mr. GENE GREEN of Texas.
H.R. 1126: Mr. DAVIS of Illinois.
H.R. 1166: Ms. RICHARDSON.
H.R. 1188: Mr. PUTNAM.
H.R. 1190: Mr. COHEN.
H.R. 1205: Mr. DONNELLY of Indiana.
H.R. 1207: Ms. CHU, Ms. PINGREE of Maine, Ms. SUTTON, and Mr. DRIEHAUS.
H.R. 1227: Mr. SHERMAN.
H.R. 1230: Mr. BUTTERFIELD.
H.R. 1237: Ms. WASSERMAN SCHULTZ.
H.R. 1278: Ms. SHEA-PORTER.
H.R. 1298: Mr. MARSHALL, Mr. BARTLETT, Mr. COSTELLO, Mr. RAHALL, MR GOODLATTE, and Mr. TIERNEY.
H.R. 1303: Mr. MEEKS of New York.
H.R. 1339: Mr. MURPHY of Connecticut.
H.R. 1362: Mr. BOOZMAN, Mr. SCHIFF, Mr. KIRK, and Mr. ROE of Tennessee.
H.R. 1407: Mr. MARSHALL.
H.R. 1428: Ms. DEGETTE.
H.R. 1447: Mr. WOLF.
H.R. 1505: Mr. BLUMENAUER.
H.R. 1528: Mr. DAVIS of Illinois.
H.R. 1530: Mr. DAVIS of Illinois.
H.R. 1531: Mr. DAVIS of Illinois.
H.R. 1547: Mr. ROGERS of Michigan.
H.R. 1570: Mr. MACK.
H.R. 1625: Mr. LYNCH, Mr. KLEIN of Florida, Mr. DENT, Mr. MILLER of North Carolina, Mr. SHADEGG, Ms. WATERS, and Mr. MICHAUD.
H.R. 1646: Mrs. MILLER of Michigan.
H.R. 1691: Mr. KISSELL and Mr. YARMUTH.
H.R. 1693: Mr. FARR.
H.R. 1708: Mr. ORTIZ.
H.R. 1722: Ms. ZOE LOFGREN of California, Mrs. CAPITO, and Mr. DOGGETT.
H.R. 1740: Mr. COSTA, Mr. SPACE, and Mr. KUCINICH.
H.R. 1769: Mr. JACKSON of Illinois.
H.R. 1778: Mrs. HALVORSON.
H.R. 1796: Mr. MCGOVERN.
H.R. 1820: Ms. WATERS, Mr. SHERMAN, Mr. FARR, Ms. CHU, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.
H.R. 1826: Mr. MARKEY of Massachusetts, Ms. HIRONO, Ms. HARMAN, and Mr. MURPHY of New York.
H.R. 1835: Mr. RYAN of Ohio.
H.R. 1875: Mr. BRALEY of Iowa.
H.R. 1884: Mr. LARSEN of Washington, Mr. MURPHY of New York, Mr. ALTMIRE, Mr. DENT, and Ms. CHU.
H.R. 1891: Mr. PITTS.
H.R. 1894: Mr. GONZALEZ.
H.R. 1912: Mr. SESTAK.
H.R. 1927: Mr. MORAN of Virginia.
H.R. 1977: Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR.
H.R. 1995: Mr. PAYNE.
H.R. 2017: Mr. COLE, Mr. COSTELLO, Mr. WAMP, and Ms. SLAUGHTER.
H.R. 2055: Mr. HINCHEY.
H.R. 2060: Mr. LUJÁN.
H.R. 2067: Mr. COSTELLO and Mr. ACKERMAN.
H.R. 2135: Mr. MOORE of Kansas.
H.R. 2149: Mr. FORTENBERRY and Ms. BALDWIN.
H.R. 2190: Mr. GEORGE MILLER of California.
H.R. 2194: Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. HARPER, Mrs. DAVIS of California, Mr. NYE, and Ms. TSONGAS.
H.R. 2198: Mrs. BIGGERT.
H.R. 2254: Mr. MELANCON, Mr. MILLER of North Carolina, Mr. CARDOZA, Ms. SLAUGHTER, Mr. BERMAN, Mr. LANGEVIN, Ms. KILPATRICK of Michigan, Mr. AUSTRIA, Mr. ROGERS of Kentucky, Mr. CUMMINGS, and Mr. SHULER.
H.R. 2262: Mr. COSTELLO and Ms. HERSETH SANDLIN.
H.R. 2269: Mr. DAVIS of Illinois.
H.R. 2279: Mrs. CHRISTENSEN and Mr. GENE GREEN of Texas.
H.R. 2280: Mr. GRIJALVA, and Mr. PETERSON.
H.R. 2324: Mr. SERRANO and Ms. ZOE LOFGREN of California.
H.R. 2358: Mr. GENE GREEN of Texas.
H.R. 2377: Mr. CARDOZA and Mr. LATOURETTE.
H.R. 2381: Mr. DEFAZIO.
H.R. 2418: Mr. SESTAK.
H.R. 2425: Ms. SPEIER, Mrs. LOWEY, and Mr. GENE GREEN of Texas.
H.R. 2427: Mr. DOGGETT.
H.R. 2452: Mr. WITTMAN, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. MINNICK.
H.R. 2476: Mr. GALLEGLY.
H.R. 2493: Mr. MURPHY of New York, Mr. ISRAEL, and Mr. SOUDER.
H.R. 2499: Mrs. DAHLKEMPER, Mr. BUCHANAN, and Mr. TERRY.
H.R. 2515: Ms. EDWARDS of Maryland.
H.R. 2517: Ms. CHU.
H.R. 2527: Mr. POLIS.
H.R. 2567: Mr. JACKSON of Illinois and Mr. PETRI.
H.R. 2597: Mr. SCOTT of Virginia.
H.R. 2607: Mr. SMITH of New Jersey.
H.R. 2625: Mr. WU.
H.R. 2628: Mr. BISHOP of Georgia.
H.R. 2642: Mr. TURNER.
H.R. 2648: Mr. CLEAVER.
H.R. 2655: Mr. LATOURETTE.
H.R. 2730: Mr. GENE GREEN of Texas.
H.R. 2732: Mr. FORBES.
H.R. 2740: Mr. GRIJALVA.
H.R. 2746: Mr. BRALEY of Iowa and Ms. RICHARDSON.
H.R. 2753: Mr. PITTS, Mr. OBERSTAR, Mrs. EMERSON, Mr. ROGERS of Kentucky, and Mr. WHITFIELD.
H.R. 2766: Mr. ROTHMAN of New Jersey and Mr. BERMAN.
H.R. 2807: Mrs. MALONEY, Mr. FILNER, and Mr. DOGGETT.
H.R. 2831: Ms. BALDWIN.
H.R. 2842: Mr. HOEKSTRA and Mr. BLUNT.
H.R. 2868: Mr. HINCHEY.
H.R. 2879: Mr. MINNICK and Mr. WALZ.
H.R. 2897: Mr. MCGOVERN, Mr. HILL, Mr. COSTA, Mr. WILSON of Ohio, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. MORAN of Kansas.
H.R. 2935: Mr. BLUMENAUER, Mr. WAMP, and Mr. POMEROY.
H.R. 2936: Ms. SUTTON.
H.R. 2964: Ms. TITUS, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. HARPER, Mr. HENSARLING, Mr. ROSKAM, Mr. LAMBORN, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mr. WALDEN, Mr. KINGSTON, Mr. JORDAN of Ohio, and Mr. SCALISE.
H.R. 3011: Mr. SESSIONS and Mr. BRALEY of Iowa.
H.R. 3012: Ms. CHU.
H.R. 3015: Mr. KLINE of Minnesota.
H.R. 3035: Mr. COHEN and Mr. VAN HOLLEN.
H.R. 3043: Mr. FARR, Mr. MEEKS of New York, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. ISRAEL, Ms. WATERS, Ms. DEGETTE, Mr. TONKO, Mr. LANGEVIN, and Mr. MASSA.
H.R. 3050: Mr. CONNOLLY of Virginia and Mr. THOMPSON of California.
H.R. 3075: Mr. SESTAK.
H.R. 3077: Mr. OLVER.
H.R. 3078: Ms. DELAURO and Mr. FILNER.
H.R. 3105: Mr. MCCLINTOCK.
H.R. 3116: Mr. KILDEE, Mr. WAMP, and Ms. SLAUGHTER.
H.R. 3186: Mr. HINCHEY.
H.R. 3202: Mr. KAGEN.
H.R. 3217: Mr. SMITH of Nebraska.
H.R. 3238: Mr. ORTIZ.
H.R. 3245: Ms. CHU, Mr. ELLISON, and Ms. LEE of California.
H.R. 3258: Ms. SHEA-PORTER, Mr. HINCHEY, and Mr. COHEN.
H.R. 3271: Mr. FILNER.
H.R. 3286: Ms. BERKLEY, Mr. DOGGETT, and Ms. KAPTUR.
H.R. 3312: Ms. TITUS.
H.R. 3328: Ms. HIRONO and Mr. JOHNSON of Georgia.
H.R. 3348: Mr. SHIMKUS, Mr. LATTA, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. LEWIS of California, Mr. CASSIDY, Mr. TURNER, Mr. ROYCE, Mr. ORTIZ, Mr. MCKEON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. WOLF, Mr. PITTS, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. LUCAS, Mr. COLE, Mrs. LUMMIS, Mr. THORNBERRY, Mr. CONAWAY, Ms. GRANGER, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. SOUDER, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. KLINE of Minnesota, Mr. BRADY of Texas, Mr. CARTER, Mr. KING of New York, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. FLEMING, Mr. PAULSEN, and Mr. OLSON.
H.R. 3365: Mr. RAHALL, Mr. ALTMIRE, Mr. BACA, and Mr. MASSA.
H.R. 3375: Mr. WAMP.
H.R. 3385: Mr. SAM JOHNSON of Texas.
H.R. 3408: Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. WALZ, Ms. SUTTON, and Mr. CAPUANO.
H.R. 3413: Mr. AL GREEN of Texas, Ms. JENKINS, Mrs. MYRICK, and Mr. MICHAUD.
H.R. 3421: Mr. HONDA and Ms. RICHARDSON.
H.R. 3430: Mr. CLEAVER.
H.R. 3441: Mr. MOORE of Kansas.
H.R. 3480: Mrs. LOWEY.
H.R. 3502: Mr. TAYLOR and Mr. MASSA.
H.R. 3518: Mr. WILSON of Ohio and Mr. ALTMIRE.
H.R. 3545: Mr. FILNER.
H.R. 3549: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ROTHMAN of New Jersey.
H.R. 3554: Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LARSEN of Washington, Mr. COSTELLO, Mr. KENNEDY, and Ms. SCHAKOWSKY.

H.R. 3569: Mr. HALL of Texas.
H.R. 3571: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3585: Mrs. BONO MACK and Mr. HEINRICH.
H.R. 3590: Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. PLATTS, Mr. FILNER, Mr. MOORE of Kansas, Ms. TITUS, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. PETERS, and Mr. AL GREEN of Texas.
H.R. 3608: Mr. WU, Mr. ISSA, and Mr. FILNER.
H.R. 3610: Mr. PENCE, Mr. SMITH of New Jersey, and Mr. CALVERT.
H.R. 3613: Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. WOLF, and Mr. PETRI.
H.R. 3633: Mr. WELCH.
H.R. 3636: Mr. JACKSON of Illinois, Mr. SERRANO, and Mr. HINCHEY.
H.R. 3644: Ms. KILPATRICK of Michigan, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. RICHARDSON.
H.R. 3650: Mr. FARR, Mr. BOYD, and Mr. CAPUANO.
H.R. 3668: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.
H.R. 3670: Mr. SNYDER, Ms. TSONGAS, Mr. SOUDER, and Ms. RICHARDSON.
H.R. 3677: Mr. WAMP and Mr. HALL of Texas.
H.R. 3679: Mr. SERRANO.
H.R. 3696: Mr. PENCE.
H.R. 3710: Ms. JACKSON-LEE of Texas.
H.R. 3712: Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Pennsylvania, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. J. Res. 26: Mr. LATOURETTE.
H.J. Res. 47: Mr. MOLLOHAN.
H. Con. Res. 18: Mr. CULBERSON.
H. Con. Res. 144: Mr. ROE of Tennessee.
H. Con. Res. 147: Ms. RICHARDSON.
H. Con. Res. 158: Mr. CALVERT, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.
H. Con. Res. 160: Mr. HASTINGS of Florida and Mr. MOORE of Kansas.
H. Con. Res. 169: Mrs. MILLER of Michigan and Ms. JENKINS.
H. Con. Res. 170: Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. CAO, and Mrs. BLACKBURN.
H. Con. Res. 177: Mr. ROONEY and Mr. COSTELLO.
H. Res. 159: Mr. CROWLEY, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RYAN of Ohio, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BLUMENAUER, Ms. BORDALLO, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. NORTON, Mr. COHEN, Mr. FILNER, Mr. DAVIS of Illinois, and Mr. BISHOP of New York.
H. Res. 185: Mr. HALL of New York and Ms. RICHARDSON.
H. Res. 252: Mr. ISSA and Mr. BILBRAY.
H. Res. 395: Mr. SMITH of New Jersey and Mr. MCGOVERN.
H. Res. 416: Mr. PAYNE.
H. Res. 480: Mr. CARSON of Indiana.
H. Res. 516: Mr. WOLF.
H. Res. 531: Mr. FOSTER, Mr. SCHOCK, Mr. BEAN, Mr. RUSH, and Mr. KILDEE.
H. Res. 554: Mr. CUELLAR, Mr. MACK, Mr. BACHUS, Mr. SENSENBRENNER, Mr. LUCAS, Mr. MCCARTHY of California, Mrs. MYRICK, Mr. TEAGUE, Mr. JORDAN of Ohio, Mr. DAVIS of Kentucky, Mr. HELLER, and Mr. BOOZMAN.
H. Res. 567: Ms. LEE of California.
H. Res. 568: Mr. PLATTS, Mr. HENSARLING, Mr. HARPER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. ROSKAM, Mr. LATOURETTE, Mr. ROE of Tennessee, Mr. MILLER of Florida, Mr. INGLIS, Ms. FALLIN, Mr. PETRI, Mr. MORAN of Kansas, Mr. POE of Texas, Mr. COBLE, Mr. UPTON, Mr. CASTLE, Mr. DAVIS of Kentucky, Mr. LANCE, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mrs. BIGGERT, Mr. KIRK, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. DENT, Mr. AKIN, Mr. ROGERS of Michigan, Mr. ISSA, and Mr. TIAHRT.
H. Res. 603: Mr. DANIEL E. LUNGREN of California.
H. Res. 614: Mr. MINNICK.
H. Res. 630: Ms. PINGREE of Maine.
H. Res. 650: Mr. COOPER, Mr. GENE GREEN of Texas, Mr. DUNCAN, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. PETRI, Mr. FILNER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROE of Tennessee, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. CAO, Mr. THORNBERRY, Mr. INGLIS, Mr. WOLF, Mr. UPTON, Mr. BRADY of Texas, Mr. TIBERI, Mr. Chaffetz, Mr. HUNTER, Mrs. LUMMIS, Mrs. BIGGERT, Mr. POE of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ROYCE, Mr. Posey, Mr. PLATTS, Mr. BILBRAY, and Mrs. BLACKBURN.
H. Res. 660: Mr. CUMMINGS.
H. Res. 700: Mr. HARE.
H. Res. 704: Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, and Mr. LATHAM.
H. Res. 707: Mr. MAFFEI, Mr. CAPUANO, and Mrs. BLACKBURN.
H. Res. 716: Mr. ROE of Tennessee and Ms. CLARKE.
H. Res. 727: Mr. HUNTER, Mr. DENT, Mr. BERMAN, Mr. GERLACH, Mr. SOUDER, Mr. PETERS, Mr. KIRK, Mr. MORAN of Kansas, Mr. TURNER, Mr. ROTHMAN of New Jersey, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 729: Mr. RANGEL, Mrs. BLACKBURN, Ms. FUDGE, Mr. JONES, and Mr. RYAN of Ohio.
H. Res. 736: Mrs. EMERSON, Mr. MURTHA, and Mr. ROTHMAN of New Jersey.
H. Res. 741: Mr. GEORGE MILLER of California.
H. Res. 748: Mr. PITTS.
H. Res. 749: Mr. DANIEL E. LUNGREN of California.
H. Res. 752: Mr. TONKO.
H. Res. 763: Mr. FORBES.
H. Res. 780: Mr. BERMAN, Mr. ABERCROMBIE, Ms. BORDALLO, Ms. SPEIER, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. SABLAN, Ms. ROYBAL-ALLARD, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Ms. LEE of California, Ms. HIRONO, Ms. CHU, Mr. HONDA, Mr. AUSTRIA, Ms. SCHAKOWSKY, and Mr. WU.
H. Res. 782: Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. LINDER, Mr. BISHOP of Georgia, Mr. LANCE, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, and Mr. BARROW.
H. Res. 783: Mr. CAO, Mr. PRICE of Georgia, Mr. DANIEL E. LUNGREN of California, and Mr. SHULER.
H. Res. 787: Mr. PETERS, Mr. OLVER, Mr. QUIGLEY, Mrs. HALVORSON, Ms. TITUS, Mrs. DAHLKEMPER, Mr. SNYDER, Ms. BALDWIN, Mr. KENNEDY, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Ms. RICHARDSON, and Mr. PIERLUISI.
H. Res. 789: Mr. QUIGLEY.
H. Res. 790: Mr. PERLMUTTER.
H. Res. 793: Mr. GORDON of Tennessee, Mr. ROTHMAN of New Jersey, Ms. RICHARDSON, Mr. LUJÁN, Mr. WOLF, Mr. WU, Mr. BILBRAY, Mr. MEEKS of New York, Ms. BORDALLO, Mr. GONZALEZ, and Ms. EDWARDS of Maryland.

WEDNESDAY, OCTOBER 7, 2009 (122)

The House was called to order by the SPEAKER.

¶122.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, October 6, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶122.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3992. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final ''Major'' rule — Livestock Forage Disaster Program and Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish; Supplemental Agricultural Disaster Assistance (RIN: 0560-AH94) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3993. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0814; FRL-8436-5] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3994. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0003; FRL-8436-7] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metolachlor, S-Metolachlor, Bifenazate, Buprofezin, and 2,4-D; Tolerance Actions [EPA-HQ-OPP-2009-0239; FRL-8438-9] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3996. A letter from the General Counsel, Department of the Defense, transmitting proposal for Congress to implement provisions of the Roadmap Agreement between the United States Government and the Government of Japan to establish a Special Purpose Entity to support utilities necessary for the realignment of approximately 8,000 Marine Corps personnel and their associated dependents from Okinawa to Guam; to the Committee on Armed Services.

3997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Missouri; Update to Materials Incorporated by Reference [FRL 8952-8] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3998. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Referance for New Hampshire [NH-041-7013a; A-1-FRL-8955-9] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3999. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final ''Major'' rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2008-0508; FRL-8963-5] (RIN: 2060-A079) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4000. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions [EPA-HQ-OAR-2004-0014; FRL-8937-8] received September 28, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4001. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Lead (Pb) Maintenace Plan Update for Marion County [EPA-R05-OAR-2009-0293; FRL-8961-6] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4002. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson County; Correction Notice [EPA-R04-OAR-2007-0359-200915(c); FRL-8960-1] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4003. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5); Final Rule to Stay the Grandfathering Provision for PM2.5 [EPA-HQ-OAR-2003-0062: FRL-8961-5] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 47 [EPA-HQ-SFUND-2008-0547, EPA-HQ-SFUND-2009-0071, EPA-HQ-SFUND-2009-0074, EPA-HQ-SFUND-2009-0075, EPA-HQ-SFUND-2009-0068, EPA-HQ-SFUND-2009-0069, EPA-HQ-SFUND-2008-0579, EPA-HQ-SFUND-2009-0072, EPA-HQ-SFUND-2009-0064, EPA-HQ-SFUND-2009-0073, EPA-HQ-SFUND-1997-0009; FRL-8961-3] (RIN: 2050-AD75) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4005. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standard of Performance for New Stationary Sources and Emissions Guidelines for Exisiting Sources: Hospital/Medical/Infectious Waste Incinerators [EPA-HQ-OAR-2006-0534; FRL-8959-9] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4006. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's assessment of Demand Response and Advance Metering, pursuant to Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4007. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Commerce.

4008. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 04-09); to the Committee on Foreign Affairs.

4009. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 03-09); to the Committee on Foreign Affairs.

4010. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels by grant and by sale to certain foreign countries; to the Committee on Foreign Affairs.

4011. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the President's bimonthly report on progress toward a negotiated solution of the Cyprus question covering the period June 1, 2009 through July 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

4012. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

4013. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

4014. A letter from the Director, International Cooperation, Office of the Under Secretary Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 11-09 informing of an intent to sign a Project Arrangement; to the Committee on Foreign Affairs.

4015. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Letter Report: Responses to Questions Regarding the Ballpark Revenue Fund'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4016. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Letter Report: Responses to Specific Questions Regarding the Department of Housing and Community Development's Home Purchase Assistance Program'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4017. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4018. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4019. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 8E for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4020. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 2A for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4021. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 3F for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4022. A letter from the Director, Executive Office Of The President Office of National Drug Control Policy, transmitting final addendum to the Fiscal Year 2008 Performance Summary Report transmitted in April 2009, pursuant to Public Law 105-277, Div. C-Title VII, section 705(d); to the Committee on Oversight and Government Reform.

4023. A letter from the Chairman and CEO, Farm Credit Administration, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Administration's inventory of commerical activities for calendar year 2009; to the Committee on Oversight and Government Reform.

4024. A letter from the Acting Senior Procurement Excutive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-36; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 7] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4025. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-002, Cost Accounting Standards (CAS) Administration and Associated Federal Acquisition Regulation Clauses [FAC 2005-36; FAR Case 2007-002; Item IV; Docket 2008-0001, Sequence 22] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4026. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2008 Commercial and Inherently Governmental Activities Inventories the Commission's Fiscal Year 2009 Commercial and Inherently Governmental Activities Inventories, pursuant to Federal Activities Inventory Reform Act of 1988; to the Committee on Oversight and Government Reform.

4027. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting the activites of the Department of Justice regarding prison rape abatement for the preceding year, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

4028. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting Prison Rape Elimination Act (PREA) Data Collection Activities, 2009, pursuant to Public Law 108-79, section 4(c)(1) (117 Stat. 977); to the Committee on the Judiciary.

4029. A letter from the Assistant Attorney General, Office of Legislative Affairs Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2008, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

4030. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the National Transportation Safety Board's response to OMB's request for views on H.R. 3371, the ''Airline Safety and Pilot Training Improvement Act of 2009''; to the Committee on Transportation and Infrastructure.

4031. A letter from the Acting Administrator, Transportation Security Administration Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at 7 Montana airports will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers and that the screening company is owned and controlled by citizens of the United States, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

4032. A letter from the Director, Executive Office Of The President Office Of National Drug Control Policy, transmitting a response to GAO-09-339R Counterdrug Technology Assessment Center, pursuant to 31 U.S.C. 270; jointly to the Committees on Energy and Commerce and Oversight and Government Reform.

¶122.3 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2997

Mr. McGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 799):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶122.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 45. A concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3326) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appointees: Messrs. INOUYE, BYRD, LEAHY, HARKIN, DORGAN, DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Messrs. SPECTER, COCHRAN, BOND, MCCONNELL, SHELBY, GREGG, Mrs. HUTCHINSON, Messrs. BENNETT, and BROWNBACK to be the conferees on the part of the Senate.

¶122.5 RECESS—11:52 A.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 52 minutes a.m., subject to the call of the Chair.

¶122.6 AFTER RECESS—12:16 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶122.7 H. RES. 799—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 799) providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 180

¶122.8 [Roll No. 756]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette

Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bachmann
Braley (IA)
Carney
Conyers
Crenshaw
Diaz-Balart, M.
Engel
Frelinghuysen
Johnson, Sam
Larson (CT)
Maloney
Neugebauer
Radanovich
Tsongas
Westmoreland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 178

¶122.9 [Roll No. 757]

AYES—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bachmann
Carney
Crenshaw
Diaz-Balart, M.
Frelinghuysen
Honda
Johnson, Sam
Larson (CT)
Maloney
Murtha
Neugebauer
Radanovich
Tsongas

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶122.10 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. CARTER, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause one of Rule XXIII of the Rules of the House of Representatives provides, ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.'';

Whereas The New York Times reported on September 5, 2008, that, ''Representative Charles B. Rangel has earned more than $75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort'';

Whereas in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, ''Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.'';

Whereas clause 5(a)(2)(A) of House Rule 25 defines a gift as, ''. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value'' and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Representative Rangel's failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code;

Whereas the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel;

Whereas Roll Call newspaper reported on September 15, 2008 that, ''The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings.'';

Whereas the House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel;

Whereas after the Ethics Committee probe was underway, The New York Times reported on November 24, 2008 that, ''Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefitted Nabors Industries, an oil drilling company last year, while at the same time its chief executive was pledging $1 million to the Charles B. Rangel School of Public Service at C.C.N.Y.'';

Whereas the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel's involvement with Nabors Industries;

Whereas since then, further serious allegations of improper and potentially illegal conduct by Representative Rangel have surfaced;

Whereas during the recently completed August district work period, Representative Rangel acknowledged his failure to publicly disclose at least half a million dollars in cash assets, tens of thousands of dollars in investment income, and his ownership of two pieces of property in New Jersey;

Whereas corrected financial disclosure statements filed by Representative Rangel on August 12, 2009 now reveal his net worth to be nearly twice as much as he had previously revealed;

Whereas The New York Times newspaper reported on August 26, 2009 that, ''United States Representative Charles B. Rangel, whose personal finances and fund raising are the subject of two House ethics investigations, failed to report at least $500,000 in assets on his 2007 Congressional disclosure form, according to an amended report he filed this month. Among the dozen newly disclosed holdings revealed in the amended ,forms are a checking account at a federal credit union with a balance between $250,000 and $500,000; three vacant lots in Glassboro, N.J., valued at a total of $1,000 to $15,000; and stock in PepsiCo worth between $15,000 and $50,000.'';

Whereas Roll Call newspaper reported on August 25, 2009 that Representative Rangel's corrected filings also revealed ''at least $250,001 in a fund called ML Allianz Global Investors Consults Diversified Port III.'';

Whereas the aforementioned Roll Call story reported that ''Rangel also originally misreported that his investments in 2007 netted him $6,511–$17,950 in dividends, capital gains and rental income. In his revised filing, that range jumped to between $29,220 and $81,200.'';

Whereas these most recent revelations by Representative Rangel have resulted in heightened national news media coverage of alleged impropriety and potentially criminal conduct by one of the most senior Members of the House;

Whereas an editorial in The Washington Times newspaper on September 1, 2009 noted, ''Charlie Rangel is one lucky guy. The Democratic congressman from Harlem, N.Y., just discovered that his net wealth is twice what he thought. That's a pretty good day at the office for a public servant. Mr. Rangel also realized that he made tens of thousands of dollars more than he reported in many different years over the past decade. This is the most recent string in a series of financial bonanzas for Mr. Rangel, who last year admitted he had forgotten about $75,000 in rental income on his Caribbean resort property.'';

Whereas the same editorial also noted, ''The congressman has failed to pay property taxes on two lots in New Jersey, according to the New York Post. That's not all. In order to avoid taxes and get lower mortgage rates, Mr. Rangel simultaneously claimed three 'primary residences'.'';

Whereas an editorial in the September 17, 2009 edition of the New Haven Register stated, ''The ethics and tax complaints keep piling up against U.S. Rep. Charles B. Rangel, who as chairman of the House Ways and Means Committee controls writing of the nation's tax laws. The New York Democrat may write those laws, but he apparently feels no obligation to obey them. The investigation appears to have a long way to go. The man who is in charge of writing the nation's tax laws doesn't pay his federal income or local property taxes. He has such a poor grasp of his own finances that he neglects to list half his assets on a disclosure form intended to keep members of Congress accountable and honest. We can already hear the defense of the next tax deadbeat called into court. ''If Charlie Rangel doesn't have to pay his taxes, why should I?'';

Whereas an article in The Washington Post on September 15, 2009 stated, ''Rangel is now the chairman of the House Ways and Means Committee and a man of immense importance in Washington. Nonetheless, he has been busy of late revising and amending the record, backing and filling, using buckets of Wite-Out as he discovers or remembers properties he has owned in New York, New Jersey, Florida, the Dominican Republic and God only knows where else. Rangel recently even discovered bank accounts that no one in the world, apparently including him, knew he had. One was with the Congressional Federal Credit Union; another was with Merrill Lynch—each valued between $250,000 and $500,000. He somehow neglected to mention these accounts on his congressional disclosure forms, which means, if you can believe it, that when he signed the forms, he did not notice that maybe $1 million was missing. Someone ought to check the lighting in his office.'';

Whereas the same article in The Washington Post stated, ''There is something wrong with Charlie Rangel. Either he did not notice that he was worth about twice as much as he said he was—which is downright worrisome in a congressional leader—or he thinks he's above the law, which is downright worrisome in a congressional leader.'';

Whereas it has been more than one year since an editorial in The New York Times on September 15, 2008 stated, ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.'';

Whereas at various times during the past twelve months Representative Rangel and Speaker Pelosi have made public statements asserting that the ongoing investigation of Representative Rangel by the Committee on Standards of Official Conduct would soon be concluded;

Whereas the Committee has to date issued no public statements concerning any expected time line for conducting or concluding its investigation of Representative Rangel;

Whereas major daily newspapers, including The New York Times, The Washington Post, and The New York Post have called for Representative Rangel's removal from his powerful position at least until the House Ethics Committee has completed its ongoing probes of allegations against him;

Whereas Representative Rangel's powerful position as chairman permits him to participate in high level decisions about critically important issues such as reform of the nation's health care system;

Whereas an October 1, 2009 story in The New York Times stated, ''Mr. Rangel is one of a small group of House leaders now meeting almost daily behind closed doors with Speaker Nancy Pelosi to distill from the three bills produced in separate committees the one package that will go to the House floor.'';

Whereas an Associated Press story on September 20, 2009 stated, ''The ethics committee's investigation of Rangel is almost a year old. It's as much a problem for House Democratic leaders as for Rangel himself. Later this year, when Rangel's committee considers estate tax legislation that could expand into other matters, the headlines will be a version of this message: 'Tax scofflaw presiding over tax changes.' '';

Whereas the New York Post newspaper reported on September 2, 2009 that, ''A review of property records for the borough of Glassboro revealed at least six tax liens levied against Rangel's property during the past 16 years. Just last year, two separate liens were levied against both properties owned by Rangel.'';

Whereas on May 24, 2006, then Minority Leader Nancy Pelosi cited ''high ethical standards'' in a letter to former Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson;

Whereas Speaker Pelosi took the aforementioned action while Representative Jefferson was under investigation and the subject of considerable controversy in the news media, but prior to any indictment;

Whereas in April of 2007, Republican Leader John Boehner successfully urged several Republican Members to relinquish their committee assignments after learning that each had become the subject of investigations into possible criminal activity;

Whereas Leader Boehner took the aforementioned actions while the Members in question were under investigation and the subjects of widespread media controversy, but prior to any indictments; and

Whereas in the wake of the most recent allegations against Representative Rangel various editorials and articles in major national newspapers criticizing Speaker Pelosi's continued refusal to remove Representative Rangel as chairman of the Committee on Ways and Means after promising she would preside over ''the most ethical Congress in history'' have held the House up to public ridicule: Now, therefore, be it

Resolved, That upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

The SPEAKER pro tempore, Mr. HOLDEN, responded to the foregoing notice, and said:

''The gentleman from Texas is recognized to offer the resolution just noticed.''

¶122.11 PRIVILEGES OF THE HOUSE

Mr. CARTER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 805):

Whereas the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause one of Rule XXIII of the Rules of the House of Representatives provides, ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.'';

Whereas The New York Times reported on September 5, 2008, that, ''Representative Charles B. Rangel has earned more than $75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort'';

Whereas in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, ''Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.'';

Whereas clause 5(a)(2)(A) of House Rule 25 defines a gift as, ''. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value'' and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Representative Rangel's failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code;

Whereas the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel;

Whereas Roll Call newspaper reported on September 15, 2008 that, ''The, inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings.'';

Whereas the House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel;

Whereas after the Ethics Committee probe was underway, The New York Times reported on November 24, 2008 that, ''Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefitted Nabors Industries, an oil drilling company last year, while at the same time its chief executive was pledging $1 million to the Charles B. Rangel School of Public Service at C.C.N.Y.'';

Whereas the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel's involvement with Nabors Industries;

Whereas since then, further serious allegations of improper and potentially illegal conduct by Representative Rangel have surfaced;

Whereas during the recently completed August district work period, Representative Rangel acknowledged his failure to publicly disclose at least half a million dollars in cash assets, tens of thousands of dollars in investment income, and his ownership of two pieces of property in New Jersey;

Whereas corrected financial disclosure statements filed by Representative Rangel on August 12, 2009 now reveal his net worth to be nearly twice as much as he had previously revealed;

Whereas The New York Times newspaper reported on August 26, 2009 that, ''United States Representative Charles B. Rangel, whose personal finances and fund raising are the subject of two House ethics investigations, failed to report at least $500,000 in assets on his 2007 Congressional disclosure form, according to an amended report he filed this month. Among the dozen newly disclosed holdings revealed in the amended forms are a checking account at a federal credit union with a balance between $250,000 and $500,000; three vacant lots in Glassboro, N.J., valued at a total of $1,000 to $15,000; and stock in PepsiCo worth between $15,000 and $50,000.'';

Whereas Roll Call newspaper reported on August 25, 2009 that Representative Rangel's corrected filings also revealed ''at least $250,001 in a fund called ML Allianz Global Investors Consults Diversified Port III.'';

Whereas the aforementioned Roll Call story reported that ''Rangel also originally misreported that his investments in 2007 netted him $6,511–$17,950 in dividends, capital gains and rental income. In his revised filing, that range jumped to between $29,220 and $81,200.'';

Whereas these most recent revelations by Representative Rangel have resulted in heightened national news media coverage of alleged impropriety and potentially criminal conduct by one of the most senior Members of the House;

Whereas an editorial in The Washington Times newspaper on September 1, 2009 noted, ''Charlie Rangel is one lucky guy. The Democratic congressman from Harlem, N.Y., just discovered that his net wealth is twice what he thought. That's a pretty good day at the office for a public servant. Mr. Rangel also realized that he made tens of thousands of dollars more than he reported in many different years over the past decade. This is the most recent string in a series of financial bonanzas for Mr. Rangel, who last year admitted he had forgotten about $75,000 in rental income on his Caribbean resort property.'';

Whereas the same editorial also noted, ''The congressman has failed to pay property taxes on two lots in New Jersey, according to the New York Post. That's not all. In order to avoid taxes and get lower mortgage rates, Mr. Rangel simultaneously claimed three 'primary residences'.'';

Whereas an editorial in the September 17, 2009 edition of the New Haven Register stated, ''The ethics and tax complaints keep piling up against U.S. Rep. Charles B. Rangel, who as chairman of the House Ways and Means Committee controls writing of the nation's tax laws. The New York Democrat may write those laws, but he apparently feels no obligation to obey them. The investigation appears to have a long way to go. The man who is in charge of writing the nation's tax laws doesn't pay his federal income or local property taxes. He has such a poor grasp of his own finances that he neglects to list half his assets on a disclosure form intended to keep members of Congress accountable and honest. We can already hear the defense of the next tax deadbeat called into court. ''If Charlie Rangel doesn't have to pay his taxes, why should I?'';

Whereas an article in The Washington Post on September 15, 2009 stated, ''Rangel is now the chairman of the House Ways and Means Committee and a man of immense importance in Washington. Nonetheless, he has been busy of late revising and amending the record, backing and filling, using buckets of Wite-Out as he discovers or remembers properties he has owned in New York, New Jersey, Florida, the Dominican Republic and God only knows where else. Rangel recently even discovered bank accounts that no one in the world, apparently including him, knew he had. One was with the Congressional Federal Credit Union; another was with Merrill Lynch—each valued between $250,000 and $500,000. He somehow neglected to mention these accounts on his congressional disclosure forms, which means, if you can believe it, that when he signed the forms, he did not notice that maybe $1 million was missing. Someone ought to check the lighting in his office.'';

Whereas the same article in The Washington Post stated, ''There is something wrong with Charlie Rangel. Either he did not notice that he was worth about twice as much as he said he was—which is downright worrisome in a congressional leader—or he thinks he's above the law, which is downright worrisome in a congressional leader.'';

Whereas it has been more than one year since an editorial in The New York Times on September 15, 2008 stated, ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.'';

Whereas at various times during the past twelve months Representative Rangel and Speaker Pelosi have made public statements asserting that the ongoing investigation of Representative Rangel by the Committee on Standards of Official Conduct would soon be concluded;

Whereas the Committee has to date issued no public statements concerning any expected time line for conducting or concluding its investigation of Representative Rangel;

Whereas major daily newspapers, including The New York Times, The Washington Post, and The New York Post have called for Representative Rangel's removal from his powerful position at least until the House Ethics Committee has completed its ongoing probes of allegations against him;

Whereas Representative Rangel's powerful position as chairman permits him to participate in high level decisions about critically important issues such as reform of the nation's health care system;

Whereas an October 1, 2009 story in The New York Times stated, ''Mr. Rangel is one of a small group of House leaders now meeting almost daily behind closed doors with Speaker Nancy Pelosi to distill from the three bills produced in separate committees the one package that will go to the House floor.'';

Whereas an Associated Press story on September 20, 2009 stated, ''The ethics committee's investigation of Rangel is almost a year old. It's as much a problem for House Democratic leaders as for Rangel himself. Later this year, when Rangel's committee considers estate tax legislation that could expand into other matters, the headlines will be a version of this message: 'Tax scofflaw presiding over tax changes.'''';

Whereas the New York Post newspaper reported on September 2, 2009 that, ''A review of property records for the borough of Glassboro revealed at least six tax liens levied against Rangel's property during the past 16 years. Just last year, two separate liens were levied against both properties owned by Rangel.'';

Whereas on May 24, 2006, then Minority Leader Nancy Pelosi cited ''high ethical standards'' in a letter to former Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson;

Whereas Speaker Pelosi took the aforementioned action while Representative Jefferson was under investigation and the subject of considerable controversy in the news media, but prior to any indictment;

Whereas in April of 2007, Republican Leader John Boehner successfully urged several Republican Members to relinquish their committee assignments after learning that each had become the subject of investigations into possible criminal activity;

Whereas Leader Boehner took the aforementioned actions while the Members in question were under investigation and the subjects of widespread media controversy, but prior to any indictments; and

Whereas in the wake of the most recent allegations against Representative Rangel various editorials and articles in major national newspapers criticizing Speaker Pelosi's continued refusal to remove Representative Rangel as chairman of the Committee on Ways and Means after promising she would preside over ''the most ethical Congress in history'' have held the House up to public ridicule: Now, therefore, be it

Resolved, That upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

The SPEAKER pro tempore, Mr. HOLDEN, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. CROWLEY moved to refer the resolution to the Committee on Standards of Official Conduct.

On motion of Mr. CROWLEY, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House now order the previous question on the motion?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. CARTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 243; Nays ..... 156; Answered present 19

¶122.12 [Roll No. 758]

AYES—243

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—156

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—19

Bartlett
Bonner
Burton (IN)
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Green, Gene
Harper
Hastings (WA)
Latham
McCaul
Myrick
Poe (TX)
Quigley
Walden
Welch

NOT VOTING—14

Carney
Diaz-Balart, M.
Eshoo
Johnson, Sam
Larson (CT)
Lofgren, Zoe
Mack
Maloney
Neugebauer
Radanovich
Speier
Tsongas
Turner
Wasserman Schultz

So the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to the motion?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. CARTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 246; Nays ..... 153; Answered present 19

¶122.13 [Roll No. 759]

AYES—246

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—153

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—19

Bonner
Burton (IN)
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Green, Gene
Harper
Hastings (WA)
Latham
McCaul
Myrick
Poe (TX)
Quigley
Simpson
Walden
Welch

NOT VOTING—14

Carney
Diaz-Balart, M.
Eshoo
Johnson, Sam
Larson (CT)
LaTourette
Lofgren, Zoe
Mack
Maloney
McGovern
Neugebauer
Radanovich
Tsongas
Turner

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶122.14 H. RES. 701—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 701) to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 325 / Nays 93

¶122.15 [Roll No. 760]

YEAS—325

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—93

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Burton (IN)
Buyer
Camp
Capito
Carter
Cassidy
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Granger
Graves

Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lucas
Lummis
Marchant
McCarthy (CA)
McHenry
McMorris Rodgers
Miller (FL)
Moran (KS)
Nunes
Olson
Paul
Pence
Pitts
Poe (TX)
Posey
Putnam
Roe (TN)
Rogers (AL)
Rohrabacher
Roskam
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Wilson (OH)

NOT VOTING—14

Bilbray
Carney
Diaz-Balart, M.
Eshoo
Johnson, Sam
Larson (CT)
Lofgren, Zoe
Mack
Maloney
Neugebauer
Radanovich
Royce
Tsongas
Turner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶122.16 CASIMIR PULASKI

Mr. WEINER moved to suspend the rules and pass the joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. WEINER and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 8, 2009.

¶122.17 SERVICE MEMBERS HOME OWNERSHIP

Mr. BLUMENAUER moved to suspend the rules and pass the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. BLUMENAUER and Mr. CAMP, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 8, 2009.

¶122.18 VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 804):

Resolved, That upon the adoption of this resolution the bill (H.R. 1016) entitled ''An Act to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(A) Medical Services.

''(B) Medical Support and Compliance.

''(C) Medical Facilities.''.

SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

''§ 117. Advance appropriations for certain medical care accounts

''(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

''(1) be made available for that fiscal year; and

''(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

''(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

''(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.

''(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

''117. Advance appropriations for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. FILNER and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, October 8, 2009.

¶122.19 MEDICAL FACILITY LEASES FOR VETERANS AFFAIRS

Mr. FILNER moved to suspend the rules and pass the bill of the Senate (S. 1717) to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. FILNER and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.20 REX E. LEE POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3547) to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.21 CLYDE HICHBORN POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2174) to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the ''Clyde Hichborn Post Office''.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.22 KINGMAN AND HERITAGE ISLANDS

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2092) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.23 SUBMISSION OF CONFERENCE REPORT—H.R. 2647

Mr. ABERCROMBIE submitted a conference report (Rept. No. 111–288) on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶122.24 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY

Mr. GRIVALA moved to suspend the rules and agree to the following resolution (H. Res. 806):

Resolved, That upon the adoption of this resolution the bill (H.R. 1035) entitled ''An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

At the end of the Senate amendment, add the following:

At the end of the bill, add the following new section:

SEC. 11. TRAVEL PROMOTION ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Travel Promotion Act of 2009''.

(b) THE CORPORATION FOR TRAVEL PROMOTION.—

(1) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(i) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(ii) 1 shall have appropriate expertise and experience in the restaurant sector;

(iii) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(iv) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(v) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(vi) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(vii) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(viii) 1 shall have appropriate expertise and experience in the passenger air sector;

(ix) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(x) 1 shall have appropriate expertise in the intercity passenger railroad business.

(B) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(C) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(i) 3 shall be appointed for terms of 1 year;

(ii) 4 shall be appointed for terms of 2 years; and

(iii) 4 shall be appointed for terms of 3 years.

(D) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(E) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this subsection. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed

to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(G) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(H) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(3) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(B) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(A) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(B) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(C) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(D) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

(5) DUTIES AND POWERS.—

(A) IN GENERAL.—The Corporation shall develop and execute a plan—

(i) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(ii) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(iii) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(iv) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(v) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(B) SPECIFIC POWERS.—In order to carry out the purposes of this subsection, the Corporation may—

(i) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(ii) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(iii) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(C) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(6) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(7) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(A) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(B) at least 6 members of the board are present at the meeting at which it is approved; and

(C) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(8) FISCAL ACCOUNTABILITY.—

(A) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(B) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(C) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this paragraph by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(D) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

(c) ACCOUNTABILITY MEASURES.—

(1) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(2) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(3) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section;

(B) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(C) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(D) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(E) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under paragraph (1);

(F) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(G) such recommendations as the Corporation deems appropriate.

(4) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this subsection.

(d) MATCHING PUBLIC AND PRIVATE FUNDING.—

(1) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(2) FUNDING.—

(A) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration

and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this section. Transfers shall be made at least quarterly, beginning on January 1, 2010, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(B) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to paragraph (3) of this subsection, to carry out its functions under this section. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(3) MATCHING REQUIREMENT.—

(A) IN GENERAL.—No amounts may be made available to the Corporation under this subsection after fiscal year 2010, except to the extent that—

(i) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under paragraph (2); and

(ii) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under paragraph (2) for the fiscal year.

(B) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(i) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this section may be included in the determination; but

(ii) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under subparagraph (A) for the Corporation in any fiscal year.

(C) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(D) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(4) CARRYFORWARD.—

(A) FEDERAL FUNDS.—Amounts transferred to the Fund under paragraph (2)(B) shall remain available until expended.

(B) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under paragraph (3)(A) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (3)(A) in such succeeding fiscal year.

(e) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by subsection (d) of section 11 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

(f) ASSESSMENT AUTHORITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in subsection (b)(2)(A)(iii) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this subsection.

(2) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of this section at no greater, in the aggregate, than $20,000,000.

(3) REFERENDA.—

(A) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(i) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(ii) the assessment is approved by a majority of those voting in the referendum.

(B) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this paragraph, the Corporation shall—

(i) provide written or electronic notice not less than 60 days before the date of the referendum;

(ii) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(iii) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(4) COLLECTION.—

(A) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this section.

(B) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this section.

(5) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(g) OFFICE OF TRAVEL PROMOTION.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by subsection (b) of section 11 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).''.

(h) RESEARCH PROGRAM.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by subsection (g), is further amended by inserting after section 202 the following:

"SEC. 203. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

''(5) research to support the annual reports required by section 202(d) of this Act.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.''.

The SPEAKER pro tempore, Mr. PETERS, recognized Mr. GRIVALA and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CASTOR of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶122.25 AGRICULTURE APPROPRIATIONS FY 2010

Ms. DELAURO, pursuant to House Resolution 799, called up the following conference report (Rept. No. 111–279):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,285,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $13,032,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,254,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $1,859,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $1,700,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $61,579,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,566,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $895,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,922,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $806,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $293,093,000, to remain available until expended, of which $184,812,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $94,781,000 for buildings operations and maintenance expenses: Provided, That the Secretary shall use $15,911,000 of these funds to cover shortfalls incurred in prior year rental payments: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,125,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That of the amount appropriated, $13,000,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,968,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $88,725,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $43,551,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $895,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $82,478,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,830,000, of which up to $37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,179,639,000, of which $44,138,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $70,873,000, of which $70,873,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $788,243,000, of which $120,054,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $29,000,000; for payments to eligible institutions (7 U.S.C. 3222), $48,500,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $89,029,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $16,185,000; for competitive grants (7 U.S.C. 450(i)(b)), $262,482,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $835,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,805,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,800,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,241,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,200,000; for a secondary agriculture education program and 2-year postsecondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,250,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $750,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $875,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,500,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,250,000; and for necessary expenses of Research and Education Activities, $45,122,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $494,923,000, of which $11,831,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $297,500,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,070,000; payments for the pest management program under section 3(d) of the Act, $9,938,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,750,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,770,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,412,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $486,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,068,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,045,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,705,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $42,677,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,784,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $20,396,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $60,022,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,148,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2011, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $895,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $904,953,000, of which $24,410,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act, of which $2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $5,300,000 shall be for a National Animal Identification program; of which $60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: Provided, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,500,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $91,148,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $41,964,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $813,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,018,520,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 140 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $895,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,253,777,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $2,150,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $650,000,000 shall be for direct loans; operating loans, $2,670,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans,

$170,000,000 shall be for subsidized guaranteed loans and $1,000,000,000 shall be for direct loans; Indian tribe land acquisition loans, $3,940,000; conservation loans, $150,000,000, of which $75,000,000 shall be for guaranteed loans and $75,000,000 shall be for direct loans; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $32,070,000, of which $5,550,000 shall be for unsubsidized guaranteed loans, and $26,520,000 shall be for direct loans; operating loans, $106,402,000, of which $35,100,000 shall be for unsubsidized guaranteed loans, $23,902,000 shall be for subsidized guaranteed loans, and $47,400,000 shall be for direct loans; conservation loans, $1,343,000, of which $278,000 shall be for guaranteed loans, and $1,065,000 shall be for direct loans; and Indian highly fractionated land loans, $793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $321,093,000, of which $313,173,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $80,325,000: Provided, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $895,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $887,629,000, to remain available until September 30, 2011, of which $37,382,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended, of which $22,111,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the statement of managers to accompany this Act: Provided, That not to exceed $12,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,161,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,730,000: Provided, That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $201,987,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $13,121,488,000 for loans to section 502 borrowers, of which $1,121,488,000 shall be for direct loans, and of which $12,000,000,000 shall be for unsubsidized guaranteed loans; $34,412,000 for section 504 housing repair loans; $69,512,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,448,000 for credit sales of acquired property, of which up to $1,448,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $213,510,000, of which $40,710,000 shall be for direct loans, and of which $172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, $18,935,000; section 538 multi-family housing guaranteed loans, $1,485,000; and credit sales of acquired property, $556,000: Provided, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30,

2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: Provided further, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $468,593,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: Provided further, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $43,191,000, to remain available until expended: Provided, That of the funds made available under this heading, $16,400,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, $25,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $41,864,000, to remain available until expended: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $45,500,000, to remain available until expended, of which $4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008: Provided, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $19,746,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $54,993,000, to remain available until expended: Provided, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That $13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural

community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $97,116,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which $2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,941,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $44,463,000 shall not be obligated and $44,463,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $34,854,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $20,367,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

For the cost of loans and grants, $5,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.): Provided, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $39,340,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $568,730,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That not less than $65,000,000 of the unobligated balances available for grants authorized by 306D of the Consolidated Farm and Rural Development Act shall be obligated within 90 days of the enactment of this Act: Provided further, That not to exceed $19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,000,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: Provided further, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: Provided further, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans,

$145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000: Provided, That, notwithstanding section 6106(b) of the Food, Conservation, and Energy Act of 2008, a guaranteed underwriting loan may not be issued until the amendments to the Rural Electrification Act of 1936 contained in section 6106(a) of the Food, Conservation, and Energy Act of 2008 are administratively implemented.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,959,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $400,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $37,755,000, to remain available until expended: Provided, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That $4,500,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $28,960,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $813,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $16,855,829,000, to remain available through September 30, 2011, of which $1,000,000 may be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)), and of which $9,865,930,000 is hereby appropriated, $6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and $242,022,000 shall be derived by transfer from unobligated and unavailable balances from fiscal year 2009 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the total amount available, $5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $7,252,000,000, to remain available through September 30, 2011: Provided, That notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), not more than $15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children: Provided further, That notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)), of the amounts made available under this heading, not less than $14,000,000 shall be used for infrastructure, not less than $60,000,000 shall be used for management information systems, and not less than $80,000,000 shall be used for breastfeeding peer counselors and other related activities: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $58,278,181,000, of which $3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $247,979,000, to remain available through September 30, 2011, of which $6,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: Provided, That of the amount provided, $5,000,000 is to begin service in 7 additional States that have plans approved by the Department for the commodity supplemental food program: Provided further, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $180,367,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,812,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses'': Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of such Act, $1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,465,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $355,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $209,500,000, to remain available until expended: Provided, That of this amount, the Secretary shall use $10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: Provided further, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,237,218,000, of which $5,509,000 shall be for the purposes, and in the amounts, specified in the eighth paragraph under ''Food and Drug Administration, Salaries and Expenses'' in the statement of managers to accompany this Act: Provided, That of the amount provided under this heading, $578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; $57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and $235,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2010 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $880,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $51,545,000 shall be available for the Office of Generic Drugs; (3) $305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $58,745,000 shall be for the National Center for Toxicological Research; (7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $117,225,000 shall be for Rent and Related activities, of which $41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $171,526,000 shall be for payments to the General Services Administration for rent; and (10) $200,129,000 shall be for other activities, including the Office of the Commissioner; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: Provided further, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): Provided further, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $168,800,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials: Provided, That $8,200,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2010 to the Committees on Appropriations of the House of Representatives and the Senate.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110–329) is amended in subsection (b) by inserting at the end the following: ''In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.''.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This

does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: Provided, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated $499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106–554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated $3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241–240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa–3839aa(8)), in excess of $1,180,000,000.

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)); and

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110–246 in excess of $1,123,000,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $25,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2010: Provided further, That $76,000,000 made available on October 1, 2010, to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(iii) of section 14222 of Public Law 110–246: Provided further, That all unobligated balances under section 32 of the Act of August 24, 1935, available as of September 30, 2009, are hereby rescinded.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. There is hereby appropriated $2,600,000, to remain available until expended, for the construction, interim operations, and necessary demolition needs for establishment of an agricultural pest facility in the State of Hawaii.

SEC. 724. There is hereby appropriated $4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: Provided, That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate

partnering with and in-kind support from the private sector.

SEC. 725. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 726. Notwithstanding any other provision of law, and until receipt of the decennial census for the year 2010, the Secretary of Agriculture—

(1) shall consider—

(A) the unincorporated area of Los Osos, California, the city of Imperial, California, and the Harrisville Fire District, Rhode Island, to be rural areas for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants;

(B) the incorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service;

(C) the city of Lumberton, North Carolina, and the city of Sanford, North Carolina (including individuals and entities with projects within the city) eligible for loans and grants funded through the Rural Community Facilities Program Account; and

(D) the city of Nogales, Arizona (including individuals and entities with projects within the city) eligible for loans and grants funded through the housing programs of the Rural Housing Service; and

(2) may fund Rural Community Facility Program projects of the Rural Housing Service and Water and Waste Disposal Program projects of the Rural Utilities Service for communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for such projects with the appropriate Rural Development field office of the Department of Agriculture prior to August 1, 2009, and that such projects were determined by the field office to be eligible for funding.

SEC. 727. There is hereby appropriated $3,000,000 for section 4404 of Public Law 107–171.

SEC. 728. Notwithstanding any other provision of law, there is hereby appropriated:

(1) $3,000,000 of which $2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection;

(3) $1,000,000 shall be for development of a prototype for a national carbon inventory and accounting system for forestry and agriculture, to be awarded under full and open competition;

(4) $1,000,000 for the International Food Protection Training Institute; and

(5) $200,000 for the Center for Foodborne Illness Research and Prevention.

SEC. 729. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

(1) the Alameda Creek Watershed Project in Alameda County, California;

(2) the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(3) the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania;

(4) the Farmington River Restoration project in Litchfield County, Connecticut;

(5) the Lake Oscawana Management and Restoration project in Putnam County, New York;

(6) the Richland Creek Reservoir in Paulding County, Georgia;

(7) the Pocasset River Floodplain Management Project in the State of Rhode Island;

(8) the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(9) the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(10) the DuPage County Watershed project in the State of Illinois;

(11) the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(12) the Dry Creek Watershed project in the State of California; and

(13) the Upper Clark Fork Watershed project in the State of Montana.

SEC. 730. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by inserting ''the District of Columbia and'' after the first instance of ''institutions located in'';

(2) by striking ''ten'' and inserting ''thirteen'';

(3) by striking ''eight'' and inserting ''eleven''; and

(4) by inserting ''Connecticut, Nevada, Wisconsin,'' after the first instance of ''States shall be''.

SEC. 731. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 732. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 733. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 734. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(14) COMBAT PAY.—

''(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term 'combat pay' means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.

''(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.''.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.''.

SEC. 735. There is hereby appropriated $1,000,000 for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a).

SEC. 736. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 737. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

(1) provide to the Committees on Appropriations of the House and the Senate no later than May 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 738. There is hereby appropriated $250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address out-migration in rural areas.

SEC. 739. There is hereby appropriated $800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 740. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: Provided, That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: Provided, That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: Provided further, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: Provided further, That for the purposes of this section the term ''neglected disease of the developing world'' means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the establishment of review groups under subsections (a) and (b), a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SEC. 741. There is hereby appropriated $2,600,000 to carry out section 1621 of Public Law 110–246 and $3,000,000 to carry out section 1613 of Public Law 110–246.

SEC. 742. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 is hereby rescinded.

SEC. 743. (a) None of the funds made available by this Act may be used to promulgate or implement a poultry products inspection rule allowing processed poultry or processed poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally notifies Congress that the Department will—

(1) not provide any preferential consideration to any application by the People's Republic of China for authorization to export poultry or poultry products to the United States;

(2) conduct audits of inspection systems and on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship poultry or poultry products to the United States and, in subsequent years, to conduct such audits and reviews at least once annually or more frequently as the Secretary determines necessary;

(3) implement a significantly increased level of port of entry re-inspection;

(4) establish and conduct a formal and expeditious information sharing program with other countries importing processed poultry or processed poultry products from China that have conducted audits and plant inspections;

(5) report to the House and Senate Committees on Appropriations within 120 days of the date of enactment of this Act, and every 180 days thereafter for an indefinite period, with respect to the promulgation or implementation of any poultry products inspection rule authorizing the People's Republic of China to export poultry or poultry products to the United States, including—

(A) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to implement any poultry products inspection rule authorizing the People's Republic of China to export processed poultry or processed poultry products to the United States;

(B) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to determine whether the poultry inspection system of the People's Republic of China achieves a level of sanitary protection equivalent to that achieved under United States standards;

(C) actions taken or to be taken by the Secretary to determine whether the administration and enforcement of the poultry and poultry products inspection system of the People's Republic of China ensures that it achieves a level of sanitary protection equivalent to that achieved under United States standards;

(D) the level of port of entry re-inspections to be conducted on processed poultry and processed poultry products offered for importation into the United States from the People's Republic of China; and

(E) a work plan incorporating any understandings or agreements between FSIS and relevant authorities of the People's Republic of China with respect to carrying out the Secretary's assessment of the equivalency of the poultry products inspection system of the People's Republic of China;

(6) make publicly available, no later than 30 days from the date they are finalized, the reports of any new audits and on-site reviews conducted by the Secretary, and, in addition, when such audit or review is being conducted to determine whether the People's Republic of China's poultry inspection system achieves a level of sanitary protection equivalent to that achieved under United States standards, to make the final report of such audit or review publicly available no later than 30 days prior to the publication of any notice of proposed rulemaking for such determination; and

(7) make publicly available a list of facilities in the People's Republic of China certified to export poultry or poultry products to the United States and to notify the House and Senate Committees on Appropriations if the number of facilities certified by the People's Republic of China exceeds ten.

(b) None of the funds made available by this Act may be used to promulgate any proposed or final rule allowing the importation into the United States of poultry slaughtered or poultry products produced from poultry slaughtered in the People's Republic of China unless such rule is promulgated in accordance with the procedures for significant rules specified in Executive Order 12866.

(c) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 744. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 745. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting ''(including multiyear assistance)'' after ''assistance''; and

(2) in clause (i), by inserting ''or multiyear production losses'' after ''a production loss''.

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting ''(including multiyear assistance)'' after ''assistance''; and

(2) in clause (i), by inserting ''or multiyear production losses'' after ''a production loss''.

SEC. 746. (a) DEPARTMENT OF AGRICULTURE ASSISTANCE DURING PANDEMIC EMERGENCY.—During fiscal year 2010, in any case in which a school is closed for at least 5 consecutive days during a pandemic emergency designation, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a State agency plan approved under subsection (b).

(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children. Plans approved by the Secretary may provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household.

(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed for less than 5 consecutive days.

(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) WAIVERS.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 5(f) of such Act (7 U.S.C. 2014(f)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) FUNDING.—The Secretary of Agriculture shall use funds made available under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to fund, with the exception of the commodities described in subsection (h), benefits provided under this section.

(h) AVAILABILITY OF COMMODITIES.—During fiscal year 2010, the Secretary of Agriculture

may utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to purchase commodities for emergency distribution in any area of the United States during a pandemic emergency designation.

(i) DEFINITIONS.—In this section:

(1) The term ''eligible child'' means a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of the school attended by the child during a pandemic emergency designation and due to concerns about an influenza pandemic, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 175l et seq.) at the school.

(2) The term ''pandemic emergency designation'' means the declaration—

(A) of a public health emergency, based on pandemic influenza, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) of a domestic emergency, based on pandemic influenza, by the Secretary of Homeland Security.

(3) The term ''school'' has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

SEC. 747. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–181) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 748. (a) There is hereby appropriated $350,000,000 of which $60,000,000 is provided for purchases of cheese and other dairy products under 7 U.S.C. 2036(a) and $290,000,000 is provided to the Secretary of Agriculture to assist dairy producers under section 10104 of Public Law 107–171.

(b)(1) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the implementing regulations and the administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

SEC. 749. (a) Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking ''2009'' and inserting ''2010''.

(b) Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking ''2009'' and inserting ''2010''.

(c)(1) Section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended by striking ''2009'' and inserting ''2010''.

(2) Section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended by striking ''2009'' and inserting ''2010''.

(d) Section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) is amended by striking ''2009'' and inserting ''2010''.

(e) Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) is amended by striking ''and October 1, 2008'' and inserting ''October 1, 2008, and October 1, 2009''.

(f) Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended by striking ''2009'' and inserting ''2010''.

(g)(1) From the funds made available under paragraph (5), the Secretary shall carry out demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months when schools are not in regular session to—

(A) reduce or eliminate the food insecurity and hunger of children; and

(B) improve the nutritional status of children.

(2) For purposes of this subsection, the term ''children'' means low-income children, as specified by the Secretary.

(3)(A) From the funds made available under paragraph (5), the Secretary shall provide for an independent evaluation of the demonstration projects carried out under this subsection, which shall use rigorous methodologies, including—

(i) random assignment of children or schools, where practicable; or

(ii) if random assignment of children or schools is not practicable, quasi-experimental or other methods that are capable of producing scientifically valid information regarding which projects are effective in achieving the purposes described in paragraph (1).

(B)(i) Not later than December 31, 2010, and each December 31 thereafter until the completion of the last evaluation conducted under subparagraph (A) the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(I) the status of each demonstration project carried out under this subsection; and

(II) the results of the evaluations conducted under subparagraph (A) for the previous fiscal year.

(ii) Not later than 120 days after the completion of the last evaluation conducted under subparagraph (A), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes recommendations on how to improve children's access to food during the summer months when school is not in regular session.

(4) The Secretary may use funds made available under paragraph (5) to pay—

(A) participant benefits;

(B) the added administrative expenses incurred by participating organizations as a result of participating in a project under this subsection;

(C) costs associated with outreach to potential participants and potential sponsoring organizations; and

(D) costs associated with soliciting, administering, monitoring, and evaluating each demonstration project carried out under this subsection.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $85,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(h)(1)(A) From the funds made available under subparagraph (C), the Secretary shall provide assistance through grants to State agencies administering the National School Lunch Program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) with the lowest rates of children certified for free meals pursuant to paragraphs (4) and (5) of section 9(b) of such Act (42 U.S.C. 1758(b)(4); 1758(b)(5)) for the purpose of improving such rates.

(B) Under the terms and conditions established by the Secretary, a State receiving grant funds under this subsection may use such funds to pay costs related to improving the rate of direct certification in such State, including the costs related to—

(i) making technology improvements;

(ii) providing technical assistance to local educational agencies;

(iii) implementing a new or revised direct certification system in such State and in the local educational agencies of such State; and

(iv) using multiple public means tested benefits programs for the purpose of direct certification.

(C)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $22,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(2)(A) From the funds made available under subparagraph (B), the Secretary shall provide technical assistance to assist States receiving grants under paragraph (1), and other States, as appropriate, in improving the rates of direct certification.

(B)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $3,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(i)(1) From the funds made available under paragraph (4), in carrying out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786 et seq.) (in this subsection referred to as the ''program'') during fiscal year 2010, the Secretary shall provide performance bonus payments to State agencies that demonstrate—

(A) the highest proportion of breastfed infants, as compared to other State agencies participating in the program; or

(B) the greatest improvement in proportion of breastfed infants, as compared to other State agencies participating in the program.

(2) In providing performance bonus payments to State agencies under this subsection, the Secretary shall consider a State agency's proportion of participating fully breastfed infants.

(3) A State agency that receives a performance bonus under paragraph (1)—

(A) shall treat the funds as program income; and

(B) may transfer the funds to local agencies for use in carrying out the program.

(4)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $5,000,000.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(j)(1) From the funds made available under paragraph (5), the Secretary shall make payments to State educational agencies to award grants to eligible school food authorities for the purchase of equipment for schools under the jurisdiction of such authorities.

(2)(A) Payments under paragraph (1) shall be allocated to State educational agencies in a manner proportional with each agency's administrative expense allocation under section 7(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)).

(B) If a State educational agency does not accept or use the amounts made available under its allocation in accordance with this subsection, the Secretary shall reallocate such amounts to other State educational agencies, as the Secretary determines necessary.

(3)(A) Not later than 180 days after receiving an allocation under this subsection, a State educational agency shall award grants, on a competitive basis, to eligible school food authorities.

(B) For the purposes of this subsection, the term ''eligible school food authority'' means a school food authority—

(i) participating in the National School Lunch Program established under the Richard B. Russell National School Lunch Program (42 U.S. C. 1751 et seq.); and

(ii) that did not receive a grant for equipment assistance under the grant program carried out pursuant to the heading ''Food and Nutrition Service Child Nutrition Programs'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(C) To qualify to receive a grant under this subsection, an eligible school food authority shall—

(i) submit an application to a State educational agency at such time, in such manner, and containing such information as the State educational agency may require; or

(ii) have submitted an application to receive equipment assistance under the grant program carried out pursuant to the heading ''Food and Nutrition Service Child Nutrition Programs'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public law 111–5).

(D) In awarding grants to eligible school food authorities, a State shall give priority to each eligible school food authority whose application demonstrates that in providing equipment assistance to schools with funds received under this subsection, it will give priority to schools where not less than 50 percent of the enrolled students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(E) Under the terms and conditions established by the Secretary, an eligible school food authority receiving a grant under this subsection shall use such funds to purchase equipment for schools under the jurisdiction of the school food authority—

(i) to improve the quality of school meals, consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(ii) to improve the safety of food served in the school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(iii) to improve the overall energy efficiency of school foodservice operations; or

(iv) for other purposes as established by the Secretary.

(4) A State educational agency receiving an allocation under this subsection may not use more than 5 percent of such allocation for administrative costs associated with awarding grants to eligible school food authorities in accordance with this subsection.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $25,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(k)(1) The purpose of this subsection is to provide grants, on a competitive basis, to State agencies administering the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (referred to in this section as ''the program'') for the purpose of improving the health and nutrition of children in child care settings.

(2) From the funds made available under paragraph (8), the Secretary shall award grants, on a competitive basis, to State agencies administering the program for the purpose of promoting health and nutrition improvement in child care settings.

(3) In awarding grants under this subsection, the Secretary shall give priority to State agencies administering projects under the program that carry out each of the authorized uses of funds described in paragraph (7).

(4) A State receiving a grant under this subsection shall use not less than 50 percent of such grant funds to award subgrants to institutions for the purpose of conducting the activities described in paragraph (6).

(5) For the purposes of this subsection, the term ''institution'' has the meaning given such term in section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C.1766(a)(2)).

(6) To be eligible to receive funds under this subsection, a State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include—

(A) a plan to improve the quality of food provided in—

(i) child care centers; and

(ii) family or group day care homes; and

(B) a description of—

(i) the procedures by which the State agency will use the grant received under this subsection to award subgrants to institutions; and

(ii) the criteria that the State agency will use in awarding such subgrants.

(7) In addition to such other activities as the Secretary determines to be appropriate, State agencies and institutions may use funds provided under this subsection for activities that—

(A) promote nutrition and physical activity in child care settings and that reflect the recommendations of—

(i) the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

(ii) the most recent scientific knowledge;

(B) provide technical assistance and training to sponsors and providers of child care centers and family or group day care homes in implementing State or local initiatives designed to improve the health and nutrition of children;

(C) perform outreach campaigns on the State or local level that are designed to increase access to the program in underserved areas and populations; and

(D) make innovative use of technology to provide training and education to promote the nutrition, physical activity, and health of children.

(8)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $8,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

(l) For purposes of this section, the term ''Secretary'' means the Secretary of Agriculture.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
ROSA L. DELAURO,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP,
LINCOLN DAVIS,
MARCY KAPTUR,
MAURICE HINCHEY,
JESSE L. JACKSON, Jr.,
JO ANN EMERSON,
RODNEY ALEXANDER,
Managers on the Part of the House.

HERB KOHL,
TOM HARKINS
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD DURBIN,
TIM JOHNSON,
BENJAMIN NELSON,
JACK REED,
MARK PRYOR,
ARLEN SPECTER,
DANIEL K. INOUYE,
SAM BROWNBACK,
ROBERT F. BENNETT,
THAD COCHRAN,
KIT BOND,
MITCH MCCONNELL,
SUSAN COLLINS,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 799, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. WEINER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 263 / Nays 162

¶122.26 [Roll No. 761]

YEAS—263

Abercrombie	DeFazio	Israel
Ackerman	DeGette	Jackson (IL)
Andrews	Delahunt	Jackson-Lee (TX)
Arcuri	DeLauro	Johnson (GA)
Baca	Diaz-Balart, L.	Johnson, E.B.
Baird	Diaz-Balart, M.	Jones
Baldwin	Dicks	Kagen
Barrow	Dingell	Kanjorski
Becerra	Doggett	Kaptur
Berkley	Donnelly (IN)	Kennedy
Berman	Doyle	Kildee
Berry	Driehaus	Kilpatrick (MI)
Bishop (GA)	Edwards (MD)	Kilroy
Bishop (NY)	Edwards (TX)	Kirkpatrick (AZ)
Blumenauer	Ellison	Kissell
Boccieri	Ellsworth	Klein (FL)
Boren	Emerson	Kosmas
Boswell	Engel	Kratovil
Boucher	Eshoo	Kucinich
Boyd	Etheridge	Langevin
Brady (PA)	Farr	Larsen (WA)
Braley (IA)	Fattah	Larson (CT)
Bright	Filner	Lee (CA)
Brown, Corrine	Fortenberry	Lee (NY)
Brown-Waite, Ginny	Foster	Levin
Butterfield	Frank (MA)	Lewis (GA)
Cao	Fudge	Lipinski
Capps	Giffords	LoBiondo
Capuano	Gonzalez	Loebsack
Cardoza	Gordon (TN)	Lofgren, Zoe
Carnahan	Grayson	Lowey
Carson (IN)	Green, Al	Luetkemeyer
Carter	Green, Gene	Luján
Castor (FL)	Griffith	Lynch
Chandler	Grijalva	Maffei
Childers	Gutierrez	Markey (CO)
Chu	Hall (NY)	Markey (MA)
Clarke	Hall (TX)	Marshall
Clay	Halvorson	Massa
Cleaver	Hare	Matsui
Clyburn	Harman	McCarthy (NY)
Cohen	Harper	McCollum
Connolly (VA)	Hastings (FL)	McDermott
Conyers	Heinrich	McGovern
Cooper	Herseth Sandlin	McIntyre
Costa	Higgins	McMahon
Courtney	Himes	McNerney
Crowley	Hinchey	Meek (FL)
Cuellar	Hinojosa	Meeks (NY)
Cummings	Hirono	Melancon
Dahlkemper	Hodes	Michaud
Davis (AL)	Holden	Miller (MI)
Davis (CA)	Holt	Miller (NC)
Davis (IL)	Honda	Miller, George
Davis (TN)	Hoyer	Minnick
	Inslee	

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—162

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—7

Carney
Johnson, Sam
Maloney
Neugebauer
Radanovich
Ruppersberger
Tsongas

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.27 H. RES. 806—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 806) providing for the concurrence by the House in the amendment of the Senate to H.R. 1035, with an amendment.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 358 / Nays 66

¶122.28 [Roll No. 762]

YEAS—358

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—66

Akin
Bachmann
Bachus
Barrett (SC)
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Cantor
Coble
Coffman (CO)
Conaway
Culberson
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Hensarling
Herger
Hoekstra
Inglis
Issa
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McClintock
McHenry
Miller (FL)
Miller, Gary
Nunes
Paul
Paulsen
Pence
Poe (TX)
Price (GA)
Rohrabacher
Ryan (WI)
Schmidt
Sensenbrenner
Shadegg
Shimkus
Simpson
Smith (NE)
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Young (FL)

NOT VOTING—8

Carney
Johnson, E. B.
Johnson, Sam
Maloney
Neugebauer
Radanovich
Space
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶122.29 H. RES. 795—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 795) honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encouraging the completion of the National Park Service Flight 93 National memorial by the 10th anniversary of September 11, 2001.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶122.30 [Roll No. 763]

YEAS—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Carney
Johnson, Sam
Maloney
Neugebauer
Radanovich
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶122.31 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 807):

Resolved, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. CAO.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶122.32 PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT TO H.R. 2647

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 111–289) the resolution (H. Res. 808) providing for consideration of the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶122.33 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 45. A concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible; to the Committee on Foreign Affairs.

¶122.34 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 7, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3663. An Act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

H.R. 2498. An Act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building.''

H.R. 2913. An Act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse.''

H.R. 2053. An Act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse.''

H.R. 2121. An Act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 1687. An Act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse.''

¶122.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. NEUGEBAUER, for today;

To Mr. CRENSHAW, for today before 2 p.m.; and

And then,

¶122.36 ADJOURNMENT

On motion of Mr. INSLEE, at 10 o'clock and 38 minutes p.m., the House adjourned.

¶122.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: A resolution providing for consideration of the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

Mr. SKELTON: Committee of Conference. Conference report on H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes (Rept. 111–288). Ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 808. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes (Rept. 111–289). Referred to the House Calendar.

¶122.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3736. A bill to reform the Minerals Management Service by establishing it as an independent Federal agency; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3737. A bill to amend the Small Business Act to improve the Microloan Program, and for other purposes; to the Committee on Small Business.

By Mr. NYE:

H.R. 3738. A bill to amend the Small Business Investment Act of 1958 to establish a program for the Small Business Administration to provide financing to support early-stage small businesses in targeted industries, and for other purposes; to the Committee on Small Business.

By Mr. BUCHANAN:

H.R. 3739. A bill to amend title V of the Small Business Investment Act of 1958 to provide for improved long-term financing to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. LUETKEMEYER:

H.R. 3740. A bill to amend the Small Business Investment Act of 1958 with respect to small business investment companies, and for other purposes; to the Committee on Small Business.

By Mr. HOEKSTRA:

H.R. 3741. A bill to provide Federal matching funding for State insurance expenditures for high risk pools; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H.R. 3742. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. GRIFFITH:

H.R. 3743. A bill to amend the Small Business Act to improve the disaster relief programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. ARCURI (for himself and Mr. LEE of New York):

H.R. 3744. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A nonimmigrants employed as dairy workers and sheepherders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 3745. A bill to amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3746. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3747. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself and Ms. TITUS):

H.R. 3748. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. RYAN of Wisconsin, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CASSIDY, Mrs. DAHLKEMPER, Mr. ELLSWORTH, Mr. KIND, Mr. KISSELL, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. PERRIELLO, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Mr. SENSENBRENNER, Mr. SHULER, Mr. WAMP, Mr. SHUSTER, Mr. SIMPSON, Mr. DINGELL, Mr. ROSS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3749. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 3750. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes; to the Committee on Natural Resources.

By Mr. DELAHUNT:

H.R. 3751. A bill to authorize the Administrator of General Services to convey a parcel of real property to the town of Nantucket, Massachusetts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 3752. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself, Mr. HONDA, Mr. MCGOVERN, Mr. HINOJOSA, and Ms. CLARKE):

H.R. 3753. A bill to establish dual-language education programs in low-income communities; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H.R. 3754. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 3755. A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the national trails system; to the Committee on Natural Resources.

By Mr. WELCH (for himself, Mr. PERRIELLO, Mr. LOEBSACK, and Mr. HODES):

H.R. 3756. A bill to amend the Supplemental Appropriations Act, 2008 to provide for additional weeks of emergency unemployment benefits; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 3757. A bill to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, and for other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H. Res. 804. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1016, with amendment; to the Committee on Rules.

By Mr. CARTER:

H. Res. 805. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. GRIJALVA:

H. Res. 806. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1035, with an amendment; considered and agreed to.

By Mr. PENCE:

H. Res. 807. A resolution electing a minority member to a standing committee; considered and agreed to.

By Mr. OLSON:

H. Res. 809. A resolution honoring the fact-finding reporting done by Hannah Giles and James O'Keefe III in their investigation in the fraudulent and illegal practices and misuse of taxpayer dollars by the Association of Community Organization for Reform Now (ACORN); to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, Mr. MANZULLO, Mr. CROWLEY, Mr. INGLIS, Mr. PRICE of North Carolina, Mr. SIRES, Mr. HONDA, Mr. WILSON of South Carolina, and Ms. SPEIER):

H. Res. 810. A resolution expressing condolences to the citizens of Indonesia and support for the Government of Indonesia in the aftermath of the devastating earthquake that struck the island of Sumatra; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Mr. PLATTS, Ms. BORDALLO, Mr. FILNER, Ms. HIRONO, Ms. MATSUI, and Mr. GRIJALVA):

H. Res. 811. A resolution expressing support for designation of October 2009 as ''National Principals Month''; to the Committee on Education and Labor.

By Mr. LANCE (for himself, Mr. ABERCROMBIE, Mr. BACA, Mrs. BLACKBURN, Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. BUTTERFIELD, Mr. CASTLE, Ms. GIFFORDS, Mr. HALL of New York, Mr. HOLDEN, Mr. JONES, Mr. KINGSTON, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. NYE, Mr. ORTIZ, Mr. PASCRELL, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. WHITFIELD, and Mr. WILSON of South Carolina):

H. Res. 812. A resolution recognizing the significant contributions of the Military Working Dog (MWD) Program to the United States Armed Forces; to the Committee on Armed Services.

By Mr. SESTAK (for himself and Ms. WATSON):

H. Res. 813. A resolution expressing support for designation of the month of October as Project Management Month; to the Committee on Oversight and Government Reform.

¶122.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. ELLISON.
H.R. 270: Ms. FUDGE.
H.R. 303: Ms. FUDGE.
H.R. 305: Mr. BROWN of South Carolina.
H.R. 321: Mr. PITTS.
H.R. 333: Ms. FUDGE.
H.R. 413: Mr. CHANDLER, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. CONYERS, Ms. SPEIER, Mr. BISHOP of New York, Ms. BERKLEY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 484: Ms. FUDGE.
H.R. 557: Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, and Mr. FORBES.
H.R. 676: Mr. BACA.
H.R. 731: Mr. COLE.
H.R. 734: Mr. DANIEL E. LUNGREN of California, Mr. MICA, Mr. KRATOVIL, and Ms. SUTTON.
H.R. 745: Mr. KIRK.
H.R. 816: Mr. POSEY, Mr. THOMPSON of California, Mr. CUMMINGS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. FUDGE, and Mr. SCHOCK.
H.R. 868: Mr. ROTHMAN of New Jersey.
H.R. 877: Ms. ESHOO and Mr. MANZULLO.
H.R. 953: Mr. PUTNAM.
H.R. 1020: Mr. VISCLOSKY.
H.R. 1054: Mr. COFFMAN of Colorado.
H.R. 1064: Ms. CHU.
H.R. 1142: Mr. MORAN of Virginia.
H.R. 1147: Mr. REYES, Mrs. CHRISTENSEN, and Ms. SLAUGHTER.
H.R. 1168: Mrs. BLACKBURN.
H.R. 1177: Mr. CAO.
H.R. 1182: Ms. JENKINS, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. BOYD, Mr. MURPHY of Connecticut, and Ms. FUDGE.
H.R. 1193: Mr. SESTAK.
H.R. 1208: Mr. HARPER, Mr. MORAN of Kansas, and Mr. FORBES.
H.R. 1229: Mr. GARRETT of New Jersey.
H.R. 1230: Mr. SNYDER.
H.R. 1237: Mr. FRANK of Massachusetts.
H.R. 1245: Mr. UPTON.
H.R. 1303: Mr. TOWNS and Mr. CARSON of Indiana.
H.R. 1361: Mrs. LOWEY.
H.R. 1402: Mr. LANCE.
H.R. 1427: Ms. KAPTUR.
H.R. 1443: Mrs. CAPPS.
H.R. 1475: Mr. HONDA.
H.R. 1545: Mr. RYAN of Ohio.
H.R. 1547: Mr. CANTOR.
H.R. 1548: Mr. MORAN of Virginia.
H.R. 1585: Mr. CLAY.
H.R. 1712: Mr. WITTMAN.
H.R. 1763: Mr. CALVERT.
H.R. 1831: Mr. TURNER, Mr. SHERMAN, Mr. COHEN, Mr. MCHENRY, and Mr. PAYNE.
H.R. 1844: Ms. SLAUGHTER.
H.R. 1866: Mr. DEFAZIO.
H.R. 1956: Mr. TOWNS.
H.R. 1977: Mr. AL GREEN of Texas and Mr. MEEKS of New York.
H.R. 1993: Mr. HARE.
H.R. 2016: Mr. MCMAHON and Mr. ELLISON.
H.R. 2017: Mr. DEFAZIO.
H.R. 2136: Mr. COHEN, Mr. RUPPERSBERGER, Mr. PERRIELLO, Mr. JACKSON of Illinois, and Ms. RICHARDSON.
H.R. 2138: Mr. SABLAN.
H.R. 2156: Mr. CARNAHAN.
H.R. 2160: Mrs. MILLER of Michigan.
H.R. 2194: Mr. TEAGUE, Mr. GRIJALVA, and Mr. TOWNS.
H.R. 2246: Mr. AL GREEN of Texas.
H.R. 2254: Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. SIRES, Mr. MOORE of Kansas, and Mr. ELLSWORTH.
H.R. 2269: Ms. KILPATRICK of Michigan.
H.R. 2296: Ms. MARKEY of Colorado.
H.R. 2349: Ms. SCHAKOWSKY.
H.R. 2373: Mr. PITTS and Ms. BALDWIN.
H.R. 2408: Mr. ROTHMAN of New Jersey.
H.R. 2413: Mr. BERRY, Mr. ETHERIDGE, Mr. SHERMAN, and Ms. WATERS.
H.R. 2452: Mr. MILLER of North Carolina and Mr. GARRETT of New Jersey.
H.R. 2478: Ms. WOOLSEY.
H.R. 2499: Mrs. CAPPS and Ms. SLAUGHTER.
H.R. 2502: Mr. MEEKS of New York, Mr. COSTA, and Mrs. CHRISTENSEN.
H.R. 2507: Ms. HIRONO.
H.R. 2523: Ms. HIRONO.
H.R. 2546: Mr. MASSA, Mr. BURTON of Indiana, and Mr. TONKO.
H.R. 2554: Mr. TIAHRT.
H.R. 2555: Mr. CUMMINGS.
H.R. 2556: Mr. PENCE and Mr. FLEMING.
H.R. 2563: Mr. BOYD.
H.R. 2565: Mr. DICKS and Mr. PRICE of North Carolina.
H.R. 2573: Mr. FATTAH and Mr. LÚJAN.
H.R. 2593: Mr. DICKS and Ms. JENKINS.
H.R. 2662: Mr. POLIS of Colorado.
H.R. 2691: Mr. GENE GREEN of Texas.
H.R. 2692: Ms. JENKINS.
H.R. 2702: Mr. WITTMAN.
H.R. 2737: Mr. BAIRD and Ms. SPEIER.
H.R. 2777: Mr. JACKSON of Illinois.
H.R. 2807: Mr. PASCRELL, Mr. ROTHMAN of New Jersey, and Mr. WALZ.
H.R. 2817: Mr. AL GREEN of Texas.
H.R. 2868: Mrs. MALONEY.
H.R. 2888: Mr. JACKSON of Illinois, Mr. QUIGLEY, and Mr. DOGGETT.
H.R. 2931: Mr. HALL of New York, Mr. PERRIELLO, and Mr. RODRIGUEZ.
H.R. 2935: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3017: Mrs. CHRISTENSEN, Mr. PERLMUTTER, and Mr. HOLDEN.
H.R. 3048: Mr. CAPUANO.
H.R. 3097: Mr. KILDEE.
H.R. 3101: Mr. GRIJALVA, Mr. HONDA, and Mr. MORAN of Virginia.
H.R. 3116: Mr. TAYLOR.
H.R. 3226: Mr. KIRK.
H.R. 3240: Mr. MASSA and Mr. WITTMAN.
H.R. 3320: Mr. CLAY, Ms. WOOLSEY, and Mr. RUSH.
H.R. 3339: Mr. REHBERG.
H.R. 3381: Ms. BERKLEY, Mr. FATTAH, Ms. CHU, and Ms. KILROY.
H.R. 3409: Mr. GRAYSON.
H.R. 3427: Mr. TEAGUE and Mr. HARE.
H.R. 3448: Mr. ALTMIRE.
H.R. 3457: Mr. YOUNG of Alaska.
H.R. 3465: Mr. HOLT and Mr. SHULER.
H.R. 3496: Ms. KAPTUR.
H.R. 3503: Mr. MOORE of Kansas and Mr. ROTHMAN of New Jersey.
H.R. 3508: Mr. CALVERT.
H.R. 3524: Mr. PAUL, Mr. PERRIELLO, Mr. INGLIS, Mr. DAVIS of Alabama, Mr. RADANOVICH, Mr. MASSA, Ms. HERSETH SANDLIN, and Mrs. CAPPS.
H.R. 3525: Mrs. BONO MACK.
H.R. 3553: Mr. TEAGUE.
H.R. 3554: Mr. SHULER, Mr. ALEXANDER, and Ms. FUDGE.
H.R. 3590: Mr. MINNICK.
H.R. 3597: Mr. RYAN of Ohio.
H.R. 3606: Mr. SKELTON and Mr. LEE of New York.
H.R. 3610: Mr. COFFMAN of Colorado.
H.R. 3611: Mr. BARRETT of South Carolina.
H.R. 3612: Mr. LATTA.
H.R. 3633: Ms. ESHOO, Mr. STUPAK, Mr. DINGELL, Mrs. CHRISTENSEN, and Mr. ROGERS of Alabama.
H.R. 3636: Mr. CUMMINGS.
H.R. 3639: Mr. CUMMINGS, Mr. ELLISON, Mr. MAFFEI, Mr. ACKERMAN, Ms. PINGREE of Maine, Ms. LEE of California, and Ms. MARKEY of Colorado.
H.R. 3641: Mr. MASSA, Mr. MINNICK, and Ms. CHU.
H.R. 3650: Mr. HOLT.
H.R. 3672: Mr. ROTHMAN of New Jersey, Mr. ENGEL, and Mr. COURTNEY.
H.R. 3674: Mr. HODES.
H.R. 3682: Mr. MORAN of Kansas, Mr. VAN HOLLEN, and Ms. JENKINS.
H.R. 3691: Mr. POSEY.
H.R. 3692: Mr. REYES, Ms. KOSMAS, and Mr. WEINER.
H.R. 3695: Mr. MINNICK.
H.R. 3698: Ms. JENKINS.
H.R. 3700: Mr. LINDER, Mr. BROWN of South Carolina, Mr. COLE, Mr. MARCHANT, Mr. SCHOCK, and Mr. PITTS.
H.R. 3703: Mrs. MILLER of Michigan.
H.R. 3711: Mr. WEINER.
H.R. 3712: Mr. LATTA, Mr. MCCOTTER, and Mr. MARKEY of Massachusetts.
H.R. 3715: Mr. VAN HOLLEN, Mr. MURPHY of Connecticut, Ms. RICHARDSON, and Mr. PLATTS.
H.R. 3728: Mrs. CHRISTENSEN.
H.R. 3731: Mr. GENE GREEN of Texas.
H.R. 3734: Mr. SCOTT of Virginia and Mr. CLEAVER.
H. Con. Res. 144: Mr. HIMES.
H. Con. Res. 158: Mr. MCNERNEY.
H. Con. Res. 169: Mr. TURNER.
H. Con. Res. 185: Mr. BUYER, Mr. HOEKSTRA, Mr. HUNTER, Mr. LATHAM, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. PETRI, Mr. MORAN of Kansas, Mr. MANZULLO, Ms. ROS-LEHTINEN, Mr. KING of New York, and Mr. CANTOR.
H. Res. 111: Ms. DELAURO.
H. Res. 150: Mr. DRIEHAUS and Mr. MEEKS of New York.
H. Res. 159: Mr. BUTTERFIELD.

H. Res. 185: Mr. HASTINGS of Florida.

H. Res. 554: Mr. MANZULLO, Mr. GALLEGLY, Mr. HILL, and Mr. FRANKS of Arizona.

H. Res. 558: Ms. KILROY.

H. Res. 568: Mr. AL GREEN of Texas and Ms. JENKINS.

H. Res. 582: Mr. WAXMAN.

H. Res. 603: Ms. WATSON.

H. Res. 613: Mr. SHUSTER, Mr. KIND, Mr. ISSA, and Mr. SALAZAR.

H. Res. 660: Mr. SCOTT of Virginia.

H. Res. 704: Mr. MCGOVERN, Mr. FATTAH, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, and Mr. BURGESS.

H. Res. 708: Mr. RUSH, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. GUTHRIE, Mr. ISRAEL, Mr. DINGELL, Ms. ROS-LEHTINEN, Mr. DOGGETT, Mr. WESTMORELAND, Mr. MARCHANT, and Mr. CONNOLLY of Virginia.

H. Res. 711: Mr. CUMMINGS, Mr. MCMAHON, and Mr. PRICE of North Carolina.

H. Res. 715: Mr. PITTS, Mr. TIM MURPHY of Pennsylvania, and Mr. MCMAHON.

H. Res. 716: Ms. ZOE LOFGREN of California.

H. Res. 727: Mr. JACKSON of Illinois and Mr. TERRY.

H. Res. 729: Mr. MILLER of Florida, Mr. BARTLETT, Mrs. CAPITO, Ms. FALLIN, Mr. JORDAN of Ohio, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mr. KRATOVIL, Mr. PAULSEN, Ms. WASSERMAN SCHULTZ, Mr. CHAFFETZ, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. CULBERSON, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. FORTENBERRY, Mr. WELCH, Mr. AL GREEN of Texas, Mr. PASCRELL, and Mrs. CHRISTENSEN.

H. Res. 736: Mr. MANZULLO, Mr. DENT, Mr. HINCHEY, Mr. LATOURETTE, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.

H. Res. 740: Mrs. MILLER of Michigan.

H. Res. 759: Mr. GINGREY of Georgia.

H. Res. 764: Mr. INGLIS and Mr. WOLF.

H. Res. 773: Ms. BORDALLO, Mr. SKELTON, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. CRENSHAW, Mr. CUELLAR, and Mr. ROONEY.

H. Res. 780: Mr. AL GREEN of Texas and Mr. FALEOMAVAEGA.

H. Res. 781: Mr. LAMBORN.

H. Res. 783: Mr. WITTMAN, Mr. PRICE of North Carolina, Mr. BURGESS, Mr. REICHERT, and Ms. RICHARDSON.

H. Res. 786: Mr. GOODLATTE, Mr. SMITH of Nebraska, Mr. CARNAHAN, Mr. BOOZMAN, Ms. LEE of California, Ms. ROS-LEHTINEN, and Mr. ELLISON.

H. Res. 787: Mr. SCHAUER, Mr. GENE GREEN of Texas, Mr. DELAHUNT, Mr. CASTLE, Mr. GERLACH, Mr. HUNTER, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. DOYLE, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, and Mr. PETERSON.

H. Res. 789: Mr. PUTNAM, Mr. BOUSTANY, Mr. FRELINGHUYSEN, Mr. LANCE, Mrs. CAPITO, Mr. KIRK, Mr. DENT, Mr. ROSKAM, Mr. INGLIS, Mr. BURTON of Indiana, Mr. PAULSEN, Mr. PLATTS, and Ms. BEAN.

H. Res. 790: Mr. RAHALL, Mr. BERRY, Mr. LUJÁN, Mr. SIRES, Mr. CARNAHAN, Ms. MARKEY of Colorado, Mr. BAIRD, Ms. SHEA-PORTER, Mr. MOORE of Kansas, Mr. GORDON of Tennessee, Mr. MOLLOHAN, Mr. DOYLE, Mr. PETERSON, Mr. MATHESON, Mr. COURTNEY, Ms. SUTTON, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. MELANCON, Mr. CHANDLER, Mr. BOREN, Ms. DEGETTE, Mrs. DAVIS of California, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. FOSTER, Mr. COOPER, Mr. DICKS, Mr. SHULER, and Mr COHEN.

H. Res. 793: Mr. BOOZMAN, Ms. KOSMAS, Mr. DAVIS of Illinois, Mr. SMITH of Texas, Mr. MCNERNEY, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. SIRES, Mr. TONKO, and Mr. TEAGUE.

H. Res. 796: Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mr. ISSA, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. AKIN, Mr. JORDAN of Ohio, Mr. MCKEON, Mr. GOODLATTE, Mr. COLE, Mr. POSEY, Mr. PITTS, and Mr. GARRETT of New Jersey.

H. Res. 800: Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. WILSON of South Carolina, Mr. FORTENBERRY, Mr. COHEN, Mr. INSLEE, Mr. PERLMUTTER, Mr. BERRY, Mr. FOSTER, and Mr. TONKO.

H. Res. 801: Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. DELAHUNT.

¶122.40 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 701: Mr. BOREN.

THURSDAY, OCTOBER 8, 2009 (123)

¶123.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SERRANO, who laid before the House the following communication:

WASHINGTON, DC,
October 8, 2009.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶123.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SERRANO, announced he had examined and approved the Journal of the proceedings of Wednesday, October 7, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶123.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4033. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records [Regulation S; Docket No. R-1325] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4034. A letter from the Director, Environmental Protection Agency, transmitting Interim Guidance: Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements; to the Committee on Energy and Commerce.

4035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Clean Air Interstate Rule [EPA-R05-OAR-2009-0368; FRL-8950-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4036. A letter from the Director, Environmental Protection Agency, transmitting Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment [EPA-HQ-OPPT-2009-0665 FRL-8793-3]; to the Committee on Energy and Commerce.

4037. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut [EPA-R01-OAR-2009-0305; A-1-FRL 8949-8] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promgulation of Air Quality Implementation Plans; Indiana; Interim Final Determination that Lake and Porter Counties Are Exempt From NOx RACT Requirements for Purposes of Staying Sanctions [EPA-R05-OAR-2009-0512; FRL-8961-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Determination of Clean Data for the 1997 Fine Particulate Matter Standard [EPA-R03-OAR-2009-0506; FRL-8962-4] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4040. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-013, List of Approved Attorneys, Abstractors, and Title Companies [FAC 2005-36; FAR Case 2006-013; Item V; Docket 2006-0033; Sequence 1] (RIN: 9000-AK71) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4041. A letter from the Acting Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [Docket: NARA-09-0002] (RIN: 3095-AB61) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4042. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees [L13100000 PP0000 LLWO310000 L1990000 PO0000 LLWO320000] (RIN: 1004-AE01) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4043. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paddle for Clean Water; San Diego; California [Docket No.: USCG-2009-0383] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC '300' Enduro, Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-1180] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Labor Day Fireworks, Mission Day, San Diego, CA [Docket No.: USCG-2009-0269] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Choptank River, Cambridge, MD [Docket

No.: USCG-2009-0749] (RIN: 1625-AA08) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME [Docket No.: USCG-2009-0595] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 427.2 to 427.6, Keithsburg, IL [Docket No.: WSCG-2009-0646] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; MS Harborfest Tugboat Races in Cascon Bay, ME [Docket No.: USCG-2009-0524] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.3 to 369.8 [Docket No.: USCG-2009-0594] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Sabine River, Echo, TX [Docket No.: USCG-2009-0101] (RIN: 1625-AA09) Recevied September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Swim Events in Lake Champlain, NY, and VT; Casco Bay, Rockland Harbor, Linekin Bay, ME [Docket No.: USCG-2009-0523] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4053. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Neptune Deep Water Port, Atlantic Ocean, Boston, MA [Docket No.: USCG-2009-0644] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4054. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30684; Amdt. No. 3337] received September 18, 2009; to the Committee on Transportation and Infrastructure.

4055. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4056. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Treatment of Pension Rollover Distrubutions received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4057. A letter from the Asst. Sec. ETA, Department of Labor, transmitting the Department's final rule — Special Transfers for Unemployment Compensation Modernization and Administration and Relief From Interest on Advances received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4058. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Federal-State Unemployment Compensation Act of 1970- Temporary Changes in Extended Benefits received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4059. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Application of State-Wide Personnel Actions to Unemployment Insurance Program received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4060. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries The Applicable Recovery Period Under I.R.C. Sec. 168(a) For Open-air Parking Structures received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4061. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Expense Deduction of Foreign Corporations [TD 9465] (RIN: 1545-BF71) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4062. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Contingent Fees Under Circular 230 [REG-113289-08] (RIN: 1545-BH81) received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4063. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Definition of Omission from Gross Income [TD 9466] (RIN: 1545-BI94) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶123.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1037. An Act direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 942. An Act to prevent abuse of Government charge cards.

¶123.5 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2647

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 808):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

Ms. SLAUGHTER submitted the following amendment:

At the end of the resolution, add the following:

''Sec. 2. Upon the adoption of the conference report the House shall be considered to have agreed to the concurrent resolution (H. Con. Res. 196) making corrections in the enrollment of the bill H.R. 2647.''

Ms. SLAUGHTER moved the previous question on the amendment and the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 237 / Nays ..... 187 }

¶123.6 [Roll No. 764]

YEAS—237

Abercrombie	Clarke	Farr
Ackerman	Clay	Fattah
Adler (NJ)	Cleaver	Filner
Altmire	Clyburn	Frank (MA)
Andrews	Cohen	Fudge
Arcuri	Connolly (VA)	Giffords
Baca	Conyers	Gonzalez
Baird	Cooper	Gordon (TN)
Baldwin	Costa	Grayson
Barrow	Costello	Green, Al
Bean	Courtney	Green, Gene
Becerra	Crowley	Grijalva
Berkley	Cuellar	Gutierrez
Berman	Cummings	Hall (NY)
Berry	Dahlkemper	Halvorson
Bishop (GA)	Davis (AL)	Hare
Bishop (NY)	Davis (CA)	Harman
Blumenauer	Davis (IL)	Hastings (FL)
Boccieri	Davis (TN)	Heinrich
Boswell	DeFazio	Herseth Sandlin
Boucher	DeGette	Higgins
Boyd	Delahunt	Hill
Brady (PA)	DeLauro	Himes
Braley (IA)	Dicks	Hinchey
Brown, Corrine	Dingell	Hinojosa
Butterfield	Doggett	Hirono
Capps	Doyle	Hodes
Capuano	Driehaus	Holden
Cardoza	Edwards (MD)	Holt
Carnahan	Edwards (TX)	Honda
Carson (IN)	Ellison	Hoyer
Castor (FL)	Engel	Inslee
Chandler	Eshoo	Israel
Chu	Etheridge	Jackson (IL)

Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Carney
Johnson, Sam
Kaptur
Maloney
Neugebauer
Oberstar
Sutton
Tsongas

So the previous question on the amendment and the resolution was ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 188

¶123.7 [Roll No. 765]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Capps
Carney
Johnson (GA)
Johnson, Sam
Kaptur
Maloney
Neugebauer
Oberstar
Rodriguez
Tsongas

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶123.8 H. RES. 650—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 650) recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays ..... 0 }

¶123.9 [Roll No. 766]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Carney
Honda
Johnson, Sam
Kaptur
Klein (FL)
Maloney
Moran (VA)
Neugebauer
Oberstar
Schwartz
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶123.10 H.J. RES. 26—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶123.11 [Roll No. 767]

YEAS—422

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Carney
Hinojosa
Johnson, Sam
Kaptur
Maloney
Moran (VA)
Neugebauer
Schock
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶123.12 H.R. 3590—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶123.13 [Roll No. 768]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Carney
Conyers
Cuellar
Johnson, Sam
Kaptur
Maloney
Marshall
McCarthy (NY)
Moran (VA)
Murtha
Neugebauer
Pingree (ME)
Radanovich
Smith (TX)
Speier
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶123.14 DEFENSE AUTHORIZATION FY 2010

Mr. SKELTON, pursuant to House Resolution 808, called up the following conference report (Rept. No. 111–288):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647), to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military

personnel strengths for fiscal year 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding tables.

(5) Division E—Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 107. Relation to funding table.

Subtitle B—Army Programs

Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

Sec. 121. Littoral Combat Ship program.
Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.
Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.
Sec. 124. Advance procurement funding.
Sec. 125. Procurement programs for future naval surface combatants.
Sec. 126. Ford-class aircraft carrier report.
Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
Sec. 128. Conditional multiyear procurement authority for F/A–18E, F/A–18F, or EA–18G aircraft.

Subtitle D—Air Force Programs

Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
Sec. 132. Revised availability of certain funds available for the F–22A fighter aircraft.
Sec. 133. Preservation and storage of unique tooling for F–22 fighter aircraft.
Sec. 134. AC–130 gunships.
Sec. 135. Report on E–8C Joint Surveillance and Target Attack Radar System reengining.
Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.
Sec. 137. Limitation on retirement of C–5 aircraft.
Sec. 138. Reports on strategic airlift aircraft.
Sec. 139. Strategic airlift force structure.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Relation to funding table.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Extension and enhancement of Global Research Watch Program.
Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.
Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.
Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.
Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 216. Separate program elements required for research and development of individual body armor and associated components.
Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.
Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.
Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.
Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

Subtitle C—Missile Defense Programs

Sec. 231. Sense of Congress on ballistic missile defense.
Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.
Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.
Sec. 237. Study on discrimination capabilities of ballistic missile defense system.
Sec. 238. Ascent phase missile defense strategy and plan.
Sec. 239. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Reports

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.
Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.
Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.
Sec. 244. Annual Comptroller General report on the F–35 Lightning II aircraft acquisition program.
Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Sec. 247. Report on the development of command and control systems.
Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

Subtitle E—Other Matters

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 253. Extension of authority to award prizes for advanced technology achievements.
Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.
Sec. 255. Next generation bomber aircraft.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Relation to funding table.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 316. Procurement and use of munitions.
Sec. 317. Prohibition on disposing of waste in open-air burn pits.
Sec. 318. Military munitions response sites.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Policy regarding installation of major modifications and upgrades.

Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.
Sec. 328. Improvement of inventory management practices.
Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.
Sec. 335. Energy security on Department of Defense installations.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.
Sec. 344. Study on Army modularity.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Policy on ground combat and camouflage utility uniforms.
Sec. 353. Condition-based maintenance demonstration programs.
Sec. 354. Extension of arsenal support program initiative.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.
Sec. 417. Report on requirements of the National Guard for non-dual status technicians.
Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 502. Modification of limitations on general and flag officers on active duty.
Sec. 503. Revisions to annual reporting requirement on joint officer management.
Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.
Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.
Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle B—General Service Authorities

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 513. Legal assistance for additional reserve component members.
Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

Subtitle C—Education and Training

Sec. 521. Detail of commissioned officers as students at schools of psychology.
Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 525. Department of Defense undergraduate nurse training program.
Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 528. Athletic association for the Air Force Academy.
Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

Subtitle D—Defense Dependents' Education

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 532. Impact aid for children with severe disabilities.
Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.
Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.
Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.
Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.
Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle G—Military Family Readiness Matters

Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.
Sec. 562. Additional members on Department of Defense Military Family Readiness Council.
Sec. 563. Support for military families with special needs.
Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 565. Family and medical leave for family of servicemembers.
Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 569. Report on impact of domestic violence on military families.
Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

Subtitle H—Military Voting

Sec. 575. Short title.
Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.
Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
Sec. 581. Federal write-in absentee ballot.
Sec. 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.
Sec. 583. Federal Voting Assistance Program Improvements.
Sec. 584. Development of standards for reporting and storing certain data.
Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 586. Reporting requirements.
Sec. 587. Annual report on enforcement.
Sec. 588. Requirements payments.
Sec. 589. Technology pilot program.

Subtitle I—Other Matters

Sec. 591. Clarification of performance policies for military musical units and musicians.
Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.
Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
Sec. 598. Reports on progress in completion of certain incident information management tools.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.
Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.
Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.
Sec. 621. Army authority to provide additional recruitment incentives.
Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.
Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Transition assistance for reserve component members injured while on active duty.
Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 643. Election to receive retired pay for nonregular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.
Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.
Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.
Sec. 662. Sense of Congress on airfares for members of the Armed Forces.
Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 702. Health care for members of the reserve components.

Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
Sec. 704. Expansion of survivor eligibility under TRICARE dental program.
Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a nonregular retirement but are not yet age 60.
Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.
Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 709. Temporary TRICARE inpatient fee modification.

Subtitle B—Health Care Administration

Sec. 711. Comprehensive policy on pain management by the military health care system.
Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.
Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.
Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.
Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

Subtitle C—Other Matters

Sec. 721. Study and plan to improve military health care.
Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.
Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.
Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.
Sec. 725. Chiropractic clinical trials.
Sec. 726. Independent study on post-traumatic stress disorder efforts.
Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.
Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.
Sec. 802. Assessment of improvements in service contracting.
Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
Sec. 804. Implementation of new acquisition process for information technology systems.
Sec. 805. Life-cycle management and product support.
Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.
Sec. 807. Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

Sec. 811. Justification and approval of sole-source contracts.
Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.
Sec. 813. Revisions to definitions relating to contracts in Iraq and Afghanistan.
Sec. 814. Amendment to notification requirements for awards of single source task or delivery orders.
Sec. 815. Clarification of uniform suspension and debarment requirement.
Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.
Sec. 818. Small arms production industrial base matters.
Sec. 819. Contract authority for advanced component development or prototype units.
Sec. 820. Publication of notification of bundling of contracts of the Department of Defense.

Subtitle C—Contractor Matters

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.
Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 823. Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel.

Subtitle D—Acquisition Workforce Matters

Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.
Sec. 832. Funding of Department of Defense Acquisition Workforce Development Fund.
Sec. 833. Review of post-employment restrictions applicable to the Department of Defense.
Sec. 834. Review of Federal acquisition workforce training and hiring.

Subtitle E—Other Matters

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.
Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.
Sec. 843. Report on rare earth materials in the defense supply chain.
Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.
Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.
Sec. 846. Repeal of requirements relating to the military system essential item breakout list.
Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.
Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.
Sec. 902. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.
Sec. 903. Sense of Congress regarding the Director of Operational Energy Plans and Programs.
Sec. 904. Increased flexibility for combatant commander initiative fund.
Sec. 905. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.
Sec. 906. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.
Sec. 912. Provision of space situational awareness services and information to non-United States Government entities.
Sec. 913. Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.
Sec. 922. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Implementation strategy for developing leap-ahead cyber operations capabilities.
Sec. 932. Defense integrated military human resources system development and transition.
Sec. 933. Report on special operations command organization, manning, and management.
Sec. 934. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.
Sec. 935. Plan on access to national airspace for unmanned aircraft systems.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Relationship of the quadrennial defense review and the annual budget request.
Sec. 1003. Audit readiness of financial statements of the Department of Defense.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Reporting requirement on expenditures to support foreign counter-drug activities.

Sec. 1014. Support for counter-drug activities of certain foreign governments.
Sec. 1015. Border coordination centers in Afghanistan and Pakistan.
Sec. 1016. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Sense of Congress on the maintenance of a 313-ship Navy.
Sec. 1022. Designation of U.S.S. Constitution as America's Ship of State.
Sec. 1023. Temporary reduction in minimum number of operational aircraft carriers.
Sec. 1024. Sense of Congress concerning the disposition of Submarine NR–1.

Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

Sec. 1031. Prohibition relating to propaganda.
Sec. 1032. Responsibility for preparation of biennial global positioning system report.
Sec. 1033. Reports on bandwidth requirements for major defense acquisition programs and major system acquisition programs.
Sec. 1034. Additional duties for advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
Sec. 1035. Charter for the National Reconnaissance Office.
Sec. 1036. National strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States.
Sec. 1037. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1038. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1039. Notification and access of International Committee of the Red Cross with respect to detainees at Theater Internment Facility at Bagram Air Base, Afghanistan.
Sec. 1040. No Miranda Warnings for Al Qaeda Terrorists.
Sec. 1041. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1042. Additional subpoena authority for the Inspector General of the Department of Defense.
Sec. 1043. Limitations on modifications of certain Government furnished equipment; one-time authority to transfer certain military prototype.

Subtitle E—Studies and Reports

Sec. 1051. Report on statutory compliance of the report on the 2009 quadrennial defense review.
Sec. 1052. Report on the force structure findings of the 2009 quadrennial defense review.
Sec. 1053. Annual report on the electronic warfare strategy of the Department of Defense.
Sec. 1054. Study on a system for career development and management of interagency national security professionals.
Sec. 1055. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.
Sec. 1056. Comptroller General review of Department of Defense spending in final fiscal quarters.
Sec. 1057. Report on Air America.
Sec. 1058. Report on defense travel simplification.
Sec. 1059. Report on modeling and simulation technological and industrial base.
Sec. 1060. Report on enabling capabilities for special operations forces.
Sec. 1061. Additional members and duties for the independent panel to assess the quadrennial defense review.
Sec. 1062. Congressional earmarks relating to the Department of Defense.
Sec. 1063. Report on basing plans for certain United States geographic combatant commands.

Subtitle F—Other Matters

Sec. 1071. Extension of certain authority for making rewards for combating terrorism.
Sec. 1072. Business process reengineering.
Sec. 1073. Technical and clerical amendments.
Sec. 1074. Extension of sunset for congressional commission on the strategic posture of the United States.
Sec. 1075. Combat air forces restructuring.
Sec. 1076. Sense of Congress regarding carrier air wing force structure.
Sec. 1077. Department of Veterans Affairs use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities.
Sec. 1078. Plan for sustainment of land-based solid rocket motor industrial base.
Sec. 1079. Justice for victims of torture and terrorism.
Sec. 1080. Requirement for videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
Sec. 1081. Modification of pilot program on commercial fee-for-service air refueling support for the air force.
Sec. 1082. Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1083. Disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation.
Sec. 1084. Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Extension and modification of experimental personnel management program for scientific and technical personnel.
Sec. 1105. Modification to Department of Defense laboratory personnel authority.
Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1107. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Pilot program for the temporary exchange of information technology personnel.
Sec. 1111. Availability of funds for compensation of certain civilian employees of the Department of Defense.
Sec. 1112. Department of defense civilian leadership program.
Sec. 1113. Provisions relating to the National Security Personnel System.
Sec. 1114. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Provisions Relating to Reemployment of Annuitants

Sec. 1121. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.
Sec. 1122. Part-time reemployment.
Sec. 1123. Government Accountability Office report.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. One-year extension of authority for security and stabilization assistance.
Sec. 1202. Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.
Sec. 1205. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command.
Sec. 1206. Modification of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
Sec. 1208. Report on alternatives to use of acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1209. Enhancing Iraqi security through defense cooperation between the United States and Iraq.
Sec. 1210. Availability of appropriated funds for the State Partnership Program.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1221. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1222. One-year extension and expansion of Commanders' Emergency Response Program.
Sec. 1223. Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1224. Pakistan Counterinsurgency Fund.
Sec. 1225. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
Sec. 1226. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1227. Report on responsible redeployment of United States Armed Forces from Iraq.

Sec. 1228. Report on community-based security programs in Afghanistan.
Sec. 1229. Updates of report on command and control structure for military forces operating in Afghanistan.
Sec. 1230. Report on feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the armed forces.
Sec. 1231. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1232. Report on progress toward security and stability in Pakistan.
Sec. 1233. Repeal of GAO war-related reporting requirement.
Sec. 1234. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1235. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.
Sec. 1236. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1237. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

Sec. 1241. Report on United States engagement with Iran.
Sec. 1242. Annual counterterrorism status reports.
Sec. 1243. Report on United States contributions to the United Nations.
Sec. 1244. NATO Special Operations Coordination Center.
Sec. 1245. Annual report on military power of Iran.
Sec. 1246. Annual report on military and security developments involving the People's Republic of China.
Sec. 1247. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1248. Risk assessment of United States space export control policy.
Sec. 1249. Patriot air and missile defense battery in Poland.
Sec. 1250. Report on potential foreign military sales of the F–22A fighter aircraft.
Sec. 1251. Report on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms and sense of Congress on follow-on negotiations to START Treaty.
Sec. 1252. Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.
Sec. 1253. Sense of Congress relating to Israel.
Sec. 1254. Sense of Congress on imposing sanctions with respect to Iran.
Sec. 1255. Report and sense of Congress on North Korea.
Sec. 1256. Report on potential missile defense cooperation with Russia.

Subtitle D—VOICE Act

Sec. 1261. Short title.
Sec. 1262. Authorization of appropriations.
Sec. 1263. Iranian Electronic Education, Exchange, and Media Fund.
Sec. 1264. Annual report.
Sec. 1265. Report on actions by non-Iranian companies.
Sec. 1266. Human rights documentation.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. Metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction Program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical agents and munitions destruction, defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.
Sec. 1407. Relation to funding table.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Research, development, test, and evaluation.
Sec. 1509. Operation and maintenance.
Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1511. Limitations on Iraq Security Forces Fund.
Sec. 1512. Military personnel.
Sec. 1513. Working capital funds.
Sec. 1514. Defense Health Program.
Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1516. Defense Inspector General.
Sec. 1517. Relation to funding tables.
Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1519. Treatment as additional authorizations.
Sec. 1520. Special transfer authority.

TITLE XVII—DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

Sec. 1701. Demonstration project authority.
Sec. 1702. Transfer of property.
Sec. 1703. Transfer of civilian personnel of the Department of Defense.
Sec. 1704. Joint funding authority.
Sec. 1705. Eligibility of members of the uniformed services for care and services.
Sec. 1706. Extension of DOD–VA Health Care Sharing Incentive Fund.

TITLE XVIII—MILITARY COMMISSIONS

Sec. 1801. Short title.
Sec. 1802. Military commissions.
Sec. 1803. Conforming amendments.
Sec. 1804. Proceedings under prior statute.
Sec. 1805. Submittal to Congress of revised rules for military commissions.
Sec. 1806. Annual reports to Congress on trials by military commission.
Sec. 1807. Sense of Congress on military commission system.

TITLE XIX—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 1901. Credit for unused sick leave.
Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.
Sec. 1903. Computation of certain annuities based on part-time service.
Sec. 1904. Authority to deposit refunds under FERS.
Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 1911. Short title.
Sec. 1912. Extension of locality pay.
Sec. 1913. Adjustment of special rates.
Sec. 1914. Transition schedule for locality-based comparability payments.
Sec. 1915. Savings provision.
Sec. 1916. Application to other eligible employees.
Sec. 1917. Election of additional basic pay for annuity computation by employees.
Sec. 1918. Regulations.
Sec. 1919. Effective dates.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Relation to funding tables.
Sec. 2004. General reduction across division.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.
Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2308. Conveyance to Indian tribes of certain housing units.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family Housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.
Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Relocation of certain Army Reserve units in Connecticut.
Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.
Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.
Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.
Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Modification of authority for scope of work variations.
Sec. 2804. Modification of conveyance authority at military installations.
Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Modification of utility systems conveyance authority.
Sec. 2822. Report on global defense posture realignment and interagency review.
Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.
Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2845. Study on development of nuclear power plants on military installations.
Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.
Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.
Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.
Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.
Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.
Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
Sec. 2872. National D–Day Memorial study.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.
Sec. 3106. Relation to funding tables.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.
Sec. 3113. Stockpile management program.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.
Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.
Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
Sec. 3118. Modification of minor construction threshold for plant projects.
Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3120. National Nuclear Security Administration authority for urgent nonproliferation activities.
Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle C—Reports

Sec. 3131. National Academy of Sciences review of national security laboratories.
Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.
Sec. 3133. Comptroller General study of stockpile stewardship program.
Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

Subtitle D—Other Matters

Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.
Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.
Sec. 3144. Sense of Congress on production of molybdenum–99.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Unused leave balances.
Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.
Sec. 3507. Technical corrections to State maritime academies student incentive program.
Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.
Sec. 3509. Use of funding for DOT maritime heritage property.
Sec. 3510. Use of midshipman fees.
Sec. 3511. Construction of vessels in the United States policy.
Sec. 3512. Port infrastructure development program.
Sec. 3513. Reefs for marine life conservation program.
Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.
Sec. 3515. America's short sea transportation grants for the development of marine highways.
Sec. 3516. Expansion of the Marine View system.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—OTHER AUTHORIZATIONS

Sec. 4401. Other authorizations.
Sec. 4402. Other authorizations for overseas contingency operations.

TITLE XLV—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 4501. Military construction.
Sec. 4502. 2005 base realignment and closure round FY 2010 project listing.
Sec. 4503. Military construction for overseas contingency operations.

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4601. Department of Energy national security programs.

DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

Sec. 4701. Short title.
Sec. 4702. Findings.
Sec. 4703. Definitions.
Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.
Sec. 4705. Grant program.
Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.
Sec. 4707. Prohibition of certain hate crime acts.
Sec. 4708. Statistics.
Sec. 4709. Severability.
Sec. 4710. Rule of construction.
Sec. 4711. Guidelines for hate-crimes offenses.
Sec. 4712. Attacks on United States servicemen.
Sec. 4713. Report on mandatory minimum sentencing provisions.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 107. Relation to funding table.

Subtitle B—Army Programs

Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

Sec. 121. Littoral Combat Ship program.
Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.
Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.
Sec. 124. Advance procurement funding.
Sec. 125. Procurement programs for future naval surface combatants.
Sec. 126. Ford-class aircraft carrier report.
Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
Sec. 128. Conditional multiyear procurement authority for F/A–18E, F/A–18F, or EA–18G aircraft.

Subtitle D—Air Force Programs

Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
Sec. 132. Revised availability of certain funds available for the F–22A fighter aircraft.
Sec. 133. Preservation and storage of unique tooling for F–22 fighter aircraft.
Sec. 134. AC–130 gunships.
Sec. 135. Report on E–8C Joint Surveillance and Target Attack Radar System reengining.
Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.
Sec. 137. Limitation on retirement of C–5 aircraft.
Sec. 138. Reports on strategic airlift aircraft.
Sec. 139. Strategic airlift force structure.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

(1) For aircraft, $5,110,352,000.
(2) For missiles, $1,368,109,000.
(3) For weapons and tracked combat vehicles, $2,439,052,000.
(4) For ammunition, $2,058,895,000.
(5) For other procurement, $9,450,863,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,842,112,000.

(2) For weapons, including missiles and torpedoes, $3,446,019,000.

(3) For shipbuilding and conversion, $13,776,867,000.

(4) For other procurement, $5,610,581,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,603,738,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $814,015,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

(1) For aircraft, $11,224,371,000.

(2) For ammunition, $822,462,000.

(3) For missiles, $6,037,459,000.

(4) For other procurement, $17,133,668,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,090,816,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $600,000,000.

SEC. 106. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $600,000,000.

SEC. 107. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, 104, 105, and 106 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, and except as provided in subsection (b), the Secretary of Defense may not procure more than one Future Combat Systems spin out early-infantry brigade combat team equipment set (in this section referred to as a ''brigade set'') for low-rate initial production.

(b) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the Future Combat Systems spin out early-infantry brigade combat team program (in this section referred to as the ''program'') requires low-rate initial production in excess of 10 percent of the total number of articles to be produced;

(B) the Director of Defense Research and Engineering has completed a technology readiness assessment of the program;

(C) the Director of Cost Assessment and Program Evaluation has completed an independent cost estimate of the program;

(D) the Under Secretary has approved an acquisition strategy and acquisition program baseline for the program; and

(E) all of the systems constituting the brigade set have been tested in their intended production configuration; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) does not apply to the procurement of individual components of a brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may procure up to ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems by entering into a contract using competitive procedures. Such procurement may also include—

(A) materiel and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

(b) TECHNICAL DATA PACKAGE.—

(1) REQUIREMENT.—As part of the solicitation for proposals for a procurement authorized by subsection (a), the Secretary shall require that an offeror submit a proposal that provides for conveying a complete technical data package as part of a proposal for a Littoral Combat Ship.

(2) RIGHTS OF THE UNITED STATES.—The Secretary shall ensure that the Government's rights in technical data for a Littoral Combat Ship are sufficient to permit the Government to—

(A) conduct a competition for a second shipyard, as soon as practicable; and

(B) transition the Littoral Combat Ship combat systems to Government-furnished equipment to achieve open architecture and foster competition to modernize future systems.

(c) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (d), and excluding amounts described in paragraph (2), beginning in fiscal year 2011, the total amount obligated or expended for the procurement of a Littoral Combat Ship awarded to a contractor selected as part of a procurement authorized by subsection (a) may not exceed $480,000,000 per vessel.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Elements designated by the Secretary of the Navy as a mission package.

(B) Plans.

(C) Technical data packages.

(D) Class design services.

(E) Post-delivery, outfitting, and program support costs.

(d) WAIVER AND ADJUSTMENT OF LIMITATION AMOUNT.—

(1) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (c)(1) with respect to a vessel if—

(A) the Secretary provides supporting data and certifies in writing to the congressional defense committees that—

(i) the total amount obligated or expended for procurement of the vessel–

(I) is in the best interest of the United States; and

(II) is affordable, within the context of the annual naval vessel construction plan required by section 231 of title 10, United States Code; and

(ii) the total amount obligated or expended for procurement of at least one other vessel authorized by subsection (a) has been or is expected to be less than $480,000,000; and

(B) a period of not less than 30 days has expired following the date on which such certification and data are submitted to the congressional defense committees.

(2) ADJUSTMENT.—The Secretary of the Navy may adjust the amount set forth in subsection (c)(1) for Littoral Combat Ship vessels referred to in that subsection by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

(C) The amounts of increases or decreases in costs of the vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first or second vessels of the Littoral Combat Ship class of vessels, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

(i) is expected to decrease the life-cycle cost of the vessel; or

(ii) is required to meet an emerging threat that poses grave harm to national security.

(D) The amounts of increases or decreases in costs required to correct deficiencies that may affect the safety of the vessel and personnel or otherwise preclude the vessel from safe operations and crew certifications.

(e) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary of the Navy shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Each such report shall include the following:

(1) The current (as of the date of the report) and projected total basic construction costs, Government-furnished equipment costs, and other program costs associated with each of the Littoral Combat Ships under construction.

(2) Written notice of any adjustment in the amount set forth in subsection (c)(1) made during the preceding fiscal year that the Secretary adjusted under the authority provided in subsection (d)(2).

(3) A summary of investment made by the Government for cost-reduction initiatives and the projected savings or cost avoidance based on those investments.

(4) A summary of investment made by the construction yard to improve efficiency and optimization of construction along with the projected savings or cost avoidance based on those investments.

(5) Information, current as of the date of the report, regarding—

(A) the content of any element of the Littoral Combat Ship class of vessels that is designated as a mission package;

(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(f) DEFINITIONS.—In this section:

(1) The term ''mission package'' means the interchangeable systems that deploy with a Littoral Combat Ship vessel.

(2) The term ''technical data package'' means a compilation of detailed engineering plans and specifications for construction of the vessels.

(3) The term ''total amount obligated or expended for procurement'', with respect to a Littoral Combat Ship, means the sum of the costs of basic construction and Government-furnished equipment for the ship.

(g) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29) and section 122 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4376), is repealed.

SEC. 122. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective as of the date of the enactment of this Act, the program for the Littoral Combat

Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 123. REPORT ON STRATEGIC PLAN FOR HOMEPORTING THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship on the east coast and west coast of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of how the homeporting plan would support the requirements of the commanders of the combatant commands, by geographic area of responsibility, for the capabilities delivered by Littoral Combat Ships, including the notional transit times to the various geographic areas of responsibility.

(2) An assessment of the effect that each type of Littoral Combat Ship would have on each port in which such ship could be homeported, including an identification of the infrastructure required to support each such ship with respect to—

(A) the availability of pier space with supporting ship services infrastructure, taking into account the largest fleet size envisioned by the long–term plan for the construction of naval vessels submitted for fiscal year 2011;

(B) the logistical and maintenance support services required in any port chosen for the Littoral Combat Ships; and

(C) any investment in naval station infrastructure required for homeporting Littoral Combat Ships (including a plan for such investment).

(3) With respect to the projected force structure size of the Navy in fiscal year 2020, a graphical depiction of the total planned ships berthing in the pier areas of any naval facility chosen to homeport Littoral Combat Ships, including the identification of the ships berthing plan for the maximum number of ships expected in-port at any one time.

SEC. 124. ADVANCE PROCUREMENT FUNDING.

(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) AIRCRAFT CARRIER DESIGNATED CVN–79.—With respect to components of the aircraft carrier designated CVN–79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contract.

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 125. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Certification that the Joint Requirements Oversight Council—

(A) has been briefed on the acquisition strategy to procure such surface combatants; and

(B) has concurred that such strategy is the best preferred approach to deliver required capabilities to address future threats, as reflected in the latest assessment by the defense intelligence community.

(3) A verification by, and conclusions of, an independent review panel that, in evaluating the program or programs concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs, including vessel manning levels, to accomplish missions.

(D) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in surface combatants to be constructed after fiscal year 2011 to counter the future threats referred to in paragraph (2), when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(4) The conclusions of a joint review by the Secretary of the Navy and the Director of the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense beyond the number of DDG–51 and CG–47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.—Not later than the date upon which the President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees an update to the open architecture report to Congress that reflects the Navy's combat systems acquisition plans for the surface combatants to be procured in fiscal year 2012 and fiscal years thereafter.

(c) NAVAL SURFACE FIRE SUPPORT.—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG–1000 destroyer and the DDG–51 and CG–47 Aegis ships, including technologies and systems designed to achieve significant manpower savings.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters competition.

(e) DEFINITIONS.—In this section:

(1) The term ''2009 shipbuilding plan'' means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term ''surface combatant'' means a cruiser, a destroyer, or any naval vessel, excluding Littoral Combat Ships, under a program currently designated as a future surface combatant program.

SEC. 126. FORD-CLASS AIRCRAFT CARRIER REPORT.

Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such five-year interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

(2) Training of individuals in trades related to ship construction.

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

SEC. 127. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program for the Oliver Hazard Perry class frigates, including—

(A) the cost of the program;

(B) a notional schedule for the program; and

(C) the shipyards available to carry out the work under the program.

(2) The strategic plan of the Navy for—

(A) the manner in which the Littoral Combat Ship will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as such frigates are decommissioned; and

(B) the year-by-year planned commissioning of Littoral Combat Ships and planned decommissioning of Oliver Hazard Perry class frigates through the projected service life of the Oliver Hazard Perry class frigates.

(3) An analysis of the necessary procurement rates of Littoral Combat Ships if the extension of the service life of the Oliver Hazard Perry class frigates alleviates capability gaps caused by a delay in the procurement rates of Littoral Combat Ships.

(4) A description of the manner in which the Navy has met the requirements of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

SEC. 128. CONDITIONAL MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, OR EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft.

(2) SUBMISSION OF WRITTEN CERTIFICATION BY SECRETARY OF DEFENSE.—For purposes of paragraph (1), the term ''March 1 of the year in which the Secretary requests legislative authority to enter into such contract'' in section 2306b(i)(1) of such title shall be deemed to be a reference to March 1, 2010.

(b) CONTRACT REQUIREMENT.—A multiyear contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) REPORT OF FINDINGS.—In addition to any reports or certifications required by section 2306b of title 10, United States Code, not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on how the findings and conclusions of the quadrennial defense review under section 118 of such title and the 30-year aviation plan under section 231a of such title have informed the acquisition strategy of the Secretary with regard to the F/A–18E, F/A–18F, and EA–18G aircraft programs of record.

(d) SUNSET.—

(1) TERMINATION DATE.—Except as provided in paragraph (2), the authority to enter into a multiyear contract under subsection (a) shall terminate on May 1, 2010.

(2) EXTENSION.—The Secretary of the Navy may enter into a multiyear contract under subsection (a) until September 30, 2010, if the Secretary notifies the congressional defense committees in writing—

(A) that the administrative processes or other contracting activities necessary for executing this authority cannot be completed before May 1, 2010; and

(B) of the date, on or before September 30, 2010, on which the Secretary plans to enter into such multiyear contract.

Subtitle D—Air Force Programs

SEC. 131. REPORT ON THE PROCUREMENT OF 4.5 GENERATION FIGHTER AIRCRAFT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of 4.5 generation fighter aircraft. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft needed to be procured during fiscal years 2011 through 2025 to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft if procured through multiyear procurement contracts.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary determines the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of procuring F–35 aircraft to proportionally and concurrently recapitalize the Air National Guard during fiscal years 2015 through fiscal year 2025.

(b) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term ''4.5 generation fighter aircraft'' means current fighter aircraft, including the F–15, F–16, and F–18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

SEC. 132. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F–22A FIGHTER AIRCRAFT.

(a) REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

(b) AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F–22A AIRCRAFT MODERNIZATION PRIORITIES.—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4373) for aircraft procurement for the Air Force and available for advance procurement for the F–22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F–22A fighter aircraft.

SEC. 133. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F–22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores required tooling in a manner that—

(A) allows the production of such hardware and end items to be restarted after a period of idleness; and

(B) provides for the long-term sustainment and repair of such hardware and end items;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F–22 fighter aircraft may be obligated or expended for activities related to disposing of F–22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

SEC. 134. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year that is similar to the average rate per year of the five years preceding the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

SEC. 135. REPORT ON E–8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E–8C Joint Surveillance and Target Attack Radar System aircraft (in this section referred to as ''Joint STARS aircraft''). The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C–130E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 31) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 137. LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire C–5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C–5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C–5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) OPERATIONAL EVALUATION.—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) OPERATIONAL ASSESSMENT.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C–5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C–5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire C–5 aircraft from the active inventory as of the date of the enactment of this Act until the later of the following:

(1) The date that is 90 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 90 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 316 strategic airlift aircraft.

(e) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C–5 aircraft and a cost-benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An updated assessment to the assessment of the Under Secretary for Acquisition, Technology, and Logistics certified on February 14, 2008, concerning the costs and benefits of applying the Reliability Enhancement and Reengining Program (RERP) modification to the entire the C–5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of operating a mix of C–5A aircraft and C–5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C–5 aircraft in Backup Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C–5 aircraft to United States flag carriers operating in the Civil Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C–5 aircraft as the Secretary considers appropriate.

SEC. 138. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 90 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in consultation with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

(1) A list of each aircraft in the inventory of strategic airlift aircraft, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(3) A list of each unit affected by a proposed retirement listed under paragraph (2) and how such unit is affected.

(4) For each military installation listed under paragraph (2)(C), changes, if any, to the mission of the installation as a result of a proposed retirement.

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

SEC. 139. STRATEGIC AIRLIFT FORCE STRUCTURE.

Subsection (g)(1) of section 8062 of title 10, United States Code, is amended—

(1) by striking ''2008'' and inserting ''2009''; and

(2) by striking ''299'' and inserting ''316''.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

(a) PROCUREMENT.—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor.

SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved a joint and common requirement for an unmanned cargo-carrying-capable aerial vehicle type.

SEC. 143. MODIFICATION OF NATURE OF DATA LINK FOR USE BY TACTICAL UNMANNED AERIAL VEHICLES.

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164) is amended by striking '', until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles'' and inserting ''or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Relation to funding table.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Extension and enhancement of Global Research Watch Program.

Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.

Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.

Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.

Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.

Sec. 216. Separate program elements required for research and development of individual body armor and associated components.

Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F–35B and F–35C joint strike fighter aircraft.

Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.

Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.

Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.

Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.

Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

Subtitle C—Missile Defense Programs

Sec. 231. Sense of Congress on ballistic missile defense.

Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.

Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.

Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.

Sec. 237. Study on discrimination capabilities of ballistic missile defense system.

Sec. 238. Ascent phase missile defense strategy and plan.

Sec. 239. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Reports

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.

Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.

Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.

Sec. 244. Annual Comptroller General report on the F–35 Lightning II aircraft acquisition program.

Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.

Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Sec. 247. Report on the development of command and control systems.

Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

Subtitle E—Other Matters

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.

Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.

Sec. 253. Extension of authority to award prizes for advanced technology achievements.

Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.

Sec. 255. Next generation bomber aircraft.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,638,534,000.

(2) For the Navy, $19,607,161,000.

(3) For the Air Force, $28,401,642,000.

(4) For Defense-wide activities, $20,604,271,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 201 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.

(a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

''(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.''.

(b) FOUR-YEAR EXTENSION OF PROGRAM.—Subsection (f) of such section is amended by striking ''September 30, 2011'' and inserting ''September 30, 2015''.

SEC. 212. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.

Section 2521 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

''(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

''(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

''(3) The purposes of the Panel shall be as follows:

''(A) To identify and integrate requirements for the program.

''(B) To conduct joint planning for the program.

''(C) To develop joint strategies for the program.

''(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

''(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

''(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

''(C) Ensure the integration and coordination of requirements and programs under the program with the Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

''(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

''(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

''(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.''.

SEC. 213. ELIMINATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is repealed.

SEC. 214. AUTHORIZATION FOR THE SECRETARY OF THE NAVY TO PURCHASE INFRASTRUCTURE AND GOVERNMENT PURPOSE RIGHTS LICENSE ASSOCIATED WITH THE NAVY-MARINE CORPS INTRANET.

(a) PURCHASES AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts for the purchase of infrastructure and Government purpose rights for any or all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, if the Secretary determines that such a purchase would be in the best interest of the Department of the Navy.

(b) CONTRACT REQUIREMENTS.—Under a contract entered into under this section, the Secretary may purchase any discrete component or item of technical data, computer software, or computer software documentation of the Navy-Marine Corps Intranet and may obligate the Government only to amounts provided in advance in appropriations Acts specifically for the purpose of the contract. This section shall not apply to any purchases using funds available to the Department of the Navy for any fiscal year that begins before October 1, 2010.

(c) LIMITATION.—A contract entered into under this section may not, in any way, commit the Secretary or the Government to purchase any additional components or other items of technical data, computer software, or computer software documentation in subsequent years.

(d) LIMITATION ON LIABILITY.—A contract entered into under this section shall limit the amount of Government liability under the contract to the amount of appropriations available for such purpose at the time the Secretary enters into the contract or on the date an option is exercised.

(e) PURCHASE BEFORE END OF CONTRACT PERIOD.—Nothing in this section and nothing in any contract entered into under this section shall preclude the Secretary from purchasing the infrastructure and Government purpose rights for all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, prior to the end of the contract period, for whatever reason the Secretary determine is appropriate.

SEC. 215. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program to proceed beyond Milestone B approval (as that term is defined in section 2366(e)(7) of title 10, United States Code) until the Secretary of Defense, in consultation with the Director of National Intelligence—

(1) completes an assessment on the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), for the Joint Multi-Mission Submersible program;

(2) submits to the congressional defense committees and the intelligence committees (as that term is defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) the assessment referred to in paragraph (1); and

(3) certifies to the congressional defense committees and the intelligence committees that any agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

SEC. 216. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

SEC. 217. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F–35B AND F–35C JOINT STRIKE FIGHTER AIRCRAFT.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F–35B aircraft and the F–35C aircraft, to the extent that such accounts include funding for each such aircraft.

SEC. 218. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL GROUND NETWORK PROGRAM PENDING RECEIPT OF REPORT.

(a) LIMITATION ON OBLIGATION OF RESEARCH AND DEVELOPMENT FUNDING.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for research and development for the Army, for the program elements specified in subsection (c), not more than 50 percent may be obligated or expended until 30 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to Congress a report on the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program.

(b) ARMY TACTICAL GROUND NETWORK PROGRAM DEFINED.—For the purposes of subsection (a), the term ''Army tactical ground network program'' means the new tactical ground network major defense acquisition program derived from the Future Combat Systems Brigade Combat Team program network, and directed to be initiated by the memorandum entitled ''Future Combat Systems Brigade Combat Team Acquisition Decision Memorandum'', which was signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics on June 23, 2009.

(c) ARMY TACTICAL GROUND NETWORK PROGRAM ELEMENTS SPECIFIED.—The program elements specified in this subsection are the following:

(1) Future Combat Systems of Systems Engineering and Program Management.

(2) Future Combat Systems Sustainment and Training Research and Development.

(3) Any other program element specified by the Secretary of Defense to fund the Army tactical ground network program.

SEC. 219. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF-PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.

(a) PROGRAMS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) STRATEGY AND PLAN FOR ACQUISITION.—

(1) IN GENERAL.—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives.

(2) ELEMENTS.—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

SEC. 220. GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES.

(a) GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

(1) Operation.

(2) Sustainment.

(3) Investment and modernization.

(4) Government personnel.

(5) Contractor personnel.

(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(h) of title 10, United States Code.

SEC. 221. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.

(a) ASSESSMENT REQUIRED.—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated systems and programs, including the programs as follows:

(1) Ground Combat Vehicle.

(2) Future Combat Systems network hardware and software.

(3) Warfighter Information Network–Tactical, Increment 3.

(4) Appropriate portions of the Joint Tactical Radio System, including Ground Mobile Radios, Handheld, Manpack, Small Form Fit Radios, and Network Enterprise Domain.

(5) Non-Line of Sight Launch System.

(6) Small Unmanned Ground Vehicle.

(7) Class I Unmanned Aerial Vehicle.

(8) Class IV Unmanned Aerial Vehicle.

(9) Multifunction Utility/Logistics Equipment Vehicle.

(10) Tactical Unattended Ground Sensors.

(11) Urban Unattended Ground Sensors.

(12) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization programs and associated systems and programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 222. ASSESSMENT OF ACTIVITIES FOR TECHNOLOGY MODERNIZATION OF THE COMBAT VEHICLE AND ARMORED TACTICAL WHEELED VEHICLE FLEETS.

(a) INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an independent assessment of current, anticipated, and potential research, development, test, and evaluation activities for or applicable to the modernization of the combat vehicle fleet and armored tactical wheeled vehicle fleet of the Department of Defense.

(2) ACCESS TO INFORMATION AND RESOURCES.—The Secretary shall provide the entity with which the Secretary enters into a contract under paragraph (1) with access to such information and resources as are appropriate for the entity to conduct the assessment required by that paragraph.

(b) REPORTS.—

(1) IN GENERAL.—The contract required by subsection (a) shall provide that the entity with which the Secretary enters into a contract under that subsection shall submit to the Secretary and the congressional defense committees—

(A) an interim report on the assessment required by that subsection by not later than July 31, 2010; and

(B) a final report on such assessment by not later than December 31, 2010.

(2) ELEMENTS.—Each of the reports required by paragraph (1) shall include the following:

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and armored tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and armored tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and armored tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations with respect to actions that could be taken to develop and deploy, during the ten-year period beginning on the date of the submittal of the report, critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research and engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

Subtitle C—Missile Defense Programs

SEC. 231. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally-effective and cost-effective ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be operationally

realistic and provide a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

SEC. 232. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure the reliability, availability, maintainability, and supportability of the Ground-based Midcourse Defense element of the Ballistic Missile Defense system throughout the service life of such element.

(b) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—As part of the quadrennial defense review, the Nuclear Posture Review, and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense system.

(B) Future options for the Ground-based Midcourse Defense element.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirements for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The capabilities of the Ground-based Midcourse Defense element as of the date of the assessment.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (C).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense system. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following elements:

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed as altering or revising the continued production of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SEC. 233. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Director of the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Secretary has—

(1) completed the Ballistic Missile Defense Review;

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System; and

(3) submitted to the congressional defense committees a report containing such determination.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, is not completely decommissioned until six silos are operationally available in Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the number of silos at Missile Field 2 at Fort Greely, Alaska, until the date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 232 are submitted to the congressional defense committees.

SEC. 234. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

SEC. 235. AUTHORIZATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF ALTERNATIVE MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) AUTHORIZATION OF FUNDS FOR ALTERNATIVE EUROPEAN MISSILE DEFENSE SYSTEMS.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $309,000,000 shall be available for research, development, test, and evaluation, procurement, or deployment of alternative missile defense systems or their subsystems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(1) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(2) operationally-effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(3) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(b) CONSTRUCTION.—Except as provided in subsection (a), nothing in this section shall be construed as limiting or preventing the Secretary of Defense from pursuing the development or deployment of operationally-effective and cost-effective ballistic missile defense systems in Europe.

(c) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct an independent assessment evaluating the operational-effectiveness and cost-effectiveness of the alternative missile defense architecture announced by the President on September 17, 2009.

(2) REPORT.—Not later than June 1, 2010, the Secretary shall submit to the congressional defense committees a report on the independent assessment conducted under paragraph (1).

SEC. 236. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the ballistic missile defense system and its various elements.

(2) PERIOD OF PLAN.—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) INPUT.—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) ELEMENTS.—The plan required by subsection (a) shall include, with respect to developmental and operational testing of the ballistic missile defense system, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability, and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2010, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection (a) and each of the elements required in the plan under subsection (b).

(2) ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.—The report required by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense element of the ballistic missile defense system as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as ''sustainment testing'').

(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 237. STUDY ON DISCRIMINATION CAPABILITIES OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the discrimination capabilities and limitations of the ballistic missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the study.

(c) FORM.—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

SEC. 238. ASCENT PHASE MISSILE DEFENSE STRATEGY AND PLAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a strategy and plan for ascent phase missile defense.

(b) MATTERS INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) A description of the programs and activities, as of the date of the submission of the report, contained in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

(C) the criteria to be used to assess the technical progress, suitability, and effectiveness of such capabilities;

(D) a comprehensive plan for development of and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of the benefits and limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines necessary.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 239. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4392) is amended by striking ''October 31, 2010'' and inserting ''March 1, 2011''.

Subtitle D—Reports

SEC. 241. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

SEC. 242. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

''(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.''.

SEC. 243. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS, PURCHASES, AND INVESTMENTS.

(a) ASSESSMENT REQUIRED.—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

(1) assess the expenses incurred by the Department of Defense in the research, development, testing, evaluation, and procurement of energy storage devices;

(2) compare quantities of types of devices in use or under development that rely on commercial energy storage technologies and that use military-unique, proprietary, or specialty devices;

(3) assess the process by which a determination is made by an acquisition official of the Department of Defense to pursue a commercially available or custom-made energy storage device;

(4) assess the process used to develop requirements for the development and procurement of energy storage devices;

(5) assess the coordination of the activities of the Department of Defense and the Department of Energy with respect to the research, development, procurement, and use of energy storage devices;

(6) assess the coordination of Department of Defense-wide activities in energy storage device research, development, procurement, and use;

(7) assess the process used to standardize the form, fit, and function of energy storage devices, and make recommendations with respect to how the Department should improve that process; and

(8) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, or other relevant technologies, that could be better leveraged by the Department.

(b) REPORT.—Not later than December 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE F–35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F–35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) MATTERS TO BE INCLUDED.—Each report on the F–35 program under subsection (a) shall include each of the following:

(1) The extent to which the acquisition program is meeting development and procurement cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

SEC. 245. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this Act for program element 11815F for advanced strategic programs, not more than 50 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108–136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 246. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than February 15, 2010, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current

Javelin and TOW systems. Such report shall include—

(1) an examination of current requirements for anti-armor missile systems;

(2) an analysis of battlefield uses other than anti-armor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;

(4) an analysis of the current family of Javelin and TOW warheads and a specific description of how they address threats other than armor;

(5) an examination of the need for changes to current or development of additional warheads or a family of warheads to address threats other than armor;

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation Javelin and TOW systems and additional warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

(b) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

SEC. 247. REPORT ON THE DEVELOPMENT OF COMMAND AND CONTROL SYSTEMS.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report detailing the plans for the consolidation of the Net-Enabled Command Capability system (hereinafter in this section referred to as the ''NECC system'') with the Global Command and Control System family of systems (hereinafter in this section referred to as the ''GCCS family of systems'').

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A description of the level of investment needed to develop, sustain, and modernize the GCCS family of systems in order to meet military requirements.

(2) A description of the actions needed to convert the GCCS family of systems to a services-oriented architecture, including a timeline and milestones.

(3) An identification of the components, including modules and other technologies, developed under the NECC systems that can be implemented in the GCCS family of systems.

(4) An identification of gaps in required capabilities not resident in the GCCS family of systems or provided by the NECC system.

(5) An identification of any science and technology efforts or developing commercial capabilities that might address capability gaps identified pursuant to paragraph (4).

(6) A description of the developmental and operational test plans for the GCCS family of systems, and resources programmed to support such plans.

(7) A description of the GCCS family of systems management and governance plan structure, including—

(A) organizations involved in program planning and execution;

(B) the delegation of authorities for programmatic and technical issues in the development of the GCCS family of systems, including architecture design and control, and funding; and

(C) the role of the command and control capabilities portfolio manager and the Office of Secretary of Defense oversight agencies.

(8) Such other elements as the Secretary of Defense considers appropriate.

(c) COORDINATION.—The report required by subsection (a) shall be developed jointly by the Vice-Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the commander of the United States Joint Forces Command, the Director of Operational Test and Evaluation, and the Director of the Defense Information Systems Agency.

(d) INTERIM REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees an interim report on the activities carried out to prepare the report required by subsection (a) and the preliminary findings and recommendations of the Secretary with respect to the plans for the consolidation of the NECC system with the GCCS family of systems based on such activities.

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 248. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies with capabilities that include—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

Subtitle E—Other Matters

SEC. 251. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting ''(1)'' before ''The Director'';

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

''(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.''.

(b) ACCESS TO RECORDS AND DATA.—Such section is further amended by adding at the end the following new paragraph:

''(2) The Director shall have access to such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.''.

SEC. 252. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

(a) PROGRAM ESTABLISHED.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

''§ 2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education

''(a) PROGRAM ESTABLISHED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation activities.

''(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance defense-related research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

''(1) enhance the research and educational capabilities of such institutions in areas of importance to national defense, as determined by the Secretary;

''(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

''(3) increase the number of graduates from such institutions engaged in disciplines important to the national security functions of the Department of Defense, as determined by the Secretary; and

''(4) encourage research and educational collaborations between such institutions and other institutions of higher education, Government defense organizations, and the defense industry.

''(c) ASSISTANCE PROVIDED.—Under the program established by subsection (a), the Secretary of Defense may provide covered educational institutions with funding or technical assistance, including any of the following:

''(1) Support for research, development, testing, evaluation, or educational enhancements in areas important to national defense through the competitive awarding of grants, cooperative agreements, contracts, scholarships, fellowships, or the acquisition of research equipment or instrumentation.

''(2) Support to assist in the attraction and retention of faculty in scientific disciplines important to the national security functions of the Department of Defense.

''(3) Establishing partnerships between such institutions and defense laboratories, Government defense organizations, the defense industry, and other institutions of higher education in research, development, testing, and evaluation in areas important to the national security functions of the Department of Defense.

''(4) Other such non-monetary assistance as the Secretary finds appropriate to enhance defense-related research, development, testing, and evaluation activities at such institutions.

''(d) PRIORITY FOR FUNDING.—The Secretary of Defense may establish procedures under

which the Secretary may give priority in providing funding under this section to institutions that have not otherwise received a significant amount of funding from the Department of Defense for research, development, testing, and evaluation programs supporting the national security functions of the Department.

''(e) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means—

''(1) an institution of higher education eligible for assistance under title III or IV of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

''(2) an accredited postsecondary minority institution.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

''2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.''.

SEC. 253. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (f) of section 2374a of title 10, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2013''.

SEC. 254. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2695), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), is amended—

(1) in subparagraph (A) by inserting '', of the National Aeronautics and Space Administration,'' after ''the Department of Defense''; and

(2) by adding at the end the following new subparagraph (C):

''(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.''.

SEC. 255. NEXT GENERATION BOMBER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 quadrennial defense review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to ''develop a new land-based, penetrating long range strike capability to be fielded by 2018''.

(4) On April 6, 2009, Secretary of Defense Robert Gates announced that the United States ''will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology''.

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled ''Terminations, Reductions, and Savings'', stating that ''there is no urgent need to begin an expensive development program for a new bomber'' and that ''the future bomber fleet may not be affordable over the next six years''.

(6) The United States will need a new long-range strike capability because the conflicts of the future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that ''Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world''.

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that ''[t]he bomber force is valuable particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses''.

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that ''the nation needs a new bomber''.

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Relation to funding table.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 316. Procurement and use of munitions.
Sec. 317. Prohibition on disposing of waste in open-air burn pits.
Sec. 318. Military munitions response sites.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Policy regarding installation of major modifications and upgrades.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.
Sec. 328. Improvement of inventory management practices.
Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.
Sec. 335. Energy security on Department of Defense installations.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.
Sec. 344. Study on Army modularity.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Policy on ground combat and camouflage utility uniforms.
Sec. 353. Condition-based maintenance demonstration programs.

Sec. 354. Extension of arsenal support program initiative.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,263,332,000.

(2) For the Navy, $35,041,274,000.

(3) For the Marine Corps, $5,543,223,000.

(4) For the Air Force, $34,527,149,000.

(5) For Defense-wide activities, $28,327,396,000.

(6) For the Army Reserve, $2,620,196,000.

(7) For the Naval Reserve, $1,278,501,000.

(8) For the Marine Corps Reserve, $228,925,000.

(9) For the Air Force Reserve, $3,079,228,000.

(10) For the Army National Guard, $6,262,184,000.

(11) For the Air National Guard, $5,885,761,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,932,000.

(13) For the Acquisition Development Workforce Fund, $100,000,000.

(14) For Environmental Restoration, Army, $415,864,000.

(15) For Environmental Restoration, Navy, $285,869,000.

(16) For Environmental Restoration, Air Force, $494,276,000.

(17) For Environmental Restoration, Defense-wide, $11,000,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $267,700,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $109,869,000.

(20) For Cooperative Threat Reduction programs, $424,093,000.

SEC. 302. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 301 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

Section 2694c of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''to carry out this section'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) SOURCE OF FUNDS.—Amounts available from any of the following shall be available for activities under this section:

''(1) Operation and maintenance.

''(2) Military construction.

''(3) Research, development, test, and evaluation.

''(4) The Support for United States Relocation to Guam Account established under section 2824 of the Military Construction Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).''.

SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking ''fiscal years 2004 through 2008'' each place it appears and inserting ''fiscal years 2009 through 2014''.

(b) CLARIFICATION OF AUTHORIZATIONS.—Such section is further amended—

(1) in subsection (b), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of Defense, there are authorized''; and

(2) in subsection (c), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized''.

SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) AUTHORITY.—Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a)—

(A) by inserting after ''and individuals'' the following: '', and into interagency agreements with the heads of other Federal departments and agencies,''; and

(B) in paragraph (2), by inserting ''or interagency agreement'' after ''cooperative agreement'';

(2) in subsection (b), by inserting ''or interagency agreement'' after ''cooperative agreement''; and

(3) in subsection (c), by inserting ''and interagency agreements'' after ''Cooperative agreements''.

*(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting ''**AND INTERAGENCY**'' after ''**COOPERATIVE**''.*

SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2009 through 2014''.

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(18) of this Act for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the agency at the Former Nansemond Ordnance Depot Site.

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

SEC. 317. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting the disposal of covered waste in open-air burn pits during contingency operations except in circumstances in which the Secretary determines that no alternative disposal method is feasible. Such regulations shall apply to contingency operations that are ongoing as of the date of the enactment of this Act, including Operation Iraqi Freedom and Operation Enduring Freedom, and to contingency operations that begin after the date of the enactment of this Act.

(2) NOTIFICATION.—In determining that no alternative disposal method is feasible for an open-air burn pit pursuant to regulations prescribed under paragraph (1), the Secretary shall—

(A) not later than 30 days after such determination is made, submit to the Committees on Armed Services of the Senate and House of Representatives notice of such determination, including the circumstances, reasoning, and methodology that led to such determination; and

(B) after notice is given under subparagraph (A), for each subsequent 180-day-period during which covered waste is disposed of in the open-air burn pit covered by such notice, submit to the Committees on Armed Services of the Senate and House of Representatives the justifications of the Secretary for continuing to operate such open-air burn pit.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of open-air burn pits by the United States Armed Forces. Such report shall include—

(1) an explanation of the situations and circumstances under which open-air burn pits are used to dispose of waste during military exercises and operations worldwide;

(2) a detailed description of the types of waste authorized to be burned in open-air burn pits;

(3) a plan through which the Secretary intends to develop and implement alternatives to the use of open-air burn pits;

(4) a copy of the regulations required to be prescribed by subsection (a);

(5) the health and environmental compliance standards the Secretary has established for military and contractor operations in Iraq and Afghanistan with regard to solid waste disposal, including an assessment of whether those standards are being met;

(6) a description of the environmental, health, and operational impacts of open-pit burning of plastics and the feasibility of including plastics in the regulations prescribed pursuant to subsection (a); and

(7) an assessment of the ability of existing medical surveillance programs to identify and track exposures to toxic substances that result from open-air burn pits, including recommendations for such changes to such programs as would be required to more accurately identify and track such exposures.

(c) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term ''covered waste'' includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) other waste as designated by the Secretary.

SEC. 318. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting '', including the county, where applicable,'' after ''political subdivisions of the State''.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.

Subtitle C—Workplace and Depot Issues

SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Paragraph (1) of section 2461(a) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, as amended by section 321, is further amended by adding at the end the following new paragraph:

''(5)(A) Except as provided in subparagraph (B), the duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 24 months, commencing on the date on which the preliminary planning for the public-private competition begins and ending on the date on which a performance decision is rendered with respect to the function.

''(B)(i) The Secretary of Defense may specify an alternative period of time for a public-private competition, which may not exceed 33 months, if the Secretary—

''(I) determines that the competition is of such complexity that it cannot be completed within 24 months; and

''(II) submits to Congress, as part of the formal congressional notification of a public-private competition pursuant to subsection (c), written notification that explains the basis of such determination.

''(ii) The notification under clause (i)(II) shall also address each of the following:

''(I) Any efforts of the Secretary to break up the study geographically or functionally.

''(II) The Secretary's justification for undertaking a public-private competition instead of using internal reengineering alternatives.

''(III) The cost savings that the Secretary expects to achieve as a result of the public-private competition.

''(iii) If the Secretary specifies an alternative time period under this subparagraph, the alternative time period shall be binding on the Department in the same manner and to the same extent as the limitation provided in subparagraph (A).

''(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of the filing of a protest before the Government Accountability Office or a complaint in the United States Court of Federal Claims up until the day the decision or recommendation of either authority becomes final. In the case of a protest before the Government Accountability Office, the recommendation becomes final after the period of time for filing a request for reconsideration, or if a request for reconsideration is filed, on the day the Government Accountability Office issues a decision on the reconsideration.

''(D) If a protest with respect to a public-private competition before the Government Accountability Office or the United States Court of Federal Claims is sustained, and the recommendation is final as described in subparagraph (C), and if such protest and recommendation result in an unforeseen delay in implementing a final performance decision, the Secretary of Defense may terminate the public-private competition or extend the period of time specified for the public-private competition under subparagraph (A) or subparagraph (B). If the Secretary decides not to terminate a competition, the Secretary shall submit to Congress written notice of such decision. Any such notification shall include a justification for the Secretary's decision and a new time limitation for the competition, which shall not exceed 12 months from the final decision and shall be binding on the Department.

''(E) For the purposes of this paragraph, preliminary planning with respect to a public-private competition, begins on the date on which the Department of Defense obligates funds for the acquisition of contract support, or formally assigns Department of Defense personnel, to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.

''(F) To effectively establish the date that is the first day of preliminary planning for a public-private competition, the head of a military department shall submit to Congress written notice of such date and shall provide public notice by announcing such date on an appropriate Internet website. Such date is the first day of preliminary planning for a public-private competition for the purpose of computing the duration of the public private competition for purposes of this section.

''(G) The Secretary of Defense shall submit to the congressional defense committees an annual report on the use, during the year covered by the report, of alternative time periods for public-private competitions under this section, and the explanations of the Secretary for such alternative time periods.''

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is initiated on or after the date of the enactment of this Act.

(c) COMPTROLLER GENERAL REVIEWS.—Not later than two years after the date of the enactment of this Act, and three years thereafter, the Comptroller General shall submit to the congressional defense committees a report on the use by the Secretary of Defense of the alternative time period authority under section 2461(a)(5)(B) of title 10, United States Code, and the appropriateness and thoroughness of the explanations of the Secretary for such use.

SEC. 323. POLICY REGARDING INSTALLATION OF MAJOR MODIFICATIONS AND UPGRADES.

It is the Sense of Congress that no changes should be made to—

(1) the policy of the Department of Defense that in the annual allocation of depot-level maintenance and repair required under section 2466 of title 10, United States Code, the installation of major modifications and upgrades are considered to be part of the definition of depot-level maintenance; and

(2) the interpretation and application of that policy as of the date of the enactment of this Act.

SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SEC. 325. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the certification required under subsection (d), no study or competition regarding a public-private competition for the conversion to performance by a contractor for any function performed by Department of Defense civilian employees may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

(b) REVIEW AND REPORT TO CONGRESS.—During fiscal year 2010, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel Readiness, in consultation with the Under Secretary for Acquisition, Technology, and Logistics and the Comptroller of the Department of Defense, shall undertake a comprehensive review of the policies of the Department of Defense with respect to the conduct of public-private competitions. The Secretary shall submit to the congressional defense committees a report on such review not earlier than June 15, 2010. The review, at a minimum, shall address—

(1) the status of the compliance of the Department with the requirement of 2461(a)(1) of title 10, United States Code, as amended by section 321 of this Act;

(2) actions taken by the Secretary to address issues raised in the report of the Department of Defense Inspector General numbered D–2009–034 and dated December 15, 2008;

(3) the reliability of systems in effect as of the date of the enactment of this Act to provide comprehensive and reliable data to track and assess the cost and quality of the performance of functions that have been subjected to a public-private competition;

(4) the appropriateness of the cost differential in effect as of the date of the enactment of this

Act for determining the quantifiable costs and the current overhead rates applied with respect to such functions; and

(5) the adequacy of the policies of the Department of Defense in implementing the requirements of section 2461(a)(4) of title 10, United States Code.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report required under subsection (b) is submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the review required under paragraph (b) and shall submit to the congressional defense committees a report on the findings of such assessment and any conclusions or recommendations of the Comptroller General based on such assessment.

(d) CERTIFICATION REQUIRED.—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees certification that—

(1) the review required by subsection (b) has been completed, and that the 90-day period during which the assessment of the Comptroller General is to be completed under subsection (c) has expired;

(2) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code;

(3) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section; and

(4) the Secretary of Defense has submitted budget information on contract services in compliance with the requirements of section 236 of title 10, United States Code.

SEC. 326. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for debriefings of Federal employee representatives designated pursuant to 3551(2)(B) of title 31, United States Code, to the same extent and under the same circumstances as any offeror, in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 327. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(E) Conversion of a function that is being performed by Federal employees to private sector performance.''.

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

''(i) any official who is responsible for submitting the agency tender in such competition; and''.

(c) DECISIONS ON PROTESTS.—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 or any successor circular;''; and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking '', and (E)'' and inserting '', (E), and (F)''.

(d) APPLICABILITY.—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A–76, or any successor circular; and

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76.

SEC. 328. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES.

(a) INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.

(2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts to link wholesale and retail inventory levels through multi-echelon modeling.

(3) A plan to reduce the average level of on-order secondary inventory that is excess to requirements, including a requirement for the systemic review of such inventory for possible contract termination.

(4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.

(5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of storage space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) GAO REPORTS.—

(1) ASSESSMENT OF PLAN.—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.—In this section, the term ''inventory that is excess to requirements'' means inventory that—

(1) is excess to the approved acquisition objective concerned; and

(2) is not needed for the purposes of economic retention or contingency retention.

SEC. 329. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d)(1) of title 10, United States Code, is amended by striking ''April 1 of each year'' and inserting ''90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31''.

Subtitle D—Energy Security

SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

(a) NEW REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after ''(Public Law 109–58),'' the following: ''section 2911(e) of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b),'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

''(2) A table detailing funding, by account, for all energy projects funded through appropriations.

''(3) A table listing all energy projects financed through third party financing mechanisms (including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, and other contractual mechanisms), the duration of each such mechanism, an estimate of the financial obligation incurred through the duration of each such mechanism, and the estimated payback period for each such mechanism.''; and

(4) by adding at the end the following new paragraphs:

''(9) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations, in order to use the data for better energy management.

''(10) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.''.

(b) ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.—The first report submitted by the Secretary of Defense under section 2925(a) of title 10, United States Code, as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, as so amended, the following:

(1) A determination of whether the tools that exist as of the date of the enactment of this Act, including the Energy Conservation Investment Program and the Energy Savings Performance

Contracts Program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(3) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(4) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in maximized use of renewable energy sources at contingency locations.

(5) An assessment of the feasibility of meeting the Department's renewable energy goals with on-base renewable energy production rather than with renewable energy credits.

(6) An analysis of the percentage of new construction projects subject to the Department's current building construction sustainable design standards (Leadership in Energy and Environmental Design standards) that include a renewable energy component, and a determination as to whether the criteria of the Department's design standards, as in effect on the date of the enactment of this Act, are consistent with the overall goals, including renewable energy goals, of the Secretary.

(7) The feasibility and cost of developing net-zero energy installations and a detailed assessment, by installation, of power production (including renewable energy) measured against energy consumption.

(8) A determination of whether a dedicated funding mechanism for renewable energy projects for stand-alone facilities, including National Guard and Reserve centers, would encourage greater use of renewable energy sources both at existing facilities and in new construction.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits the supplemental report required under subsection (b), the Comptroller General shall review the supplemental report and submit to Congress a report on such review. The Comptroller General may conduct such independent analysis of any issues covered by such supplemental report, as necessary in furtherance of the requirements of this section.

SEC. 333. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

(2) The recommendation that the head of each military department develop guidance to implement such requirements.

(3) The recommendation that the Chairman of the Joint Chiefs of Staff require that fuel demand considerations be incorporated into the Joint Staff's initiative to develop joint standards of life support at forward-deployed locations.

SEC. 334. REPORT ON USE OF RENEWABLE FUELS TO MEET ENERGY REQUIREMENTS OF DEPARTMENT OF DEFENSE.

Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use and potential use of renewable fuels in meeting the energy requirements of the Department of Defense. Such report shall include each of the following:

(1) An assessment of the use of renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

(2) An assessment of whether it would be beneficial to establish a renewable fuel commodity class that is distinct from petroleum-based products.

SEC. 335. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) PLAN FOR ENERGY SECURITY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(D) An estimate of and consideration for the costs to the Department associated with implementation of the strategy.

(b) WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter for each of the following five years, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2583(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

''(1) The number of military working dogs procured, by source, by each military department or Defense Agency.

''(2) The cost of procuring military working dogs incurred by each military department or Defense Agency.

''(3) An explanation for any significant difference in the cost of procuring military working dogs from different sources.''.

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

(2) An identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

(3) A plan to address training constraints caused by vegetation and overgrowth.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE SUSTAINMENT STRATEGY FOR THE AV-8B HARRIER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the sustainment strategy for the AV-8B Harrier aircraft.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, each of the following:

(1) An assessment of the AV-8B Integrated Maintenance Concept, including the acquisition strategy developed to conduct planned maintenance interval events.

(2) An evaluation of the process and criteria established to determine the assignment of non-core workload.

(3) An examination of the role of the single process owner in distribution of non-core workload, standardization of workload processes, facilitation of public-private partnering, implementation of lessons learned, and execution of contracting authority.

(4) An evaluation of the execution of responsibilities by the single process owner to reduce planned maintenance interval turn-around time, to reduce cost, to improve material availability, and to ensure necessary logistics and engineering functions are in place to meet objective goals.

SEC. 344. STUDY ON ARMY MODULARITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center for the conduct of a study on the current and planned modularity structures of the Army to determine each of the following:

(A) The operational capability of the Army to execute the core mission of the Army to contribute land power to joint operations.

(B) The ability to manage the flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy, medium, and light modular combat brigades and functional support and sustainment brigades.

(D) The required and planned end strength for the Army.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The historical experience of the Army with separate brigade structures.

(B) The original Army analysis or other relevant analyses, including explicit or implicit assumptions, upon which the modular brigade combat team, functional support and sustainment brigades, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operation Iraqi Freedom and Operation Enduring Freedom, including an identification and analysis of how modular brigades or formations were task organized and employed that may have differed from the original modular concept and how that confirmed or modified the original designs.

(E) Improvements the Army has made or is implementing in brigade and headquarters designs.

(F) The deployability, employability, and sustainability of modular formations compared to the corresponding pre-modular designs of such formations.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) the separate and independent comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.

(a) IN GENERAL.—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial air industry.''.

(b) ANNUAL REPORT.—Not later than March 1 of each year for which the paragraph (3) of section 2642(a) of title 10, United States Code, as added by subsection (a), is in effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing, in detail, the Secretary's use of the authority under that paragraph, including—

(1) how the authority was used;

(2) the frequency with which the authority was used;

(3) the Secretary's rationale for the use of the authority; and

(4) for which agencies the authority was used.

SEC. 352. POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS.

(a) ESTABLISHMENT OF POLICY.—It is the policy of the United States that the design and fielding of all future ground combat and camouflage utility uniforms of the Armed Forces may uniquely reflect the identity of the individual military services, as long as such ground combat and camouflage utility uniforms, to the maximum extent practicable—

(1) provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;

(2) minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and

(3) provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

(b) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense. The assessment shall examine, at a minimum, each of the following:

(1) The overall performance of each uniform in various anticipated combat environments and theaters of operations.

(2) Whether the uniform design of each uniform conforms adequately and is interoperable with currently issued personal protective gear and body armor.

(3) Costs associated with the design, development, production, procurement, and fielding of existing service-specific ground combat and camouflage utility uniforms.

(4) Challenges and risks associated with fielding members of the Armed Forces into combat theaters in unique or service-specific ground combat or camouflage utility uniforms, including the tactical risk to the individuals serving in individual augmentee, in-lieu of force, or joint duty assignments of use of different ground combat uniforms in a combat environment.

(5) Implications of the use of patents and other proprietary measures that may preclude sharing of technology, advanced uniform design, camouflage techniques, and fire retardence.

(6) Logistical requirements to field and support forces in varying combat or utility uniforms.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees the results of the assessment conducted under subsection (b).

(d) REQUIREMENT FOR JOINT CRITERIA.—In support of the policy established in subsection (a), the Secretaries of the military departments, consistent with the authority set out in subtitles B, C, and D of title 10, United States Code, shall establish joint criteria for future ground combat uniforms by not later than 270 days after the Comptroller General submits the report required under subsection (c). The joint criteria shall take into account the findings and recommendations of such report and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements.

SEC. 353. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on selected vehicle systems that include on-board diagnostic systems suitable to such a demonstration program.

(b) SURFACE COMBATANT SHIP PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on selected systems or components of surface combatant ships that include integral diagnostic systems suitable to such a demonstration program.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address, with respect to each vehicle, system, or component for which the program is conducted—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

(3) the projected return on investment analysis for a 10-year period.

(d) OPEN ARCHITECTURE.—The design, system integration, and operations of the demonstration programs described in subsections (a) and (b) shall be conducted with an open architecture designed to—

(1) facilitate interface with industry standard computer languages, common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(2) promote competition and ensure the best overall value to the Department of Defense.

(e) REPORT.—Not later than October 1, 2010, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report containing the assessments of each of the Secretaries with respect to whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

SEC. 354. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69), is further amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (g)(1), by striking ''2010'' and inserting ''2011''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.
Sec. 417. Report on requirements of the National Guard for non-dual status technicians.
Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

(1) The Army, 562,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 328,800.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 331,700.''.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2011 AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTHS.—

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the

Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army active-duty end strengths under paragraph (1) are—

(A) to support operational missions; and

(B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term ''fiscal-year 2010 baseline'', means the active-duty end strength authorized for the Army in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection, the term ''active-duty end strength'' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense determines under subsection (a) that an increase in the Army active-duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active-duty end strength in excess of the fiscal year 2010 active-duty end strength authorized for the Army under section 401(1).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 69,500.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,417.

(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. SUBMITTAL OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR THE ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, the following:

(1) The timelines, cost, force structure changes, and end strength changes associated with each option specified in the report.

(2) The force structure and end strength changes and growth of the Army National Guard needed to support the account referred to in subsection (a).

(3) An assessment of how the creation of such an account may affect plans under the Grow the Force initiative.

(4) An assessment of the impact of such an account on readiness and training ratings for Army National Guard forces.

SEC. 417. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(4) A description of the demands of the National Guard for non-dual status technicians under the current operational tempo, and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the National Guard moving from a reserve force to an operational force.

(5) An assessment whether an increase in the limit on the number of non-dual status technicians for the National Guard is advisable.

(6) Such specific recommendations, including recommendations for legislative action, as the Secretary of Defense considers appropriate regarding future requirements and numbers of non-dual status technicians that are required to manage and support the National Guard.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

SEC. 418. EXPANSION OF AUTHORITY OF SECRETARIES OF THE MILITARY DEPARTMENTS TO INCREASE CERTAIN END STRENGTHS TO INCLUDE SELECTED RESERVE END STRENGTHS.

Subsection (g) of section 115 of title 10, United States Code, is amended to read as follows:

''(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

''(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

''(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

''(2) Any increase under paragraph (1)(A) of the end strength for an armed force for a fiscal

year shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1). Any increase under paragraph (1)(B) of the end strength for the Selected Reserve of a reserve component of an armed force for a fiscal year shall be counted as part of the increase for that Selected Reserve for that fiscal year authorized under subsection (f)(3).''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $136,016,281,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REPEAL.—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4581) is repealed.

(b) EFFECT ON EARLIER TRANSFER.—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 502. Modification of limitations on general and flag officers on active duty.
Sec. 503. Revisions to annual reporting requirement on joint officer management.
Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.
Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.
Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle B—General Service Authorities

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 513. Legal assistance for additional reserve component members.
Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

Subtitle C—Education and Training

Sec. 521. Detail of commissioned officers as students at schools of psychology.
Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 525. Department of Defense undergraduate nurse training program.
Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 528. Athletic association for the Air Force Academy.
Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

Subtitle D—Defense Dependents' Education

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 532. Impact aid for children with severe disabilities.
Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.
Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.
Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.
Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.
Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle G—Military Family Readiness Matters

Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.
Sec. 562. Additional members on Department of Defense Military Family Readiness Council.
Sec. 563. Support for military families with special needs.
Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 565. Family and medical leave for family of servicemembers.
Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 569. Report on impact of domestic violence on military families.
Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

Subtitle H—Military Voting

Sec. 575. Short title.
Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.
Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.

Sec. 581. Federal write-in absentee ballot.
Sec. 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.
Sec. 583. Federal Voting Assistance Program Improvements.
Sec. 584. Development of standards for reporting and storing certain data.
Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 586. Reporting requirements.
Sec. 587. Annual report on enforcement.
Sec. 588. Requirements payments.
Sec. 589. Technology pilot program.

Subtitle I—Other Matters

Sec. 591. Clarification of performance policies for military musical units and musicians.
Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.
Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
Sec. 598. Reports on progress in completion of certain incident information management tools.

Subtitle A—Officer Personnel Policy

SEC. 501. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 156(c) of title 10, United States Code, is amended by striking '', while so serving, hold the'' and inserting ''be appointed in the regular''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

SEC. 502. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) REPORT ON STATUTES EXCLUDING CERTAIN OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES FROM LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the provisions of title 10, United States Code, that exclude commissioned officers of the Armed Forces on active duty in general officer and flag officer grades from the limitations on the authorized strengths of general and flag officers, including—

(A) a list of each such provision; and

(B) for each such provision—

(i) a statement whether such provision is redundant or necessary in light of recent legislation on such provision or related provisions; and

(ii) an assessment of the impact of the repeal of such provision on the Department of Defense.

(2) A specific, comprehensive description of the legislative actions, including technical and conforming changes, necessary to conform sections 525, 526, and 528 of title 10, United States Code (and any other applicable provisions of such title), with the assessment required by paragraph (1) with a view towards increasing the transparency and comprehensiveness on the number of general and flag officers serving on active duty.

(3) An assessment of the following:

(A) Whether the authorized numbers of general and flag officers in an active status under section 12004(a) of title 10, United States Code, are adequate to provide the reserve components with a sufficient number of general and flag officers in an active status in order to meet increased authorizations for active duty service.

(B) Whether such numbers of general and flag officers provide the general and flag officers of the reserve components with appropriate opportunities for joint responsibility and joint officer development while simultaneously meeting reserve active-status requirements

(C) Whether legislative action with respect to section 12004(a) of title 10, United States Code, is necessary to achieve the purposes specified in subparagraphs (A) and (B) and, if so, a specific, comprehensive description of such legislative actions.

(4) An assessment of the following:

(A) Whether the requirements for general and flag officer positions resulting from recommendations for statutory authority to specify the grade of the Chief of the Navy Dental Corps, the Chief and Deputy Chief of Chaplains in the Air Force, the Chief of the Army Medical Specialist Corps, and to establish the position of Vice Chief of the National Guard Bureau, are necessary in light of recent legislative modifications of applicable provisions of law.

(B) The impact on the Department of each provision.

(C) If supported, the necessary technical and conforming changes that may be necessary to conform sections 535, 526, 528, and 12004 of title 10, United States Code, to increase the transparency and comprehensiveness of the number of general and flag officers on active duty or in an active status.

(b) CLARIFICATION OF DISTRIBUTION LIMITS.—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

''(1) in the Army, if that appointment would result in more than—

''(A) 7 officers in the grade of general;

''(B) 45 officers in a grade above the grade of major general; or

''(C) 90 officers in the grade of major general;

''(2) in the Air Force, if that appointment would result in more than—

''(A) 9 officers in the grade of general;

''(B) 43 officers in a grade above the grade of major general; or

''(C) 73 officers in the grade of major general;

''(3) in the Navy, if that appointment would result in more than—

''(A) 6 officers in the grade of admiral;

''(B) 32 officers in a grade above the grade of rear admiral; or

''(C) 50 officers in the grade of rear admiral;

''(4) in the Marine Corps, if that appointment would result in more than—

''(A) 2 officers in the grade of general;

''(B) 15 officers in a grade above the grade of major general; or

''(C) 22 officers in the grade of major general.

''(b)(1) The limitations of subsection (a) do not include the following:

''(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed forces may be on active duty who are excluded under this subparagraph.

''(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

''(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

''(D) An officer while serving as Chief of the National Guard Bureau.

''(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).''.

(c) CLARIFICATION ON OFFSETTING REDUCTIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

''(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and''; and

(B) in subparagraph (B), by striking ''subsection (b)(2)'' and inserting ''this section'';

(2) in paragraph (3)(A), by striking ''the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)'' and inserting ''15''; and

(3) in paragraph (3)(B), by striking ''the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps'' and inserting ''5''.

(d) OTHER DISTRIBUTION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (e), by striking ''In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:'' in the matter preceding paragraph (1) and inserting ''The following officers shall not be counted for purposes of this section:''; and

(2) by adding at the end the following new subsection:

''(g)(1) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and is not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense

''(2) The exception in paragraph (1) does apply to the position of Chief of the National Guard Bureau.

''(3) Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the

Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.''.

(e) CHANGE TO AUTHORIZED STRENGTHS.—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking ''307'' and inserting ''230'';

(2) in paragraph (2), by striking ''216'' and inserting ''160'';

(3) in paragraph (3), by striking ''279'' and inserting ''208''; and

(4) in paragraph (4), by striking ''81'' and inserting ''60''.

(f) CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Chairman of the Joint Chiefs of Staff'' and inserting ''Secretary of Defense'';

(B) by striking ''65'' and inserting ''324''; and

(C) by striking the second sentence and inserting the following new sentence: ''The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.'';

(2) by redesignating paragraph (2) as paragraph (5); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.

''(B) For the Navy, 61.

''(C) For the Air Force, 76.

''(D) For the Marine Corps, 21.

''(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

''(A) in the grade of general or admiral may not exceed 20;

''(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

''(C) in the grade of major general or rear admiral may not exceed 144.

''(4) Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.''.

(g) OTHER AUTHORIZATION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (d), by adding at the end the following new paragraph:

''(3) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.''; and

(2) by adding at the end the following new subsections:

''(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

''(h) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.''.

(h) EXCLUSION OF RESERVE OFFICERS DEPARTING FROM JOINT OR OTHER ACTIVE DUTY ASSIGNMENTS.—Section 12004 of such title is amended by adding at the end the following new subsection:

''(f) The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.''.

(i) REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.—

(1) REPEAL.—Section 721 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(j) REPEAL OF SUPERSEDED AUTHORITY.—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

SEC. 503. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and their education and experience''; and

(B) by adding at the end the following new subparagraph:

''(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.'';

(2) by striking paragraphs (3), (4), (6), and (12);

(3) by redesignating paragraph (5) as paragraph (3);

(4) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

''(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

''(C) Senior Service Schools.''; and

(6) by redesignating paragraph (13) as paragraph (10).

SEC. 504. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''September 30, 2013''.

SEC. 505. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

Section 6328 of title 10, United States Code, is amended by adding the following new subsection:

''(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA–21) program of the Navy of officer candidates selected for the program on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for retirement, unless the officer becomes subject to involuntary separation or retirement due to physical disability. Such active service shall be counted in computing the years of active service of the officer for all other purposes.''.

SEC. 506. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) INDEPENDENT PANEL FOR REVIEW.—

(1) ESTABLISHMENT.—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Armed Forces, or the current responsibilities of judge advocates in ensuring competent legal representation and advice to commanders.

(3) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 180 days after the date of the enactment of this Act.

(6) MEETINGS.—The panel shall meet at the call of the chair.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days after the date of the appointment of all the members of the panel.

(b) DUTIES.—

(1) IN GENERAL.—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) REVIEW.—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) UTILIZATION OF OTHER STUDIES.—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled ''An Analysis of Navy JAG Corps Future Manpower Requirements''.

(4) REPORT.—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) POWERS OF PANEL.—

(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out it duties under this section.

(d) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—(A) Members of the panel established under subsection (a) shall serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

Subtitle B—General Service Authorities

SEC. 511. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

''(A) cleared by appropriate authorities for continuation on active duty; or

''(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

''(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

''(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.''.

SEC. 512. MEDICAL EXAMINATION REQUIRED BEFORE ADMINISTRATIVE SEPARATION OF MEMBERS DIAGNOSED WITH OR REASONABLY ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) MEDICAL EXAMINATION REQUIRED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:

''§ 1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation

''(a) MEDICAL EXAMINATION REQUIRED.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department shall ensure that a member of the armed forces under the jurisdiction of the Secretary who has been deployed overseas in support of a contingency operation during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member while deployed, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

''(2) A member covered by paragraph (1) shall not be administratively separated under conditions other than honorable until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

''(3) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In cases involving traumatic brain injury, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate.

''(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall assess whether the effects of post-traumatic stress disorder or traumatic brain injury constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the member as other than honorable.

''(c) INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following new item:

''1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.''.

(b) REVIEW OF PREVIOUS DISCHARGES AND DISMISSALS.—Section 1553 of such title is amended by adding at the end the following new subsection:

''(d)(1) In the case of a former member of the armed forces who, while serving on active duty as a member of the armed forces, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury as a consequence of that deployment, a board established under this section to review the former member's discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

''(2) In the case of a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale or as justification for priority consideration, the Secretary concerned shall expedite a final decision and shall accord such cases sufficient priority to achieve an expedited resolution. In determining the priority of cases, the Secretary concerned shall weigh the medical and humanitarian circumstances of all cases and accord higher priority to cases not involving post-traumatic stress disorder or traumatic brain injury only when the individual cases are considered more compelling.''.

(c) REPORT REQUIRED.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed procedures and policies used by the Secretaries of the military department to implement the amendments made by this section, including—

(1) the list of officials identified by the Secretaries as required to review physical examinations to determine the possible influence of post-traumatic stress disorder or traumatic brain injury on the behavior of members before their separation under other than honorable conditions;

(2) the procedures adopted by the Secretaries to ensure that appropriate physical examinations required by the amendments are conducted;

(3) the procedures adopted by the Secretaries to ensure that the medical reviews required by the amendments are conducted; and

(4) the procedures adopted by the Secretaries to ensure that requests for review of discharges based on matters related to post-traumatic stress disorder or traumatic brain injury are considered in a timely manner by boards that include appropriate medical personnel, as required by the amendments.

SEC. 513. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking ''the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,'' and inserting ''the Secretary), for a period of time (prescribed by the Secretary)''.

SEC. 514. LIMITATION ON SCHEDULING OF MOBILIZATION OR PRE-MOBILIZATION TRAINING FOR RESERVE UNITS WHEN CERTAIN SUSPENSION OF TRAINING IS LIKELY.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of a military department shall avoid scheduling mobilization training or pre-mobilization training for a unit of a reserve component of the Armed Forces at a temporary duty location that is outside the normal commuting distance of the unit (as determined pursuant to the regulations prescribed by the Secretary of Defense under subsection (c)) if a suspension of training at such temporary duty location of at least five days is anticipated to occur during any portion of such mobilization or pre-mobilization training.

(2) WAIVER.—The Secretary of a military department may waive the applicability of the limitation in paragraph (1) to a unit of a reserve

component if the Secretary determines that the waiver is in the national security interests of the United States.

(3) NOTICE TO CONGRESS.—Until December 31, 2014, the Secretary of the military department concerned shall submit written notice of each waiver issued under paragraph (2) to the congressional defense committees. Notice of such waiver shall be so submitted at the time of the issuance of such waiver.

(b) NOTICE OF OTHER SUSPENSIONS OF TRAINING.—Until December 31, 2014, in the event of a suspension of training (other than an anticipated suspension of training described in subsection (a)(1)) of at least five days at a temporary duty location at which one or more units of the reserve components on active duty are engaged in mobilization training or pre-mobilization training, the Secretary of the military department having jurisdiction over such unit or units shall submit written notice of the suspension to the congressional defense committees. Notice of such suspension of training shall be so submitted at the time of such suspension of training.

(c) REGULATIONS.—The Secretaries of the military departments shall administer this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall apply uniformly among the military departments.

SEC. 515. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2215) is amended—

(1) in the second sentence, by striking ''in training and unit settings'' and inserting ''during training and unit assignments''; and

(2) by adding at the end the following new sentence: ''Data to make the comparison between the two groups shall be derived from existing sources, which may include performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.''.

SEC. 516. REPORT ON PRESENCE IN THE ARMED FORCES OF MEMBERS ASSOCIATED OR AFFILIATED WITH GROUPS ENGAGED IN PROHIBITED ACTIVITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Attorney General, submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the following:

(1) Any active participation by members of the Armed Forces in prohibited activities (as defined by subsection 3.5.8 of Department of Defense Directive 1325.6).

(2) The policies of the Department of Defense to prevent individuals who are active participants in such activities from enlisting in the Armed Forces.

Subtitle C—Education and Training

SEC. 521. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004a the following new section:

''§2004b. Detail of commissioned officers as students at schools of psychology

''(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor of Philosophy in clinical psychology. No more than 25 officers from each military department may commence such training in any single fiscal year.

''(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

''(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

''(2) sign an agreement that unless sooner separated the officer will—

''(A) complete the educational course of psychological training;

''(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

''(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

''(c) SERVICE OBLIGATION.—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

''(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

''(d) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

''(e) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

''(f) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

''(g) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

''(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

''(h) LIMITATION ON DETAILS.—No agreement detailing an officer of the armed forces to an accredited school of psychology may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004a the following new item:

''2004b. Detail of commissioned officers as students at schools of psychology.''.

SEC. 522. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

Section 2107a(h) of title 10, United States Code, is amended—

(1) by striking ''17 cadets'' and inserting ''22 cadets'';

(2) by striking ''17 members'' and inserting ''22 members''; and

(3) by striking ''17 such members'' and inserting ''22 such members''.

SEC. 523. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113a(b)(1) of title 10, United States Code, is amended by striking ''health and health education'' and inserting ''health care, higher education administration, or public policy''.

SEC. 524. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''in the various health professions'' and inserting ''(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces''; and

(3) by adding at the end the following new paragraph:

''(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

''(A) Social work.

''(B) Clinical psychology.

''(C) Psychiatry.

''(D) Other disciplines that contribute to mental health care programs in that military department.''.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking ''The number'' and inserting ''(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number'';

(2) by striking ''6,000'' and inserting ''6,300''; and

(3) by adding at the end the following new subsection:

''(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.''.

SEC. 525. DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.

(a) REVISION OF CURRENT SCHOOL OF NURSING AUTHORIZATIONS.—

(1) REPEAL OF ESTABLISHMENT WITHIN UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2117 of title 10, United States Code, is repealed.

(2) ESTABLISHMENT AS DEPARTMENT OF DEFENSE SCHOOL.—Chapter 108 of such title is amended by adding at the end the following new section:

''§2169. School of Nursing: establishment

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a School of Nursing.

''(b) DEGREE GRANTING AUTHORITY.—The School of Nursing may include a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The Secretary of Defense may develop the School of Nursing in phases as determined appropriate by the Secretary.''.

(3) CLERICAL AMENDMENTS.—

(A) CHAPTER 104.—The table of sections at the beginning of chapter 104 of such title is amended by striking the item relating to section 2117.

(B) CHAPTER 108.—The table of sections at the beginning of chapter 108 of such title is amended by adding at the end the following new item:

''2169. School of Nursing: establishment.''.

(b) AUTHORITY TO ESTABLISH UNDERGRADUATE NURSE TRAINING PROGRAM.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§2016. Undergraduate nurse training program: establishment through agreement with academic institution

''(a) ESTABLISHMENT AUTHORIZED.—(1) To increase the number of nurses in the armed forces, the Secretary of Defense may enter into an agreement with one or more academic institutions to establish and operate an undergraduate program (in this section referred to as a 'undergraduate nurse training program') under which participants will earn a nursing degree and serve as a member of the armed forces.

''(2) The Secretary of Defense may authorize the participation of members of the other uniformed services in the undergraduate nurse training program if the Secretary of Defense and the Secretary of Health and Human Services jointly determine the participation of such members in the program will facilitate an increase in the number of nurses in the other uniformed services.

''(b) GRADUATION RATES.—An undergraduate nurse training program shall have the capacity to graduate 25 students with a bachelor of science degree in the first class of the program, 50 in the second class, and 100 annually thereafter.

''(c) ELEMENTS.—An undergraduate nurse training program shall have the following elements:

''(1) It shall involve an academic partnership with one or more academic institutions with existing accredited schools of nursing.

''(2) It shall recruit as participants qualified individuals with at least two years of appropriate academic preparation, as determined by the Secretary of Defense.

''(d) LOCATION OF PROGRAMS.—An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation. A military installation at or near which an undergraduate nurse training program is established must—

''(1) be one of the ten largest military installations in the United States, in terms of the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations; and

''(2) have a military treatment facility with inpatient capability designated as a medical center located on the installation or within 10 miles of the installation.

''(e) LIMITATION ON FACULTY.—An agreement entered into under subsection (a) shall not require members of the armed forces who are nurses to serve as faculty members for an undergraduate nurse training program.

''(f) MILITARY SERVICE COMMITMENT.—The Secretary of Defense shall encourage members of the armed forces to apply to participate in an undergraduate nurse training program. Graduates of the program shall incur a military service obligation in a regular or reserve component, as determined by the Secretary.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2016. Undergraduate nurse training program: establishment through agreement with academic institution.''.

(c) UNDERGRADUATE NURSE TRAINING PROGRAM PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to establish an undergraduate nurse training program in the Department of Defense in accordance with the authority provided by section 2169 of title 10, United States Code, as added by subsection (a), section 2016 of such title, as added by subsection (b), or any other authority available to the Secretary.

(d) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—The plan required by subsection (c) shall provide for the establishment of a pilot program to increase the number of nurses serving in the Armed Forces.

(2) IMPLEMENTATION AND DURATION.—The pilot program shall begin not later than July 1, 2011, and be of not less than five years in duration.

(3) GRADUATION RATES.—The pilot program shall achieve graduation rates at least equal to the rates required for the undergraduate nurse training program authorized by section 2016 of title 10, United States Code, as added by subsection (b).

(4) IMPLEMENTATION REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including a description of the program selected to be undertaken, the program's goals, and any additional legal authorities that may be needed to undertake the program.

(5) PROGRESS REPORTS.—Not later than 90 days after the end of each academic year of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed into the Armed Forces through the program and the number of students accepted for the upcoming academic year.

(6) FINAL REPORT.—Not later than one year before the end of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed through the program, evaluating the overall effectiveness of the program, and containing the Secretary's recommendations regarding whether the program should be extended.

(e) EFFECT ON OTHER NURSING PROGRAMS.—Notwithstanding the development of undergraduate nurse training programs under the amendments made by this section and subsection (d), the Secretary of Defense shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

(f) EFFECT ON OTHER RECRUITMENT EFFORTS.—Nothing in this section shall be construed as limiting or terminating any current or future program of the Department of Defense related to the recruitment, accession, training, or retention of nurses.

SEC. 526. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''10 full-time student positions'' and inserting ''20 full-time student positions''.

SEC. 527. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''One cadet'' and inserting ''Two cadets''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''One'' and inserting ''Two''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''One cadet'' and inserting ''Two cadets''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 528. ATHLETIC ASSOCIATION FOR THE AIR FORCE ACADEMY.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

''§9362. Support of athletic programs

''(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the 'corporation') to support the athletic programs of the Academy. All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

''(2) The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

''(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

''(1) as a nonprofit corporation under section 501 (c)(3) of the Internal Revenue Code of 1986;

''(2) in accordance with this section; and

''(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

''(c) CORPORATE BOARD OF DIRECTORS.—(1) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

''(2) The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors of the corporation, but such personnel shall not hold more than one-third of the directorships.

''(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

''(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in Academy or corporate events related to the athletic programs of the Academy.

''(f) LEASES.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the athletic programs of the Academy. Funds received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

''(g) COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into cooperative agreements (as described in section 6305 of title 31) with the corporation for purposes related to the athletic programs of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

''9362. Support of athletic programs.''.

SEC. 529. LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish

language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for purposes of accelerating the development of foundational expertise in critical and strategic languages and regional area studies (as defined by the Secretary of Defense for purposes of this section) for members of the Armed Forces, including members of the reserve components and candidates of the Reserve Officers' Training Corps programs, and civilian employees of the Department of Defense.

(b) ELEMENTS.—Each language training center established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide that members of the Armed Forces or civilian employees of the Department of Defense who graduate from the institution of higher education concerned include members or employees, as the case may be, who are skilled in the languages and area studies covered by the program from beginning through advanced skill levels.

(2) Programs of language proficiency training for such members and civilian employees at the institution of higher education concerned in critical and strategic languages tailored to meet operational readiness requirements.

(3) Alternative language training delivery systems and modalities to meet language and regional area study requirements for such members and employees whether prior to deployment, during deployment, or post-deployment.

(4) Programs on critical and strategic languages under the program that can be incorporated into Reserve Officers' Training Corps programs to facilitate the development of language skills in such languages among future officers of the Armed Forces.

(5) Training and education programs to expand the pool of qualified instructors and educators on critical and strategic languages and regional area studies under the program for the Armed Forces.

(6) Programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(c) PARTNERSHIPS WITH OTHER SCHOOLS.—Any language training center established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of skills in critical and strategic languages under the program among students attending the elementary and secondary schools of such agencies who may pursue a military career.

(d) COORDINATION.—The Secretary of Defense shall ensure that the language training centers established under the program authorized by subsection (a) are aligned with those of the National Security Education Program, the Defense Language Institute, and other appropriate Department of Defense programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(e) REPORT.—Not later than one year after the date of the establishment of the program authorized by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the program. The report shall include the following:

(1) A description of each language training center established under the program.

(2) An assessment of the cost-effectiveness of the program in providing foundational expertise in critical and strategic languages and regional area studies in support of the Defense Language Transformation Roadmap.

(3) An assessment of the progress made by each language training center in providing capabilities in critical and strategic languages under the program to members of the Armed Forces and Department of Defense employees.

(4) A recommendation whether the program should be continued and, if so, recommendations as to any modifications of the program that the Secretary considers appropriate.

Subtitle D—Defense Dependents' Education

SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $14,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2010 by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012''.

SEC. 534. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

''(2) An individual referred to in paragraph (1) is any of the following:

''(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

''(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.''.

SEC. 535. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking '', and only through the 2010-2011 school year''.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.''.

SEC. 536. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SEC. 537. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHEN PUBLIC SCHOOLS ATTENDED BY SUCH CHILDREN ARE DETERMINED TO NEED IMPROVEMENT.

(a) STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.—

(1) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) OPTIONS.—The options to be considered under the study required by paragraph (1) may include the following:

(A) Education programs offered through the Internet, including programs that are provided by the Department of Defense through the Internet.

(B) Charter schools.

(C) Such other public school options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) ELEMENTS.—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents of military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of other alternative educational programs for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

(I) Such other matters as the Secretary of Defense and Secretary of Education consider appropriate for purposes of the study.

(b) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Education and Labor of the House of Representatives a report on the study required by subsection (a). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate in light of the results of the study.

SEC. 538. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is the following:

(1) Assistance provided under the following:

(A) Section 551 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4468).

(B) Section 571 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 119).

(C) Section 572 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2225).

(D) Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2226; 20 U.S.C. 7703b note).

(E) Section 575 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2227; 10 U.S.C. 1788 note).

(F) Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(G) Section 574 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3273).

(H) Section 558 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1916).

(I) Section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 1917).

(J) Section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474).

(K) Clauses (i) and (ii) of section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)).

(L) Section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514).

(M) Section 344 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (116 Stat. 2515).

(N) Section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063).

(O) Section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–76).

(P) Section 364 of the National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–78)

(2) Payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SEC. 539. SENSE OF CONGRESS ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

It is the sense of Congress to—

(1) express strong support and commendation for all the States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

SEC. 541. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

"§ 1509. Program to resolve preenactment missing person cases

"(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

"(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the armed forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1501 note).

"(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

"(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

"(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

"(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

"(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

"(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

"(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means:

"(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

"(B) The Joint POW/MIA Accounting Command (JPAC).

"(C) The Armed Forces DNA Identification Laboratory (AFDIL).

"(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

"(E) The casualty and mortuary affairs offices of the military departments.

"(F) Any other element of the Department of Defense whose mission (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action, prisoners of war, or unaccounted for.

"(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

"(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

"(A) possesses any information relevant to the status of the person; or

"(B) receives any new information regarding the missing person as provided in subsection (e).

"(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

"(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

"(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

"(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

"(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this

title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

''(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

''(3) For purposes of this subsection, new information is information that is credible and that—

''(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

''(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

''(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

''(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new item:

''1509. Program to resolve preenactment missing person cases.''.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking ''section 1509(b) of this title who is required by section 1509(a)(1) of this title'' and inserting ''subsection (a) of section 1509 of this title who is required by subsection (b) of such section''.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall provide such funds, personnel, and resources as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and commanders of the combatant commands to account for missing persons so that, beginning with fiscal year 2015, the POW/MIA accounting community has sufficient resources to ensure that at least 200 missing persons are accounted for under the program annually.

(3) DEFINITIONS.—In this subsection:

(A) The term ''accounted for'' has the meaning given such term in section 1513(3)(B) of title 10, United States Code.

(B) The term ''POW/MIA accounting community'' has the meaning given such term in section 1509(b)(2) of such title.

SEC. 542. POLICY AND PROCEDURES ON MEDIA ACCESS AND ATTENDANCE BY FAMILY MEMBERS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.

(a) DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON MEDIA ACCESS AT CEREMONIES FOR DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—

(1) POLICY REQUIRED.—Not later than April 1, 2010, the Secretary of Defense shall prescribe a policy guaranteeing media access at ceremonies for the dignified transfer of remains of members of the Armed Forces who die while located or serving overseas (in this section referred to as ''military decedents'') when approved by the primary next of kin of such military decedents.

(2) PROCEDURES.—The policy developed under paragraph (1) shall include procedures to be followed by the military departments in conducting appropriate ceremonies for the dignified transfer of remains of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(3) ELEMENTS.—The policy developed under paragraph (1) shall include, but not be limited to, the following:

(A) Provision for access by media representatives to transfers described in paragraph (1) if approved in advance by the primary next of kin of the military decedent or their designee.

(B) Procedures for designating with certainty who is authorized to make the decision to approve media access at transfer ceremonies described in that paragraph under reasonable, foreseeable circumstances.

(C) Conditions for coverage that media representatives must comply with during such transfer ceremonies, and procedures for ensuring agreement in advance by media representatives with the conditions for coverage prescribed by military authorities.

(D) Procedures for the waiver by the primary next of kin or other designees of Departmental polices relating to delays in release of casualty information to the media and general public, when such waiver is required.

(b) TRANSPORTATION TO TRANSFER CEREMONIES.—

(1) PROVISION OF TRANSPORTATION REQUIRED.—Section 411f of title 37, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

''(A) The primary next of kin of the member.

''(B) Two family members (other than primary next of kin) of the member.

''(C) One or more additional family members of the member, at the discretion of the Secretary.

''(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

''(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

''(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

''(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 411f. Travel and transportation allowances: Transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411f and inserting the following new item:

''411f. Travel and transportation allowances: Transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 543. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased to include persons who are not family members of members of the Armed Forces.

SEC. 544. SENSE OF CONGRESS ON THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW–MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa Atoll;

(3) acknowledges the dedicated research and efforts by persons to identify, locate, and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

Subtitle F—Decorations and Awards

SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KAHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Kaho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T.

Kaho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the Distinguished-Service Cross.

SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Sergeant First Class William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle G—Military Family Readiness Matters

SEC. 561. ESTABLISHMENT OF ONLINE RESOURCES TO PROVIDE INFORMATION ABOUT BENEFITS AND SERVICES AVAILABLE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) INTERNET OUTREACH WEBSITE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish an Internet website or other online resources for the purpose of providing comprehensive information to members of the Armed Forces and their families about the benefits and services described in subsection (b) that are available to members of the Armed Forces and their families.

(2) CONTACT INFORMATION.—The online resources shall provide contact information, both telephone and e-mail, that a member of the Armed Forces or dependent of the member can use to get specific information about benefits and services that may be available for the member or dependent.

(b) COVERED BENEFITS AND SERVICES.—The information provided through the online resources established pursuant to subsection (a) shall include information regarding the following benefits and services that may be available to a member of the Armed Forces and dependents of the member:

(1) Financial compensation, including financial counseling.

(2) Health care and life insurance programs.

(3) Death benefits.

(4) Entitlements and survivor benefits for dependents, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(5) Educational assistance benefits, including limitations on and the transferability of such assistance.

(6) Housing assistance benefits, including counseling.

(7) Relocation planning and preparation.

(8) Maintaining military records.

(9) Legal assistance.

(10) Quality of life programs.

(11) Family and community programs.

(12) Employment assistance upon separation or retirement of a member or for the spouse of the member.

(13) Reserve component service for members completing service in a regular component.

(14) Disability benefits, including offsets in connection with the receipt of such benefits.

(15) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(16) Such other benefits and services as the Secretary of Defense considers appropriate.

(c) DISSEMINATION OF INFORMATION ON AVAILABILITY ON ONLINE RESOURCES.—The Secretaries of the military departments shall use public service announcements, publications, and such other announcements through the general media as the Secretaries consider appropriate to inform members of the Armed Forces and their families and the general public about the information available through the online resources established pursuant to subsection (a).

(d) IMPLEMENTATION REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the quality and scope of the online resources established pursuant to subsection (a) to provide information about benefits and services for members of the Armed Forces and their families.

SEC. 562. ADDITIONAL MEMBERS ON DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) RESERVE COMPONENT REPRESENTATION.—Paragraph (1) of section 1781a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) In addition to the representatives appointed under subparagraph (B)—

''(i) one representative from the Army National Guard or Air National Guard, who shall be appointed by the Secretary of Defense; and

''(ii) one representative from the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve, who shall be appointed by the Secretary of Defense.''; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(b) TERM; ROTATION AMONG RESERVE COMPONENTS.—Paragraph (2) of such section is amended—

(1) by striking ''paragraph (1)(C)'' and inserting ''subparagraphs (C) and (D) of paragraph (1)''; and

(2) by adding at the end the following new sentences: ''Representation on the Council required by clause (i) of paragraph (1)(C) shall rotate between the Army National Guard and Air National Guard. Representation required by clause (ii) of such paragraph shall rotate among the reserve components specified in such clause.''.

SEC. 563. SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781b the following new section:

''§ 1781c. Office of Community Support for Military Families With Special Needs

''(a) ESTABLISHMENT.—There is in the Office of the Under Secretary of Defense for Personnel and Readiness the Office of Community Support for Military Families With Special Needs (in this section referred to as the 'Office').

''(b) PURPOSE.—The purpose of the Office is to enhance and improve Department of Defense support around the world for military families with special needs (whether medical or educational needs) through the development of appropriate policies, enhancement and dissemination of appropriate information throughout the Department of Defense, support for such families in obtaining referrals for services and in obtaining service, and oversight of the activities of the military departments in support of such families.

''(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense from among civilian employees of the Department of Defense who are members of the Senior Executive Service or members of the Armed Forces in a general or flag grade.

''(2) The Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness in the discharge of the responsibilities of the Office, and shall report directly to the Under Secretary regarding the discharge of such responsibilities.

''(d) RESPONSIBILITIES.—The Office shall have the responsibilities as follows:

''(1) To develop and implement a comprehensive policy on support for military families with special needs as required by subsection (e).

''(2) To establish and oversee the programs required by subsection (f).

''(3) To identify gaps in services available through the Department of Defense for military families with special needs.

''(4) To develop plans to address gaps identified under paragraph (3) through appropriate mechanisms, such as enhancing resources and training and ensuring the provision of special assistance to military families with special needs and military parents of individuals with special needs (including through the provision of training and seminars to members of the armed forces).

''(5) To monitor the programs of the military departments for the assignment of members of the Armed Forces who are members of military families with special needs, and the programs for the support of such military families, and to advise the Secretary of Defense on the adequacy of such programs in conjunction with the preparation of future-years defense programs and other budgeting and planning activities of the Department of Defense.

''(6) To monitor the availability and accessibility of programs provided by other Federal, State, local, and non-governmental agencies to military families with special needs.

''(7) To carry out such other matters with respect to the programs and activities of the Department of Defense regarding military families with special needs as the Under Secretary of Defense for Personnel and Readiness shall specify.

''(e) POLICY.—(1) The Office shall develop, and update from time to time, a uniform policy for the Department of Defense regarding military families with special needs. The policy shall apply with respect to members of the armed forces without regard to their location, whether within or outside the continental United States.

''(2) The policy developed under this subsection shall include elements regarding the following:

''(A) The assignment of members of the Armed Forces who are members of military families with special needs.

''(B) Support for military families with special needs.

''(3) In addressing the assignment of members of the Armed Forces under paragraph (2)(A), the policy developed under this subsection shall, in a manner consistent with the needs of the

Armed Forces and responsive to the career development of members of the armed forces on active duty, provide for such members each of the following:

''(A) Assignment to locations where care and support for family members with special needs are available.

''(B) Stabilization of assignment for a minimum of 4 years.

''(4) In addressing support for military families under paragraph (2)(B), the policy developed under this subsection shall provide the following:

''(A) Procedures to identify members of the armed forces who are members of military families with special needs.

''(B) Mechanisms to ensure timely and accurate evaluations of members of such families who have special needs.

''(C) Procedures to facilitate the enrollment of such members of the armed forces and their families in programs of the military department for the support of military families with special needs.

''(D) Procedures to ensure the coordination of Department of Defense health care programs and support programs for military families with special needs, and the coordination of such programs with other Federal, State, local, and nongovernmental health care programs and support programs intended to serve such families.

''(E) Requirements for resources (including staffing) to ensure the availability through the Department of Defense of appropriate numbers of case managers to provide individualized support for military families with special needs.

''(F) Requirements regarding the development and continuous updating of an individualized services plan (medical and educational) for each military family with special needs.

''(G) Requirements for record keeping, reporting, and continuous monitoring of available resources and family needs under individualized services support plans for military families with special needs, including the establishment and maintenance of a central or various regional databases for such purposes.

''(f) PROGRAMS.—(1) The Office shall establish, maintain, and oversee a program to provide information and referral services on special needs matters to military families with special needs on a continuous basis regardless of the location of the member's assignment. The program shall provide for timely access by members of such military families to individual case managers and counselors on matters relating to special needs.

''(2) The Office shall establish, maintain, and oversee a program of outreach on special needs matters for military families with special needs. The program shall—

''(A) assist military families in identifying whether or not they have a member with special needs; and

''(B) provide military families with special needs with information on the services, support, and assistance available through the Department of Defense regarding such members with special needs, including information on enrollment in programs of the military departments for such services, support, and assistance.

''(3)(A) The Office shall provide support to the Secretary of each military department in the establishment and sustainment by such Secretary of a program for the support of military families with special needs under the jurisdiction of such Secretary. Each program shall be consistent with the policy developed by the Office under subsection (e).

''(B) Each program under this paragraph shall provide for appropriate numbers of case managers for the development and oversight of individualized services plans for educational and medical support for military families with special needs.

''(C) Services under a program under this paragraph may be provided by contract or other arrangements with non-Department of Defense entities qualified to provide such services.

''(g) RESOURCES.—The Secretary of Defense shall assign to the Office such resources, including personnel, as the Secretary considers necessary for the discharge of the responsibilities of the Office, including a sufficient number of members of the armed forces to ensure appropriate representation by the military departments in the personnel of the Office.

''(h) REPORTS.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the Office.

''(2) Each report under this subsection shall include the following:

''(A) A description of any gaps in services available through the Department of Defense for military families with special needs that were identified under subsection (d)(3).

''(B) A description of the actions being taken, or planned, to address such gaps, including any plans developed under subsection (d)(4).

''(C) Such recommendations for legislative action as the Secretary considers appropriate to provide for the continuous improvement of support and services for military families with special needs.

''(i) MILITARY FAMILY WITH SPECIAL NEEDS.—For purposes of this section, a military family with special needs is any military family with one or more members who has a medical or educational special need (as defined by the Secretary in regulations for purposes of this section), including a condition covered by the Extended Health Care Option Program under section 1079f of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781b the following new item:

''1781c. Office of Community Support for Military Families With Special Needs.''.

(3) REPEAL OF SUPERSEDED AUTHORITY.—Section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 133; 10 U.S.C. 1781 note) is repealed.

(b) FOUNDATION FOR SUPPORT OF MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a foundation for the provision of assistance to the Department of Defense in providing support to military families with special needs.

(2) PURPOSES.—The purposes of the foundation shall be to assist the Department of Defense as follows:

(A) In conducting outreach to identify military families with special needs.

(B) In developing programs to support and provide services to military families with special needs.

(C) In developing educational curricula for the training of professional and paraprofessional personnel providing support and services on special needs to military families with special needs.

(D) In conducting research on the following:

(i) The unique factors associated with a military career (including deployments of members of the Armed Forces) and their effects on families and individuals with special needs.

(ii) Evidence-based therapeutic and medical services for members of military families with special needs, including research in conjunction with non-Department of Defense entities such as the National Institutes of Health.

(E) In providing vocational education and training for adolescent and adult members of military families with special needs.

(F) In carrying out other initiatives to contribute to improved support for military families with special needs.

(3) DEPARTMENT OF DEFENSE FUNDING.—The Secretary may provide the foundation such financial support as the Secretary considers appropriate, including the provision to the foundation of appropriated funds and non-appropriated funds available to the Department of Defense.

(4) ANNUAL REPORT.—The foundation shall submit to the Secretary, and to the congressional defense committees, each year a report on its activities under this subsection during the preceding year. Each report shall include, for the year covered by such report, the following:

(A) A description of the programs and activities of the foundation.

(B) The budget of the foundation, including the sources of any funds provided to the foundation.

(5) MILITARY FAMILY WITH SPECIAL NEEDS DEFINED.—In this subsection, the term ''military family with special needs'' has the meaning given such term in section 1781c(i) of title 10, United States Code (as added by subsection (a)).

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for the Department of Defense for fiscal year 2010 for support of military families with special needs, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 2010 for military personnel, $50,000,000 for purposes of carrying out this section and the amendments made by this section. Of such amount, not less than $40,000,000 shall be allocated to the military departments for the execution of programs and activities in carrying out this section and the amendments made by this section in fiscal year 2010.

SEC. 564. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''authorized costs'' includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term ''internship'' means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 565. FAMILY AND MEDICAL LEAVE FOR FAMILY OF SERVICEMEMBERS.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITION OF COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(i) by striking paragraph (14) and inserting the following:

''(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

''(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

''(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.''; and

(ii) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(B) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking ''active duty'' each place it appears and inserting ''covered active duty''; and

(II) by striking ''in support of a contingency operation''; and

(ii) in subsection (e)(3)—

(I) in the paragraph heading, by striking ''ACTIVE DUTY'' and inserting ''COVERED ACTIVE DUTY'';

(II) by striking ''active duty'' each place it appears and inserting ''covered active duty''; and

(III) by striking ''in support of a contingency operation''.

(C) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking ''ACTIVE DUTY'' each place it appears and inserting ''COVERED ACTIVE DUTY''.

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by paragraph (1)(A)(ii)) is amended to read as follows:

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

''(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.''.

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by paragraph (1)(A)(ii)) and inserting the following:

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

''(19) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(4) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking ''or parent'' and inserting ''parent, or covered servicemember''.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Secretary of Labor shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

(b) LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

''(7) the term 'covered active duty' means—

''(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

''(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;''.

(B) LEAVE.—Section 6382 of title 5, United States Code, is amended—

(i) in subsection (a)(1), by adding at the end the following:

''(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.'';

(ii) in subsection (b)(1), by inserting after the second sentence the following: ''Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.'';

(iii) in subsection (d), by striking ''or (D)'' and inserting ''(D), or (E)''; and

(iv) in subsection (e), by adding at the end the following:

''(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.''.

(C) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking ''section 6382(a)(3)'' and inserting ''paragraph (1)(E) or (3) of section 6382(a)''.

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

''(8) the term 'covered servicemember' means—

''(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;''.

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 6381 of title 5, United States Code, is further amended—

(A) in paragraph (10), by striking ''and'' at the end; and

(B) by striking paragraph (11) and inserting the following:

''(11) the term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

''(12) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(4) TECHNICAL AMENDMENT.—Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking ''or parent'' and inserting ''parent, or covered servicemember''.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Office of Personnel Management shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

SEC. 566. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is amended by striking ''one year after the initiation of its examination under subsection (b)'' and inserting ''December 1, 2009''.

SEC. 567. IMPROVED PREVENTION AND RESPONSE TO ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PREVENTION AND RESPONSE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a revised plan for the implementation of policies aimed at preventing and responding effectively to sexual assaults involving members of the Armed Forces. The revised implementation plan shall include, at a minimum, the following elements:

(1) New initiatives aimed at reducing the number of sexual assaults, including timelines for implementation of such initiatives.

(2) Requirements for monitoring and reporting on progress in implementation of such initiatives and methods to measure the effectiveness of plans that implement the policies of the Department of Defense regarding sexual assaults involving members of the Armed Forces.

(3) Training programs for judge advocates, criminal investigators, commanders, prospective commanding officers, senior enlisted members, and personnel with less than six months of active-duty service.

(4) Information about the status of implementation, funding requirements and budgetary implications, and overall utility of data reporting systems on incidents of sexual assault involving members of the Armed Forces.

(5) Actions taken to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services established pursuant to section 576 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 4331 note).

(6) Information about the funding needed to fully implement initiatives aimed at preventing and responding to sexual assault involving members of the Armed Forces.

(b) SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS.—

(1) CAPABILITY TO CONDUCT TIMELY SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective sexual assault medical forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault medical forensic examination protocols, trained personnel, and requisite equipment in combat zones.

(B) An assessment of the barriers to providing timely sexual assault medical forensic examinations to victims of sexual assault at all echelons of care in combat zones.

(C) Recommendations regarding improved capability to conduct timely and effective sexual assault medical forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC MEDICAL EXAMINATIONS FOLLOWING SEXUAL ASSAULTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2279).

(c) MILITARY PROTECTIVE ORDERS.—

(1) REQUIREMENT FOR DATA COLLECTION.—

(A) IN GENERAL.—Pursuant to regulations prescribed by the Secretary of Defense, information shall be collected on—

(i) whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault; and

(ii) whether military protective orders involving members of the Armed Forces were violated in the course of substantiated incidents of sexual assaults against members of the Armed Forces.

(B) SUBMISSION OF DATA.—The data required to be collected under this subsection shall be included in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report explaining the measures being taken to ensure that, when a military protective order has been issued, the member of the Armed Forces who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which the member is assigned.

(d) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces. The Comptroller General shall determine whether existing policies and implementation plans of the Department of Defense, and the resources devoted for this purpose, are adequate or negatively affect the ability of each of the Armed Forces to facilitate the prevention, investigation, and adjudication of such allegations under the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall refer to and incorporate the recommendations of the Defense Task Force on Sexual Assault in the Military Services regarding investigation and adjudication of sexual assault, and include a review of the following:

(A) The procedures required by each of the Armed Forces for responding to allegations of sexual assault (including guidance to commanding officers, standard operating and reporting procedures, and related matters), and the personnel (including judge advocates) and budgetary resources available to each of the Armed Forces to respond to allegations of sexual assault.

(B) The scope and effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(C) The capability to investigate and adjudicate sexual assault cases in combat zones.

(D) An assessment whether the existing policies of the Department of Defense aimed at preventing and responding to incidents of sexual assault are adequate.

SEC. 568. COMPTROLLER GENERAL REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled ''Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed'' (GAO–06–540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 569. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

SEC. 570. REPORT ON INTERNATIONAL INTRAFAMILIAL ABDUCTION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of children abducted from and returned to members of the Armed Forces in international intrafamilial abductions during the years 2007 through 2009, as such number was included in the numbers and elements of the annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction with respect to such years.

(b) ELEMENTS.—The report shall include an assessment of the following:

(1) The current availability of, and the additional need for, assistance (including general information, psychological counseling, financial assistance, leave for travel, and legal services) provided by the military departments to left-behind members of the Armed Forces involved in international intrafamilial child abductions for the purpose of obtaining the return of their abducted children and ensuring the military readiness of such members of the Armed Forces.

(2) The measures taken by the Department of Defense and the military departments, including any written policy guidelines, to prevent the abduction of children of members of the Armed Forces.

(3) The means by which members of the Armed Forces are educated on the risks of international intrafamilial child abduction, particularly when they first arrive at a military installation overseas or when the Armed Forces receive notice that a member is considering marriage or divorce overseas.

SEC. 571. ASSESSMENT OF IMPACT OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES ON THEIR DEPENDENT CHILDREN.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on the dependent children of deployed members of the Armed Forces.

(2) CONSIDERATION OF SEPARATE CATEGORIES OF CHILDREN.—In conducting the assessment under paragraph (1), the Secretary shall separately address each of the following categories of dependent children of deployed members:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(3) CONSIDERATION OF SEPARATE CATEGORIES OF MEMBERS.—In conducting the assessment under paragraph (1), the Secretary shall separately address children of deployed members in the following circumstances:

(A) Two-parent families with only one parent in the Armed Forces.

(B) Members who are single parents.

(C) Parents who are both members and subject to dual deployments.

(b) ELEMENTS.—The assessment undertaken under subsection (a) shall specifically address the following:

(1) The impact that separation due to the deployment of a military parent or parents has on children.

(2) The impact that multiple deployments of a military parent or parents have on children.

(3) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(4) The impact that the death of a military parent or parents in connection with a deployment has on children.

(5) The impact that deployment of a military parent or parents has on children with preexisting psychological conditions, such as anxiety and depression.

(6) The impact that deployment of a military parent or parents has on risk factors, such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment undertaken under subsection (a), including the findings and recommendations of the Secretary as a result of the assessment.

SEC. 572. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment of whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

SEC. 573. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on financial assistance for child care provided by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) The number of qualified families that do not receive any financial assistance for child care made available by the Department of Defense.

(10) Any other matters the Comptroller General determines relevant to the improvement of financial assistance to expand access for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

Subtitle H—Military Voting

SEC. 575. SHORT TITLE.

This subtitle may be cited as the ''Military and Overseas Voter Empowerment Act''.

SEC. 576. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS.

Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act, to jurisdictions in the State.

SEC. 577. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

''(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

''(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

''(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically.''; and

(2) by adding at the end the following new subsection:

''(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

''(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

''(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

''(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

''(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

''(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

''(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

''(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

''(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

''(6) SECURITY AND PRIVACY PROTECTIONS.—

''(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

''(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of

the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 578. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 577, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).''; and

(2) by adding at the end the following new subsection:

''(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

''(1) IN GENERAL.—Each State shall establish procedures—

''(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

''(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

''(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

''(3) SECURITY AND PRIVACY PROTECTIONS.—

''(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

''(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 579. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(1)), as amended by sections 577 and 578, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

''(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

''(B) in the case in which the request is received less than 45 days before an election for Federal office—

''(i) in accordance with State law; and

''(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.'';

(2) by adding at the end the following new subsection:

''(g) HARDSHIP EXEMPTION.—

''(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

''(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

''(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

''(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

''(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

''(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

''(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

''(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

''(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

''(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

''(B) One or more of the following issues creates an undue hardship for the State:

''(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

''(ii) The State has suffered a delay in generating ballots due to a legal contest.

''(iii) The State Constitution prohibits the State from complying with such subsection.

''(3) TIMING OF WAIVER.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

''(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

''(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.''.

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)), as amended by subsection (a) and sections 577 and 578, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 580. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

''(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

''(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services

voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

''(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

''(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

''(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 577, 578, and 579, is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding the following new paragraph:

''(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff–1(a)) is amended by adding at the end the following new subsection:

''(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.''.

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) to the greatest extent practicable, take such actions as may be necessary—

''(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

''(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 581. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(A) in subsection (a), by striking ''general elections for Federal office'' and inserting ''general, special, primary, and runoff elections for Federal office'';

(B) in subsection (e), in the matter preceding paragraph (1), by striking ''a general election'' and inserting ''a general, special, primary, or runoff election for Federal office''; and

(C) in subsection (f), by striking ''the general election'' each place it appears and inserting ''the general, special, primary, or runoff election for Federal office''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by striking ''GENERAL.—The Presidential'' and inserting ''GENERAL.—

''(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential''; and

(2) by adding at the end the following new paragraph:

''(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

''(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

''(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

''(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

''(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.''.

SEC. 582. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

''(1) Notarization requirements.

''(2) Restrictions on paper type, including weight and size.

''(3) Restrictions on envelope type, including weight and size.''.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

''(1) Notarization requirements.

''(2) Restrictions on paper type, including weight and size.

''(3) Restrictions on envelope type, including weight and size.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 583. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 580(a), is amended by inserting after section 103A the following new section:

''SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

''(a) DUTIES.—The Presidential designee shall carry out the following duties:

''(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

''(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

''(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the

Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.''.

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 580, is amended—

(A) in subparagraph (b)—

(i) by striking ''and'' at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.''; and

(B) by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566 the following new section:

''§ 1566a. Voting assistance: voter assistance offices

''(a) DESIGNATION OF OFFICES ON MILITARY INSTALLATIONS AS VOTER ASSISTANCE OFFICES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 and under regulations prescribed by the Secretary of Defense under subsection (f), the Secretaries of the military departments shall designate offices on installations under their jurisdiction to provide absent uniformed services voters, particularly those individuals described in subsection (b), and their family members with the following:

''(1) Information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

''(2) Information and assistance, if requested, including access to the Internet where practicable, to register to vote in an election for Federal office.

''(3) Information and assistance, if requested, including access to the Internet where practicable, to update the individual's voter registration information, including instructions for absent uniformed services voters to change their address by submitting the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act to the appropriate State election official.

''(4) Information and assistance, if requested, to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

''(b) COVERED INDIVIDUALS.—The individuals described in this subsection are absent uniformed services voters who—

''(1) are undergoing a permanent change of duty station;

''(2) are deploying overseas for at least six months;

''(3) are returning from an overseas deployment of at least six months; or

''(4) otherwise request assistance related to voter registration.

''(c) TIMING OF PROVISION OF ASSISTANCE.—The regulations prescribed by the Secretary of Defense under subsection (f) shall ensure, to the maximum extent practicable and consistent with military necessity, that the assistance provided under subsection (a) is provided to a covered individual described in subsection (b)—

''(1) if described in subsection (b)(1), as part of the administrative in-processing of the covered individual upon arrival at the new duty station of the covered individual;

''(2) if described in subsection (b)(2), as part of the administrative out-processing of the covered individual in preparation for deployment from the home duty station of the covered individual;

''(3) if described in subsection (b)(3), as part of the administrative in-processing of the covered individual upon return to the home duty station of the covered individual; or

''(4) if described in subsection (b)(4), at the time the covered individual requests such assistance.

''(d) OUTREACH.—The Secretary of each military department, or the Presidential designee, shall take appropriate actions to inform absent uniformed services voters of the assistance available under subsection (a), including—

''(1) the availability of information and voter registration assistance at offices designated under subsection (a); and

''(2) the time, location, and manner in which an absent uniformed services voter may utilize such assistance.

''(e) AUTHORITY TO DESIGNATE VOTING ASSISTANCE OFFICES AS VOTER REGISTRATION AGENCY ON MILITARY INSTALLATIONS.—The Secretary of Defense may authorize the Secretaries of the military departments to designate offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)(2)) for all purposes of such Act. Any office so designated shall discharge the requirements of this section, under the regulations prescribed by the Secretary of Defense under subsection (f).

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration of the requirements of this section. The regulations shall be prescribed before the regularly scheduled general election for Federal office held in November 2010, and shall be implemented for such general election for Federal office and for each succeeding election for Federal office.

''(g) DEFINITIONS.—In this section:

''(1) The term 'absent uniformed services voter' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

''(2) The term 'Federal office' has the meaning given that term in section 107(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(3)).

''(3) The term 'Presidential designee' means the official designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566 the following new item:

''1566a. Voting assistance: voter assistance offices.''.

SEC. 584. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by sections 580 and 583, is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

''(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

''(B) for the Presidential designee to store the data reported.''.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 577, 578, 579, and 580, is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking '', for use by States in accordance with section 104''; and

(B) in paragraph (4), by striking ''for use by States in accordance with section 104''; and

(2) in section 104, as amended by subsection (a)—

*(A) in the section heading, by striking ''**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**'' and inserting ''**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**''; and*

(B) in subsection (e), by striking ''(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—''.

SEC. 586. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

''SEC. 105A. REPORTING REQUIREMENTS.

''(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

''(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

''(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

''(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

''(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

''(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

''(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 1566a of title 10, United States Code.

''(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

''(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

''(2) A description of the utilization of voter registration assistance under section 1566a of title 10, United States Code, which shall include the following:

''(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

''(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

''(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

''(c) DEFINITIONS.—In this section:

''(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term 'absent overseas uniformed services voter' has the meaning given such term in section 103A(d).

''(2) PRESIDENTIAL DESIGNEE.—The term 'Presidential designee' means the Presidential designee under section 101(a).

''(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term 'relevant committees of Congress' means—

''(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

''(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.''.

SEC. 587. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended—

(1) by striking ''The Attorney'' and inserting ''(a) IN GENERAL.—The Attorney''; and

(2) by adding at the end the following new subsection:

''(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.''.

SEC. 588. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.''.

(b) CONDITIONS FOR RECEIPT OF FUNDS.—

(1) INCLUSION OF COMPLIANCE IN STATE PLAN.—

(A) IN GENERAL.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

''(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.''.

(B) CONFORMING AMENDMENT.—Section 253(b)(1)(A) of such Act (42 U.S.C. 15403(b)(1)(A)) is amended by striking ''section 254'' and inserting ''section 254(a) (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4), contains the element described in paragraph (14) of such section)''.

(2) WAIVER OF PLAN FOR APPLICATION OF ADMINISTRATIVE COMPLAINT PROCEDURES.—Section 253(b)(2) of such Act (42 U.S.C. 15403(b)(2)) is amended—

(A) by striking ''(2) The State'' and inserting ''(2)(A) Subject to subparagraph (B), the State''; and

(B) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4).''.

(3) SPECIAL RULE FOR PROVISION OF 5 PERCENT MATCH.—Section 253(b)(5) of such Act (42 U.S.C. 15403(b)(5)) is amended—

(A) by striking ''(5) The State'' and inserting ''(5)(A) Subject to subparagraph (B), the State''; and

(B) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4) for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.''.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

''(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).''.

SEC. 589. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term ''absent uniformed services voter'' has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term ''overseas voter'' has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term ''Presidential designee'' means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919) to support the pilot program or programs.

(2) REPORT.—In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''relevant committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle I—Other Matters

SEC. 591. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as follows:

"§ 974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

''(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

''(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

''(A) A performance that is more than incidental to an event that—

''(i) is not supported, in whole or in part, by United States Government funds; and

''(ii) is not free to the public.

''(B) A performance of background, dinner, dance, or other social music at an event that—

''(i) is not supported, in whole or in part, by United States Government funds; and

''(ii) is held at a location not on a military installation.

''(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

''(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

''(B) A performance at a concert, parade, or other event, that—

''(i) is a patriotic event or a celebration of a national holiday; and

''(ii) is free to the public.

''(C) A performance that is incidental to an event that—

''(i) is not supported, in whole or in part, by United States Government funds; or

''(ii) is not free to the public.

''(D) A performance (including background, dinner, dance, or other social music) at—

''(i) an event that is sponsored by a military welfare society, as defined in section 2566 of this title;

''(ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or

''(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

''(E) A performance (including background, dinner, dance, or other social music)—

''(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

''(ii) in support of fostering and sustaining a cooperative relationship with another nation.

''(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

''(c) RECORDINGS.—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

''(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

''(e) MILITARY MUSICAL UNIT DEFINED.—In this section, the term 'military musical unit' means a band, ensemble, chorus, or similar musical unit of the armed forces.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.''.

SEC. 592. NAVY GRANTS FOR PURPOSES OF NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

"§ 7541b. Authority to make grants for purposes of Naval Sea Cadet Corps

''Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 647 of such title is amended by inserting after the item relating to section 7541a the following new item:

''7541b. Authority to make grants for purposes of Naval Sea Cadet Corps.''.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''60 percent of the costs'' and inserting ''75 percent of the costs''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

''(C) An active commissioned officer from each of the Army, Navy, Air Force, and Marine Corps, an active commissioned officer from the National Guard, and an active commissioned officer from the Reserves, each of whom serves or has served in a leadership position with either a military department command or combatant command.

''(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps, a retired general or flag officer from the National Guard, and a retired general or flag officer from the Reserves.

''(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps, a retired noncommissioned officer from the National Guard, and a retired noncommissioned officer from the Reserves.''.

SEC. 595. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

''(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.''.

SEC. 596. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

(a) REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct a comprehensive review of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of care, and access to care, for substance abuse in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and nonphysician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders among members of the reserve components, and the appropriate disposition, including disciplinary action and administrative separation, of members of the reserve components for substance abuse.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in dependents of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse, as the Secretary considers appropriate.

(b) PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.—

(1) PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) BASIS.—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 112 Stat. 4112).

(3) COMPREHENSIVE STATEMENT OF POLICY.—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependents of a core of evidence-based practices across the spectrum of medical and non-medial services and treatments for substance use disorders, including the reestablishment of regional long-term inpatient substance abuse treatment programs. The Secretary may use contracted services for not longer than three years after the date of the enactment of this Act to perform such inpatient substance abuse treatment until the Department of Defense reestablishes this capability within the military health care system.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their dependents.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENTS.—Instructions on the availability of services for substance use disorders for dependents of members of the Armed Forces, including instructions on making such services available to dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of members of the Armed Forces for substance abuse.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their dependents regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their dependents.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifications and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A).

(c) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the

Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorders programs for dependents of members of the Armed Forces, whether such dependents suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

SEC. 597. REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM AND OTHER REINTEGRATION PROGRAMS.

(a) REPORT ON REINTEGRATION PROGRAMS GENERALLY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of members of the National Guard and Reserves and their families.

(b) ADDITIONAL ELEMENTS OF ANNUAL REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM.—The annual reports on the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 122; 10 U.S.C. 10101 note) that are submitted under subsection (e)(4) of such section after the date of the enactment of this Act shall include the following:

(1) In the first such annual report submitted after the date of the enactment of this Act—

(A) a description and assessment of the implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including—

(i) an assessment of best practices from pilot programs offered by various States to provide services to supplement the services available through the Yellow Ribbon Reintegration Program; and

(ii) an assessment of the feasibility of incorporating such practices into the Yellow Ribbon Reintegration Program; and

(B) current plans for the further implementation of the Yellow Ribbon Reintegration Program during fiscal year 2010.

(2) A list of the accounts (including accounts of the military departments and accounts for the Office of the Secretary of Defense) from which funds for the Yellow Ribbon Reintegration Program were derived during the most recent fiscal year, and an explanation why such accounts were the source of funding for programs and activities under the Yellow Ribbon Reintegration Program.

(3) An assessment of the extent to which funding for the Yellow Ribbon Reintegration Program during the most recent fiscal year supported robust joint programs that provided reintegration and support services to members of the National Guard and Reserves and their families regardless of Armed Force with which served.

(4) An assessment of the extent to which programs and activities under the Yellow Ribbon Reintegration Program during the preceding year were coordinating closely with appropriate programs and activities of the Department of Veterans Affairs.

(5) A description of current strategies to mitigate difficulties in sustaining attendance at events under the Yellow Ribbon Reintegration Program, and an explanation why funds, if any, that are available for the Yellow Ribbon Reintegration Program but remain unexpended have not been used for the Yellow Ribbon Reintegration Program.

SEC. 598. REPORTS ON PROGRESS IN COMPLETION OF CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

Not later than 120 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the progress of the Secretary with respect to the completion of the following:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.
Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.
Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.
Sec. 621. Army authority to provide additional recruitment incentives.
Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.
Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Transition assistance for reserve component members injured while on active duty.
Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 643. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.
Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.
Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Sense of Congress on airfares for members of the Armed Forces.
Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''$500'' and inserting ''$1,100''; and

(2) in paragraph (3)(B), by striking ''$500'' and inserting ''$1,100''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

(c) REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.—

(1) IN GENERAL.—Not later than September 1, 2010, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) ELEMENTS.—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program and to notify their commanding officer if they are accepted for participation in the supplemental nutrition assistance program.

(D) A method for accurately determining the total number of members of the Armed Forces who are participating in the supplemental nutrition assistance program.

(E) Such other matters as the Secretary of Defense considers appropriate.

SEC. 603. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living

''(a) MONTHLY COMPENSATION AUTHORIZED.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

''(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

''(1) has a catastrophic injury or illness that was incurred or aggravated in the line of duty;

''(2) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

''(3) in the absence of the provision of such assistance, would require hospitalization, nursing home care, or other residential institutional care; and

''(4) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

''(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

''(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

''(A) The extent to which home health care and related services are being provided by the Government.

''(B) The value of the aid and attendance care necessary to assist the member in performing the personal functions required in everyday living, to be determined regardless of the sources of the care (other than the source identified in subparagraph (A)) actually being provided to the member.

''(d) DURATION.—The eligibility of a member to receive special monthly compensation under subsection (a) expires on the earlier of the following:

''(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member.

''(2) The last day of the month during which the member dies.

''(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness referred to in subsection (b)(1).

''(4) The last day of the month preceding the month during which the member begins receiving compensation under section 1114(r)(2) of title 38.

''(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

''(f) BENEFIT INFORMATION.—(1) The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

''(2) The Secretary of Defense shall ensure that a member eligible to receive special monthly compensation under this section is aware that the member's eligibility for such compensation will expire pursuant to subsection (d)(1) after the end of the 90-day period that begins on the date of the separation or retirement of the member even though the member has not begun to receive compensation under section 1114(r)(2) of title 38 before the end of such period.

''(g) CATASTROPHIC INJURY OR ILLNESS DEFINED.—In this section, the term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

''(1) personal or mechanical assistance to leave home or bed; or

''(2) constant supervision to avoid physical harm to self or others.

''(h) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for such compensation.

(E) A summary of the types of injuries, disorders, and illnesses of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.''.

SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the

Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(f) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(g) DURATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 605. REPORT ON HOUSING STANDARDS AND HOUSING SURVEYS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the following reviews:

(1) A review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code.

(2) A review of the process and schedule for conducting surveys used to establish locality rates in housing areas to determine such monthly rates of basic allowance for housing.

(b) ELEMENTS OF HOUSING STANDARDS REVIEW.—In conducting the reviews under subsection (a), the Secretary shall consider whether the housing standards and survey process are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades;

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure; and

(4) reflecting the most current housing cost data available.

(c) INCLUSION OF RECOMMENDED CHANGES.—The report required by subsection (a) shall include—

(1) such recommended changes to the housing standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate; and

(2) such recommended changes to improve the survey process, including ensuring that the housing cost data used to establish the rates is the most current data available, as the Secretary considers appropriate.

SEC. 606. COMPTROLLER GENERAL COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees to assess how the differences in pay and benefits effect recruiting and retention of members of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience with similar job responsibilities and working conditions as officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of comparable private-sector compensation, as described in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to attract and retain quality individuals to serve in the Armed Forces.

(c) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''AND SPECIAL PAY AMOUNT'' in the subsection heading; and

(B) by striking ''at the rate of $225 for any month'' in the matter preceding paragraph (1) and inserting ''under subsection (b) for any month or portion of a month'';

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

''(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) METHOD OF PAYMENT; PRORATION.—

''(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

''(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

''(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.''.

SEC. 619. ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS.

(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount otherwise authorized under such section; and

(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(c) DURATION OF AUTHORITY.—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.

SEC. 620. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) for any month, or portion of a month, in which the member serves on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in subsection (b).

(b) ELIGIBILITY REQUIREMENTS.—A member of the Armed Forces referred to in subsection (a) is eligible to receive special pay under this section if the member, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') that authorizes the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Forces in time of war or national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed $500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

SEC. 621. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

''(i) DURATION OF AUTHORITY.—

''(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2012.

''(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.''.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting ''at the same time'' after ''provided''.

SEC. 622. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates and officer retention rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and reenlistment of enlisted personnel and accession and retention of officers by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment, retention, and assignment by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking ''subsection (a)(1)'' the first place it appears and inserting ''paragraphs (1) and (2) of subsection (a)''; and

(2) by striking ''subsection (a)(1)'' the second place it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting '', with respect to any such individual, that the presence of such individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

(2) by adding at the end the following new paragraph:

''(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—

(1) IN GENERAL.—Paragraph (1) of subsection (b) of such section is amended by striking ''the term'' and all that follows and inserting ''the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member's inpatient treatment.''.

(2) DESIGNATIONS NOT PERMANENT.—Paragraph (2) of such subsection is amended to read as follows:

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of subsection (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.—

(1) IN GENERAL.—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting ''(including having a serious mental disorder)'' after ''seriously injured''.

(2) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

''(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

''(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

''(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

''(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.''.

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

''(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411k of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrips may be provided.''.

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''(a)(1)'' and inserting ''(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)'';

(2) in subsection (b)—

(A) by striking ''(b)(1)'' and inserting ''(b) DEFINITIONS.—(1)''; and

(B) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)''; and

(ii) by adding at the end the following new subparagraph:

''(B) In this paragraph, the term 'family member', with respect to a member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member.

''(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.'';

(3) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)''; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by striking ''(d)(1)'' and inserting ''(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)''.

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking ''411h(b)(1)'' and inserting ''411h(b)(3)(B)''.

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

''(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

''(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

''(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

''(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

''(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

''(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

''(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

''(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(4) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(5) An allowance payable under this subsection may be paid in advance.

''(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.''.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting ''of Defense'' after ''the Secretary''.

SEC. 635. REPORT ON ADEQUACY OF WEIGHT ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the weight allowances provided for the transportation of baggage and household goods under section 406(b)(1)(C) of title 37, United States Code; and

(2) such recommended changes to the weight allowance, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the weight allowances reviewed under subsection (a) are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grade, with particular attention to mid-grade and senior noncommissioned officer ranks.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

SEC. 641. TRANSITION ASSISTANCE FOR RESERVE COMPONENT MEMBERS INJURED WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty

''(a) PROVISION OF CERTAIN INFORMATION.—Before a member of a reserve component described in subsection (b) is demobilized or separated from the armed forces, the Secretary of the military department concerned shall provide to the member the following information:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) Information on the location of the community based warrior transition unit located nearest to the permanent place of residence of the member.

''(b) COVERED MEMBERS.—Subsection (a) applies to members of a reserve component who are injured while on active duty in the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty.''.

SEC. 642. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least one year of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to

an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least one year of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

SEC. 643. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least one year of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) RETIRED PAY BASE.—

(1) MEMBERS BECOMING MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406(b)(2) of such title is amended by inserting after ''when retired pay is granted'' the following: ''(or, in the case of a person entitled to retired pay by reason of an election under section 12741(a) of this title, at rates applicable on the date the person completes the service required under such section 12741(a))''.

(2) MEMBERS BECOMING MEMBERS AFTER SEPTEMBER 7, 1980.—Section 1407(d)(4) of such title is amended by inserting after ''became entitled to retired pay'' the following: ''or, in the case of a member or former member entitled to retired pay by reason of an election under section 12741(a) of this title, before the member or former member completes the service required under such section 12741(a),''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

SEC. 644. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SEC. 645. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

''§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

''(a) LIMITATION.—(1) Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

''(2) The limitation in paragraph (1) shall not be construed to prohibit or preclude the use of Department resources, personnel, or equipment to administer or facilitate personal information services contracts with private contractors.

''(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply if the Secretary of Defense determines that—

''(1) a private sector vendor is not available to provide the personal information services at specific locations;

''(2) the interests of the user population would be best served by allowing the Government to provide such services; or

''(3) circumstances (as specified by the Secretary for purposes of this section) are such that the provision of such services by a Department entity is in the best interest of the Government or military users in general.

''(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

''2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.''.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 652. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement,

effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The stated justification for any change in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of the provision of law referred to in subsection (a).

(4) The extent to which nonappropriated funds activities on military installations on Guam are implementing the applicable Department of Defense instruction and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking ''20 percent'' and inserting ''15 percent''.

(b) REQUESTS FOR DELAY IN REPAYMENT.—Such paragraph is further amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) In all cases described in subparagraph (A), the Secretary concerned shall provide a reasonable opportunity for the member to request a delay in the imposition of the repayment requirement to recover the indebtedness. Before beginning collection efforts, the Secretary concerned shall consider the reasons provided by the member for the requested delay, including the financial ability of the member to repay the indebtedness, and the hardship that immediate collection would impose on the member and the member's dependents.''.

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

''(4)(A) If a member of the uniformed services, through no fault of the member, incurs a wound, injury, or illness while in the line of duty in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

''(i) the member is notified of the overpayment; and

''(ii) the later of the following occurs:

''(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

''(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

''(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 663. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and survivors and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcomings within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 702. Health care for members of the reserve components.

Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.

Sec. 704. Expansion of survivor eligibility under TRICARE dental program.

Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.

Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.

Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.

Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.

Sec. 709. Temporary TRICARE inpatient fee modification.

Subtitle B—Health Care Administration

Sec. 711. Comprehensive policy on pain management by the military health care system.

Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.

Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.

Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.

Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.

Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

Subtitle C—Other Matters

Sec. 721. Study and plan to improve military health care.

Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.

Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.

Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

Sec. 725. Chiropractic clinical trials.

Sec. 726. Independent study on post-traumatic stress disorder efforts.

Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.

Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is amended—

(1) by striking ''during the period beginning on'' and inserting ''on or after''; and

(2) by striking '', and ending on September 30, 2012''.

SEC. 702. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1074(d)(1)(B) of title 10, United States Code, is amended by striking ''90 days'' and inserting ''180 days''.

SEC. 703. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(B) in subparagraph (A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.'';

(4) in paragraph (4), as redesignated by paragraph (2) of this section, by striking ''paragraph (6)'' and inserting ''paragraph (7)''; and

(5) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SEC. 704. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.''.

SEC. 705. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(b)(1) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1086(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 706. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

''(i) not to have been covered by paragraph (1); and

''(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

''(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

''(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person as described in subparagraph (A); and

''(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.''.

SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B

''(a) IN GENERAL.—(1) As soon as practicable, the Secretary of Defense shall notify each individual described in subsection (b)—

''(A) that the individual is no longer eligible for health care benefits under the TRICARE program under this chapter; and

''(B) of options available for enrollment of the individual in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

''(2) In carrying out this subsection, the Secretary of Defense shall—

''(A) establish procedures for identifying individuals described in subsection (b); and

''(B) consult with the Secretary of Health and Human Services to accurately identify and notify such individuals.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is—

''(1) a covered beneficiary;

''(2) entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c) under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1); and

''(3) eligible to enroll in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110 the following new item:

''1110a. Notification of certain individuals regarding options for enrollment under Medicare part B.''.

SEC. 708. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) MENTAL HEALTH ASSESSMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment.

(2) EXCLUSION OF CERTAIN MEMBERS.—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

(c) ELEMENTS.—

(1) IN GENERAL.—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) TREATMENT OF CURRENT ASSESSMENTS.—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the Armed Forces.

(e) SHARING OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) PROTOCOLS.—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(f) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) REPORTS.—

(1) REPORT ON GUIDANCE.—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) REPORTS ON IMPLEMENTATION OF GUIDANCE.—

(A) INITIAL REPORT.—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) SUBSEQUENT REPORT.—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in achieving the purpose specified in subsection (b) for such assessments.

SEC. 709. TEMPORARY TRICARE INPATIENT FEE MODIFICATION.

Section 1086(b)(3) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

Subtitle B—Health Care Administration

SEC. 711. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than March 31, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pain management by the military health care system.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department of Defense.

(3) The consistent application of pain assessments throughout the Department of Defense.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

SEC. 712. ADMINISTRATION AND PRESCRIPTION OF PSYCHOTROPIC MEDICATIONS FOR MEMBERS OF THE ARMED FORCES BEFORE AND DURING DEPLOYMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications.

(b) POLICY REQUIRED.—Not later than October 1, 2010, the Secretary shall establish and implement a policy for the use of psychotropic medications for deployed members of the Armed Forces. The policy shall, at a minimum, address the following:

(1) The circumstances or diagnosed conditions for which such medications may be administered or prescribed.

(2) The medical personnel who may administer or prescribe such medications.

(3) The method in which the administration or prescription of such medications will be documented in the medical records of members of the Armed Forces.

(4) The exam, treatment, or other care that is required following the administration or prescription of such medications.

SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing an agreement under subsection (a), the Secretary shall—

(1) consult with—

(A) the Secretary of the military department concerned;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 714. PLAN TO INCREASE THE MENTAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) INCREASED AUTHORIZATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall increase the number of active duty mental health personnel authorized for the department under the jurisdiction of the Secretary in an amount equal to the sum of the following amounts:

(1) The greater of—

(A) the amount identified on personnel authorization documents as required but not authorized to be filled; or

(B) the amount that is 25 percent of the amount identified on personnel authorization documents as authorized.

(2) The amount required to fulfill the requirements of section 708, as determined by the Secretary concerned.

(b) REPORT AND PLAN ON THE REQUIRED NUMBER OF MENTAL HEALTH PERSONNEL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of mental health personnel required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(A) An evaluation of the recommendation titled ''Ensure an Adequate Supply of Uniformed Providers'' made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(B) The criteria and models used to determine the appropriate number of mental health personnel.

(C) The plan under paragraph (2).

(2) PLAN.—The Secretary shall develop and implement a plan to significantly increase the number of military and civilian mental health personnel of the Department of Defense by September 30, 2013. The plan may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other mental health professions.

(B) The offering of accession and retention bonuses for psychologists pursuant to section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with expertise in deployment-related mental health disorders, such as post-traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military mental health personnel from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the use of direct hiring authority to increase the number of mental health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of mental health personnel of the Department of Defense as the Secretary considers appropriate.

(c) REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR MENTAL HEALTH.—

(1) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasability and advisability of establishing one or more military mental health specialities for officers or enlisted members of the Armed Forces in order to better meet the mental health care needs of members of the Armed Forces and their families.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth the following:

(A) A recommendation as to the feasability and advisability of establishing one or more military mental health specialities for officers or enlisted members of the Armed Forces.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such speciality, which shall reflect lessons learned from best practices in academia and the civilian health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

SEC. 715. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on the risks associated with the administration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks associated with the administration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of the Federal Government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks associated with the administration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

SEC. 716. LIMITATION ON OBLIGATION OF FUNDS UNDER DEFENSE HEALTH PROGRAM INFORMATION TECHNOLOGY PROGRAMS.

(a) LIMITATION.—Of each amount described in subsection (c), not more than 50 percent of the amount remaining unobligated as of the date of the enactment of this Act may be obligated until 30 days after the Deputy Secretary of Defense, acting in the capacity of Chief Management Officer of the Department of Defense pursuant to section 132 of title 10, United States Code, submits to the congressional defense committees a report in accordance with subsection (b).

(b) REPORT.—The report required under subsection (a) shall be on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system. Such report shall include each of the following:

(1) An assessment of the capability of the enterprise architecture to achieve optimal clinical practices and health care outcomes.

(2) For each health information management and information technology program covered by the report, an identification and assessment of the risks associated with achieving the timelines and goals of the program.

(3) A plan of action to mitigate the risks identified under paragraph (2).

(4) An assessment of the appropriateness of the health information management and information technology technical architecture and whether that architecture leverages the current best practices of industry, including the ability to meet the interoperability standards required by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), as amended by section 252 of the Duncan Hunter National Defense Authorization Act for Fiscal Year for 2009 (Public Law 110–417; 122 Stat. 4400).

(5) An assessment, in coordination with the Secretary of Veterans Affairs, of—

(A) the capability of the Department of Defense of meeting the requirements for joint interoperability with the Department of Veterans Affairs, as required by such section 1635; and

(B) the progress the Secretary of Defense and the Secretary of Veterans Affairs have made on the establishment of a joint virtual lifetime electronic record for members of the Armed Forces.

(6) A plan to take corrective actions that are necessary to remedy shortfalls identified as a result of the assessments under this subsection.

(7) An assessment of the estimated resources required in future years to achieve optimal information technology support for health care clinical practice and quality and compliance with the requirements of such section 1635.

(8) An analysis of the methods by which the Office of the Assistant Secretary of Defense for Health Affairs procures health information management and information technology goods and services, and of the appropriateness of the application of legal and acquisition authorities.

(9) An analysis of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of health information management and information technology systems, including—

(A) the recommendations of the Assistant Secretary for improvements to the Office or alternative organizational structures for the Office; and

(B) alternative organizations within the Department of Defense with equal or greater management capabilities for health information management and information technology.

(10) A recommendation as to whether health information management and information technology systems of the Department of Defense should be included in and subject to the requirements of section 2222 of title 10, United States Code.

(c) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—Amounts described in this section are the following amounts authorized to be appropriated for the Department of Defense for fiscal year 2010:

(1) Of the amounts authorized to be appropriated for operation and maintenance for the

Defense Health Program (DHP IM/IT Support Program), $116,200,000.

(2) Of the amounts authorized to be appropriated for procurement for the Defense Health Program, $144,600,000.

(3) Of the amounts authorized to be appropriated for information technology development (program element 65013), $124,400,000.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the Deputy Secretary submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the results of an assessment carried out by the Comptroller General of the report and plan of action to achieve Department goals and mitigate risk in the management and execution of health information management and information technology programs.

Subtitle C—Other Matters

SEC. 721. STUDY AND PLAN TO IMPROVE MILITARY HEALTH CARE.

(a) STUDY AND REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

(b) ENHANCED MILITARY HEALTH SYSTEM AND IMPROVED TRICARE.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the other administering Secretaries, shall undertake actions to enhance the capability of the military health system and improve the TRICARE program.

(2) ELEMENTS.—In undertaking actions to enhance the capability of the military health system and improve the TRICARE program under paragraph (1), the Secretary shall consider the following actions:

(A) Actions to guarantee the availability of care within established access standards for eligible beneficiaries, based on the results of the study required by subsection (a).

(B) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note)).

(C) Actions using medical technology to speed and simplify referrals for specialty care.

(D) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(E) Actions to improve health care access for members of the reserve components and their families, including such access with respect to mental health care and consideration of access issues for members and their families located in rural areas.

(F) Actions to ensure consistency throughout the TRICARE program to comply with access standards, which are applicable to both commanders of military treatment facilities and managed care support contractors.

(G) Actions to create new budgeting and resource allocation methodologies to fully support and incentivize care provided by military treatment facilities.

(H) Actions regarding additional financing options for health care provided by civilian providers.

(I) Actions to reduce administrative costs.

(J) Actions to control the cost of health care and pharmaceuticals.

(K) Actions to audit the Defense Enrollment Eligibility Reporting System to improve system checks on the eligibility of TRICARE beneficiaries.

(L) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(M) Actions using technology to improve direct communication with beneficiaries regarding health and preventive care.

(N) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(O) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) QUALITY ASSURANCE.—In undertaking actions under this section, the Secretary of Defense and the other administering Secretaries shall continue or enhance the current level of quality health care provided by the Department of Defense and the military departments with no adverse impact to cost, access, or care.

(d) CONSULTATION.—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an initial report on the progress made in undertaking actions under this section and future plans for improvement of the military health system.

(2) REPORT REQUIRED WITH FISCAL YEAR 2012 BUDGET PROPOSAL.—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2012 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) Updates on the progress made in undertaking actions under this section.

(B) Future plans for improvement of the military health system.

(C) An explanation of how the budget submission may reflect such progress and plans.

(3) PERIODIC REPORTS.—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the improvement of the TRICARE program under this section.

(4) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the improvement of the TRICARE program.

(f) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 722. STUDY, PLAN, AND PILOT FOR THE MENTAL HEALTH CARE NEEDS OF DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) REPORT AND PLAN ON THE MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

(2) ELEMENTS.—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs intended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death of military parents.

(C) The extent of access to, adequacy, and availability of mental health care and counseling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense Education Activity schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(b) COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.—The Secretary shall develop and implement a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by subsection (a) shall provide the basis for the development of the plan.

(c) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental health care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 723. CLINICAL TRIAL ON COGNITIVE REHABILITATIVE THERAPY FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) CLINICAL TRIAL REQUIRED.—The Secretary of Defense shall provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces described in this subsection is a member or former member of the Armed Forces who—

(1) has been diagnosed with a traumatic brain injury (TBI) incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom; and

(2) is referred by a qualified physician, as determined by the Secretary, for cognitive rehabilitative therapy.

(c) FUNDING.—

(1) IN GENERAL.—The trial required by subsection (a) shall be funded as a medical research project using amounts authorized to be appropriated for Defense Health Program for research and development.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—Amounts in the Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code, may not be used to carry out the provisions of this section.

(d) REPORTS.—

(1) REPORT ON PLAN AND DESIGN FOR TRIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the conduct of the trial required by subsection (a), including a description of the proposed design of the trial.

(2) FINAL REPORT.—Not later than one year after the completion of the trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth, at a minimum, the following:

(A) An assessment of the efficacy of cognitive rehabilitative therapy in treating traumatic brain injury in members and former members of the Armed Forces described in subsection (b).

(B) Such recommendations as the Secretary considers appropriate on means to provide increased access to safe, effective, and quality cognitive rehabilitative therapy services for such members and former members, including recommendations regarding the following:

(i) Procedures for access of such members and former members to cognitive rehabilitative therapy services, including appropriate treatment plans and outcome measures.

(ii) Qualifications and supervisory requirements for licensed and certified health care professionals in the provision of such services to such members and former members.

(iii) A methodology for reimbursing providers of such services in the provision of such services to such members and former members.

(C) The recommendation of the Secretary as to the advisability of including cognitive rehabilitative therapy as a benefit under the TRICARE program.

SEC. 724. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the ''Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces'' (in this section referred to as the ''Task Force'').

(2) PURPOSE.—The purpose of the Task Force shall be to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the continuous improvement of such policies and programs.

(3) RELATION TO SENIOR OVERSIGHT COMMITTEE.—The Secretary shall ensure that the Task Force is independent of the Senior Oversight Committee (as defined in section 726(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4509)).

(b) COMPOSITION.—

(1) MEMBERS.—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) COVERED INDIVIDUALS.—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post-traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the Task Force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Government, from State and local agencies, or from the private sector.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS.—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from among the individuals appointed from outside the Department of Defense by those individuals.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the Task Force have been appointed, and each year thereafter for the life of the Task Force, the Task Force shall submit to the Secretary of Defense a report on the activities of the Task Force and the activities of the Department of Defense and the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of best practices and various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) A plan for the activities of the Task Force in the year following the year covered by the report.

(D) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) METHODOLOGY.—For purposes of the reports, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may use such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) MATTERS TO BE REVIEWED AND ASSESSED.—For purposes of the reports, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of medical and non-medical case managers (including Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case mangers, and the effectiveness of such case mangers in providing care and support to recovering wounded, ill, and injured members of the Armed Forces.

(B) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(C) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(D) The availability of services for traumatic brain injury and post traumatic stress disorder.

(E) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(F) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note).

(G) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource

Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering wounded, ill, and injured members of the Armed Forces.

(H) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(I) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(J) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(K) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(L) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(O) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) TRANSMITTAL.—Not later than 90 days after receipt of a report required by paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report and the Secretary's evaluation of the report.

(d) PLAN REQUIRED.—Not later than six months after the receipt of a report under subsection (c), the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force included in the report.

(e) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) VISITS TO MILITARY FACILITIES.—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) TERMINATION.—The Task Force shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 725. CHIROPRACTIC CLINICAL TRIALS.

(a) CLINICAL TRIALS REQUIRED.—The Secretary of Defense shall provide for the clinical trials described under subsection (b) to be conducted by the National Institutes of Health or an independent academic institution as the Secretary shall select for the purposes of conducting each trial.

(b) CLINICAL TRIALS DESCRIBED.—

(1) CONTROLLED TRIALS.—The clinical trials required by subsection (a) shall include controlled trials that, at a minimum, compare the outcomes of chiropractic treatment, used either exclusively or as an adjunct to other treatments, with conventional treatment on the following topics:

(A) Pain management.

(B) Orthopedic injuries or disorders that do not require surgery.

(C) Smoking cessation.

(2) INTERVENTIONAL TRIALS.—The clinical trials required by subsection (a) shall include interventional trials that, at a minimum, cover the following topics:

(A) The effect of chiropractic treatment on the reflexes and reaction times of special operation forces.

(B) The effect of chiropractic treatment on strength, balance, and injury prevention for members of the Armed Forces with combat specialties operating in a combat theater.

(c) SCHEDULE.—

(1) FIRST TRIAL.—The first clinical trial required by subsection (a) shall begin not later than one year after the date of the enactment of this Act.

(2) FINAL TRIAL.—The final clinical trial required by subsection (a) shall begin not later than two years after the date of the enactment of this Act.

(d) TRIAL PARTICIPANTS.—A participant of a clinical trial required by subsection (a) shall be a member of the Armed Forces on active duty.

(e) CHIROPRACTIC PROVIDERS.—Chiropractic treatment provided during a clinical trial required by subsection (a) shall be provided by a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States, subject to credentialing requirements prescribed by the Secretary.

(f) REPORTS.—

(1) TRIAL PROTOCOL REPORTS.—Not later than 30 days before each clinical trial required by subsection (a) is scheduled to begin, the Secretary shall submit to the congressional defense committees a report on the protocol of such clinical trial.

(2) FINAL REPORTS.—Not later than one year after the completion of each clinical trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such clinical trial, including any recommendations regarding chiropractic treatment for covered beneficiaries (as such term is defined in section 1072(5) of title 10, United States Code).

SEC. 726. INDEPENDENT STUDY ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide for a study on the treatment of post-traumatic stress disorder to be conducted by the Institute of Medicine of the National Academy of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) A list of each operative program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term "success" and a discussion of the process used to quantify such rates);

(B) based on the incidence of actual diagnoses, an estimate of the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region physiology and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals;

(D) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(E) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the entity conducting the study considers appropriate.

(4) The respective current and projected future annual expenditures by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretary of Defense and Secretary of Veterans Affairs consider relevant with respect to the purposes of obtaining a comprehensive scientific assessment of—

(A) the incidence of post-traumatic stress disorder among members of the Armed Forces and veterans;

(B) the availability and effectiveness of various treatment programs and methods available for post-traumatic stress disorder;

(C) the current and future projected costs of such treatment programs and methods; or

(D) additional areas of needed research.

(8) Any other matters the entity conducting the study considers relevant.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than July 1, 2012, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees a report on the study.

(2) RESPONSE.—Not later than January 1, 2013, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the report

submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such report.

(d) UPDATED REPORTS REQUIRED.—

(1) UPDATED REPORT.—Not later than July 1, 2014, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees an update of the report required by subsection (c).

(2) UPDATED RESPONSE.—Not later than January 1, 2015, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the updated report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such updated report.

(e) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 727. REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Secretary has established measures to assess the effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Secretary collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Secretary to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Secretary considers appropriate.

SEC. 728. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.

Sec. 802. Assessment of improvements in service contracting.

Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.

Sec. 804. Implementation of new acquisition process for information technology systems.

Sec. 805. Life-cycle management and product support.

Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.

Sec. 807. Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

Sec. 811. Justification and approval of sole-source contracts.

Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.

Sec. 813. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 814. Amendment to notification requirements for awards of single source task or delivery orders.

Sec. 815. Clarification of uniform suspension and debarment requirement.

Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.

Sec. 818. Small arms production industrial base matters.

Sec. 819. Contract authority for advanced component development or prototype units.

Sec. 820. Publication of notification of bundling of contracts of the Department of Defense.

Subtitle C—Contractor Matters

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.

Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.

Sec. 823. Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel.

Subtitle D—Acquisition Workforce Matters

Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.

Sec. 832. Funding of Department of Defense Acquisition Workforce Development Fund.

Sec. 833. Review of post-employment restrictions applicable to the Department of Defense.

Sec. 834. Review of Federal acquisition workforce training and hiring.

Subtitle E—Other Matters

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.

Sec. 843. Report on rare earth materials in the defense supply chain.

Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.

Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.

Sec. 846. Repeal of requirements relating to the military system essential item breakout list.

Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.

Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used—

(A) in the country that is the source of the product or service;

(B) in the course of efforts by the United States and the NATO International Security Assistance Force to ship goods to Afghanistan in support of military or stability operations in Afghanistan; or

(C) by the military forces, police, or other security personnel of Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS AND SERVICES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on or after the date occurring three years after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, the following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall direct the Defense Science Board to conduct an independent assessment of improvements in the procurement and oversight of services by the Department of Defense.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) An assessment of the contracting approaches and contract types used for the procurement of services and whether such contracting approaches and contract types best serve the interests of the Department of Defense.

(4) A determination of whether effective standards to measure performance have been developed.

(5) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(6) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(7) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(8) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(9) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(10) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 234 the following new section:

''§ 235. Procurement of contract services: specification of amounts requested in budget

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

''(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

''(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity; and

''(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

''(c) CONTRACT SERVICES DEFINED.—In this section, the term 'contract services'—

''(1) means services from contractors; but

''(2) excludes services relating to research and development and services relating to military construction.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''235. Procurement of contract services: specification of amounts requested in budget.''.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ''plan'' the following: '', including an enforcement mechanism and approval process,''.

(c) COMPTROLLER GENERAL REPORT ON INVENTORY.—Not later than 180 days after the date on which the Secretary of Defense submits to Congress the inventory required by section 2330a(c) of title 10, United States Code, in each of 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory so submitted, with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 804. IMPLEMENTATION OF NEW ACQUISITION PROCESS FOR INFORMATION TECHNOLOGY SYSTEMS.

(a) NEW ACQUISITION PROCESS REQUIRED.—The Secretary of Defense shall develop and implement a new acquisition process for information technology systems. The acquisition process developed and implemented pursuant to this subsection shall, to the extent determined appropriate by the Secretary—

(1) be based on the recommendations in chapter 6 of the March 2009 report of the Defense Science Board Task Force on Department of Defense Policies and Procedures for the Acquisition of Information Technology; and

(2) be designed to include—

(A) early and continual involvement of the user;

(B) multiple, rapidly executed increments or releases of capability;

(C) early, successive prototyping to support an evolutionary approach; and

(D) a modular, open-systems approach.

(b) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the new acquisition process developed pursuant to subsection (a). The report required by this subsection shall, at a minimum—

(1) describe the new acquisition process;

(2) provide an explanation for any decision by the Secretary to deviate from the criteria established for such process in paragraphs (1) and (2) of subsection (a);

(3) provide a schedule for the implementation of the new acquisition process;

(4) identify the categories of information technology acquisitions to which such process will apply; and

(5) include the Secretary's recommendations for any legislation that may be required to implement the new acquisition process.

SEC. 805. LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT.

(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

(b) PRODUCT SUPPORT MANAGERS.—

(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

(A) develop and implement a comprehensive product support strategy for the weapon system;

(B) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A–94;

(C) assure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

(D) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

(E) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy; and

(F) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy.

(c) GOVERNMENT PERFORMANCE OF PRODUCT SUPPORT MANAGER FUNCTION.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Product support manager.''.

(d) DEFINITIONS.—In this section:

(1) The term ''product support'' means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

(2) The term ''product support arrangement'' means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

(A) Performance-based logistics.

(B) Sustainment support.

(C) Contractor logistics support.

(D) Life-cycle product support.

(E) Weapon systems product support.

(3) The term ''product support integrator'' means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

(4) The term ''product support provider'' means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

(5) The term ''major weapon system'' has the meaning given that term in section 2302d of title 10, United States Code.

SEC. 806. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.—For purposes of this subsection, a contract entered into by a non-defense agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a procurement of property or services for the Department of Defense through a non-defense agency.''.

SEC. 807. POLICY AND REQUIREMENTS TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) POLICY.—It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

(b) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department complies with the policy established in subsection (a);

(2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment of this Act comply with such policy to the maximum extent practicable;

(3) define the term ''generally accepted standards'' with respect to fire protection, structural integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

SEC. 811. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that the head of an agency may not award a sole-source contract in a covered procurement for an amount exceeding $20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public as provided in sections 2304(f)(1)(C) and 2304(l) of title 10, United States Code, or sections 303(f)(1)(C) and 303(j) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(C) and 253(j)), as applicable.

(b) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

(c) DEFINITIONS.—In this section:

(1) COVERED PROCUREMENT.—The term ''covered procurement'' means either of the following:

(A) A procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code.

(B) A procurement described in section 303(f)(2)(D)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)(D)(ii)).

(2) HEAD OF AN AGENCY.—The term ''head of an agency''—

(A) in the case of a covered procurement as defined in paragraph (1)(A), has the meaning provided in section 2302(1) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), has the meaning provided the term ''agency head'' in section 309(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(a)).

(3) APPROPRIATE OFFICIAL.—The term ''appropriate official'' means—

(A) in the case of a covered procurement as defined in paragraph (1)(A), an official designated in section 2304(f)(1)(B) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), an official designated in section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)).

SEC. 812. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

(a) REVISION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to ensure that any limitations described in subsection (b) are applicable to all categories of undefinitized contractual actions (including undefinitized task orders and delivery orders).

(b) LIMITATIONS.—The limitations referred to in subsection (a) are any limitations on the reimbursement of costs and the payment of profits or fees with respect to costs incurred before the definitization of an undefinitized contractual action of the Department of Defense, including—

(1) such limitations as described in part 52.216-26 of the Federal Acquisition Regulation; and

(2) any such limitations implementing the requirements of section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2326 note).

SEC. 813. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or a task order or delivery order at any tier issued under such a contract'' and inserting ''a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement'';

(2) by striking in the parenthetical ''or task order or delivery order'' and inserting ''task order, delivery order, grant, or cooperative agreement'';

(3) by striking ''or task or delivery order'' after the parenthetical and inserting ''task order, delivery order, grant, or cooperative agreement''; and

(4) by striking ''14 days'' and inserting ''30 days''.

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

''(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

''(E) a cooperative agreement for the performance of services in such an area of combat operations.''.

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

''(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

''(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

''(B) in the case of a covered contract that is a grant, the grantee; and

''(C) in the case of a covered contract that is a cooperative agreement, the recipient.''.

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking ''$25,000'' and inserting ''$100,000''.

SEC. 814. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

''(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).''.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a task or delivery order contract awarded with respect to intelligence activities of the Department of Defense, any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided at the same time as notification is provided to the congressional defense committees under that subparagraph—

(1) to the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to tactical intelligence and intelligence-related activities of the Department; and

(2) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to intelligence and intelligence-related activities of the Department other than those specified in paragraph (1).

SEC. 815. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by adding at the end the following: ''Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.''.

SEC. 816. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking ''2010'' and inserting ''2012''.

SEC. 817. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2445d of title 10, United States Code, is amended by striking ''of this title'' and all that follows and inserting ''of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.''.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

SEC. 818. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF ''SMALL ARMS PRODUCTION INDUSTRIAL BASE''.—Section 2473(c) of title 10, United States Code, is amended—

(1) by striking ''In this section'' and inserting ''(1) Subject to paragraph (2), in this section''; and

(2) by adding at the end the following new paragraph:

''(2) After March 31, 2010, the Secretary of Defense may eliminate, modify, or add to the firms included in the small arms production industrial base, as defined in paragraph (1), as he determines appropriate to best ensure the competitive development, production, and maintenance of small arms for the Department of Defense.''.

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—

(1) REVIEW.—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based on current and future Department requirements and competitive manufacturing capability and capacity—

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list and whether any additional small arms should be included in the list.

(2) REPORTS.—

(A) Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection.

(B) The Secretary of Defense shall notify the congressional defense committees not later than 30 days after making any modification to the list maintained pursuant to subsection (c) of section 2473 of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract line item or contract option for—

(1) the provision of advanced component development or prototype of technology developed under the contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the contract.

(b) LIMITATIONS.—

(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 12 months.

(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in subsection (a) may not exceed the lesser of the amounts as follows:

(A) The amount that is three times the dollar value of the work previously performed under the contract.

(B) $20,000,000.

(4) TERMINATION OF AUTHORITY.—A military department or defense agency may not exercise a contract line item or contract option pursuant to the authority provided in subsection (a) after September 30, 2014.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2013. The report shall, at a minimum, describe—

(1) the number of times a contract line item or contract option was exercised under such authority, the dollar amount of each such line item or option, and the scope of each such line item or option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority affected competition and technology transition; and

(4) such recommendations as the Secretary considers appropriate, including any recommendations regarding the modification or extension of such authority.

SEC. 820. PUBLICATION OF NOTIFICATION OF BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH NOTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish a notification consistent with the requirements of paragraph (c)(2) of subpart 10.001 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) at least 30 days prior to the release of a solicitation for such acquisition and, if the agency has determined that measurably substantial benefits are expected to be derived as a result of bundling such acquisition, shall include in the notification a brief description of the benefits.

(b) COVERED ACQUISITION DEFINED.—In this section, the term ''covered acquisition'' means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—

(1) NOTIFICATION.—Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the notification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) DISCLOSURE.—Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or Executive order.

(3) ISSUANCE OF SOLICITATION.—Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) AUTHORITY FOR ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates; or''.

(b) COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(f) In this section, the term 'covered Government support contractor' means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

''(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

''(2) executes a contract with the Government agreeing to and acknowledging—

''(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

''(B) that the covered Government support contractor will enter into a non-disclosure agreement with the contractor to whom the rights to the technical data belong;

''(C) that the covered Government support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor during the program or effort for the period of time in which the Government is restricted from disclosing the technical data outside of the Government;

''(D) that a breach of that contract by the covered Government support contractor with regard to a third party's ownership or rights in such technical data may subject the covered Government support contractor—

''(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages, and other appropriate remedies by the United States; and

''(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach; and

''(E) that such technical data provided to the covered Government support contractor under the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts.''.

SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) DATE OF FINAL REPORT.—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by striking ''two years'' and inserting ''three years''.

(b) ASSISTANCE FROM FEDERAL AGENCIES.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) ASSISTANCE FROM FEDERAL AGENCIES.—

''(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission's functions in carrying out the requirements of this section.

''(2) TRAVEL AND LODGING IN COMBAT THEATERS.—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided through funds made available for that purpose through the Washington Headquarters Services or on a non-reimbursable basis, as appropriate.

''(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission's functions as the head of such department or agency considers advisable, or as may otherwise be authorized by law.''.

SEC. 823. AUTHORITY FOR SECRETARY OF DEFENSE TO REDUCE OR DENY AWARD FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) AUTHORITY TO REDUCE OR DENY AWARD FEES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 129 Stat. 2321) to ensure that all covered contracts using award fees—

(1) provide for the consideration of any incident described in subsection (b) in evaluations of contractor performance for the relevant award fee period; and

(2) authorize the Secretary to reduce or deny award fees for the relevant award fee period, or to recover all or part of award fees previously paid for such period, on the basis of the negative impact of such incident on contractor performance.

(b) COVERED INCIDENTS.—An incident referred to in subsection (a) is any incident in which the contractor—

(1) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(2) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), to be liable for actions of a subcontractor of the contractor that caused serious bodily injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) DEFINITIONS.—In this section:

(1) The term ''defense contractor'' means a company awarded a covered contract.

(2) The term ''covered contract'' means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term ''serious bodily injury'' means a grievous physical harm that results in a permanent disability.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the date occurring 180 days after the date of the enactment of this Act.

Subtitle D—Acquisition Workforce Matters

SEC. 831. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category positions'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly''.

(b) EXTENSION.—Paragraph (2) of such section is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 832. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) ADDITIONAL ELEMENT OF FUND.—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) Amounts transferred to the Fund pursuant to paragraph (3).''; and

(2) by adding at the end the following new paragraph:

''(3) TRANSFER OF CERTAIN UNOBLIGATED BALANCES.—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, research, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.''.

(b) NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.—Subparagraph (A) of paragraph (2) of such subsection is amended by striking '', other than'' and all that follows and inserting ''from amounts available for contract services for operation and maintenance.''.

(c) REMITTANCES.—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting '', from amounts available to such military department or Defense Agency, as the case may be, for contract services for operation and maintenance,'' after ''remit to the Secretary of Defense''.

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of paragraph (2) of such subsection is amended—

(A) in the first sentence, by striking ''the third fiscal year quarter'' and all that follows through ''thereafter'' and inserting ''the first quarter of each fiscal year''; and

(B) by striking ''quarter'' before ''for services''.

(2) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—Such subsection is further amended—

(A) in paragraph (2)(B), by striking ''Not later than'' and inserting ''Subject to paragraph (4), not later than''; and

(B) by adding at the end the following new paragraph:

''(4) ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.—(A) In the event amounts are transferred to the Fund during a fiscal year pursuant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount

otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B), subject to any exclusions the Secretary of Defense determines to be necessary in the best interests of the Department of Defense.

''(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.''.

(e) REMITTANCE AMOUNTS.—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund in such fiscal year of an amount as follows:

''(i) For fiscal year 2010, $100,000,000.

''(ii) For fiscal year 2011, $770,000,000.

''(iii) For fiscal year 2012, $900,000,000.

''(iv) For fiscal year 2013, $1,180,000,000.

''(v) For fiscal year 2014, $1,330,000,000.

''(vi) For fiscal year 2015, $1,470,000,000.

''(D) The Secretary of Defense may reduce an amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater than is reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not reduce the amount for a fiscal year to an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.''.

(f) CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of such section is amended by striking ''as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''serving in a position in the acquisition workforce as of January 28, 2008''.

(g) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of such section is amended by inserting ''Development'' after ''Workforce''.

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking ''beginning with fiscal year 2008''.

(h) EFFECTIVE DATES.—

(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (c) shall take effect as of October 1, 2009.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

SEC. 833. REVIEW OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restrictions and conflicts of interest in interactions with former personnel of the Department;

(5) appropriately apply to all personnel performing duties in acquisition-related activities, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 834. REVIEW OF FEDERAL ACQUISITION WORKFORCE TRAINING AND HIRING.

(a) COMPTROLLER GENERAL REPORT ON THE GOVERNMENT-WIDE ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.—Not later than 180 days after the Acquisition Workforce Development Strategic Plan required by section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553) is completed, the Comptroller General of the United States shall submit to the relevant committees of Congress a report on the Plan.

(b) MATTERS COVERED.—The report required under subsection (a) shall include assessments of the following:

(1) The methodologies used to formulate the Acquisition Workforce Development Strategic Plan and its recommendations.

(2) The extent to which the Acquisition Workforce Development Strategic Plan addresses previously identified shortcomings in the acquisition workforce and prior efforts by agencies to develop acquisition workforce plans, including the strategies used to identify and hire acquisition personnel.

(3) The feasibility of the Acquisition Workforce Development Strategic Plan's recommendations and associated time frames for implementation, particularly as they relate to the development of a sustainable funding model and the applicability of the Defense Acquisition Workforce Development Fund model to civilian agencies.

(4) The extent to which the Acquisition Workforce Development Strategic Plan considered the use by agencies of contractor personnel to supplement the acquisition workforce.

(5) Whether the Acquisition Workforce Development Strategic Plan considered the full range of laws, regulations, and policies that currently apply to the acquisition workforce.

(6) The extent to which the Acquisition Workforce Development Strategic Plan considered the specific training and retention tools (whether located within or outside an agency) used to professionally develop and retain acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(7) Such other matters, findings, and recommendations as the Comptroller General considers appropriate.

(c) RELEVANT COMMITTEES.—In this section, the term ''relevant committees'' means each of the following:

(1) The Committee on Oversight and Government Reform of the House of Representatives.

(2) The Committee on Armed Services of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate.

(4) The Committee on Armed Services of the Senate.

Subtitle E—Other Matters

SEC. 841. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking ''initial operational capability, and full operational capability'' and inserting ''full deployment decision, and full deployment''.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking ''initial operational capability'' and inserting ''a full deployment decision''.

(c) DEFINITIONS.—Section 2445a of such title is amended by adding at the end the following new subsections:

''(e) FULL DEPLOYMENT DECISION.—In this chapter, the term 'full deployment decision' means, with respect to a major automated information system program, the final decision made by the Milestone Decision Authority authorizing an increment of the program to deploy software for operational use.

''(f) FULL DEPLOYMENT.—In this chapter, the term 'full deployment' means, with respect to a major automated information system program, the fielding of an increment of the program in accordance with the terms of a full deployment decision.''.

SEC. 842. AUTHORIZATION TO TAKE ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL.

Notwithstanding any limitation in section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093), an action may be taken under such section to correct an industrial resource shortfall or domestic industrial base shortfall for high-purity beryllium metal if such action does not cause the aggregate outstanding amount of all such actions for such shortfall to exceed ''$85,000,000''.

SEC. 843. REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on rare

earth materials in the supply chain of the Department of Defense.

(b) MATTERS ADDRESSED.—The report required by subsection (a) shall address, at a minimum, the following:

(1) An analysis of the current and projected domestic and worldwide availability of rare earths for use in defense systems, including an analysis of projected availability of these materials in the export market.

(2) An analysis of actions or events outside the control of the Government of the United States that could restrict the access of the Department of Defense to rare earth materials, such as past procurements and attempted procurements of rare earth mines and mineral rights.

(3) A determination as to which defense systems are currently dependent on, or projected to become dependent on, rare earth materials, particularly neodymium iron boron magnets, whose supply could be restricted—

(A) by actions or events identified pursuant to paragraph (2); or

(B) by other actions or events outside the control of the Government of the United States.

(4) The risk to national security, if any, of the dependencies (current or projected) identified pursuant to paragraph (3).

(5) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(6) Such recommendations for further action to address the matters covered by the report as the Comptroller General considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term ''rare earth'' means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

(2) The term ''rare earth material'' includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 844. COMPTROLLER GENERAL REPORT ON STRUCTURE AND MANAGEMENT OF SUBCONTRACTORS UNDER CONTRACTS FOR MAJOR WEAPON SYSTEMS.

(a) STUDY.—The Comptroller General shall conduct a study on the structure and management of major subcontracts under contracts for the acquisition of selected major weapon systems.

(b) ISSUES TO BE ADDRESSED.—At a minimum, the study required by subsection (a) shall address the following:

(1) The number of major subcontracts under each prime contract reviewed.

(2) The manner in which the prime contractor addressed decisions to conduct work in-house or through subcontracts.

(3) The manner in which any potential organizational conflicts of interest were addressed and the Government's role (if any) in selecting the approach chosen.

(4) The manner in which such subcontracts were awarded (including the degree of competition) and the Government's role (if any) in such award decisions.

(5) Any recommendations that the Comptroller General may have for improving Government oversight, reducing the oversight burden on the acquisition workforce, or otherwise improving the management of subcontractors under contracts for the acquisition of major weapon systems.

(c) DEADLINE FOR SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study required by subsection (a), with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 845. STUDY OF THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of Department of Defense procurements that use solicitations in which evaluation factors other than cost or price, when combined, are more important than cost or price.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum, an assessment of—

(1) the frequency with which evaluation factors other than cost or price, when combined, are given more weight than cost or price in solicitations for competitive proposals;

(2) the types of contracts for products or services for which such evaluation factors are most frequently used;

(3) the reasons why the Department of Defense chooses to use such evaluation factors; and

(4) the extent to which the use of such factors is or is not in the interest of the Department of Defense.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the results of the study required by subsection (a).

SEC. 846. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 847. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) SBIR EXTENSION.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''The authorization'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the authorization''; and

(2) by adding at the end the following:

''(2) EXCEPTION FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department is authorized to carry out the Small Business Innovation Research Program of the Department of Defense until September 30, 2010''.

(b) STTR REAUTHORIZATION.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''With respect'' and inserting the following:

''(i) FEDERAL AGENCIES GENERALLY.—Except as provided in clause (ii), with respect''; and

(2) by adding at the end the following:

''(ii) DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of July 30, 2009.

SEC. 848. EXTENSION OF AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraph (6) by striking ''2009'' and inserting ''2010''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.

Sec. 902. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

Sec. 903. Sense of Congress regarding the Director of Operational Energy Plans and Programs.

Sec. 904. Increased flexibility for combatant commander initiative fund.

Sec. 905. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 906. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.

Sec. 912. Provision of space situational awareness services and information to non-United States Government entities.

Sec. 913. Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.

Sec. 922. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Implementation strategy for developing leap-ahead cyber operations capabilities.

Sec. 932. Defense integrated military human resources system development and transition.

Sec. 933. Report on special operations command organization, manning, and management.

Sec. 934. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

Sec. 935. Plan on access to national airspace for unmanned aircraft systems.

Subtitle A—Department of Defense Management

SEC. 901. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

''§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

''(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

''(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

''(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

''(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

''(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

''2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.''.

SEC. 902. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term ''senior position'' means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(2) SENIOR PERSONNEL.—The term ''senior personnel'' means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

SEC. 903. SENSE OF CONGRESS REGARDING THE DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The demand for operational energy within the Department of Defense imposes significant logistical burdens and operational vulnerabilities on the warfighter and increases force protection requirements.

(2) In March 2008, the Comptroller General of the United States found that responsibilities for operational energy strategy, management, and oversight within the Department are diffused throughout various offices and working groups, including the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Under Secretary of Defense for Policy; the Office of the Under Secretary of Defense (Comptroller); the Office of Program Analysis and Evaluation; the Office of the Chairman of the Joint Chiefs of Staff; the commanders of the combatant commands; and the offices of the Secretaries of the military departments.

(3) The Defense Science Board's 2008 report titled ''More Fight—Less Fuel'' stated that ''There are currently few efforts to manage energy demand by operational forces, which consume about three quarters of DoD energy, perhaps because no one is in charge. The lowest organizational level where all decisions that drive DoD energy use come together is the Deputy Secretary of Defense, implying the need for a senior energy official, and oversight of the Department's energy strategy and program by the Deputy's Advisory Working Group (DAWG).''.

(4) Congress established the Director of Operational Energy Plans and Programs in section 139b of title 10, United States Code, to provide leadership, conduct oversight, and be accountable for operational energy plans and programs in the Department of Defense and the Army, Navy, Air Force, and Marine Corps.

(5) Congress envisioned that the Director would have a direct line of communication with the Secretary of Defense and the Deputy Secretary of Defense, including participation in the Deputy's Advisory Working Group.

(6) The Department of Defense issued a statement that it ''intends to establish this position as administratively reporting to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), and this official would report directly to the Secretary of Defense on issues related to Operational Energy''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Director of Operational Energy Plans and Programs should report directly to the Secretary of Defense on issues related to operational energy and be included as a fully participating member of the Advisory Working Group of the Deputy Secretary of Defense.

SEC. 904. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$15,000'' and inserting ''the investment unit cost threshold in effect under section 2245a of this title''.

(b) COORDINATION WITH RELEVANT CHIEF OF MISSION.—Paragraph (6) of section 166a(b) of such title is amended by inserting after ''assistance,'' the following: ''in coordination with the relevant chief of mission to the extent practicable,''.

SEC. 905. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term ''covered action'' means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 906. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

''§ 137a. Deputy Under Secretaries of Defense

''(a)(1) There are five Deputy Under Secretaries of Defense.

''(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

''(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

''(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

''(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

''(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

''(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

''(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

''(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.''.

(2) DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Effective as of January 1, 2011, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as added by paragraph (1)), shall be the only Deputy Under Secretaries of Defense.

(3) REPORT ON REVISED ORGANIZATIONAL STRUCTURE FOR OSD.—Not later than March 15, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement in paragraph (2).

(b) ASSISTANT SECRETARIES OF DEFENSE.—

(1) REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking ''Deputy Under Secretary'' each place it appears and inserting ''Assistant Secretary''.

(2) ADDITIONAL ASSISTANT SECRETARIES.—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) There are 12 Assistant Secretaries of Defense.

''(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

''(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.''; and

(B) in subsection (b), by adding the following new paragraphs:

''(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

''(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking ''Deputy Under Secretary of Defense for Acquisition and Technology'' each place it appears and inserting ''Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(ii) by striking ''duties relating to acquisition and technology'' and inserting ''duties''.

(B) Section 134a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(C) Section 136a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

''§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(B) The heading of section 134a of such title is amended to read as follows:

''§ 134a. Principal Deputy Under Secretary of Defense for Policy''.

(C) The heading of section 136a of such title is amended to read as follows:

''§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness''.

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

''§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness''.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

''133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.'';

(B) by striking the item relating to section 134a and inserting the following new item:

''134a. Principal Deputy Under Secretary of Defense for Policy.'';

(C) by striking the item relating to section 136a and inserting the following new item:

''136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.'';

(D) by inserting after the item relating to section 137 the following new item:

''137a. Deputy Under Secretaries of Defense.''; and

(E) by inserting after the item relating to section 138 the following new item:

''138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.''.

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

''Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item:

''Assistant Secretaries of Defense (12).''; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

''Principal Deputy Under Secretary of Defense for Policy.

''Principal Deputy Under Secretary of Defense for Personnel and Readiness.

''Principal Deputy Under Secretary of Defense (Comptroller).

''Principal Deputy Under Secretary of Defense for Intelligence.''.

(e) INAPPLICABILITY OF APPOINTMENT REQUIREMENTS TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Notwithstanding the amendments made by this section, the individual serving in a position specified in paragraph (2) on the day before the date of the enactment of this Act may continue to serve in such position without the requirement for appointment by the President, by and with the advice and consent of the Senate, for a period of up to four years after the date of the enactment of this Act.

(2) COVERED POSITIONS.—The positions specified in this paragraph are the following:

(A) The Principal Deputy Under Secretary of Defense (Comptroller).

(B) The Principal Deputy Under Secretary of Defense for Intelligence.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (1) of section 2272(a) of title 10, United States Code, is amended by striking ''The Secretary of Defense shall develop'' and inserting ''The Secretary of Defense and the Director of National Intelligence shall jointly develop''.

(2) REQUIREMENTS.—Paragraph (2) of such section is amended by adding at the end the following new subparagraph:

''(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.''.

(3) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

''(5) The Secretary of Defense and the Director of National Intelligence shall biennially submit the strategy developed under paragraph (1) to the congressional defense committees every other year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.''.

(4) INITIAL REPORT.—The first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by paragraph (3) of this subsection, shall be submitted on the date on which the President submits to Congress the budget for fiscal year 2012 under section 1105 of title 31, United States Code.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense and the Director of National Intelligence submit the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 2274 of title 10, United States Code, is amended to read as follows:

''§ 2274. Space situational awareness services and information: provision to non-United States Government entities

''(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

''(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

''(1) A State.

''(2) A political subdivision of a State.

''(3) A United States commercial entity.

''(4) The government of a foreign country.

''(5) A foreign commercial entity.

''(c) AGREEMENT.—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

''(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

''(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

''(3) agrees to any other terms and conditions considered necessary by the Secretary.

''(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

''(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

''(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

''(A) The appropriation, fund, or account used in incurring the obligation.

''(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

''(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

''(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

''(g) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

''(h) NOTICE OF CONCERNS OF DISCLOSURE OF INFORMATION.—If the Secretary determines that a commercial or foreign entity has declined or is reluctant to provide data or information to the Secretary in accordance with this section due to the concerns of such entity about the potential disclosure of such data or information, the Secretary shall, not later than 60 days after the Secretary makes that determination, provide notice to the congressional defense committees of the declination or reluctance of such entity.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

''2274. Space situational awareness services and information: provision to non-United States Government entities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 913. MANAGEMENT AND FUNDING STRATEGY AND IMPLEMENTATION PLAN FOR THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) MANAGEMENT AND FUNDING STRATEGY.—

(1) IN GENERAL.—The President shall develop a strategy for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the ''Program'') by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following:

(A) Requirements for the Program.

(B) The management structure of the Program.

(C) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(b) IMPLEMENTATION PLAN.—The President shall develop a plan to implement the strategy required under subsection (a)(1).

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program—

(1) not more than 50 percent of such amounts may be obligated or expended before the date on which the strategy developed under subsection (a)(1) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives; and

(2) not more than 75 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (c) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.

(d) SENSE OF CONGRESS.—It is the sense of Congress that once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration, the Program should be executed with no modifications to those requirements that would increase the cost, or extend the schedule, of the Program.

Subtitle C—Intelligence-Related Matters

SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.

(a) IN GENERAL.—Section 423 of title 10, United States Code, is amended by inserting ''or the Defense Intelligence Agency'' after ''the military departments'' each place it appears in subsections (a) and (c).

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

''423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency.''.

SEC. 922. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence analytic gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. IMPLEMENTATION STRATEGY FOR DEVELOPING LEAP-AHEAD CYBER OPERATIONS CAPABILITIES.

(a) STRATEGY REPORT REQUIRED.—Not later than March 1, 2010, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on a strategy for organizing the research and development bodies of the Department of Defense to develop leap-ahead cyber operations capabilities.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) A description of the management structure and investment review process for coordinating the technology development of advanced offensive and defensive cyber operations capabilities—

(A) among the military departments, the Defense Agencies, the combatant commands, and the intelligence community;

(B) across all levels of classification, including relevant special access programs; and

(C) based on the identification and prioritization of joint cyber operations capabilities gaps.

(2) Actions taken and recommendations for further improving the coordination of research and development of offensive and defensive cyber operations capabilities among private sector, interagency, non-governmental, and international partners.

(3) Assessment of the feasibility and utility of regular national level, joint, interagency cyber exercises that would include, to the extent possible, participants from industry, international militaries, and non-governmental organizations to assess technologies, policies, and capabilities.

(c) COORDINATION.—The report required by subsection (a) shall be developed in coordination and concurrence with the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Networks and Information Integration, the Director of the National Security Agency, and the commander of the United States Cyber Command.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) CYBER OPERATIONS CAPABILITIES DEFINED.—The term ''cyber operations capabilities'' means the range of capabilities needed for computer network defense, computer network attack, and computer network exploitations. Such term includes technical as well as non-materiel solutions.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM DEVELOPMENT AND TRANSITION.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

(b) COUNCIL.—The Council shall include the following members:

(1) The Deputy Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

(8) The Director of Operational Test and Evaluation, or a designated representative.

(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary's capacity as the Chief Management Officer.

(c) MEETINGS.—The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to—

(A) common interfaces, architectures, and systems engineering;

(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

(3) Establishment of metrics to assess the following:

(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

(C) Interface and systems architecture control and standardization.

(D) Retirement of legacy systems.

(E) Use of the enterprise information warehouse.

(F) Any other relevant matters.

(4) Such other responsibilities as the Secretary determines are appropriate.

(e) TERMINATION.—This section shall not be in effect after September 30, 2013.

(f) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section.

SEC. 933. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall prepare and submit to the Secretary of Defense a report and recommendations, in accordance with this section, on the organization, manning, and management of the command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that the United States Special Operations Command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army Special Operations Command.

(6) A plan to sustain the cultural engagement group of Special Operations Command Central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between the United States Special Operations Command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to the United States Special Operations Command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for the United States Special Operations Command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Interagency Task Force process.

(c) SUBMISSION OF REPORT AND RECOMMENDATIONS TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after the date of the submission of the report and recommendations required under subsection (a) by the Commander of the United States Special Operations Command, the Secretary of Defense shall forward the report and recommendations to the congressional defense committees, together with such additional comments as the Secretary considers appropriate.

SEC. 934. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions and the availability of personnel with expertise in matters related to cyber operations from outside of the Department of Defense.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense, including the sufficiency of training and experience levels required, and measures to improve them if necessary.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(8) Efforts to establish public-private partnerships to meet the needs of the Department with respect to cyber operations personnel and training.

(9) Recommendations for legislative changes necessary to increase the availability of cyber operations personnel.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term "cyber operations personnel" refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 935. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(2) Specific milestones, taking into account the operational and training needs of the Department of Defense and the safety and air traffic management needs of the Department of Transportation, for providing expanded access to the national airspace for unmanned aircraft systems and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft systems assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit a report containing the plan required by subsection (a) to the following committees:

(1) The congressional defense committees.

(2) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Relationship of the quadrennial defense review and the annual budget request.

Sec. 1003. Audit readiness of financial statements of the Department of Defense.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counter-terrorism campaign in Colombia.
Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Reporting requirement on expenditures to support foreign counter-drug activities.
Sec. 1014. Support for counter-drug activities of certain foreign governments.
Sec. 1015. Border coordination centers in Afghanistan and Pakistan.
Sec. 1016. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Sense of Congress on the maintenance of a 313-ship Navy.
Sec. 1022. Designation of U.S.S. Constitution as America's Ship of State.
Sec. 1023. Temporary reduction in minimum number of operational aircraft carriers.
Sec. 1024. Sense of Congress concerning the disposition of Submarine NR–1.

Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

Sec. 1031. Prohibition relating to propaganda.
Sec. 1032. Responsibility for preparation of biennial global positioning system report.
Sec. 1033. Reports on bandwidth requirements for major defense acquisition programs and major system acquisition programs.
Sec. 1034. Additional duties for advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
Sec. 1035. Charter for the National Reconnaissance Office.
Sec. 1036. National strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States.
Sec. 1037. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1038. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1039. Notification and access of International Committee of the Red Cross with respect to detainees at Theater Internment Facility at Bagram Air Base, Afghanistan.
Sec. 1040. No Miranda Warnings for Al Qaeda Terrorists.
Sec. 1041. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1042. Additional subpoena authority for the Inspector General of the Department of Defense.
Sec. 1043. Limitations on modifications of certain Government furnished equipment; one-time authority to transfer certain military prototype.

Subtitle E—Studies and Reports

Sec. 1051. Report on statutory compliance of the report on the 2009 quadrennial defense review.
Sec. 1052. Report on the force structure findings of the 2009 quadrennial defense review.
Sec. 1053. Annual report on the electronic warfare strategy of the Department of Defense.
Sec. 1054. Study on a system for career development and management of interagency national security professionals.
Sec. 1055. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.
Sec. 1056. Comptroller General review of Department of Defense spending in final fiscal quarters.
Sec. 1057. Report on Air America.
Sec. 1058. Report on defense travel simplification.
Sec. 1059. Report on modeling and simulation technological and industrial base.
Sec. 1060. Report on enabling capabilities for special operations forces.
Sec. 1061. Additional members and duties for the independent panel to assess the quadrennial defense review.
Sec. 1062. Congressional earmarks relating to the Department of Defense.
Sec. 1063. Report on basing plans for certain United States geographic combatant commands.

Subtitle F—Other Matters

Sec. 1071. Extension of certain authority for making rewards for combating terrorism.
Sec. 1072. Business process reengineering.
Sec. 1073. Technical and clerical amendments.
Sec. 1074. Extension of sunset for congressional commission on the strategic posture of the United States.
Sec. 1075. Combat air forces restructuring.
Sec. 1076. Sense of Congress regarding carrier air wing force structure.
Sec. 1077. Department of Veterans Affairs use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities.
Sec. 1078. Plan for sustainment of land-based solid rocket motor industrial base.
Sec. 1079. Justice for victims of torture and terrorism.
Sec. 1080. Requirement for videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
Sec. 1081. Modification of pilot program on commercial fee-for-service air refueling support for the air force.
Sec. 1082. Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1083. Disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation.
Sec. 1084. Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. RELATIONSHIP OF THE QUADRENNIAL DEFENSE REVIEW AND THE ANNUAL BUDGET REQUEST.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.''.

SEC. 1003. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the ''Financial Improvement and Audit Readiness Plan''.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken and the costs associated with—

(i) correcting the financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) ensuring the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017;

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code;

(C) prioritize—

(i) improving the budgetary information of the Department of Defense, in order to achieve an unqualified audit opinion on the Department's statements of budgetary resources; and

(ii) as a secondary goal, improving the accuracy and reliability of management information on the Department's mission-critical assets (military and general equipment, real property, inventory, and operating materials and supplies) and validating its accuracy through existence and completeness audits; and

(D) include interim goals, including—

(i) the objective of ensuring that the financial statement of each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency is validated as ready for audit: and

(ii) a schedule setting forth milestones for elements of the military departments and financial statements of the military departments to be made ready for audit as part of the progress required to meet the objectives established pursuant to clause (i) of this subparagraph and clause (ii) of subparagraph (A) of this paragraph.

(b) SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the

status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a)(2)(A), including progress toward achieving the interim goals and milestone schedule established pursuant to subsection (a)(2)(D); and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.—The first report submitted under paragraph (1) after the date of the enactment of this Act shall address, in addition to the elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of the requirements of the Financial Improvement and Audit Readiness Plan.

(G) To develop a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

(c) RELATIONSHIP TO EXISTING LAW.—The requirements of this section shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222 note).

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c), by striking ''2009'' and inserting ''2010''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''2009'' and inserting ''2010''.

(b) ANNUAL REPORT.—Subsection (c) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended to read as follows:

''(c) ANNUAL REPORT.—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to Congress a report setting forth, for the one-year period ending on the date of such report, the following:

''(1) An assessment of the effect on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

''(2) A description of the type of support and any recipient of support provided under subsection (a).

''(3) A list of current joint task forces conducting counter-drug operations.''.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''April 15, 2006'' and all that follows through ''February 15, 2009'' and inserting ''February 15, 2010''.

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking ''fiscal year 2009'' and inserting ''either of fiscal years 2009 and 2010''.

(c) CONDITIONS ON PROVISION OF SUPPORT.—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking ''for fiscal year 2009 to carry out this section and the first fiscal year in which the support is to be provided'' and inserting ''and available for support''.

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2009'' and inserting ''for each fiscal year''; and

(2) in paragraph (7), by striking ''fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided'' and inserting ''each fiscal year in which support is to be provided to a government''.

SEC. 1015. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(A) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(B) Baluchistan in the Islamic Republic of Pakistan.

(2) NATIONAL SECURITY WAIVER.—The Secretary may waive the limitation under paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver under this paragraph.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term ''border coordination center'' means a multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1016. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. SENSE OF CONGRESS ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multi-year contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Navy should meet its requirement for a 313-ship fleet until such time that modifications to the Navy's ship fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

SEC. 1022. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Act entitled ''An Act to Provide a Naval Armament'', approved on March 27, 1794 (1 Stat. 350, Chap. XII), the 3rd Congress authorized the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston, Massachusetts, between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate ''Constitution'' to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the captain's cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of the H.M.S. Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname ''Old Ironsides'', which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, ''Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.''.

(9) Rumors in 1830 that ''Old Ironsides'', an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem ''Old Ironsides''.

(10) ''Old Ironsides'' circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) On April 25, 1860, ''Old Ironsides'' evacuated the midshipmen of the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, preventing the young officers and the esteemed ship from falling into Confederate hands.

(13) In 1896, Congressman John F. ''Honey Fitz'' Fitzgerald introduced legislation to return ''Old Ironsides'' from the Portsmouth Naval Shipyard in New Hampshire, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 an 1927 to help fund a much needed restoration for ''Old Ironsides''.

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard ''Old Ironsides'' as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip the U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to the U.S.S. Constitution in 1976, at the start of her state visit marking the bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997, for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a national historic landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution's primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as ''America's Ship of State''.

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as ''America's Ship of State''.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should use the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

SEC. 1023. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN–65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN–78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN–65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1024. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR–1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR–1 (hereinafter in this section referred to as ''NR–1'') was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR–1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut, throughout her entire service life.

(3) NR–1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR–1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR–1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR–1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) NR–1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Library and Museum in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are

made available for transfer to the Submarine Force Library and Museum.

Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1031. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

"§2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

''Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

''2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.''.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1032. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary of Defense'' and inserting ''the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing,''; and

(B) by striking ''the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives'' and inserting ''the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.''.

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting ''validated'' before ''performance requirements''; and

(2) by inserting ''in accordance with Office of Management and Budget Circular A–109'' after ''Plan''.

SEC. 1033. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended to read as follows:

''(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

''(A) the bandwidth requirements needed to support such program are or will be met; and

''(B) a determination will be made with respect to how to meet the bandwidth requirements for such program.

''(2) REPORTS.—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year.''.

SEC. 1034. ADDITIONAL DUTIES FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) ADDITIONAL DUTIES.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraphs:

''(7) assess the adequacy of the process and methodology by which the Department of Defense establishes and maintains dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

''(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);''.

(b) TECHNICAL AMENDMENTS.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is further amended—

(1) in paragraph (1), by striking ''in support to'' and inserting ''to provide support to'';

(2) in paragraph (2), by striking ''purposes'' and inserting ''purpose''; and

(3) in paragraph (4), by striking ''other department'' and inserting ''other departments''.

SEC. 1035. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than February 1, 2010, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a revised charter for the National Reconnaissance Office (in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The role of the NRO in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

SEC. 1036. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

(a) IN GENERAL.—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

(b) ELEMENTS.—The plan required under subsection (a) shall include the following:

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—

(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.

(2) The Secretary of Defense.

(3) The Secretary of Energy.

(4) The Attorney General.

(5) The Secretary of State.

(6) The Director of National Intelligence.

(7) Such other officials as the President considers appropriate.

(d) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a).

SEC. 1037. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1038. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) PROHIBITION.—Except as provided in subsection (b), effective one year after the date of the enactment of this Act, no enemy prisoner of war, civilian internee, retained personnel, other detainee, or any other individual who is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility in connection with hostilities may be interrogated by contractor personnel.

(b) AUTHORIZED FUNCTIONS OF CONTRACTOR PERSONNEL.—Contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of and advisors to interrogators, in interrogations of persons as described in subsection (a) if—

(1) such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations as apply to government personnel in such positions in such interrogations; and

(2) appropriately qualified and trained military or civilian personnel of the Department of

Defense are available to oversee the contractor's performance and to ensure that contractor personnel do not perform activities that are prohibited under this section.

(c) DISCHARGE BY GOVERNMENT PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described in subsection (a) are conducted by appropriately qualified government personnel.

(d) WAIVER.—

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may waive the prohibition under subsection (a) for a period of 60 days if the Secretary determines such a waiver is vital to the national security interests of the United States. The Secretary may renew a waiver issued pursuant to this paragraph for an additional 30-day period, if the Secretary determines that such a renewal is vital to the national security interests of the United States.

(2) LIMITATION ON DELEGATION.—

(A) IN GENERAL.—The waiver authority under paragraph (1) may not be delegated to any official below the level of the Deputy Secretary of Defense, except in the case of a waiver for an individual interrogation that is based on military exigencies, in which case the delegation of the waiver authority shall be done pursuant to regulations that the Secretary of Defense shall prescribe but in no instance may the latter delegation be below the level of combatant commander of the theater in which the individual is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility within that theater.

(B) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in subparagraph (A) by not later than 30 days after the date of the enactment of this Act.

(3) CONGRESSIONAL NOTIFICATION.—Not later than five days after the Secretary issues a waiver pursuant to paragraph (1), the Secretary shall submit to Congress written notification of the waiver.

SEC. 1039. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at such facility, notify the International Committee of the Red Cross (referred to in this section as the ''ICRC'') of such custody or effective control, as soon as practicable.

(b) ACCESS.—

(1) ICRC ACCESS.—The head of a military service or department with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, shall—

(A) endeavor to ensure prompt ICRC access to any individual described in subsection (a) upon receipt by such head of an ICRC request to visit the detainee, pursuant to subsection (a); or

(B) if access to a such individual is temporarily denied as an exceptional measure, due to reasons of imperative military necessity, as soon thereafter as practicable, consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316), but normally no later than the next regularly scheduled ICRC visit.

(2) PROTOCOLS AND AGREEMENTS.—Such access to the individual shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to those physical localities within the Theater Internment Facility at Bagram Air Base, Afghanistan, that are determined to be relevant to the treatment of an individual described in subsection (a), including the individual's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, and recreation areas. The scope of access described in this subsection shall not be construed to apply to facilities other than the Theater Internment Facility at Bagram Air Base, Afghanistan.

(d) EXCEPTION CONSISTENT WITH THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—Consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, access by the ICRC to a detainee as provided for in subsections (b) and (c) may be temporarily denied, as an exceptional measure, for reasons of imperative military necessity.

(e) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of the United States Armed Forces, the Department of Defense, a Federal law enforcement agency, or the intelligence community to detain an individual under existing law, as of the date of the enactment of this Act; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the ICRC is required or allowed.

SEC. 1040. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) NO MIRANDA WARNINGS.—

(1) IN GENERAL.—Absent a court order requiring the reading of such statements, no member of the Armed Forces and no official or employee of the Department of Defense or a component of the intelligence community (other than the Department of Justice) may read to a foreign national who is captured or detained outside the United States as an enemy belligerent and is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility the statement required by Miranda v. Arizona (384 U.S. 436 (1966)), or otherwise inform such an individual of any rights that the individual may or may not have to counsel or to remain silent consistent with Miranda v. Arizona (384 U.S. 436 (1966)).

(2) NONAPPLICABILITY TO DEPARTMENT OF JUSTICE.—This subsection shall not apply to the Department of Justice.

(3) DEFINITIONS.—In this subsection:

(A) The term ''foreign national'' means an individual who is not a citizen or national of the United States.

(B) The term ''enemy belligerent'' includes a privileged belligerent against the United States and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1802 of this Act.

(b) REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the tactical questioning of detainees at the point of capture by United States Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture theater-level interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1041. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) RELEASE PROHIBITION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to release into the United States, its territories, or possessions, any individual described in subsection (e).

(b) TRANSFER LIMITATION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (e) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (c).

(c) COMPREHENSIVE PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (e) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum—

(1) an assessment of the risk that the individual described in subsection (e) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (d); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(d) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (c)(2) includes transfer to that State, District of Columbia, or territory or possession.

(e) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1042. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of functions assigned to the Inspector General by this Act, except that the Inspector General shall use procedures other than subpoenas to obtain attendance and testimony from Federal employees.

''(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(3) The Inspector General shall notify the Attorney General 7 days before issuing any subpoena under this section.''.

SEC. 1043. LIMITATIONS ON MODIFICATIONS OF CERTAIN GOVERNMENT FURNISHED EQUIPMENT; ONE-TIME AUTHORITY TO TRANSFER CERTAIN MILITARY PROTOTYPE.

(a) LIMITATION.—An article of military equipment that is an end item of a major weapon system may not be furnished or transferred to a private entity for the conduct of research, development, test and evaluation under contractual agreement with the Department of Defense, if such research, development, test, and evaluation necessitates significantly modifying the military equipment, until the senior acquisition official of a military department, or his designee, submits to the congressional defense committees certification in writing—

(1) that the modification of such article of military equipment is necessary to execute the contractual scope of work and there is no suitable alternative to modifying such article;

(2) that the research, development, test, and evaluation effort is of sufficient interest to the military department to warrant the modification of such article of military equipment;

(3) that—

(A) prior to the end of the period of performance of such a contractual agreement, the article of military equipment will be restored to its original condition; or

(B) it is not necessary to restore the article of military equipment to its original condition because the military department intends to dispose of the equipment or operate the equipment in its modified form.

(4) that the private entity has sufficient resources and capability to fully perform the contractual research, development, test, and evaluation; and

(5) that the military department has—

(A) identified the scope of future test and evaluation likely to be required prior to transition of the associated technology to a program of record; and

(B) a plan for the conduct of such future test and evaluation, including the anticipated roles and responsibilities of government and the private entity, as applicable.

(b) CERTIFICATION.—No military equipment that is an end item of a major weapons system may be transferred or furnished to a private entity for purposes of research and development as authorized under subsection (a) unless the senior officer of the military service concerned certifies to the congressional defense committees that such equipment is not essential to the defense of the United States.

(c) ONE-TIME AUTHORITY TO TRANSFER.—The Secretary of the Navy may transfer, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X–49A aircraft, and associated components and test equipment, previously specified as Government-furnished equipment in contract N00019–00–C–0284. The transferee shall provide consideration for the transfer of such military equipment to the transferor of an amount not to exceed fair value, as determined, on a non-delegable basis, by the Secretary.

(d) APPLICABLE LAW.—The transfer or use of military equipment is subject to all applicable Federal and State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et 13 seq.), and the Espionage Act.

(e) CONDITION OF EQUIPMENT TO BE TRANSFERRED.—

(1) AS-IS CONDITION.—The military equipment transferred under subsection (c) shall be transferred in its current ''as-is'' condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (c).

(2) SPARE PARTS OR EQUIPMENT.—The Secretary of the Navy is not required to provide spare parts or equipment as a result of the transfer authorized under subsection (c).

(f) TRANSFER AT NO COST TO THE UNITED STATES.—The transfer of military equipment under subsection (c) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary shall require that the transfer authorized by section (c) be carried out by means of a written agreement and shall require, at a minimum, the following conditions to the transfer:

(1) A condition stipulating that the transfer of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (hereinafter in this section referred to as ''VTDP'') technology.

(2) A condition providing the Government the right to procure the VTDP technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(3) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (b) to any other party without the prior written approval of the Secretary.

(4) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraphs (1) through (3), all items referred to in subsection (b) shall be transferred back to the Navy, at no cost to the United States.

(5) A condition that the transferee acknowledges sole responsibility of the X-49A aircraft and associated equipment and assumes all liability for operation of the X-49A aircraft and associated equipment.

(h) NO LIABILITY FOR THE UNITED STATES.—Upon the transfer of military equipment under subsection (b), the United States shall not be liable for any death, injury, loss, or damage that results from the use of such military equipment by any person other than the United States.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(j) DEFINITIONS.—In this subsection:

(1) The term ''major system'' has the meaning provided in section 2302 of title 10, United States Code.

(2) The term ''contractual agreement'' includes contracts, grants, cooperative agreements, and other transactions.

Subtitle E—Studies and Reports

SEC. 1051. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review addresses each of the items required by subsection (d) of section 118 of title 10, United States Code.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review fails to directly address items required by subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report directly addressing those items not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1052. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1053. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for each of fiscal years 2011 through 2015, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the electronic warfare strategy of the Department of Defense;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for the program or project and, if such requirements do exist, the date on which the requirements were validated and the organizational authority that validated such requirements;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, including the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program baseline for the program or project, as of the date of the submission of the report, and the original program baseline for such program or project, if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) the capability gap that the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) of paragraph (3) for each classified program or project on the list required by paragraph (2).

SEC. 1054. STUDY ON A SYSTEM FOR CAREER DEVELOPMENT AND MANAGEMENT OF INTERAGENCY NATIONAL SECURITY PROFESSIONALS.

(a) STUDY REQUIRED.—

(1) DESIGNATION OF EXECUTIVE AGENCY.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study of the matters described in subsection (b) by an appropriate independent, nonprofit organization. The designated Executive agency shall select the organization and commission the study not later than 90 days after the date of the enactment of this Act.

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the designated Executive agency may determine.

(b) MATTERS TO BE EXAMINED.—The study required by subsection (a) shall examine matters pertaining to a system for the development and management of interagency national security professionals including, at a minimum, the following:

(1) PROFESSIONAL DEVELOPMENT.—The skills, education, training, and professional experiences desired in interagency national security professionals at various career stages, as well as the feasibility, benefits, and costs of developing a pool of personnel necessary to enable interagency national security professionals to undertake such professional development opportunities.

(2) COORDINATION.—Procedures for ensuring appropriate consistency and coordination among participating Executive agencies, such as methods for identifying positions and personnel that should be included in the system, and coordination of treatment in personnel and human resource systems, including performance review and promotion policies.

(3) FUNDING.—Potential mechanisms for funding an interagency national security professional development program.

(4) MILITARY AND STATE AND LOCAL GOVERNMENT PERSONNEL.—The feasibility of integrating, coordinating, or supplementing the systems and requirements regarding experience and education for military officers with an interagency national security professional system, as well as potential means of, and benefits and drawbacks of, including State and local government organizations and personnel in the system.

(5) INCENTIVES TO PARTICIPATE.—Incentives and requirements that could be implemented to encourage personnel and organizations to fully participate in the system across various career levels.

(6) CURRENT EFFORTS.—The effectiveness of, and lessons learned from, major current efforts at developing interagency national security professionals.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress not later than December 1, 2010.

(d) DEFINITIONS.—In this section:

(1) The term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code.

(2) The term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(3) The term ''interagency national security professional'' means an employee of an Executive agency who plans, coordinates, or participates in activities relating to the national security of the United States that require significant interaction and engagement with other Executive agencies.

SEC. 1055. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

(a) IN GENERAL.—The Director of National Intelligence shall biennially submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report—

(1) on the nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'') and countries that are not parties to the Treaty;

(2) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

(B) ballistic or cruise missile systems.

(b) ELEMENTS.—The report required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) An assessment of the intentions of such country or non-state entity to leverage civilian nuclear capabilities for a nuclear weapons program.

(11) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated, or there are plans for such warheads to be mated, to any such delivery system.

(12) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(13) An assessment of whether such country is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country.

(14) An assessment of the industrial capability and capacity of such country or non-state entity to produce nuclear weapons.

(15) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) REFERENCES TO OTHER REPORTS.—Each report submitted under subsection (a) shall include a copy of any other report that is incorporated by reference into the report submitted under subsection (a).

(d) UNCLASSIFIED SUMMARY.—Each report submitted under subsection (a) shall include an unclassified summary of such report.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the first report required under subsection (a) by not later than September 1, 2010.

(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the first report required under subsection (a) by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that such report will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit such report.

(f) CONFORMING AMENDMENT.—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(g) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' means any of the following:

(A) A natural person who is not a citizen of the United States.

(B) A corporation, business association, partnership, society, trust, or other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) COUNTRY OF PROLIFERATION CONCERN.—The term ''country of proliferation concern'' means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

(A) in the most recent report under section 721 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2366); or

(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

SEC. 1056. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE SPENDING IN FINAL FISCAL QUARTERS.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General

shall conduct a review of obligations incurred by the Department of Defense in the final quarter each covered fiscal year, as compared to the obligations so incurred in the first three quarters of that fiscal year, to determine if policies with respect to financial execution by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars. Such review shall include both one-year and multi-year appropriations for each covered fiscal year.

(b) COVERED FISCAL YEARS.—For purposes of this section, a covered fiscal year is fiscal year 2006, 2007, 2008, or 2009.

(c) REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of a fiscal year.

SEC. 1057. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1058. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a comprehensive plan to simplify Department of Defense travel procedures.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel procedures that are most confusing, inefficient, and in need of revision.

(2) A critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) A discussion of any actions to incorporate permanent duty travel that are being undertaken by the Secretary of Defense as of the date of the enactment of this Act.

(4) A plan to gather data on the number of manual temporary duty vouchers processed by the Department of Defense.

(5) Options to leverage industry capabilities and technologies that could enhance management responsiveness to changing markets.

(6) A discussion of pilot programs that the Secretary of Defense could carry out to demonstrate the merit of improvements identified pursuant to preparing the report required by this section, including a discussion of—

(A) recommendations for legislative authority; and

(B) how the systems developed for purposes of such a pilot program would interact with the automated Defense Travel System in effect as of the date of the enactment of this Act.

(7) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SEC. 1059. REPORT ON MODELING AND SIMULATION TECHNOLOGICAL AND INDUSTRIAL BASE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, the Commander of the United States Joint Forces Command, and other appropriate organizations, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation technological and industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1060. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

SEC. 1061. ADDITIONAL MEMBERS AND DUTIES FOR THE INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the ''2009 QDR''), the independent panel established under subsection (f) of such section (in this section referred to as the ''Panel'') shall include eight additional members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Panel appointed under paragraph (1) shall be appointed for the life of the Panel. Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) review the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 QDR;

(2) conduct an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on the 2009 QDR, with particular attention paid to the risks described in that report;

(3) conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR; and

(4) review the resource requirements identified in the 2009 QDR pursuant to section 118(b)(3) of title 10, United States Code, and, to the extent practicable, make a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under paragraph (3).

(c) REPORTS.—

(1) INITIAL REPORT OF PANEL.—The report on the 2009 QDR that is submitted to Congress pursuant to section 118(f)(2) of title 10, United States Code, shall include, in addition to any other matters required by such section, the interim findings of the Panel with respect to the matters specified in subsection (b).

(2) FINAL REPORT OF PANEL.—Not later than July 15, 2010, the Panel shall submit to the Secretary of Defense, and to the congressional defense committees, the final report of the Panel on the matters specified in subsection (b). The report shall include such recommendations on such matters as the Panel considers appropriate.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than August 15, 2010, the Secretary of Defense shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the Secretary's response to the final report of the Panel under paragraph (2).

(d) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c)(2).

SEC. 1062. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) REPORT ON RECURRING EARMARKS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding covered earmarks.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of each covered earmark that has been included in a national defense authorization Act for three or more consecutive fiscal years as of the date of the enactment of this Act.

(B) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each covered earmark.

(C) An identification of the specific contracting vehicle used for each covered earmark.

(D) In the case of any covered earmark for which competitive or merit-based procedures were not used to award funding, or to enter into the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) DOD INSPECTOR GENERAL AUDIT OF CONGRESSIONAL EARMARKS.—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) DEFINITIONS.—In this section:

(1) The term ''congressional earmark'' means any congressionally directed spending item (Senate) or congressional earmark (House of Representatives) on a list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term ''covered earmark'' means any congressional earmark identified in the joint explanatory statement to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) that was printed in the Congressional Record on September 23, 2008.

(3) The term ''national defense authorization Act'' means an Act authorizing funds for a fiscal year for the military activities of the Department of Defense, and for other purposes.

SEC. 1063. REPORT ON BASING PLANS FOR CERTAIN UNITED STATES GEOGRAPHIC COMBATANT COMMANDS.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for basing of forces outside the United States.

(b) MATTERS COVERED.—The report required under subsection (a) shall contain a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan supports the security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America;

(3) how the plan addresses the current security environment in each geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises;

(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

(5) the impact the plan will have on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States;

(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

(7) any comments resulting from an interagency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) UNIT.—The term ''unit'' has the meaning determined by the Secretary of Defense for purposes of this section.

(2) GEOGRAPHIC COMBATANT COMMAND.—For purposes of this section, the term ''geographic combatant command'' means a combatant command with a geographic area of responsibility that does not include North America.

Subtitle F—Other Matters

SEC. 1071. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2010''.

SEC. 1072. BUSINESS PROCESS REENGINEERING.

(a) NEW PROGRAMS.—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

''(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

''(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

''(B) appropriate business process reengineering efforts have been undertaken to ensure that—

''(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

''(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;'';

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);''; and

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking ''the certification by the approval authority is'' and inserting ''the certification by the approval authority and the determination by the chief management officer are''; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting ''(1)'' before ''The Secretary of Defense'';

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking ''paragraphs (1) through (4)'' and inserting ''subparagraphs (A) through (D)''; and

(D) by adding at the end the following new paragraph (2):

''(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

''(A) In the case of an Army program, the Chief Management Officer of the Army.

''(B) In the case of a Navy program, the Chief Management Officer of the Navy.

''(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

''(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

''(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.''.

(b) ONGOING PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of $100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that—

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense business system modernization as described in paragraph (1), that chief management officer—

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate chief management officer'', with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term ''defense business system modernization'' has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

SEC. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended—

(A) in the item relating to chapter 81, by striking ''1581'' and inserting ''1580''; and

(B) in the item relating to chapter 152, by striking ''2541'' and inserting ''2551''.

(2) Section 118(g) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' in paragraphs (1) and (2) and inserting ''January 28, 2008,''.

(3) Section 184(b)(3) is amended by striking ''the date of the enactment of this section'' and inserting ''October 17, 2006''.

(4) Section 438 at the end of subchapter I of chapter 21 is redesignated as section 428.

(5) The item relating to section 438 in the table of sections at the beginning of subchapter I of chapter 21 is redesignated as section 428.

(6) Section 490(b)(1) is amended by striking ''180 days after date of the enactment of this section, and every even-numbered year thereafter'' and inserting ''July 28 of every even-numbered year''.

(7) The table of chapters at the beginning of part II of subtitle A is amended by striking ''1581'' in the item relating to chapter 81 and inserting ''1580''.

(8) Section 992(b)(4) is amended by striking the period after ''under this section''.

(9) Section 1074f(f)(3) is amended by striking ''continency'' and inserting ''contingency''.

(10) Section 1074g(f) is amended by striking ''on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''after January 28, 2008''.

*(11) The section heading for section 1076d is amended by striking ''**standard**'' and inserting ''**Standard**''.*

(12) Section 1079(f)(2)(B) is amended by striking the period after ''year''.

(13) Section 1142(b) is amended—

(A) in paragraph (4)(C), by striking ''the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)'' and inserting ''the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)''; and

(B) in paragraph (15), by striking ''federal'' both places it appears and inserting ''Federal''.

(14) Section 1175a(h)(1) is amended by striking ''qualities'' and inserting ''qualifies''.

(15) Section 1408(h)(2) is amended by striking ''and'' at the end of subparagraph (A).

(16) The heading of section 1567 is amended to read as follows:

''§ 1567. Duration of military protective orders''.

(17) The heading of section 1567a is amended to read as follows:

''§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement''.

(18) Section 2004a is amended—

(A) in subsection (b)(1), by striking ''pay grade 0-3'' and inserting ''pay grade O-3''; and

(B) in subsection (i), by adding a period at the end.

(19) Section 2127(e) is amended by striking ''of'' after ''an annual grant''.

(20) Section 2200a(e)(1) is amended by striking ''section (b)'' and inserting ''subsection (b)''.

(21) The table of chapters at the beginning of part IV of subtitle A is amended by striking ''2541'' in the item relating to chapter 152 and inserting ''2551''.

(22) Section 2306c(h) is amended by striking ''section 2801(c)(2)'' and inserting ''section 2801(c)(4)''.

(23) Section 2333 is amended—

(A) in subsection (d)(1)(D)(ii), by striking ''indefinite delivery indefinite quantity'' and inserting ''indefinite delivery-indefinite quantity'';

(B) in subsection (d)(2), by striking ''this Act'' and inserting ''the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2388)''; and

(C) in subsection (f)(3), by striking ''section 101(13)'' and inserting ''section 101(a)(13)''.

(24) Section 2401(f)(2) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006'' and inserting ''January 6, 2006''.

(25) Section 2461(c)(3)(A) is amended by striking ''public private competition'' both places it appears in the first sentence and inserting ''public-private competition''.

(26) Section 2667(g)(1) is amended by striking ''law,'' and all that follows through ''may'' and inserting ''law, the Secretary concerned may''.

(27) Section 2684a(g)(2) is amended by striking ''the following the following'' and inserting ''the following''.

(28) Section 2701(d)(5) is amended by striking ''6920)'' and inserting ''9620)''.

(29) Sections 4348(f), 6959(f), and 9348(f) are amended by striking ''section (a)'' and inserting ''subsection (a)''.

(30) The item relating to section 7317 in the table of sections at the beginning of chapter 633 is amended by inserting a period after ''thereof''.

(31) Section 7306b(b)(1) is amended by striking ''1802(14))'' and inserting ''1802(14)))''.

(32) The item relating to section 9515 in the table of sections at the beginning of chapter 941 is transferred to appear after the item relating to section 9514 in the table of sections at the beginning of chapter 931.

(33) The item relating to chapter 1409 in the table of chapters at the beginning of subtitle E is amended by striking ''Reserve-Active Status List'' and inserting ''Reserve Active-Status List''.

(34) Section 12310(c)(1)(A) is amended by striking ''section 12304(i)(2) of this title'' and inserting ''section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))''.

(35) Section 12731(f)(2)(A) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''January 28, 2008''.

(36) Section 16163(e)(1) is amended by striking ''programs'' and inserting ''program''.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking ''Secretary'' and inserting ''Secretary of Defense''.

(2) Section 523(1) (122 Stat. 4446) is amended by striking ''serving or'' and inserting ''serving in or''.

(3) Section 616 (122 Stat. 4486) is amended by striking ''of title'' in subsections (b) and (c) and inserting ''of such title''.

(4) Section 811(c)(6)(A)(iv)(I) (122 Stat. 4524) is amended by striking ''after of 'the program' '' and inserting ''after 'of the program' ''.

(5) Section 813(d)(3) (122 Stat. 4527) is amended by striking ''each of subsections (c)(2)(A) and (d)(2)'' and inserting ''subsection (c)(2)(A)''.

(6) Section 834(a)(2) (122 Stat. 4537) is amended by inserting ''subchapter II of'' before ''chapter 87''.

(7) Section 855 (122 Stat. 4545) is repealed.

(8) Section 921(1) (122 Stat. 4573) is amended by striking ''subsections (f) and (g) as subsections (g) and (h)'' and inserting ''subsections (f), (g), and (h) as subsections (g), (h), and (i)''.

(9) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking ''Section 201(e)(2)'' and inserting ''Section 201(f)(2)(E)''; and

(B) by striking ''(6 U.S.C. 121(e)(2))'' and inserting ''(6 U.S.C. 121(f)(2)(E))''.

(10) Section 932 (122 Stat. 4576) is repealed.

(11) Section 1059 (122 Stat. 4611) is amended by striking ''Act of'' and inserting ''Act for''.

(12) Section 1061(b)(3) (122 Stat. 4613) is amended by striking ''103'' and inserting ''188''.

(13) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking ''section 2401'' and inserting ''section 2101''.

(14) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

''(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for

Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.''.

(15) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: '', and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)''.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Section 1107(e)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public 110–181; 10 U.S.C. 2358 note) is amended by striking ''Not later than'' and all that follows through ''subsection is submitted,'' and inserting ''Not later than November 29, 2008, and not later than March 1 of each year thereafter,''.

SEC. 1074. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

SEC. 1075. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 30-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1076. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 5062(b) of title 10, United States Code, requires the Department of the Navy to maintain not less than 11 operational aircraft carriers.

(2) In repeated testimony before Congress, the Navy has pledged its long-term commitment to naval combat forces that include 11 operational aircraft carriers and 10 carrier air wings, composed of 44 strike-fighter aircraft per wing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the Navy should meet its current requirement for 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of not less than 44 strike-fighter aircraft, in addition to any other aircraft associated with the air wing; and

(2) the Congress and the Secretary of the Navy should take all appropriate actions necessary to achieve the current requirement for such carrier air wings until such time that modifications to the carrier air wing force structure are warranted and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis.

SEC. 1077. DEPARTMENT OF VETERANS AFFAIRS USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

(a) PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year study to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the study by partnering with nonprofit 501(c)(3) organizations that—

(A) would not charge veterans who participate in the study fees for the dogs, services, or lodging that they provide; and

(B) are accredited by, or adhere to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners $10,000 for each dog provided to a veteran who enrolls in the study and successfully completes a training program offered by one of the partners.

(c) PARTICIPATION.—

(1) IN GENERAL.—As part of the study, the Secretary shall, subject to paragraph (2), arrange for the provision of a service dog to the greater of the following:

(A) 200 veterans.

(B) A sufficient number of such veterans to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) NUMBER OF VETERANS.—The Department of Veterans Affairs may provide dogs to fewer than 200 veterans if, despite its sustained and repeated efforts, it is unable to recruit 200 veterans to participate in the study referred to in subsection (d).

(3) ELIGIBLE VETERANS.—A veteran is eligible to enroll and participate in the study on an ongoing basis if:

(A) The veteran has physical disabilities (other than blindness or hearing impairment) or mental injuries or disabilities.

(B) A Department of Veterans Affairs provider determines, based on clinical evaluation of efficacy, that the veteran is an appropriate candidate for the study and may potentially benefit from a service dog.

(C) The veteran agrees to successfully complete a training program arranged by the Department of Veterans Affairs and offered by a nonprofit 501(c)(3) organization that is accredited by, or adheres to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(4) COMPOSITION.—The Secretary shall ensure that at least half of the participants in the study are veterans who suffer primarily from a mental health injury or disability.

(5) AUTHORIZED BENEFITS.—The Department of Veterans Affairs will provide to a veteran participating in this study:

(A) Veterinary treatment to maintain the health of the dog and keep it functioning in its prescribed role.

(B) Hardware required by the dog to perform its tasks, and repairs to such hardware.

(C) Payments and allowances for travel incurred in becoming adjusted to the service dogs, to be paid in the same manner that payments and allowances are authorized under section 111 of title 38, United States Code, and its implementing regulations.

(6) ADDITIONAL BENEFIT FOR ASSOCIATED EXPENSES.—As an incentive for participation in the study, veterans participating in the study will receive from the Department of Veterans Affairs a monthly payment of $75 to offset costs associated with the dog in addition to those identified in paragraph (5), such as services not prescribed or performed by a veterinarian, including but not limited to, license tags (if required), food, grooming, nail trimming, boarding, and over-the-counter medications.

(7) OPTION FOR OWNERSHIP OF, AND RESPONSIBILITY FOR, THE DOG AFTER THE COMPLETION OF THE STUDY.—At the end of the study the veteran will have the option of ownership of the dog. If the veteran does not wish to retain the dog, the 501(c)(3) organization that provided the dog will be responsible for caring for or appropriately placing the dog. In any case after completion of the study, or if and when the veteran chooses to not participate in the study until completion, further responsibility by the Department of Veterans Affairs for any benefits in this provision will cease. Further, the Department of Veterans Affairs' liability related to the dog will cease.

(d) STUDY.—The Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the study.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings related to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(e) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the study, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the study.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the study, the National Academy of Sciences shall submit to Congress a report on the results of the study.

(f) FUNDING.—The study under this section is subject to the availability of appropriations provided to the Department of Veterans Affairs for such purpose.

SEC. 1078. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and

to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than June 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

SEC. 1079. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives.

SEC. 1080. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) VIDEOTAPING OR OTHER ELECTRONIC RECORDING REQUIRED.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of videotapes or other electronic recordings made pursuant to subsection (a). The use of such classified videotapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), as amended by section 1802 of this Act, or at any other judicial or administrative forum under any other provision of law shall be governed by applicable rules, regulations, and laws that protect classified information.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record an interrogation of a person described in subsection (a); or

(2) the videotaping of or otherwise electronically recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(e) WAIVER.—

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may, as an exceptional measure, as part of a specific interrogation plan for a specific person described in subsection (a), waive the requirement in that subsection on a case-by-case basis for a period not to exceed 30 days, if the Secretary—

(A) makes a determination in writing that such a waiver is necessary to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(2) SUSPENSIONS AUTHORIZED.—The Secretary may temporarily suspend the requirement under subsection (a) at a specific theater-level detention facility for a period not to exceed 30 days, if the Secretary—

(A) makes a determination in writing that such a suspension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(3) LIMITATION ON DELEGATION OF AUTHORITY.—This authority of the Secretary under this subsection may only be delegated as follows:

(A) In the case of the authority under paragraph (1), such authority may not be delegated below the level of the combatant commander of the theater in which the detention facility holding the person is located.

(B) In the case of the authority under paragraph (2), such authority may not be delegated below the level of the Deputy Secretary of Defense.

(4) EXTENSIONS.—The Secretary may extend a waiver under paragraph (1) for one additional 30-day period, or a suspension under paragraph (2) for one additional 30-day period, if—

(A) the Secretary—

(i) in the case of such a waiver, makes a determination in writing that such an extension is necessary to the national security interests of the United State; or

(ii) in the case of such a suspension, makes a determination in writing that such an extension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(f) GUIDELINES.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines for videotaping or otherwise electronically recording strategic intelligence interrogations as required under subsection (a). Such guidelines shall, at a minimum—

(A) promote full compliance with the laws of the United States;

(B) promote the exploitation of intelligence;

(C) address the retention, maintenance, and disposition of videotapes or other electronic recordings, consistent with subparagraphs (A) and (B) and with the interests of justice; and

(D) ensure the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

SEC. 1081. MODIFICATION OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

Section 1081(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 335; 10 U.S.C. 2461 note) is amended by inserting before the period at the end of the first sentence the following: '', unless the Secretary of Defense submits notification to the congressional defense committees that pursuing such a program is not in the national interest''.

SEC. 1082. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 335).

(b) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years; and

(2) notwithstanding section 2306c(b) of such title, the authority under section 2306c(a) of such title shall apply to the fee-for-service air refueling pilot program.

(c) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) LIMITATION ON AMOUNT.—The amount of a contract under subsection (a) may not exceed $999,999,999.

(e) PROVISION OF GOVERNMENT INSURANCE.—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive Government-provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

SEC. 1083. DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) DISCLOSURE.—

(1) IN GENERAL.—The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2009 and 2010.

(2) CONTENT.—The information to be released under paragraph (1) shall include, with respect to the fiscal year covered, the entire name, including the first, middle, and surnames, with respect to each student and instructor at the Western Hemisphere Institute for Security Cooperation.

(b) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) if the Secretary determines it to be in the national interest.

SEC. 1084. SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and noncommissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility the curriculum of which is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training, for which education is not conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Extension and modification of experimental personnel management program for scientific and technical personnel.
Sec. 1105. Modification to Department of Defense laboratory personnel authority.
Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1107. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Pilot program for the temporary exchange of information technology personnel.
Sec. 1111. Availability of funds for compensation of certain civilian employees of the Department of Defense.
Sec. 1112. Department of defense civilian leadership program.
Sec. 1113. Provisions relating to the National Security Personnel System.
Sec. 1114. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Provisions Relating to Reemployment of Annuitants

Sec. 1121. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.
Sec. 1122. Part-time reemployment.
Sec. 1123. Government Accountability Office report.

Subtitle A—Personnel

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointment of employees to competitive service positions within the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment, owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of 2 years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ''Except as provided in subsection (d), the'' in the second sentence and inserting ''The''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking ''the authorities provided in such chapter'' and inserting ''the other authorities provided in this chapter''.

(d) REPEAL OF OBSOLETE PROVISIONS.—(1) Such section is further amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subparagraph (B) of section 3304(a)(3) of title 5, United States Code, is amended to read as follows:

''(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or that there is a critical hiring need.''.

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by striking ''subsection (g),'' and inserting ''subsection (f),''.

SEC. 1104. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) THREE-YEAR EXTENSION.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Such section is further amended—

(1) in subsection (b)(3), by striking ''under subsection (d)(1)'' and inserting ''under subsection (d)''; and

(2) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) Subject to paragraph (3), the total amount of additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the following amounts:

''(A) $50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

''(2) In paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

''(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

''(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.''.

(c) REPORTING REQUIREMENTS.—Paragraph (1) of subsection (g) of such section is amended to read as follows:

''(1)(A) Not later than December 31 of each year in which the authority under this section

is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the operation of this section. Each report shall cover the fiscal year that most recently ended before such December 31.

''(B) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

''(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.''.

SEC. 1105. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001):

(1) The Aviation and Missile Research Development and Engineering Center.

(2) The Army Research Laboratory.

(3) The Medical Research and Materiel Command.

(4) The Engineer Research and Development Command.

(5) The Communications-Electronics Command.

(6) The Soldier and Biological Chemical Command.

(7) The Naval Sea Systems Command Centers.

(8) The Naval Research Laboratory.

(9) The Office of Naval Research.

(10) The Air Force Research Laboratory.

(11) The Tank and Automotive Research Development and Engineering Center.

(12) The Armament Research Development and Engineering Center.

(13) The Naval Air Warfare Center, Weapons Division.

(14) The Naval Air Warfare Center, Aircraft Division.

(15) The Space and Naval Warfare Systems Center, Pacific.

(16) The Space and Naval Warfare Systems Center, Atlantic.

(17) The laboratories within the Army Research Development and Engineering Command.

(b) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (a), from the personnel system which applies as of the date of the enactment of this Act to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this subsection—

(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(2) shall be consistent with section 4703(f) of title 5, United States Code;

(3) shall be completed within 18 months after the date of the enactment of this Act; and

(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5, United States Code) or senior executives (as defined by section 3132(a)(3) of such title).

(c) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in such section 342(b)), without prior congressional authorization.

SEC. 1106. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615) is amended by striking ''calendar year 2009,'' and inserting ''calendar years 2009 and 2010,''.

(b) RELATED PROVISION.—Subsection (b) of such section 1101 is amended to read as follows:.

''(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—

''(1) IN GENERAL.—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

''(2) OTHER LIMITATIONS.—In the case of any employees who (disregarding subparagraph (A)) would otherwise be subject to a limitation on premium pay similar to one set forth in section 5547 of title 5, United States Code (as determined by the head of the Executive agency in or under which such employees are employed)—

''(A) the agency head may waive that otherwise applicable limitation, to the same extent and in the same manner as would be allowable under subsection (a) if those employees were instead subject to such section 5547; and

''(B) if a waiver under subparagraph (A) is granted with respect to such employees, then, neither section 5307 of title 5, United States Code, nor any other similar limitation (as determined by the agency head) shall apply with respect to such employees for purposes of any calendar year for which such waiver is so granted.''.

SEC. 1107. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by inserting ''Pakistan or'' after ''is on official duty in''.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Annual strategic workforce plan

''(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

''(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

''(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

''(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

''(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

''(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

''(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

''(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

''(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

''(4) Any additional matters the Secretary of Defense considers necessary to address.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

''(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

''(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

''(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

''(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

''(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

''(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

''(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

''(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Annual strategic workforce plan.''.

(b) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON STRATEGIC WORKFORCE PLAN.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(2) REPORT ON THE TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.—(A) Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

(B) The report required under subparagraph (A) shall address the efficacy of training, the extent to which such training reaches appropriate personnel, and the extent to which the training recommendations of previous reviews (including the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations) have been implemented.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in subsection (b), by striking ''for four'';

(2) in paragraph (1) of subsection (b), by striking ''requirements of—'' and all that follows through the end of subparagraph (C) and inserting ''the requirements of section 115b of this title; or'';

(3) in paragraph (2) of subsection (b), by striking ''purpose described in paragraphs (1) through (4) of subsection (c).'' and inserting the following:

''any of the following purposes:

''(A) Performance of inherently governmental functions.

''(B) Performance of work pursuant to section 2463 of title 10, United States Code.

''(C) Ability to maintain sufficient organic expertise and technical capability.

''(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.''; and

(4) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

''(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.''.

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting ''defense'' before ''manpower requirements report.''.

(B)(i) The heading of such section is amended to read as follows:

''§ 115a. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered by the Secretary of Defense to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be

extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

(1) may continue to receive pay and benefits from the private sector organization from which such employee is assigned;

(2) is deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;

(F) section 1043 of the Internal Revenue Code of 1986; and

(G) section 27 of the Office of Federal Procurement Policy Act; and

(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned.

(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department of Defense organization under this section for the period of the assignment.

(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(h) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section at any given time.

(i) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned;

(3) a description of the tasks they performed while they were so assigned; and

(4) a discussion of any actions that might be taken to improve the effectiveness of the program under this section, including any proposed changes in law.

(j) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (h); and

(B) the reporting requirement under subsection (i).

SEC. 1111. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.

SEC. 1112. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) LEADERSHIP PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the ''Department of Defense Civilian Leadership Program'' (in this section referred to as the ''program'').

(2) OBJECTIVES.—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly qualified civilian employees of the Department.

(3) AVAILABLE AUTHORITIES.—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) LIMITATION ON NUMBER OF PARTICIPANTS IN PROGRAM.—The total number of individuals who may participate in the program in any fiscal year may not exceed 5,000.

(3) LIMITATION ON PERIOD OF PARTICIPATION IN PROGRAM.—The maximum period of time that an individual may participate in the program is three years.

(c) ELEMENTS OF PROGRAM.—

(1) COMPETITIVE ENTRY.—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and midcareer participants in the program.

(2) ALLOCATION OF POSITIONS.—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) ASSIGNMENTS TO POSITIONS.—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) INITIAL COMPENSATION.—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

(5) EDUCATION AND TRAINING.—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element

of the senior management, functional, and technical workforce of the Department of Defense (as defined in section 115b(f) of title 10, United States Code).

SEC. 1113. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''National Security Personnel System'' or ''NSPS'' refers to a human resources management system established under authority of section 9902 of title 5, United States Code (as in effect before the date of the enactment of this Act); and

(2) the term ''statutory pay system'' means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates); or

(B) such other provisions of law as would apply if section 9902 of title 5, United States Code, had never been enacted.

(b) REPEAL OF PROVISIONS RELATING TO NSPS.—

(1) IN GENERAL.—Section 9902 of title 5, United States Code, is amended—

(A) by striking subsections (a), (b), (c), (d), (e), (i) and (j); and

(B) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

(2) EXPANSION PROHIBITED.—The National Security Personnel System may not be extended to any organizational or functional unit of the Department of Defense (or any component thereof) not included in such System as of March 1, 2009.

(3) CURRENT RULES INVALID.—Any regulations in effect as of the day before the date of the enactment of this Act which were issued pursuant to any provision of law repealed by paragraph (1)(A)—

(A) may not be modified on or after the date of the enactment of this Act, except as necessary to implement this Act; and

(B) shall cease to be effective as of January 1, 2012.

(c) TERMINATION OF NSPS AND CONVERSION OF EMPLOYEES AND POSITIONS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, beginning no later than 6 months after the date of enactment of this Act, for the orderly termination of the National Security Personnel System and conversion of all employees and positions from such System, by not later than January 1, 2012, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence, and, for purposes of carrying out such preceding sentence, any determination of the system that last applied (or that would have applied) with respect to an employee or position shall take into account any modifications to such system pursuant to the provisions of subsections (a) and (b) of section 9902 of title 5, United States Code, as amended by subsection (d).

(2) TRANSITION PERIOD APPOINTMENTS.—To the extent practicable, any individual who, during the NSPS transition period, is appointed to any position within the Department of Defense which is subject to the NSPS shall be subject to the statutory pay system and all other aspects of the personnel system to which such individual or position is to be converted in accordance with the requirements of paragraph (1).

(3) TEMPORARY CONTINUATION OF NSPS.—Notwithstanding any other provision of this section, the National Security Personnel System, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any employees and positions remaining subject to the NSPS, in accordance with paragraph (1), during the NSPS transition period.

(4) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Notwithstanding subsection (b)(1)(A), section 9902(e)(7) of title 5, United States Code, to the extent that it remains in force under paragraph (3), shall be applied by substituting ''100 percent'' for ''no less than 60 percent''.

(5) NSPS TRANSITION PERIOD DEFINED.—For purposes of this subsection, the term ''NSPS transition period'' means the period beginning on the date of the enactment of this Act and ending on January 1, 2012.

(d) AUTHORITY RELATING TO PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES, HIRING FLEXIBILITIES, AND TRAINING OF SUPERVISORS.—Section 9902 of title 5, United States Code, as amended by subsection (b)(1), is further amended by inserting before subsection (e) (as so redesignated by subsection (b)(1)(B)) the following:

''(a) PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—(1) The Secretary, in coordination with the Director, shall promulgate regulations providing for the following:

''(A) A fair, credible, and transparent performance appraisal system for employees.

''(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

''(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

''(D) Development of 'performance assistance plans' that are designed to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

''(2) In developing the regulations required by this subsection, the Secretary, in coordination with the Director, may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and the regulations implementing such chapters, to the extent necessary to achieve the objectives of this subsection.

''(3)(A) The Secretary may establish a fund, to be known as the 'Department of Defense Civilian Workforce Incentive Fund' (in this paragraph referred to as the 'Fund').

''(B) The Fund shall consist of the following:

''(i) Amounts appropriated to the Fund.

''(ii) Amounts available for compensation of employees that are transferred to the Fund.

''(C) Amounts in the Fund shall be available for the following:

''(i) Incentive payments for employees based on team or individual performance (which payments shall be in addition to basic pay).

''(ii) Incentive payments to attract or retain employees with particular or superior qualifications or abilities.

''(D) The authority provided in this paragraph is in addition to, and does not supersede or replace, any authority or source of funding otherwise available to the Secretary to pay bonuses or make incentive payments to civilian employees of the Department.

''(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

''(B) Any rules or regulations promulgated pursuant to this subsection shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

''(b) FLEXIBILITIES RELATING TO APPOINTMENTS.—(1) The Secretary, in coordination with the Director, shall promulgate regulations to redesign the procedures which are applied by the Department of Defense in making appointments to positions within the competitive service in order to—

''(A) better meet mission needs;

''(B) respond to managers' needs and the needs of applicants;

''(C) produce high-quality applicants;

''(D) support timely decisions;

''(E) uphold appointments based on merit system principles; and

''(F) promote competitive job offers.

''(2) In redesigning the process by which such appointments shall be made, the Secretary, in coordination with the Director, may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent necessary to achieve the objectives of this section, while providing for the following:

''(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to positions.

''(B) Fair and open competition and equitable treatment in the consideration and selection of individuals to positions.

''(C) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

''(3) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner consistent with that in which such provisions are applied under chapter 33.

''(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

''(B) Any rules or regulations promulgated pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

''(c) CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.—In establishing any new performance management and workforce incentive system under subsection (a) or utilizing appointment flexibilities under subsection (b), the Secretary shall—

''(1) adhere to merit principles set forth in section 2301;

''(2) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) in the design and implementation of such system;

''(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

''(4) develop—

''(A) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

''(B) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering such system;

''(5) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys;

''(6) utilize the annual strategic workforce plan, required by section 115b of title 10; and

''(7) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.

''(d) DEVELOPMENT OF TRAINING PROGRAM FOR SUPERVISORS.—(1) The Secretary shall develop—

''(A) a program to provide training to supervisors on use of the new authorities provided in this section, including the actions, options, and strategies a supervisor may use in—

''(i) developing and discussing relevant goals and objectives with the employee, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

''(ii) mentoring and motivating employees, and improving employee performance and productivity;

''(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

''(iv) effectively managing employees with unacceptable performance;

''(v) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

''(vi) otherwise carrying out the duties and responsibilities of a supervisor;

''(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsections (b)(1) and (b)(8) of such section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

''(C) a program under which experienced supervisors mentor new supervisors by—

''(i) sharing knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

''(ii) pointing out strengths and areas for development.

''(2) Each supervisor shall be required to complete a program at least once every 3 years.''.

(e) REPORTS.—The Secretary of Defense shall provide a report to the covered committees (as defined by subsection (g)(6))—

(1) no later than 6 months after the date of enactment of this Act, on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semiannual basis;

(2) no later than 12 months after date of enactment, a plan for the personnel management system as authorized by section 9902(a) of title 5, United States Code, as amended by this section, which plan shall not take effect until 90 days after the submission of the plan to Congress; and

(3) no later than 12 months after date of enactment, a plan for the appointment procedures as authorized by section 9902(b) of title 5, United States Code, as amended by this section.

(f) CLERICAL AMENDMENTS.—

(1) The heading of section 9902 of title 5, United States Code, is amended to read as follows:

''§ 9902. Department of Defense personnel authorities''.

(2) The table of sections at the beginning of chapter 99 of such title is amended by striking the item relating to section 9902 and inserting the following:

''9902. Department of Defense personnel authorities.''.

(g) OTHER PERSONNEL FLEXIBILITIES.—

(1) IN GENERAL.—If the Secretary of Defense determines that it would be in the best interest of the Department of Defense to implement personnel flexibilities in addition to those authorized under section 9902 of title 5, as amended by this section, the Secretary, in coordination with the Director of the Office of Personnel Management, may develop and submit to the covered committees, not later than 6 months after the date of the enactment of this Act, a proposal to implement—

(A) additional personnel flexibilities and associated statutory waivers with respect to the application of the General Schedule (as defined in section 5332 of title 5, United States Code); or

(B) additional personnel flexibilities and associated statutory waivers, which would require exemption from the application of the General Schedule (as so defined).

(2) RATIONALE.—If the Secretary's proposal is to implement authorities described in paragraph (1)(B), the Secretary shall provide a detailed rationale as to why implementation of authorities described in paragraph (1)(A) are not adequate or appropriate to meet the interests of the Department.

(3) REQUIREMENTS.—The Secretary's proposal (whether as described in paragraph (1)(A) or (1)(B))—

(A) shall be developed in a manner consistent with the requirements of subsections (c) and (d) of section 9902 of title 5, United States Code, as amended by this section;

(B) shall include a description of proposed regulations and implementing rules that the Secretary plans to adopt for the proposed system;

(C) shall identify and provide a rationale for any statutory waiver that would be required to implement the proposed system;

(D) shall describe the steps that the Department would take to avoid problems of the type described in the report of the Defense Business Board, dated August 2009, regarding the National Security Personnel System; and

(E) may not provide for the waiver of any provision of law that cannot be waived under paragraph (3) of section 9902(b) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), and shall be subject to the requirements in paragraphs (4) and (5) of such section (as then in effect).

(4) CONGRESSIONAL APPROVAL REQUIRED.—If Congress approves the Secretary's proposal in the National Defense Authorization Act for Fiscal Year 2011, the Secretary may implement the proposal (subject to any changes required by law) and begin the implementation of such proposal for personnel included in the National Security Personnel System, in lieu of the transition that would otherwise be required by subsection (b), subject to paragraph (5).

(5) RESTRICTIONS.—Notwithstanding any approval under paragraph (4), the provisions of subsection (b)(2) and (c)(4) shall apply with respect to any proposal approved under such paragraph, unless and until modified or repealed in legislation enacted after the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection, the term ''covered committees'' means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(h) MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 349) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

''(1) The Comptroller General shall conduct a review, in each of calendar years 2010, 2011, and 2012, of—

''(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code (as amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2011; and

''(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902 (as so amended).''; and

(B) in paragraph (2), by striking ''the National Security Personnel System'' and inserting ''any processes established pursuant to such regulations''.

SEC. 1114. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) SUSPENSION OF CERTAIN PAY AUTHORITY.—Effective with respect to amounts paid during the period beginning on the date of the enactment of this Act and ending on December 31, 2010, rates of basic pay for employees and positions within any element of the intelligence community (as defined by the National Security Act of 1947)—

(1) may not be fixed under the Defense Civilian Intelligence Personnel System; and

(2) shall instead be fixed in accordance with the provisions of law that (disregarding DCIPS) would then otherwise apply.

The preceding sentence shall not apply with respect to the National Geospatial-Intelligence Agency.

(b) RESPONSE TO GAO REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional oversight committees a written description of any actions taken or proposed to be taken by such Secretary in response to the review and recommendations of the Government Accountability Office regarding the Defense Civilian Intelligence Personnel System.

(c) INDEPENDENT ORGANIZATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of the Office of Personnel Management, and the Director of National Intelligence shall jointly designate an independent organization to review the operation of the Defense Civilian Intelligence Personnel System, including—

(A) its impact on career progression;

(B) its appropriateness or inappropriateness in light of the complexities of the workforce affected;

(C) its sufficiency in terms of providing protections for diversity in promotion and retention of personnel; and

(D) the adequacy of the training, policy guidelines, and other preparations afforded in connection with transitioning to that system.

(2) DEADLINE.—The independent organization shall, after appropriate consultation with employees and employee organizations, submit its findings and recommendations under this section to the Secretary of Defense and the congressional oversight committees, in a written report, not later than June 1, 2010.

(d) PROPOSED ACTIONS BASED ON REPORT.—Not later than 60 days after receiving the report of the independent organization under subsection (c), the Secretary of Defense, in coordination with the Director of the Office of Personnel Management and the Director of National Intelligence, shall submit to the congressional oversight committees a written report describing any actions that the Secretary has taken or proposes to take in response to such report.

(e) HOLD-HARMLESS PROVISION.—No employee shall suffer any loss of or decrease in pay as a result of being converted from DCIPS in compliance with subsection (a).

(f) DEFINITIONS.—For purposes of this section—

(1) the terms ''Defense Civilian Intelligence Personnel System'' and ''DCIPS'' mean the civilian personnel system established by the Secretary of Defense under regulations—

(A) prescribed pursuant to sections 1601 through 1614 of title 10, United States Code; and

(B) taking effect in September 2008 or thereafter; and

(2) the term ''congressional oversight committees'' means—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

Subtitle B—Provisions Relating to Reemployment of Annuitants

SEC. 1121. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees (whose annuities are payable under authorities other than subchapter III of chapter 83 or chapter 84 of title 5) as may be provided for under such regulations.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting '', excluding paragraph (3).''.

SEC. 1122. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees,

the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1123. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1122.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1122 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. One-year extension of authority for security and stabilization assistance.
Sec. 1202. Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.
Sec. 1205. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command.
Sec. 1206. Modification of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
Sec. 1208. Report on alternatives to use of acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1209. Enhancing Iraqi security through defense cooperation between the United States and Iraq.
Sec. 1210. Availability of appropriated funds for the State Partnership Program.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1221. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1222. One-year extension and expansion of Commanders' Emergency Response Program.
Sec. 1223. Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1224. Pakistan Counterinsurgency Fund.
Sec. 1225. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
Sec. 1226. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1227. Report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1228. Report on community-based security programs in Afghanistan.
Sec. 1229. Updates of report on command and control structure for military forces operating in Afghanistan.
Sec. 1230. Report on feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the armed forces.
Sec. 1231. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1232. Report on progress toward security and stability in Pakistan.
Sec. 1233. Repeal of GAO war-related reporting requirement.
Sec. 1234. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1235. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.
Sec. 1236. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1237. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

Sec. 1241. Report on United States engagement with Iran.
Sec. 1242. Annual counterterrorism status reports.
Sec. 1243. Report on United States contributions to the United Nations.
Sec. 1244. NATO Special Operations Coordination Center.
Sec. 1245. Annual report on military power of Iran.
Sec. 1246. Annual report on military and security developments involving the People's Republic of China.
Sec. 1247. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1248. Risk assessment of United States space export control policy.
Sec. 1249. Patriot air and missile defense battery in Poland.
Sec. 1250. Report on potential foreign military sales of the F–22A fighter aircraft.
Sec. 1251. Report on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms and sense of Congress on follow-on negotiations to START Treaty.
Sec. 1252. Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.
Sec. 1253. Sense of Congress relating to Israel.
Sec. 1254. Sense of Congress on imposing sanctions with respect to Iran.
Sec. 1255. Report and sense of Congress on North Korea.
Sec. 1256. Report on potential missile defense cooperation with Russia.

Subtitle D—VOICE Act

Sec. 1261. Short title.
Sec. 1262. Authorization of appropriations.
Sec. 1263. Iranian Electronic Education, Exchange, and Media Fund.
Sec. 1264. Annual report.
Sec. 1265. Report on actions by non-Iranian companies.
Sec. 1266. Human rights documentation.

Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1202. EXPANSION OF AUTHORITY AND MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''$35,000,000'' and inserting ''$40,000,000''.

(b) NOTIFICATION.—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking ''Upon using'' and inserting the following:

''(1) IN GENERAL.—Upon using'';

(2) by inserting after ''support of an approved military operation'' the following: ''or changing the scope or funding level of any support for such an operation'';

(3) by striking ''Such a notification need be provided only once with respect to any such operation.''; and

(4) by adding at the end the following new paragraph:

''(2) CONTENT.—Notifications required under this subsection shall include the following information:

''(A) The type of support provided or to be provided to United States special operations forces.

''(B) The type of support provided or to be provided to the recipient of the funds.

''(C) The amount obligated under the authority to provide support.''.

(c) ANNUAL REPORT.—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second

sentence by striking ''shall describe the support'' and all that follows through the period at the end and inserting ''shall include the following information:

''(1) A description of supported operations.

''(2) A summary of operations.

''(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

''(4) The total amount obligated in the previous fiscal year, including budget details.

''(5) The total amount obligated in prior fiscal years.

''(6) The intended duration of support.

''(7) A description of support or training provided to the recipients of support.

''(8) A value assessment of the operational support provided.''.

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking ''180 days after the date of the enactment of this Act'' and inserting ''February 1 of each year through February 1, 2013''; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking ''and'' at the end; and

(B) by adding at the end the following new subparagraph:

''(I) subsection (b)(6) of section 166a of title 10, United States Code; and''.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1205. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking ''assigned temporarily'' and inserting ''assigned temporarily as follows:'';

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking ''to the headquarters'' and inserting ''To the headquarters''; and

(4) by adding at the end the following new paragraph:

''(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

''(5) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—Of the funds used to carry out a program under subsection (a), not more than $75,000,000 may be used during fiscal year 2010, and not more than $75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

SEC. 1207. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.—For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) ASSIGNMENT OF PERSONNEL.—

(1) IN GENERAL.—Pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) MUTUAL AGREEMENT REQUIRED.—An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) PAYMENT OF PERSONNEL COSTS.—

(1) IN GENERAL.—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel under such agreement in accordance with the applicable laws and regulations of such government.

(2) EXCLUDED COSTS.—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(C) The cost of temporary duty of the exchanged personnel directed by the United States Government.

(d) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the end of the fiscal year in which the authority in subsection (a) has been exercised, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of the authority through the end of such fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the number of non-reciprocal international defense personnel exchange agreements, the number of personnel assigned pursuant to such agreements, the Department of Defense component to which the personnel have been assigned, the duty title of each assignment, and the countries with which the agreements have been concluded.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(f) DURATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2012.

SEC. 1208. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007

(Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

(b) COVERED MILITARY EQUIPMENT DEFINED.—In this section, the term ''covered military equipment'' has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

SEC. 1209. ENHANCING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on the role of Foreign Military Sales in meeting the requirements of the military and security forces of Iraq for restoring and maintaining peace and security in Iraq.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A description of the minimum requirements of the military and security forces of Iraq to achieve and sustain internal security.

(2) A description of how Foreign Military Sales may be leveraged to ensure the timely delivery of training, equipment, and supplies beyond the December 2011 drawdown deadline and any recommendations for improving the Foreign Military Sales process with respect to Iraq.

(3) An assessment of the feasibility and desirability of treating an undertaking by the Government of Iraq between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for the purpose of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, with the concurrence of the Secretary of State, seek to increase the number of positions in professional military education courses, including courses at command and general staff colleges, war colleges, and the service academies, that are made available annually to personnel of the security forces of the Government of Iraq.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1210. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with Secretary of State, shall prescribe regulations regarding the use of funds appropriated to the Department of Defense to pay the costs incurred by the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense shall transmit to the appropriate congressional committees a copy of the regulations not later than 15 days after the date on which the regulations are prescribed under this subsection.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than the end of each of the fiscal years 2010 through 2013, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the civilian engagement activities conducted under the State Partnership Program, including a detailed description of the activities undertaken and funds expended in the previous fiscal year under the State Partnership Program.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1222. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4630), is further amended—

(A) in the heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010'';

(B) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010'';

(C) by striking ''for such fiscal year''; and

(D) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,300,000,000''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(b) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended—

(1) by striking ''15 days'' and inserting ''30 days''; and

(2) by striking ''fiscal years 2008 and 2009'' and inserting ''any fiscal year during which the authority under subsection (a) is in effect''.

(c) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are amended by striking ''the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009'' and inserting ''October 14, 2008,''.

(d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

(1) AUTHORITY.—If the Secretary of Defense determines that the use of Commanders' Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counterinsurgency operations or stability operations in Afghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders' Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

(2) LIMITATION.—The amount of funds transferrable under paragraph (1) may not exceed $50,000,000.

(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph.

(4) EXPIRATION.—The authority to transfer funds under paragraph (1) shall expire at the close of September 30, 2010.

(e) USE OF FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.—

(1) AUTHORITY.—The Secretary of Defense, in coordination with the Government of Afghanistan and with the concurrence of the Secretary of State, may utilize such funds as necessary from amounts available for the Commanders' Emergency Response Program for fiscal year 2010 to support the reintegration into Afghan society of those individuals who have renounced violence against the Government of Afghanistan.

(2) QUARTERLY REPORTS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on activities carried out utilizing the authority of paragraph (1). Such report shall be included in the report required under section 1202(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), and shall be specifically identified as having been carried out under the authority of paragraph (1).

(B) COPY OF REPORT.—The Secretary of Defense shall provide the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate with a copy of that portion of the report required by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455) that pertains to expenditures carried out under the authority of paragraph (1).

(3) EXPIRATION.—The authority to utilize funds under paragraph (1) shall expire at the close of September 30, 2010.

(f) REVIEW OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a thorough review of the Commander's Emergency Response Program and submit to the congressional defense committees the results of such review.

(g) DEFINITION.—In this section, the term ''Commanders' Emergency Response Program'' has the meaning given the term in section 1202(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456).

SEC. 1223. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXPANSION OF AUTHORITY.—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

(1) in subsection (a)—

(A) by striking ''section 1508'' and inserting ''section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010'';

(B) by striking ''key cooperating nation for logistical'' and inserting the following: ''key cooperating nation for the following:

''(1) Logistical''; and

(C) by adding at the end the following:

''(2) Logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) OTHER SUPPORT.—Using funds described in subsection (a)(2), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

''(1) The provision of specialized training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

''(2) The procurement and provision of supplies to that nation in connection with such operations.

''(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.''.

(b) AMOUNTS OF SUPPORT.—Paragraph (2) of subsection (c) of such section (as redesignated) is amended to read as follows:

''(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget considers appropriate.''.

(c) LIMITATION ON AMOUNT.—Paragraph (1) of subsection (d) of such section (as redesignated) is amended by adding at the end the following: ''The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed $1,600,000,000.''.

(d) NOTICE TO CONGRESS.—Subsection (e) of such section (as redesignated) is amended by striking ''shall—'' and all that follows and inserting ''shall notify the appropriate congressional committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b). In the case of any reimbursement to Pakistan under the authority of this section, such notice shall be made in accordance with the notice requirements under section 1232(b).''.

(e) QUARTERLY REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(f) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.''.

(f) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.''.

(g) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 1224. PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) AMOUNTS IN THE FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the ''Fund'') shall consist of the following:

(A) Amounts appropriated to the Fund for fiscal year 2009.

(B) Amounts transferred to the Fund pursuant to subsection (d).

(2) INITIAL ASSESSMENT REQUIRED.—Concurrent with the initial use of funds available under this section, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is making concerted efforts to confront the threat posed by al Qa'ida, the Taliban, and other militant extremists based on the national security interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to the security forces of Pakistan (including military forces, police forces, and the Frontier Corps) to build and maintain the counterinsurgency capability of such forces, and of which not more than $4,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for such forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1225 of this Act, amounts in the Fund are authorized to be made available subject only to the terms and conditions of this section and notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsection (b)(2), amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be subject to any restriction relating to payments for Letters of Offer and Acceptance as a condition of the authority to transfer funds under paragraph (1), and merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—Amounts in the Fund may not be transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the appropriate congressional committees a report that summarizes, on a project-by-project basis, any transfer of funds from the Fund under this section during such fiscal quarter.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(h) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1225. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) The registration of the serial numbers of all small arms to be provided to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(3) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1).

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and end-use monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(2) DEFENSE SERVICE.—The term ''defense service'' has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(3) SMALL ARM.—The term ''small arm'' means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term ''specified congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 120 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1226. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5–0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1227. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1228. REPORT ON COMMUNITY-BASED SECURITY PROGRAMS IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program and other similar programs for community-based security forces in Afghanistan (in this section collectively referred to as the ''programs'').

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the programs in Afghanistan, including, at a minimum, the following elements:

(A) A listing and short description of the programs, including major elements of each program.

(B) An evaluation of the changes in security conditions in the districts in which each program is located, from each program's inception to the date of the report.

(C) The extent to which the forces developed under the programs are generally representative of the ethnic groups in the respective districts in which the programs are located.

(D) If the forces developed under the programs are appropriately representative of the geographic area of responsibility.

(E) An assessment of the effectiveness of each program, including, to the extent practicable, the views of the local communities and Afghan national, provincial, and district governmental officials and leaders of the local communities.

(F) Any formal reviews of the programs that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(G) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(H) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(I) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under each program.

(J) Any other criteria used to evaluate the programs by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the programs, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the programs or the establishment of similar programs.

(B) A description of how such expansions would support the functions of the Afghan National Police.

(C) A description of how districts or provinces will be chosen to participate in the programs, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies and of the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the programs.

(iii) What process will be used to evaluate any changes to the programs as executed in the past to account for different or unique circumstances in additional areas of expansion.

(D) An assessment of personnel, assets, or funding of the Department of Defense that would likely be required to support any expansion of the programs.

(E) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the programs, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(F) A description of whether members of the forces developed under the programs will be transitioned to the ANSF or to other employment in the future, including a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required; and

(iii) how decisions will be made to transition the forces to the ANSF or other employment.

(G) The Afghan chain of command that will be used to implement the programs and provide command and control over the units created by the programs.

SEC. 1229. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is amended by adding at the end the following new sentence: ''Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).''.

SEC. 1230. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter ''harm'') incident to combat activities of the United States Armed Forces.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedures, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general uniform procedures and guidelines would create a legally enforceable entitlement to ''compensation'' and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 1231. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the progress toward long-term security and stability in Pakistan. The report required under this subsection shall be submitted concurrent with the submission of each report under section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), on or after the date of the enactment of this Act.

(b) ELEMENTS.—The report required under subsection (a) shall address, at a minimum, the following elements:

(1) The effectiveness of efforts to achieve the following strategic goals:

(A) To disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan.

(B) To eliminate the safe havens for such forces in Pakistan.

(C) To prevent the return of such forces to Pakistan or Afghanistan.

(2) The effectiveness of United States security assistance to Pakistan to achieve the strategic goals described in paragraph (1).

(3) For any strategic goal addressed under this subsection, a description of any additional goals and objectives, and the timelines for meeting such goals and objectives.

(4) A description of the metrics used to assess progress toward each goal and objective and along each timeline described in paragraph (3).

(c) FORM.—The report required under subsection (a) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

SEC. 1233. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: ''Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.''.

SEC. 1234. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to transfer defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Iraq or the Government of Afghanistan, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed $750,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A)(i) were present in Iraq as of the date of the enactment of this Act;

(ii) immediately before the transfer were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq; or

(B)(i) were present in Kuwait as of the date of enactment of this Act;

(ii) prior to being transferred to Kuwait were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq or Kuwait (as the case may be).

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq or Kuwait (as the case may be).

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq or Kuwait owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Afghanistan and an estimate of the quantity of such defense articles to be transferred.

(F) A description of the process by which potential requirements, including requirements related to responding to natural disasters and other domestic emergencies in the continental United States, for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(G) A description of the plan, if any, for reimbursing military departments from which nonexcess defense articles are transferred under the authority provided in subsection (a).

(H) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(I) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(J) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) a description of whether the article is considered to be an excess defense article or a nonexcess defense article;

(D) an identification of the military department from which the defense articles being transferred are drawn;

(E) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided; and

(F) a certification and determination by the Secretary of Defense that—

(i) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(2) INCLUSION IN OTHER REPORT.—The report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq or Afghanistan during fiscal year 2010 pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act or against the limitation on the aggregate value of defense articles transferred contained in subsection (b)(1) of this section.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to provide the authority to refurbish, transport, or otherwise assist in the transfer to Iraq or Afghanistan of excess defense articles outside of Iraq or Kuwait as of the date of the enactment of this Act.

SEC. 1235. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—The Secretary of Defense may, in support of the Commander of United States Forces for Afghanistan (USFOR-A), enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide an analysis of the required force levels and types of forces needed to implement the Commander's strategic objectives in Afghanistan, including securing the southern and eastern regions of Afghanistan in order to provide a space for the Government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—From funds made available for the Department of Defense by section 301(5) for operation and maintenance, Defense-wide activities, $3,000,000 may be used to carry out subsection (a).

SEC. 1236. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by striking ''2010'' and inserting ''2011''.

(b) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) A description of commitments or agreements by NATO ISAF countries regarding the following:

''(i) Mutually agreed upon goals.

''(ii) Strategies to achieve such goals.

''(iii) Resource and force requirements.

''(iv) Commitments and pledges of support regarding troops and resource levels.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of commitments or agreements with non-NATO ISAF troop-contributing countries regarding the following:

''(A) Mutually agreed upon goals.

''(B) Strategies to achieve such goals.

''(C) Resource and force requirements.

''(D) Commitments and pledges of support regarding troops and resource levels.''.

(c) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A), by striking ''individual NATO ISAF countries'' and inserting ''each individual NATO ISAF country'';

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.'';

(4) by redesignating subparagraphs (F) through (L) (as redesignated) as subparagraphs (G) through (M), respectively;

(5) by inserting after subparagraph (E) (as redesignated) the following new subparagraph:

''(F) An assessment of progress in ending the ability of the insurgency (including the Taliban, Al Qaeda, and other anti-government elements), to establish control over the population of Afghanistan or regions of Afghanistan and establish safe havens in Afghanistan, and to conduct attacks inside or outside Afghanistan from such safe havens.''; and

(6) in subparagraph (J) (as redesignated)—

(A) by redesignating clause (ii) as clause (iv); and

(B) by inserting after clause (i) the following:

''(ii) The coordination of reconstruction and development activities in Afghanistan, including—

''(I) the roles of members of the Armed Forces and non-Armed Forces personnel within the staffing of United States-led Provincial Reconstruction Teams;

''(II) the use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense; and

''(III) the coordination between United States-led and other international-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

''(iii) Unfilled staffing and resource requirements for United States reconstruction, development, and civil institution capacity building programs.''.

(d) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (K) (as redesignated) by striking ''subsection (c)(4)'' and inserting ''subsection (c)(5)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) after December 31, 2009.

SEC. 1237. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

Subtitle C—Other Matters

SEC. 1241. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iran in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(C) An assessment of direct contacts between the Government of the United States and the Government of the Islamic Republic of Iran, including any direct discussions, exchange of letters, or other activities.

(2) SUPPORT FOR TERRORISM.—An assessment of the types and amount of support provided by Iran to groups designated by the United States as foreign terrorist organizations and regional militant groups, including organizations and groups present in Iraq and Afghanistan.

(3) NUCLEAR ACTIVITIES.—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable resolutions adopted by the United Nations Security Council as of the date of the report.

(4) MISSILE ACTIVITIES.—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with applicable United Nations Security Council Resolutions.

(5) SUPPORT TO NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the narcotics trade in Afghanistan.

(6) SANCTIONS AGAINST IRAN.—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities that the Secretary of State has determined to be engaged in activities in violation of existing United States bilateral or multilateral sanctions against Iran; and

(E) a summary of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that activities subject to sanctions have occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination.

(c) SUBMITTAL OF SIMILAR REPORTS AND MATERIALS.—If any report or other material, whether required by law or not, submitted to Congress or any committee of Congress substantially responds to any requirement contained in this section, such requirement shall be considered to have been satisfied by including in the report required by subsection (a) a listing the title and date of the other such report or material so submitted.

(d) SUBMITTAL IN CLASSIFIED FORM.—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

SEC. 1242. ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2009''.

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2010, and every September 30 thereafter until September 30, 2012, the President shall submit to Congress a report that contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies and the balance of resource commitments among such departments and agencies;

(C) a delineation of the boundaries and integration between—

(i) the strategic operational planning role of the National Counterterrorism Center (NCTC) for counterterrorism;

(ii) the operational planning role of the Department of Defense and, if applicable, the Central Intelligence Agency, for counterinsurgency and foreign internal defense;

(iii) the operational planning role of the Department of State and other Federal departments and agencies for diplomacy and foreign assistance to promote stability, human rights, prosperity, and other general United States foreign policy goals; and

(iv) the role of the President's National Security Council staff to coordinate the national security interagency process;

(D) a determination of whether the NCTC exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458);

(E) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) a description of the most challenging areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(F) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through integrated military, financial, political, intelligence, paramilitary, economic, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(G) a description of United States Government activities to counter terrorist recruitment and radicalization, including coordinated interagency—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(H) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(I) activities by foreign governments to combat Al Qaeda and its related affiliates and undermine violent extremism, and the extent of their cooperation with the United States Government;

(J) an analysis of the extent to which specific Federal appropriations—

(i) have been mapped to agency tasks as directed in the NCTC's National Implementation Plan;

(ii) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(iii) contribute to investments that have expected payoffs in the medium- to long-term;

(K) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States and foreign government counterterrorism efforts as compared to estimates of the total number of personnel belonging to Al Qaeda and its related affiliates; and

(L) a concise summary of the methods used by all elements of the United States Government to assess and evaluate progress in the Nation's overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) the Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence, including the Central Intelligence Agency;

(H) the Office of Management and Budget;

(I) the United States Agency for International Development; and

(J) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be submitted in an unclassified form, to the maximum extent practicable, and accompanied by a classified appendix, as appropriate.

SEC. 1243. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking ''until December 31, 2010, the President shall submit'' and inserting ''until September 30, 2011, the Director of the Office of Management and Budget shall submit''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.''.

SEC. 1244. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as ''NATO'') operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the ''NSCC'') to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1245. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

(A) the goals of Iran's grand strategy, security strategy, and military strategy.

(B) trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world; and

(C) Iranian strategy regarding other countries in the region, including other specified countries.

(2) An assessment of the capabilities of Iran's conventional forces, including—

(A) the size and capabilities of Iran's conventional forces;

(B) an analysis of the effectiveness of Iran's conventional forces when facing United States forces in the region and other specified countries;

(C) a description of Iranian military doctrine; and

(D) an estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces and related activities, including—

(A) the size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force;

(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

(C) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region; and

(D) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

(A) a summary of nuclear weapons capabilities and developments in the preceding year;

(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch sites;

(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries; and

(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces.

(c) DEFINITIONS.—In this section:

(1) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(2) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(3) IRAN'S BALLISTIC MISSILE FORCES.—The term ''Iran's ballistic missile forces'' means those elements of the military forces of Iran that employ ballistic missiles.

(4) IRAN'S CRUISE MISSILE FORCES.—The term ''Iran's cruise missile forces'' means those elements of the military forces of Iran that employ cruise missiles capable of flights less than 500 kilometers.

(5) SPECIFIED COUNTRIES.—The term ''specified countries'' means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2014.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking ''on the current and future military strategy of the People's Republic of China'' and inserting ''on military and security developments involving the People's Republic of China'';

(2) in the second sentence—

(A) by striking ''on the People's Liberation Army'' and inserting ''of the People's Liberation Army''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy''; and

(3) by adding at the end the following new sentence: ''The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.''.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking ''goals of'' inserting ''goals and factors shaping''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy'';

(2) by amending paragraph (2) to read as follows:

''(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).'';

(3) in paragraph (6)—

(A) by inserting ''and training'' after ''military doctrine''; and

(B) by striking '', focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes''; and

(4) by adding at the end the following new paragraphs:

''(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

''(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

''(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

''(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.''.

*(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**MILITARY POWER OF**'' and inserting ''**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**''.*

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1247. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term ''drawdown'' means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term ''drawdown authority''—

(A) means an authority under—

(i) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(ii) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(iii) any other substantially similar provision of law; but

(B) does not include the authority provided under section 1234 (relating to authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan).

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2013.

SEC. 1248. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1249. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On August 20, 2008, representatives of the governments of the United States and Poland signed the ''Declaration on Strategic Cooperation between the United States of America and the Republic of Poland''.

(2) The Declaration on Strategic Cooperation states, among other things, that the ''United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland. We intend to begin this cooperation next year and to expand it with the aim of establishing by 2012 a garrison to support the U.S. Army Patriot battery. The Government of Poland intends to provide an appropriate site, infrastructure, and facilities for this garrison acceptable to both parties. Our cooperation in this area will include joint training opportunities that will enhance Polish air defense capabilities. In the coming months, we intend to reach agreement on the specific arrangements that will enable this cooperation to begin. These steps reflect the commitment of the United States to an expanded defense relationship with Poland.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States and Poland should seek to implement the terms of the Declaration on Strategic Cooperation, including cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland. The report shall be in unclassified form, but may include a classified annex.

SEC. 1250. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F–22A FIGHTER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on potential foreign military sales of the F–22A fighter aircraft.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F–22A fighter aircraft.

(2) An assessment whether an exportable version of the F–22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F-22A fighter aircraft.

(4) An identification of any modifications to current law that are required to authorize foreign military sales of the F–22A fighter aircraft.

(c) ADDITIONAL REPORT REQUIRED.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center to submit, not later than 180 days after the date of the enactment of this Act, to the committees identified in subsection (a), through the Secretary of Defense, a report on the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

SEC. 1251. REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF CONGRESS ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is later, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex; and

(C) maintain the delivery platforms for nuclear weapons.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States;

(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and

(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.

SEC. 1252. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, should, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo;

(2) to make such map available to the public; and

(3) to provide to the appropriate congressional committees, in classified form if necessary, an explanatory note describing in general terms the sources of information on which the map is based, the definition of the term ''control of armed groups'' utilized (for example, physical control of mines or forced labor of civilians, control of trade routes, and taxation or extortion of goods in transit), and the identification where possible of the armed groups or other forces in control of the mines depicted.

(b) UPDATES.—The Secretary of State should continue cooperation with the international community and sustain the intent of the report of the United Nations Group of Experts on the Democratic Republic of the Congo by assisting in the regular updating of the map required by subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1253. SENSE OF CONGRESS RELATING TO ISRAEL.

It is the sense of Congress that—

(1) Israel is one of the strongest allies of the United States;

(2) the United States remains vigorously committed to supporting Israel's welfare, security, and survival as a democratic state;

(3) Israel and the United States face common enemies; and

(4) the United States should continue to provide critical security assistance needed to address existential threats.

SEC. 1254. SENSE OF CONGRESS ON IMPOSING SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) the Government of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, as directed by the United Nations Security Council; and

(C) come into full compliance with Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty''), including the additional protocol to the Treaty; and

(2) the President should consider the imposition of additional, more restrictive sanctions on Iran if—

(A) the Government of Iran fails to enter into good faith talks which result in progress toward compliance with applicable United Nations Security Council resolutions; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of Iran.

SEC. 1255. REPORT AND SENSE OF CONGRESS ON NORTH KOREA.

(a) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) if North Korea does not meet the statutory criteria for being listed as a state sponsor of terrorism, examine whether re-listing North Korea as a state sponsor of terrorism would undermine the effectiveness of the state sponsor of terrorism designation in general and undermine United States efforts regarding existing state sponsors of terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security; and

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term ''state sponsor of terrorism'' means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SEC. 1256. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization, and the Russian Federation on ballistic missile defense.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures, joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan and Armavir in southern Russia or other radars.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of whether there is mutual interest in modifying the agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

(5) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(6) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (5).

(7) Such other matters as the Secretary considers appropriate.

Subtitle D—VOICE Act

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the ''Victims of Iranian Censorship Act''or the ''VOICE Act''.

SEC. 1262. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated $15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated $15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1263. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the ''Fund''), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to the Fund.

SEC. 1264. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America and any other relevant demographic information that can be ascertained about the audience for such broadcasts;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1265. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on non-Iranian persons, including corporations with United States subsidiaries, that, after the date of the enactment of this Act, have knowingly or negligently provided hardware, software, or other forms of assistance to the Government of Iran that has furthered Iran's efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

SEC. 1266. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated $5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. Metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction Program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $17,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available to be obligated or expended without further appropriation.

(c) RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—

(1) IN GENERAL.—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) LIMITATION ON USE OF AMOUNTS.—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

(e) ANNUAL REPORT.—Not later than October 31 each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the appropriate congressional committees an implementation plan for the authority provided under this section prior to obligating or expending any amounts contributed pursuant to subsection (a). The Secretary shall submit updates to such plan as needed.

(g) TERMINATION.—The authority provided under this section shall terminate on December 31, 2015.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) METRICS REQUIRED.—The Secretary of Defense shall develop and implement metrics to measure the impact and effectiveness of activities of the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SECRETARY OF DEFENSE REPORT ON METRICS.—Not later than 270 days after the

date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the metrics developed and implemented under subsection (a).

(c) NATIONAL ACADEMY OF SCIENCES ASSESSMENT AND REPORT ON METRICS.—

(1) ASSESSMENT.—Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assessment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

(2) REPORT.—The National Academy of Sciences shall submit to the appropriate congressional committees and the Secretary of Defense a report on the results of the assessment carried out under paragraph (1).

(3) SECRETARY OF DEFENSE REPORT.—

(A) Not later than 90 days after receipt of the report required by paragraph (2), the Secretary shall submit to the appropriate congressional committees a report on the assessment carried out by the National Academy of Sciences.

(B) The report under subparagraph (A) shall include the following:

(i) A summary of the results of the assessment carried out under paragraph (1).

(ii) An evaluation by the Secretary of the assessment.

(iii) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the assessment.

(C) The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out paragraphs (1) and (2) of subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(1) is executed pursuant to a well-developed strategy for advancing the mission of the Cooperative Threat Reduction Program;

(2) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(3) is directly administered as part of the Cooperative Threat Reduction Program; and

(4) includes cooperation and coordination with—

(A) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(B) related diplomatic efforts.

(b) COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—Paragraph (8) of section 1308(c) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959) is amended—

(1) by inserting '', including under the Defense and Military Contacts program,'' after ''programs''; and

(2) in subparagraph (B), by striking ''the purposes'' and inserting ''the strategy''.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical agents and munitions destruction, defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.
Sec. 1407. Relation to funding table.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,00.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,642,758,000.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,054,234,000.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $288,100,000, of which—

(1) $287,100,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $28,033,093,000, of which—

(1) $27,094,849,000 is for Operation and Maintenance;

(2) $616,102,000 is for Research, Development, Test, and Evaluation; and

(3) $322,142,000 is for Procurement.

SEC. 1407. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional

obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is further amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations contained in the report entitled ''Reconfiguration of the National Defense Stockpile Report to Congress'' dated April 2009 and submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109–89, House Report 109–452, and Senate Report 110–115.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the Secretary's recommendations for changes, based on the findings of the April 2009 report, to statutes, regulations, and policies, which the Secretary determines are necessary to enable the implementation of the recommendations contained in the April 2009 report or to improve Federal Government management of the National Defense Stockpile in the interest of the National Security Strategy.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required by subsection (a) until 45 days after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Research, development, test, and evaluation.
Sec. 1509. Operation and maintenance.
Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1511. Limitations on Iraq Security Forces Fund.
Sec. 1512. Military personnel.
Sec. 1513. Working capital funds.
Sec. 1514. Defense Health Program.
Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1516. Defense Inspector General.
Sec. 1517. Relation to funding tables.
Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1519. Treatment as additional authorizations.
Sec. 1520. Special transfer authority.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,636,229,000.

(2) For missile procurement, $481,570,000.

(3) For weapons and tracked combat vehicles procurement, $759,466,000.

(4) For ammunition procurement, $370,635,000.

(5) For other procurement, $5,600,326,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,099,850,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(d) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4650), is amended by striking subsection (e).

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $903,197,000.

(2) For weapons procurement, Navy, $50,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $681,957,000.

(4) For other procurement, Navy, $293,018,000.

(5) For procurement, Marine Corps, $1,060,268,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $780,441,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $36,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1506. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $6,056,000,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities in the amount of $489,980,000.

SEC. 1508. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $57,962,000.

(2) For the Navy, $90,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $115,826,000.

SEC. 1509. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $52,166,761,000.

(2) For the Navy, $6,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,026,868,000.

(5) For Defense-wide activities, $7,583,400,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000.

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

(11) For the Air National Guard, $289,862,000.

(12) For the Afghanistan Security Forces Fund, $7,462,769,000.

SEC. 1510. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1509(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1511. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $14,146,341,000.

SEC. 1513. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1514. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,256,675,000 for operation and maintenance.

SEC. 1515. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $356,603,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of

the Department of Defense in the amount of $8,876,000.

SEC. 1517. RELATION TO FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, 1505, 1506, and 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1508 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by section 1509 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) OTHER AMOUNTS.—The amounts authorized to be appropriated by sections 1513, 1514, 1515, and 1516 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

SEC. 1518. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1520. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVII—DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

Sec. 1701. Demonstration project authority.
Sec. 1702. Transfer of property.
Sec. 1703. Transfer of civilian personnel of the Department of Defense.
Sec. 1704. Joint funding authority.
Sec. 1705. Eligibility of members of the uniformed services for care and services.
Sec. 1706. Extension of DOD–VA Health Care Sharing Incentive Fund.

SEC. 1701. DEMONSTRATION PROJECT AUTHORITY.

(a) EXECUTIVE AGREEMENT AUTHORIZED.—Subject to subsection (b), the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs may execute a signed executive agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) DEADLINE FOR ENTRY INTO AGREEMENT.—The executive agreement authorized by subsection (a) shall be entered into, if at all, by not later than 180 days after the date of the enactment of this Act.

(c) SCOPE.—The executive agreement under subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009; and

(2) contain additional terms and conditions as required by the provisions of this title.

(d) REPORTS.—

(1) NOTICE ON AGREEMENT.—Not later than seven days before executing an executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth a copy of the proposed executive agreement.

(2) FINAL REPORT.—Not later than 180 days after the fifth anniversary of the date of the execution of the executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the exercise of the authorities in this title at the facility (as defined in section 1702(a)(1)). The report shall include the following:

(A) A comprehensive description and assessment of the exercise of the authorities in this title.

(B) The recommendation of the Secretaries as to whether the exercise of the authorities in this title should continue.

(3) REPORT ON ADDITIONAL LOCATIONS FOR SIMILAR AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth such recommendations as the Secretaries jointly consider appropriate for additional locations, if any, at which executive agreements like the executive agreement under subsection (a) would be advisable.

(e) COMPTROLLER GENERAL REVIEWS.—

(1) IN GENERAL.—Not later than one year after the execution of an executive agreement under subsection (a), and annually thereafter, the Comptroller General shall conduct a review and assessment of the following:

(A) The progress made in implementing the agreement.

(B) The effects of the agreement on the provision of care and operation of the facility (as so defined).

(2) REPORTS.—Not later than 90 days after the commencement of each review and assessment conducted under paragraph (1), the Comptroller General shall submit to the appropriate committees of Congress a report on such review and assessment. Each report shall set forth the following:

(A) The results of such review and assessment.

(B) Such recommendations for modifications of the executive agreement, or the authorities in this title, as the Comptroller General considers appropriate in light of the results of such review and assessment.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

SEC. 1702. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction, custody, and control over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1701 (hereafter in this title referred to as the ''facility'').

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1701 of the executive agreement under that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1701(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of paragraph (2), as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall complete the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement under section 1701, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the facility, the Secretary of Veterans Affairs shall offer to transfer jurisdiction, custody, and control over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to complete such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction, custody, and control over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to complete such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to

subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction, custody, and control over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to complete such transfer.

(C) REVERSION PROCEDURES.—The executive agreement under section 1701 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the facility. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement under section 1701. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement under section 1701 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the facility if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 1704. JOINT FUNDING AUTHORITY.

(a) JOINT MEDICAL FACILITY DEMONSTRATION FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized and appropriated for the Department of Defense specifically for that purpose.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized and appropriated for the Department of Veterans Affairs specifically for that purpose.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the facility of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the facility may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement under section 1701 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(b) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (a) shall be available to fund the operations of the facility, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection (a)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (a) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (a), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(c) FINANCIAL RECONCILIATION.—The executive agreement under section 1701 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(d) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(e) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 1705. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the facility may be treated as a facility of the uniformed services to the extent provided in the executive agreement under section 1701.

(b) PRIORITY OF TREATMENT.—The executive agreement under section 1701 shall provide an integrated priority list for access to health care at the facility, which list shall—

(1) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs, giving first priority of care to members of the Armed Forces on active duty; and

(2) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(c) ADDITIONAL ELEMENTS.—The executive agreement under section 1701 may include provisions as follows:

(1) To incorporate any resource-related limitations for access to health care at the facility that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(2) To waive the applicability to the facility of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

(3) To allocate financial responsibility for care provided at the facility for individuals who are

eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

SEC. 1706. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

TITLE XVIII—MILITARY COMMISSIONS

Sec. 1801. Short title.
Sec. 1802. Military commissions.
Sec. 1803. Conforming amendments.
Sec. 1804. Proceedings under prior statute.
Sec. 1805. Submittal to Congress of revised rules for military commissions.
Sec. 1806. Annual reports to Congress on trials by military commission.
Sec. 1807. Sense of Congress on military commission system.

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Military Commissions Act of 2009''.

SEC. 1802. MILITARY COMMISSIONS.

Chapter 47A of title 10, United States Code, is amended to read as follows:

''CHAPTER 47A—MILITARY COMMISSIONS

''SUBCHAPTER Sec.
''I. General Provisions ..... 948a.
''II. Composition of Military Commissions ..... 948h.
''III. Pre-Trial Procedure ..... 948q.
''IV. Trial Procedure ..... 949a.
''V. Classified Information Procedures .. 949p–1.
''VI. Sentences ..... 949s.
''VII. Post-Trial Procedures and Review of Military Commissions ..... 950a.
''VIII. Punitive Matters ..... 950p.

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.
''948a. Definitions.
''948b. Military commissions generally.
''948c. Persons subject to military commissions.
''948d. Jurisdiction of military commissions.

''§948a. Definitions

''In this chapter:

''(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

''(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

''(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

''(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(3) COALITION PARTNER.—The term 'coalition partner', with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

''(4) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—The term 'Geneva Convention Relative to the Treatment of Prisoners of War' means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

''(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

''(6) PRIVILEGED BELLIGERENT.—The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

''(7) UNPRIVILEGED ENEMY BELLIGERENT.—The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who—

''(A) has engaged in hostilities against the United States or its coalition partners;

''(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

''(C) was a part of al Qaeda at the time of the alleged offense under this chapter.

''(8) NATIONAL SECURITY.—The term 'national security' means the national defense and foreign relations of the United States.

''(9) HOSTILITIES.—The term 'hostilities' means any conflict subject to the laws of war.

''§948b. Military commissions generally

''(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

''(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

''(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

''(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

''(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

''(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

''(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

''(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

''(e) GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

''§948c. Persons subject to military commissions

''Any alien unprivileged enemy belligerent is subject to trial by military commission as set forth in this chapter.

''§948d. Jurisdiction of military commissions

''A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, whether such offense was committed before, on, or after September 11, 2001, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

''Sec.
''948h. Who may convene military commissions.
''948i. Who may serve on military commissions.
''948j. Military judge of a military commission.
''948k. Detail of trial counsel and defense counsel.
''948l. Detail or employment of reporters and interpreters.
''948m. Number of members; excuse of members; absent and additional members.

''§948h. Who may convene military commissions

''Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

''§948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

''(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

''(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

''§948j. Military judge of a military commission

''(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which such military judge has been detailed.

''(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge of general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

''(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if such person is the accuser or a witness or has acted as investigator or a counsel in the same case.

''(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may such military judge vote with the members.

''(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to such officer by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

''(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter may not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to such judge's

performance of duty as a military judge on the military commission.

"§948k. Detail of trial counsel and defense counsel

''(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

''(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

''(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

''(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

''(b) TRIAL COUNSEL.—Subject to subsection (e), a trial counsel detailed for a military commission under this chapter shall be—

''(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

''(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member; or

''(2) a civilian who is—

''(A) a member of the bar of a Federal court or of the highest court of a State; and

''(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

''(c) DEFENSE COUNSEL.—(1) Subject to subsection (e), a military defense counsel detailed for a military commission under this chapter shall be a judge advocate (as so defined) who is—

''(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member.

''(2) The Secretary of Defense shall prescribe regulations for the appointment and performance of defense counsel in capital cases under this chapter.

''(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

''(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

''(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§948l. Detail or employment of reporters and interpreters

''(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

''(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

''(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

"§948m. Number of members; excuse of members; absent and additional members

''(a) NUMBER OF MEMBERS.—(1) Except as provided in paragraph (2), a military commission under this chapter shall have at least five members.

''(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

''(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

''(1) as a result of challenge;

''(2) by the military judge for physical disability or other good cause; or

''(3) by order of the convening authority for good cause.

''(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''Sec.
''948q. Charges and specifications.
''948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused.
''948s. Service of charges.

"§948q. Charges and specifications

''(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

''(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

''(2) that such matters are true in fact to the best of the signer's knowledge and belief.

''(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against the accused as soon as practicable.

"§948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused

''(a) EXCLUSION OF STATEMENTS OBTAIN BY TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT.—No statement obtained by the use of torture or by cruel, inhuman, or degrading treatment (as defined by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd)), whether or not under color of law, shall be admissible in a military commission under this chapter, except against a person accused of torture or such treatment as evidence that the statement was made.

''(b) SELF-INCRIMINATION PROHIBITED.—No person shall be required to testify against himself or herself at a proceeding of a military commission under this chapter.

''(c) OTHER STATEMENTS OF THE ACCUSED.—A statement of the accused may be admitted in evidence in a military commission under this chapter only if the military judge finds—

''(1) that the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

''(2) that—

''(A) the statement was made incident to lawful conduct during military operations at the point of capture or during closely related active combat engagement, and the interests of justice would best be served by admission of the statement into evidence; or

''(B) the statement was voluntarily given.

''(d) DETERMINATION OF VOLUNTARINESS.—In determining for purposes of subsection (c)(2)(B) whether a statement was voluntarily given, the military judge shall consider the totality of the circumstances, including, as appropriate, the following:

''(1) The details of the taking of the statement, accounting for the circumstances of the conduct of military and intelligence operations during hostilities.

''(2) The characteristics of the accused, such as military training, age, and education level.

''(3) The lapse of time, change of place, or change in identity of the questioners between the statement sought to be admitted and any prior questioning of the accused.

"§948s. Service of charges

''The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

''SUBCHAPTER IV—TRIAL PROCEDURE

''Sec.
''949a. Rules.
''949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review.
''949c. Duties of trial counsel and defense counsel.
''949d. Sessions.
''949e. Continuances.
''949f. Challenges.
''949g. Oaths.
''949h. Former jeopardy.
''949i. Pleas of the accused.
''949j. Opportunity to obtain witnesses and other evidence.
''949k. Defense of lack of mental responsibility.
''949l. Voting and rulings.
''949m. Number of votes required.
''949n. Military commission to announce action.
''949o. Record of trial.

"§949a. Rules

''(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

''(b) EXCEPTIONS.—(1) In trials by military commission under this chapter, the Secretary of

Defense, in consultation with the Attorney General, may make such exceptions in the applicability of the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need consistent with this chapter.

''(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights of the accused:

''(A) To present evidence in the accused's defense, to cross-examine the witnesses who testify against the accused, and to examine and respond to all evidence admitted against the accused on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

''(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

''(C)(i) When none of the charges preferred against the accused are capital, to be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or the military counsel of the accused's own selection, if reasonably available.

''(ii) When any of the charges preferred against the accused are capital, to be represented before a military commission in accordance with clause (i) and, to the greatest extent practicable, by at least one additional counsel who is learned in applicable law relating to capital cases and who, if necessary, may be a civilian and compensated in accordance with regulations prescribed by the Secretary of Defense.

''(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

''(E) To the suppression of evidence that is not reliable or probative.

''(F) To the suppression of evidence the probative value of which is substantially outweighed by—

''(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

''(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

''(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

''(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

''(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

''(C) Evidence shall be admitted as authentic so long as—

''(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

''(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

''(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

''(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

''(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, including the degree to which the statement is corroborated, the indicia of reliability within the statement itself, and whether the will of the declarant was overborne, determines that—

''(I) the statement is offered as evidence of a material fact;

''(II) the statement is probative on the point for which it is offered;

''(III) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness, the unique circumstances of military and intelligence operations during hostilities, and the adverse impacts on military or intelligence operations that would likely result from the production of the witness; and

''(IV) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

''(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform the accused's deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

''(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

''(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

''(d) NOTICE TO CONGRESS OF MODIFICATION OF RULES.—Not later than 60 days before the date on which any proposed modification of the rules in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the proposed modification.

''§949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review

''(a) MILITARY COMMISSIONS.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

''(2) No person may attempt to coerce or, by any unauthorized means, influence—

''(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

''(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

''(C) the exercise of professional judgment by trial counsel or defense counsel.

''(3) The provisions of this subsection shall not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by a military judge or counsel.

''(b) UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—(1) No person may attempt to coerce or, by any unauthorized means, influence—

''(A) the action of a military appellate judge or other duly appointed judge under this chapter on the United States Court of Military Commissions Review in reaching a decision on the findings or sentence on appeal in any case; or

''(B) the exercise of professional judgment by trial counsel or defense counsel appearing before the United States Court of Military Commission Review.

''(2) No person may censure, reprimand, or admonish a military appellate judge on the United States Court of Military Commission Review, or counsel thereof, with respect to any exercise of their functions in the conduct of proceedings under this chapter.

''(3) The provisions of this subsection shall not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by an appellate military judge or a duly appointed appellate judge on the United States Court of Military Commission Review, or counsel.

''(4) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

''(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

''(B) The appellate military judge retires or otherwise separates from the armed forces.

''(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

''(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).

''(c) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

''(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

''(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

''§949c. Duties of trial counsel and defense counsel

''(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

''(b) DEFENSE COUNSEL.—(1) The accused shall be represented in the accused's defense before a military commission under this chapter as provided in this subsection.

''(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

''(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

''(A) is a United States citizen;

''(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

''(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

''(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

''(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

''(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

''(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

''(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

''(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

"§949d. Sessions

''(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

''(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

''(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

''(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

''(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

''(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

''(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

''(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

''(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

''(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

''(B) ensure the physical safety of individuals.

''(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

''(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

''(1) to ensure the physical safety of individuals; or

''(2) to prevent disruption of the proceedings by the accused.

"§949e. Continuances

''The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§949f. Challenges

''(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

''(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

''(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§949g. Oaths

''(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

''(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

''(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

''(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

''(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

''(c) OATH DEFINED.—In this section, the term 'oath' includes an affirmation.

"§949h. Former jeopardy

''(a) IN GENERAL.—No person may, without the person's consent, be tried by a military commission under this chapter a second time for the same offense.

''(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

"§949i. Pleas of the accused

''(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

''(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§949j. Opportunity to obtain witnesses and other evidence

''(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense. The opportunity to obtain witnesses and evidence shall be comparable to the opportunity available to a criminal defendant in a court of the United States under article III of the Constitution.

''(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

''(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

''(B) shall run to any place where the United States shall have jurisdiction thereof.

''(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

''(A) negate the guilt of the accused of an offense charged; or

''(B) reduce the degree of guilt of the accused with respect to an offense charged.

''(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

''(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the defense the existence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

''(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

"§949k. Defense of lack of mental responsibility

''(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

''(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

''(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental

responsibility under this section and shall charge the members to find the accused—

''(1) guilty;

''(2) not guilty; or

''(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

''(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

''§949l. Voting and rulings

''(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

''(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

''(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change such a ruling at any time during the trial.

''(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

''(1) that the accused must be presumed to be innocent until the accused's guilt is established by legal and competent evidence beyond a reasonable doubt;

''(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;

''(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

''(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

''§949m. Number of votes required

''(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

''(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

''(2) No person may be sentenced to death by a military commission, except insofar as—

''(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

''(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

''(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

''(D) all members present at the time the vote was taken concurred in the sentence of death.

''(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

''(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

''(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

''§949n. Military commission to announce action

''A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

''§949o. Record of trial

''(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

''(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

''(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of subchapter V of this chapter. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

''SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

''Sec.
''949p–1. Protection of classified information: applicability of subchapter.
''949p–2. Pretrial conference.
''949p–3. Protective orders.
''949p–4. Discovery of, and access to, classified information by the accused.
''949p–5. Notice by accused of intention to disclose classified information.
''949p–6. Procedure for cases involving classified information.
''949p–7. Introduction of classified information into evidence.

''§949p–1. Protection of classified information: applicability of subchapter

''(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

''(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

''(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

''(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

''§949p–2. Pretrial conference

''(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

''(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

''(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

''(A) requests for discovery;

''(B) the provision of notice required by section 949p–5 of this title; and

''(C) the initiation of the procedure established by section 949p–6 of this title.

''(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

''(A) which relates to classified information; or

''(B) which may promote a fair and expeditious trial.

''(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

''§949p–3. Protective orders

''Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

''§949p–4. Discovery of, and access to, classified information by the accused

''(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

''(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States' classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

''(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge may not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution's case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified

information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

''(b) DISCOVERY OF CLASSIFIED INFORMATION.—

''(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused's discovery of or access to classified information under this section, may authorize the United States—

''(A) to delete or withhold specified items of classified information;

''(B) to substitute a summary for classified information; or

''(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

''(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire presentation (including the text of any written submission, verbatim transcript of the ex parte oral conference or hearing, and any exhibits received by the court as part of the ex parte presentation) shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

''(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

''(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

''§ 949p–5. Notice by accused of intention to disclose classified information

''(a) NOTICE BY ACCUSED.—

''(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

''(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

''(A) notice has been given under paragraph (1); and

''(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p–6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

''(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

''(1) may preclude disclosure of any classified information not made the subject of notification; and

''(2) may prohibit the examination by the accused of any witness with respect to any such information.

''§ 949p–6. Procedure for cases involving classified information

''(a) MOTION FOR HEARING.—

''(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

''(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

''(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

''(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

''(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

''(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

''(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

''(c) SUBSTITUTIONS.—

''(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

''(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—When trial counsel seeks to introduce evidence before a military commission under this chapter and the Executive branch has classified the sources, methods, or activities by which the United States acquired the evidence, the military judge shall permit trial counsel to introduce the evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), while protecting from disclosure information identifying those sources, methods, or activities, if—

''(A) the evidence is otherwise admissible; and

''(B) the military judge finds that—

''(i) the evidence is reliable; and

''(ii) the redaction is consistent with affording the accused a fair trial.

''(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

''(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

''(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

''(B) the substitution for such classified information of a summary of the specific classified information; or

''(C) any other procedure or redaction limiting the disclosure of specific classified information.

''(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

''(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

''(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

''(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

''(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

''(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an order under paragraph (1) from disclosing or

causing the disclosure of classified information, the military judge shall dismiss the case, except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

''(A) Dismissing specified charges or specifications.

''(B) Finding against the United States on any issue as to which the excluded classified information relates.

''(C) Striking or precluding all or part of the testimony of a witness.

''(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

''(A) an opportunity to appeal such order under section 950d of this title; and

''(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

''(g) RECIPROCITY.—

''(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

''(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

''(A) may exclude any evidence not made the subject of a required disclosure; and

''(B) may prohibit the examination by the United States of any witness with respect to such information.

''§ 949p–7. Introduction of classified information into evidence

''(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

''(b) PRECAUTIONS BY MILITARY JUDGES.—

''(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

''(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the United States, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

''(c) TAKING OF TESTIMONY.—

''(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

''(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

''(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

''(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

''SUBCHAPTER VI—SENTENCES

''Sec.
''949s. Cruel or unusual punishments prohibited.
''949t. Maximum limits.
''949u. Execution of confinement.

''§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

''§ 949t. Maximum limits

''The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

''§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

''(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

''SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''Sec.
''950a. Error of law; lesser included offense.
''950b. Review by the convening authority.
''950c. Appellate referral; waiver or withdrawal of appeal.
''950d. Interlocutory appeals by the United States.
''950e. Rehearings.
''950f. Review by United States Court of Military Commission Review.
''950g. Review by United States Court of Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.
''950h. Appellate counsel.
''950i. Execution of sentence; suspension of sentence.
''950j. Finality of proceedings, findings, and sentences.

''§ 950a. Error of law; lesser included offense

''(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

''(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

''§ 950b. Review by the convening authority

''(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

''(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

''(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been give an authenticated record of trial under section 949o(c) of this title.

''(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

''(3) The accused may waive the accused's right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

''(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

''(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in the sole discretion of the convening authority, only—

''(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

''(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

''(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

''(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

''(C) In taking action under this paragraph, the convening authority may, in the sole discretion of the convening authority, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

''(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

''(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in the sole discretion of the convening authority, order a proceeding in revision or a rehearing.

''(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

''(i) there is an apparent error or omission in the record; or

''(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

''(B) In no case may a proceeding in revision—

''(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

''(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

''(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

''(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

''§950c. Appellate referral; waiver or withdrawal of appeal

''(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided in subsection (b), in each case in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

''(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Military Commission Review under section 950f of this title of the final decision of the military commission under this chapter.

''(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

''(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

''(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

''(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

''§950d. Interlocutory appeals by the United States

''(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Military Commission Review of any order or ruling of the military judge—

''(1) that terminates proceedings of the military commission with respect to a charge or specification;

''(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

''(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

''(4) that, with respect to classified information—

''(A) authorizes the disclosure of such information;

''(B) imposes sanctions for nondisclosure of such information; or

''(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

''(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

''(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

''(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

''(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Military Commission Review.

''(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling from which the appeal is made and the trial shall not commence until the appeal is decided.

''(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

''(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

''(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

''(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

''(D) may dispense with the issuance of a written opinion in rendering its decision.

''(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

''(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Military Commission Review.

''(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

''(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.

''§950e. Rehearings

''(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

''(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

''(A) the accused may not be tried for any offense of which the accused was found not guilty by the first military commission; and

''(B) no sentence in excess of or more than the original sentence may be imposed unless—

''(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

''(ii) the sentence prescribed for the offense is mandatory.

''(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

''§950f. Review by United States Court of Military Commission Review

''(a) ESTABLISHMENT.—There is a court of record to be known as the 'United States Court of Military Commission Review' (in this section referred to as the 'Court'). The Court shall consist of one or more panels, each composed of not less than three appellate military judges. For the purpose of reviewing decisions of military commissions under this chapter, the Court may sit in panels or as a whole, in accordance with rules prescribed by the Secretary of Defense.

''(b) JUDGES.—(1) Judges on the Court shall be assigned or appointed in a manner consistent with the provisions of this subsection.

''(2) The Secretary of Defense may assign persons who are appellate military judges to be judges on the Court. Any judge so assigned shall be a commissioned officer of the armed forces, and shall meet the qualifications for military judges prescribed by section 948j(b) of this title.

''(3) The President may appoint, by and with the advice and consent of the Senate, additional judges to the United States Court of Military Commission Review.

''(4) No person may serve as a judge on the Court in any case in which that person acted as a military judge, counsel, or reviewing official.

''(c) CASES TO BE REVIEWED.—The Court shall, in accordance with procedures prescribed under regulations of the Secretary, review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter properly raised by the accused.

''(d) STANDARD AND SCOPE OF REVIEW.—In a case reviewed by the Court under this section, the Court may act only with respect to the findings and sentence as approved by the convening authority. The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the military commission saw and heard the witnesses.

''(e) REHEARINGS.—If the Court sets aside the findings or sentence, the Court may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the Court sets aside the findings or sentence and does not order a rehearing, the Court shall order that the charges be dismissed.

''§ 950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court

''(a) EXCLUSIVE APPELLATE JURISDICTION.—Except as provided in subsection (b), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority and, where applicable, the United States Court of Military Commission Review) under this chapter.

''(b) EXHAUSTION OF OTHER APPEALS.—The United States Court of Appeals for the District of Columbia Circuit may not review a final judgment described in subsection (a) until all other appeals under this chapter have been waived or exhausted.

''(c) TIME FOR SEEKING REVIEW.—A petition for review by the United States Court of Appeals for the District of Columbia Circuit must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

''(1) written notice of the final decision of the United States Court of Military Commission Review is served on the accused or on defense counsel; or

''(2) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the United States Court of Military Commission Review.

''(d) SCOPE AND NATURE OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit may act under this section only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the United States Court of Military Commission Review, and shall take action only with respect to matters of law, including the sufficiency of the evidence to support the verdict.

''(e) REVIEW BY SUPREME COURT.—The Supreme Court may review by writ of certiorari pursuant to section 1254 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit under this section.

''§ 950h. Appellate counsel

''(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

''(b) REPRESENTATION OF UNITED STATES.—Appellate counsel appointed under subsection (a)—

''(1) shall represent the United States in any appeal or review proceeding under this chapter before the United States Court of Military Commission Review; and

''(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

''(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate counsel appointed under subsection (a) before the United States Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (7) of that section.

''§ 950i. Execution of sentence; suspension of sentence

''(a) IN GENERAL.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

''(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

''(c) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

''(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgment of the United States Court of Military Commission Review and—

''(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired, the accused has not filed a timely petition for such review, and the case is not otherwise under review by the Court of Appeals; or

''(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

''(i) a petition for a writ of certiorari is not timely filed;

''(ii) such a petition is denied by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(d) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

''§ 950j. Finality of proceedings, findings, and sentences

''The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950i(c) of this title and the authority of the President.

''SUBCHAPTER VIII—PUNITIVE MATTERS

''Sec.
''950p. Definitions; construction of certain offenses; common circumstances.
''950q. Principals.
''950r. Accessory after the fact.
''950s. Conviction of lesser offenses.
''950t. Crimes triable by military commission.

''§ 950p. Definitions; construction of certain offenses; common circumstances

''(a) DEFINITIONS.—In this subchapter:

''(1) The term 'military objective' means combatants and those objects during hostilities which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

''(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

''(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

''(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950t of this title precludes the applicability of such offenses with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with hostilities.

''(d) EFFECT.—The provisions of this subchapter codify offenses that have traditionally been triable by military commission. This chapter does not establish new crimes that did not exist before the date of the enactment of this subchapter, as amended by the National Defense Authorization Act for Fiscal Year 2010, but rather codifies those crimes for trial by military commission. Because the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of this subchapter, as so amended.

''§ 950q. Principals

''Any person punishable under this chapter who—

''(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

''(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

''(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof, is a principal.

''§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this

chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

"§ 950s. Conviction of lesser offenses

"An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950t. Crimes triable by military commission

"The following offenses shall be triable by military commission under this chapter at any time without limitation:

"(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

"(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

"(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

"(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

"(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack. or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

"(11) TORTURE.—

"(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this paragraph, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(12) CRUEL OR INHUMAN TREATMENT.—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

"(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) protracted and obvious disfigurement; or

"(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

"(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct

"(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission

under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

''(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

''(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

''(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

''(27) SPYING.—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(28) ATTEMPTS.—

''(A) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

''(B) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

''(C) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

''(29) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(30) SOLICITATION.—Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, shall be punished as a military commission under this chapter may direct.

''(31) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

''(32) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.''.

SEC. 1803. CONFORMING AMENDMENTS.

(a) UNIFORM CODE OF MILITARY JUSTICE.—

(1) PERSONS SUBJECT TO UCMJ.—Paragraph (13) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

''(13) Individuals belonging to one of the eight categories enumerated in Article 4 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), who violate the law of war.''.

(2) CONSTRUCTION OF MILITARY COMMISSIONS WITH COURTS-MARTIAL.—Section 839 of such title (article 39 of the Uniform Code of Military Justice) is amended by adding at the end the following new subsection:

''(d) The findings, holdings, interpretations, and other precedents of military commissions under chapter 47A of this title—

''(1) may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial under this chapter; and

''(2) may not form the basis of any holding, decision, or other determination of a court-martial.''.

(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–359; 10 U.S.C. 801 note) is amended by striking paragraph (3).

SEC. 1804. PROCEEDINGS UNDER PRIOR STATUTE.

(a) PRIOR CONVICTIONS.—The amendment made by section 1802 shall have no effect on the validity of any conviction pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act).

(b) COMPOSITION OF MILITARY COMMISSIONS.—Notwithstanding the amendment made by section 1802—

(1) any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code (as amended by section 1802);

(2) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(3) any military judge detailed to a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(4) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(5) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code (as so amended); and

(6) any appellate military judge or other duly appointed appellate judge on the Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or appointed to the United States Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as so amended).

(c) CHARGES AND SPECIFICATIONS.—Notwithstanding the amendment made by section 1802—

(1) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code (as amended by section 1802); and

(2) any charges or specifications described in paragraph (1) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code (as so amended), and crimes triable under such chapter.

(d) PROCEDURES AND REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in subsections (a) through (c) and subject to paragraph (2), any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code (as amended by section 1802).

(2) TEMPORARY CONTINUATION OF PRIOR PROCEDURES AND REQUIREMENTS.—Any military commission described in paragraph (1) may be conducted in accordance with any procedures and requirements of chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), that are not inconsistent with the provisions of chapter 47A of title 10, United States Code, (as so amended), until the earlier of—

(A) the date of the submittal to Congress under section 1805 of the revised rules for military commissions under chapter 47A of title 10, United States Code (as so amended); or

(B) the date that is 90 days after the date of the enactment of this Act.

SEC. 1805. SUBMITTAL TO CONGRESS OF REVISED RULES FOR MILITARY COMMISSIONS.

(a) DEADLINE FOR SUBMITTAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the revised rules for military commissions prescribed by the Secretary for purposes of chapter 47A of title 10, United States Code (as amended by section 1802).

(b) TREATMENT OF REVISED RULES UNDER REQUIREMENT FOR NOTICE AND WAIT REGARDING MODIFICATION OF RULES.—The revised rules submitted to Congress under subsection (a) shall not be treated as a modification of the rules in effect for military commissions for purposes of section 949a(d) of title 10, United States Code (as so amended).

SEC. 1806. ANNUAL REPORTS TO CONGRESS ON TRIALS BY MILITARY COMMISSION.

(a) ANNUAL REPORTS REQUIRED.—Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under chapter 47A of title 10, United States Code (as amended by section 1802), during the preceding year.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1807. SENSE OF CONGRESS ON MILITARY COMMISSION SYSTEM.

It is the sense of Congress that—

(1) the fairness and effectiveness of the military commissions system under chapter 47A of title 10, United States Code (as amended by section 1802), will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases, under such chapter 47A; and

(2) defense counsel in military commission cases, particularly in capital cases, under such chapter 47A of title 10, United States Code (as so amended), should be fully resourced as provided in such chapter 47A.

TITLE XIX—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 1901. Credit for unused sick leave.
Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.
Sec. 1903. Computation of certain annuities based on part-time service.
Sec. 1904. Authority to deposit refunds under FERS.
Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 1911. Short title.
Sec. 1912. Extension of locality pay.
Sec. 1913. Adjustment of special rates.
Sec. 1914. Transition schedule for locality-based comparability payments.
Sec. 1915. Savings provision.
Sec. 1916. Application to other eligible employees.
Sec. 1917. Election of additional basic pay for annuity computation by employees.
Sec. 1918. Regulations.
Sec. 1919. Effective dates.

Subtitle A—General Provisions

SEC. 1901. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2)(A) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the applicable percentage of the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.

''(B) For purposes of subparagraph (A), the term 'applicable percentage' means—

''(i) 50 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring during the period beginning on the date of enactment of this paragraph and ending on December 31, 2013; and

''(ii) 100 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring after December 31, 2013.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity, entitlement to which is based on a death or other separation from service occurring on or after the date of enactment of this Act.

SEC. 1902. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1903. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1904. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service; deposits".

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 1905. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United

States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

SEC. 1911. SHORT TITLE.

This subtitle may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. 1912. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality; and'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) by striking ''and'' at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

''(B) positions under subsection (h)(1)(C) not covered by appraisal systems certified under subsection 5307(d); and

''(C) any positions under subsection (h)(1)(D) as the President may determine.''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).'';

(3) in subsection (h)(1)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the effective date of section 1912 of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941 and who thereafter has served continuously in an area in which such an allowance was payable; and'';

(D) in clause (iv) (in the matter following subparagraph (D)), by inserting '', except for a position covered by subparagraph (C)'' before the semicolon;

(E) in clause (v) (in the matter following subparagraph (D)), by inserting '', except for a position covered by subparagraph (C)'' before the semicolon; and

(F) in clause (vii) (in the matter following subparagraph (D)), by inserting '', except for a position covered by subparagraph (C)'' before the period; and

(4) in subsection (h)(2)—

(A) in subparagraph (B)(i), by striking ''and (B)'' and inserting ''through (C)''; and

(B) in subparagraph (B)(ii), by striking ''(1)(C)'' and inserting ''(1)(D)''.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under paragraphs (2) and (3), respectively, of section 1914 of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under paragraph (1), (2), or (3) of section 1914 of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1913. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1914, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1918.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1914. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of such title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of such title shall be adjusted, effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1915. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide

that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1914 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1914 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1916. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) becomes eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), and section 1914 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1916(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1914.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1917 of this subtitle.

SEC. 1917. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1914 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—An employee's cost-of-living allowance may be considered basic pay under paragraph (1) only to the extent that, when added to the employee's locality-based comparability payments, the resulting sum does not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1914 did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1918. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1913;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1919. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1912 and the provisions of section 1914 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. RELATION TO FUNDING TABLES.

(a) MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND RELATED ACTIVITIES.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) BASE CLOSURE AND REALIGNMENT ACTIVITIES.—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901 and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) REDUCTION.—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by $529,091,000.

(b) REPORT ON APPLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,300,000
	Redstone Arsenal	$3,550,000
Alaska	Fort Richardson	$56,050,000
	Fort Wainwright	$198,000,000
Arizona	Fort Huachuca	$27,700,000
Arkansas	Pine Bluff Arsenal	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$240,950,000
Florida	Eglin Air Force Base	$132,800,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$100,400,000
Hawaii	Schofield Barracks	$184,000,000
	Wheeler Army Air Field	$7,500,000
Kansas	Fort Riley	$168,500,000
Kentucky	Fort Campbell	$14,400,000
	Fort Knox	$70,000,000
Louisiana	Fort Polk	$55,400,000
Maryland	Aberdeen Proving Ground	$15,500,000
	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood	$170,800,000
New Jersey	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$92,700,000
North Carolina	Fort Bragg	$114,600,000
	Sunny Point Military Ocean Terminal	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant	$12,500,000
South Carolina	Charleston Naval Weapons Station	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$42,900,000
	Fort Sam Houston	$19,800,000

***Army: Inside the United States**—Continued*

State	Installation or Location	Amount
Utah	*Dugway Proving Ground*	*$25,000,000*
Virginia	*Fort A.P. Hill*	*$23,000,000*
	Fort Belvoir	*$17,900,000*
	Fort Eustis	*$8,900,000*
	Fort Lee	*$5,000,000*
Washington	*Fort Lewis*	*$18,700,000*
Various locations	*Troop Trainee Housing*	*$350,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Bagram Air Base*	*$87,100,000*
Belgium	*Mons*	*$20,000,000*
Germany	*Ansbach*	*$31,700,000*
	Kleber Kaserne	*$20,000,000*
Japan	*Okinawa*	*$6,000,000*
	Sagamihara	*$6,000,000*
Korea	*Camp Humphreys*	*$50,200,000*
Kuwait	*Camp Arifjan*	*$82,000,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	*Baumholder*	*38*	*$18,000,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,516,073,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,752,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $303,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $25,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,519,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(15) For the construction of increment 1 of an Aviation Task Force Complex Phase 1 at Fort Wainwright, Alaska, authorized by section 2101(a), $95,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

(3) $25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(4) $26,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(c) LIMITATION ON IMPLEMENTATION OF TROOP TRAINEE BARRACKS PROJECTS.—The Secretary of the Army may not enter into an award of a project for any troop trainee barracks authorized under section 2101(a) until the Secretary submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated under subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the Army.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$102,345,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$60,252,000
Indiana	Naval Support Activity	$13,710,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
Nevada	Naval Air Station, Fallon	$10,670,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$64,883,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren	$3,660,000
	Dam Neck	$14,170,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Bremerton	$108,939,000
	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000
West Virginia	Naval Security Group, Sugar Grove	$10,990,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	*Installation or Location*	*Amount*
Bahrain	*Southwest Asia*	*$41,526,000*
Djibouti	*Camp Lemonier*	*$41,845,000*
Guam	*Naval Activities, Guam*	*$575,006,000*
Spain	*Naval Station, Rota*	*$26,278,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	*Installation or Location*	*Units*	*Amount*
Korea	*Pusan*	*Welcome center/ warehouse*	*$4,376,000*
Mariana Islands	*Naval Activities, Guam*	*30*	*$20,730,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,284,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,746,704,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $233,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

(10) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), $126,969,000.

(11) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), $127,033,000.

(12) For the construction of the first increment of north ramp utilities, Andersen Air Force Base, Guam, authorized by section 2201(b), $21,500,000.

(13) For the construction of the first increment of north ramp parking, Andersen Air Force Base, Guam, authorized by section 2201(b), $88,797,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2201(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) $40,000,000 (the balance of the amount authorized under section 2201(b) for wharves improvements, Apra Harbor, Guam).

(4) $41,520,000 (the balance of the amount authorized under section 2201(a) for Enclave Fencing/Parking at Bremerton, Washington).

(5) $94,100,000 (the balance of the amount authorized under section 2201(b) for north ramp parking at Andersen Air Force Base, Guam).

(6) $79,780,000 (the balance of the amount authorized under section 2201(b) for north ramp utilities at Andersen Air Force Base, Guam).

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.

Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2308. Conveyance to Indian tribes of certain housing units.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	*Installation or Location*	*Amount*
Alaska	*Clear Air Force Station*	*$24,300,000*
	Eielson Air Force Base	*$13,350,000*
	Elmendorf Air Force Base	*$15,700,000*
Arizona	*Davis-Monthan Air Force Base*	*$41,900,000*

***Air Force: Inside the United States**—Continued*

State	Installation or Location	Amount
Arkansas	*Little Rock Air Force Base*	*$16,200,000*
California	*Los Angeles Air Force Base*	*$8,000,000*
	Travis Air Force Base	*$12,900,000*
	Vandenberg Air Force Base	*$13,000,000*
Colorado	*Peterson Air Force Base*	*$32,300,000*
	United States Air Force Academy	*$17,500,000*
Delaware	*Dover Air Force Base*	*$24,900,000*
Florida	*Eglin Air Force Base*	*$84,360,000*
	Hurlburt Field	*$19,900,000*
	MacDill Air Force Base	*$59,300,000*
	Patrick Air Force Base	*$8,400,000*
Georgia	*Moody Air Force Base*	*$10,000,000*
	Warner Robins Air Force Base	*$6,200,000*
Hawaii	*Hickam Air Force Base*	*$4,000,000*
	Wheeler Air Force Base	*$15,000,000*
Idaho	*Mountain Home Air Force Base*	*$20,000,000*
Illinois	*Scott Air Force Base*	*$7,400,000*
Louisiana	*Barksdale Air Force Base*	*$12,800,000*
Maryland	*Andrews Air Force Base*	*$9,300,000*
Mississippi	*Columbus Air Force Base*	*$9,800,000*
Missouri	*Whiteman Air Force Base*	*$12,900,000*
Montana	*Malstrom Air Force Base*	*$10,600,000*
Nebraska	*Offutt Air Force Base*	*$10,400,000*
Nevada	*Creech Air Force Base*	*$2,700,000*
New Jersey	*McGuire Air Force Base*	*$7,900,000*
New Mexico	*Cannon Air Force Base*	*$15,000,000*
	Holloman Air Force Base	*$53,400,000*
	Kirtland Air Force Base	*$22,500,000*
North Carolina	*Pope Air Force Base*	*$9,000,000*
	Seymour Johnson Air Force Base	*$6,900,000*
North Dakota	*Grand Forks Air Force Base*	*$12,000,000*
	Minot Air Force Base	*$11,500,000*
Ohio	*Wright-Patterson Air Force Base*	*$58,600,000*
Oklahoma	*Altus Air Force Base*	*$20,300,000*
	Tinker Air Force Base	*$18,237,000*
	Vance Air Force Base	*$10,700,000*
South Carolina	*Shaw Air Force Base*	*$21,183,000*
South Dakota	*Ellsworth Air Force Base*	*$14,500,000*
Texas	*Dyess Air Force Base*	*$4,500,000*
	Goodfellow Air Force Base	*$44,400,000*
	Lackland Air Force Base	*$113,879,000*
	Sheppard Air Force Base	*$13,450,000*
Utah	*Hill Air Force Base*	*$26,153,000*
Virginia	*Langley Air Force Base*	*$10,000,000*
Washington	*Fairchild Air Force Base*	*$15,150,000*
Wyoming	*F. E. Warren Air Force Base*	*$9,100,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Bagram Air Base*	*$22,000,000*
Colombia	*Palanquero Air Base*	*$46,000,000*
Germany	*Ramstein Air Base*	*$34,700,000*
	Spangdahlem Air Base	*$23,500,000*
Guam	*Andersen Air Force Base*	*$61,702,000*
Italy	*Naval Air Station Sigonella*	*$31,300,000*
Qatar	*Al Udeid Air Base*	*$60,000,000*
Turkey	*Incirlik Air Base*	*$9,200,000*

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,737,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,984,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $1,003,962,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $288,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $103,562,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 AIR FORCE PROJECT.

(a) TERMINATION.—The table in section 2301(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4682) is amended in the item relating to Unspecified Worldwide Locations by

striking ''$38,391,000'' in the amount column and inserting ''$891,000''.

(b) CONFORMING AMENDMENTS.—Section 2304 of that Act (122 Stat. 4683) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,108,090,000'' and inserting ''$2,070,590,000''; and

(2) in paragraph (3), by striking ''$38,391,000'' and inserting ''$891,000''.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by the Secretary, is in excess of the needs of the military.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family Housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.
Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$22,501,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Alabama	*Redstone Arsenal*	*$12,000,000*
Virginia	*Naval Support Facility, Dahlgren*	*$24,500,000*

National Security Agency

State	Installation or Location	Amount
Maryland	*Fort Meade*	*$203,800,000*

Special Operations Command

State	Installation or Location	Amount
California	*Naval Amphibious Base, Coronado*	*$15,722,000*
Colorado	*Fort Carson*	*$48,246,000*
Florida	*Eglin Air Force Base*	*$3,046,000*
	Hurlburt Field	*$8,156,000*
Georgia	*Fort Benning*	*$3,046,000*
Kentucky	*Fort Campbell*	*$39,135,000*
New Mexico	*Cannon Air Force Base*	*$58,864,000*
North Carolina	*Fort Bragg*	*$101,488,000*
	Marine Corps Base, Camp Lejeune	*$11,791,000*
Virginia	*Naval Amphibious Base, Little Creek*	*$18,669,000*
Washington	*Fort Lewis*	*$14,500,000*

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	*Elmendorf Air Force Base*	*$25,017,000*
	Fort Richardson	*$3,518,000*
Colorado	*Fort Carson*	*$31,900,000*
Georgia	*Fort Benning*	*$17,200,000*
	Fort Stewart/Hunter Army Field	*$22,200,000*
Kentucky	*Fort Campbell*	*$8,600,000*
Maryland	*Fort Detrick*	*$29,807,000*
Missouri	*Fort Leonard Wood*	*$5,570,000*
North Carolina	*Fort Bragg*	*$57,658,000*
Oklahoma	*Fort Sill*	*$10,554,000*
Texas	*Lackland Air Force Base*	*$101,928,000*
	Fort Bliss	*$990,600,000*
Washington	*Fort Lewis*	*$15,636,000*

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	*Pentagon Reservation*	*$27,672,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	*Brussels*	*$38,124,000*
Germany	*Boeblingen*	*$50,000,000*
	Kaiserslautern	*$93,545,000*
	Wiesbaden Air Base	*$5,379,000*
United Kingdom	*Royal Air Force Lakenheath*	*$4,509,000*

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	*K–16 Airfield*	*$5,050,000*

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	*Naval Air Station, Guantanamo Bay*	*$12,500,000*
Greece	*Souda Bay*	*$24,000,000*
Guam	*Naval Air Station, Agana*	*$4,900,000*
Korea	*Osan Air Base*	*$28,000,000*
United Kingdom	*Royal Air Force Mildenhall*	*$4,700,000*

National Security Agency

Country	*Installation or Location*	*Amount*
United Kingdom	*Royal Air Force Menwith Hill Station*	*$37,588,000*

North Atlantic Treaty Organization

State	*Installation or Location*	*Amount*
Belgium	*NATO Headquarters*	*$41,400,000*

TRICARE Management Activity

Country	*Installation or Location*	*Amount*
Guam	*Naval Activities, Guam*	*$446,450,000*
United Kingdom	*Royal Air Force Alconbury*	*$14,227,000*

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

State	*Location*	*Units*	*Amount*
Pennsylvania	*Cumberland Depot*	*6*	*$2,859,000*

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $123,013,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,177,496,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,048,783,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $188,762,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,214,000.

(B) For construction and acquisition of military family housing and facilities, $2,859,000.

(C) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $302,600,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $108,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2405 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $600,000,000.

(14) For the construction of the first increment of a hospital at Fort Bliss, Texas, authorized by section 2401(a), $86,975,000.

(15) For the construction of the first increment of a hospital at Naval Activities, Guam, authorized by section 2401(b), $259,156,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $187,294,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) $820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32) for the Utah Data Center, Camp Williams, Utah).

(4) $879,025,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(5) $290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(6) $47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as modified by section 2406(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2405. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) TERMINATION.—Section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4690) is amended by striking the table relating to the Missile Defense Command.

(b) MODIFICATION.—The table relating to the Defense Logistics Agency in such section is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(c) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''$1,639,050,000'' and inserting ''$1,487,890,000'';

(B) in paragraph (2), by striking ''$246,360,000'' and inserting ''$87,200,000''; and

(C) by adding at the end the following new paragraph:

''(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, $8,000,000.''; and

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following new paragraph:

''(3) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $151,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $197,414,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Los Alamitos Joint Forces Training Base	$31,000,000
Georgia	Fort Benning	$15,500,000
	Hunter Army Air Field	$8,967,000
Idaho	Gowen Field	$16,100,000
Illinois	Milan	$5,600,000
Indiana	Muscatatuck Urban Training Center	$10,100,000
Iowa	Camp Dodge	$4,000,000
Kansas	Salina Army National Guard Aviation Facility	$2,227,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Michigan	Fort Custer	$7,732,000
Minnesota	Arden Hills Army Training Site	$6,700,000
	Camp Ripley	$1,710,000
Mississippi	Camp Shelby	$16,100,000
	Monticello	$14,350,000
Missouri	Boonville	$1,800,000
Nebraska	Lincoln Municipal Airport	$23,000,000
Nevada	Carson City	$2,000,000
	North Las Vegas	$26,000,000
New Mexico	Santa Fe	$39,000,000
North Carolina	East Flat Rock	$2,516,000
	Fort Bragg	$6,038,000
Oregon	Clatsop County	$3,369,000
	Polk County	$12,100,000
South Carolina	Eastover	$26,000,000
	Greenville	$40,000,000
South Dakota	Camp Rapid	$9,840,000

***Army National Guard: Inside the United States**—Continued*

State	Location	Amount
Texas	*Austin*	*$22,200,000*
Vermont	*Ethan Allen Firing Range*	*$1,996,000*
Virginia	*Fort Pickett*	*$32,000,000*
West Virginia	*St. Albans Armory*	*$2,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	*Barrigada*	*$30,000,000*
Virgin Islands	*St. Croix*	*$20,000,000*

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$30,000,000*

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	*Camp Pendleton*	*$19,500,000*
	Los Angeles	*$29,000,000*
Colorado	*Colorado Springs*	*$13,000,000*
Connecticut	*Bridgeport*	*$18,500,000*
Florida	*Panama City*	*$7,300,000*
	West Palm Beach	*$26,000,000*
Georgia	*Atlanta*	*$14,000,000*
Illinois	*Chicago*	*$23,000,000*
Minnesota	*Fort Snelling*	*$12,000,000*
New York	*Rochester*	*$13,600,000*
Ohio	*Cincinnati*	*$13,000,000*
Pennsylvania	*Ashley*	*$9,800,000*
	Harrisburg	*$7,600,000*
	Newton Square	*$20,000,000*
	Uniontown	*$11,800,000*
Texas	*Austin*	*$20,000,000*
	Bryan	*$12,200,000*
	Fort Bliss	*$9,500,000*
	Houston	*$24,000,000*
	Robstown	*$10,200,000*
	San Antonio	*$20,000,000*
Wisconsin	*Fort McCoy*	*$28,550,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	*Caguas*	*$12,400,000*

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$30,000,000*

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	*Luke Air Force Base*	*$10,986,000*
California	*Alameda*	*$5,960,000*
Illinois	*Joliet Army Ammunition Plant*	*$7,957,000*
South Carolina	*Goose Creek*	*$4,240,000*
Texas	*San Antonio*	*$2,210,000*
	Fort Worth Naval Air Station Joint Reserve Base	*$6,170,000*
Virginia	*Oceana Naval Air Station*	*$30,400,000*

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy Reserve and Marine Corps Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$55,000,000*

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	*Davis-Monthan Air Force Base*	*$5,600,000*
California	*Fresno Yosemite International Airport*	*$9,800,000*
	South California Logistics Airport	*$8,400,000*
Colorado	*Buckley Air National Guard Base*	*$4,500,000*
Connecticut	*Bradley International Airport*	*$9,000,000*
Hawaii	*Hickam Air Force Base*	*$33,000,000*
Illinois	*Lincoln Capital Airport*	*$3,000,000*
Iowa	*Des Moines*	*$4,600,000*
Kansas	*McConnell Air Force Base*	*$8,700,000*
Maine	*Bangor International Airport*	*$28,000,000*
Maryland	*Andrews Air Force Base*	*$14,000,000*
Massachusetts	*Barnes Air National Guard Base*	*$8,100,000*
	Otis Air National Guard Base	*$12,800,000*
Michigan	*Alpena Combat Readiness Training Center*	*$8,900,000*
	Battle Creek Air National Guard Base	*$14,000,000*
	Selfridge Air National Guard Base	*$7,100,000*
Minnesota	*Minnesota/St. Paul International Airport 133rd Airlift Wing Base*	*$1,900,000*
Mississippi	*Gulfport-Biloxi Regional Airport*	*$6,500,000*
Missouri	*Rosecrans Memorial Airport*	*$9,300,000*
Nebraska	*Lincoln Municipal Airport*	*$1,500,000*
Nevada	*Reno*	*$10,800,000*
New Hampshire	*Pease Air National Guard Base*	*$10,000,000*
New Jersey	*McGuire Air Force Base*	*$9,700,000*
New York	*Wheeler Sack Army Airfield*	*$2,700,000*
Ohio	*Mansfield Lahm Airport*	*$11,400,000*
Oklahoma	*Will Rogers World Airport*	*$7,300,000*
South Carolina	*McEntire Joint Air National Guard Base*	*$1,300,000*
South Dakota	*Joe Foss Field*	*$2,600,000*
Tennessee	*Memphis, 164th Airlift Wing*	*$9,800,000*
Texas	*Kelly Field Annex*	*$7,900,000*
Vermont	*Burlington International Airport*	*$6,000,000*
West Virginia	*Martinsburg*	*$19,500,000*
Wisconsin	*General Mitchell International Airport*	*$5,000,000*
Wyoming	*Cheyenne Airport*	*$1,500,000*

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$30,000,000*

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	*March Air Reserve Base*	*$9,800,000*
Colorado	*Schriever Air Force Base*	*$10,200,000*
Mississippi	*Keesler Air Force Base*	*$9,800,000*
New York	*Niagara Falls Air Reserve Station*	*$5,700,000*

***Air Force Reserve**—Continued*

State	Location	Amount
Pennsylvania	*Pittsburgh Air Force Base*	*$12,400,000*
Texas	*Lackland Air Force Base*	*$1,500,000*
Utah	*Hill Air Force Base*	*$3,200,000*

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$55,000,000*

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $582,056,000.

(2) For the Department of the Army, for the Army Reserve, $431,566,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $125,874,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $364,226,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $112,269,000.

(b) LIMITATION ON IMPLEMENTATION OF PROJECTS AT CERTAIN UNSPECIFIED WORLDWIDE LOCATIONS.—The Secretary of the military department concerned may not enter into an award of a project at an unspecified worldwide location authorized under section 2601(c), 2602(c), 2603(b), 2604(b), or 2605(b) until the Secretary submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated under the applicable paragraph of subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the reserve component involved.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	*Fresno*	*AVCRAD Add/Alt, PH I*	*$30,000,000*
New Jersey	*Lakehurst*	*Consolidated Logistics Training Facility, PH II.*	*$20,024,000*

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	*Townsend*	*Automated Qualification Training Range*	*$2,532,000*

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Relocation of certain Army Reserve units in Connecticut.

Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.

Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.

Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $496,768,000, as follows:

(1) For the Department of the Army, $138,723,000.

(2) For the Department of the Navy, $228,000,000.

(3) For the Department of the Air Force, $127,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established

by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,455,498,000, as follows:

(1) For the Department of the Army, $4,057,037,000.

(2) For the Department of the Navy, $591,572,000.

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,388,629,000.

Subtitle B—Other Matters

SEC. 2711. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2712. AUTHORITY TO CONSTRUCT ARMED FORCES RESERVE CENTER IN VICINITY OF PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2713. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2714. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall develop and implement a comprehensive master plan to provide sufficient world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) delineates the process for the development of budgets, prioritization of requirements, and the allocation of funds;

(3) delineates budget and operational authority to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) incorporates a facilities needs assessment, including an assessment of standards for patient rooms, and provides a program to meet the facility requirements;

(6) specifies the personnel authorizations and personnel systems required to provide and operate a world class military medical facility;

(7) can be used as a basis to develop similar master plans for other military medical facilities of the Department of Defense; and

(8) includes a community development plan that incorporates multiple options to alleviate traffic congestion related to the expansion of the National Naval Medical Center and Fort Belvoir Community Hospital, including a review of options—

(A) to expand adjacent highways;

(B) improvements to nearby intersections;

(C) on-facility site queuing; and

(D) multimodal expansion that could include expanded support for buses and subways.

(b) SUBMISSION OF MASTER PLAN AND RELATED MATERIALS.—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the master plan developed under subsection (a);

(2) the certification of the Secretary that the requirements specified in paragraphs (1), (2), and (3) of section 1650(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 475) remain satisfied and accurate;

(3) the certification of the Secretary that the master plan ensures that each facility covered by the plan meets or exceeds applicable Joint Commission hospital design standards; and

(4) an assessment of the risks and benefits to patient care associated with completing the realignment of Walter Reed National Military Medical Center by the statutory deadline imposed for implementation of the recommendations contained in the report of the Defense Base Closure and Realignment Commission transmitted to Congress on September 15, 2005.

(c) SUBMISSION OF MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan developed under subsection (a); and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(d) SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER.—Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

(e) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term ''National Capital Region'' has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term ''world class military medical facility'' has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled ''Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital'', published in May, 2009.

SEC. 2715. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (B), by striking the matter preceding clause (i) of such subparagraph and inserting the following:

''(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—''; and

(2) in subparagraph (C), by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(i)''.

(b) REPORT CONCERNING PROPERTY CONVEYANCES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and the progress made as a result of the implementation of the amendments made by subsection (a).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Modification of authority for scope of work variations.
Sec. 2804. Modification of conveyance authority at military installations.
Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Modification of utility systems conveyance authority.
Sec. 2822. Report on global defense posture realignment and interagency review.
Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.
Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2845. Study on development of nuclear power plants on military installations.
Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.
Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.
Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.
Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.
Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.
Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
Sec. 2872. National D–Day Memorial study.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—

(1) AUTHORITY TO CARRY OUT PROJECTS.—Subsection (a) of section 2805 of title 10, United States Code, is amended—

(A) by striking ''Except as provided in paragraph (2), within'' and inserting ''Within'';

(B) by striking paragraph (2); and

(C) by striking ''An unspecified'' and inserting the following:

''(2) An unspecified''.

(2) USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(A) by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraph (2)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) CONFORMING AMENDMENT.—Section 2806(c)(1) of such title is amended by striking ''section 2805(a)(2)'' and inserting ''section 2805(a)''.

(b) LABORATORY REVITALIZATION AUTHORIZED.—Section 2805(d) of such title is amended—

(1) in paragraph (1)(B), by inserting ''or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)'' after ''authorized by law'';

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) MECHANISMS TO PROVIDE FUNDS FOR LABORATORY REVITALIZATION.—

(1) ADDITIONAL PURPOSE.—Subsection (a)(1) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

''(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.''.

(2) MODIFICATION OF REPORTING REQUIREMENTS.—Subsection (b) of such section is amended—

(A) by striking paragraph (2); and

(B) by striking ''AUTHORITY'' and all that follows through ''Not'' and inserting ''AUTHORITY.—Not''.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) if the current estimate of the cost of the repair project exceeds 75 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

''(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.''.

SEC. 2803. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except as provided in subsection (c)'' and inserting ''(1) Except as provided in subsection (c)'';

(B) by striking ''may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.'' and inserting ''may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.''; and

(C) by adding at the end the following new paragraph:

''(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.''; and

(2) in subsection (c), by striking ''limitation on scope reduction in subsection (b)'' and inserting ''limitation on scope reduction in subsection (b)(1)''.

SEC. 2804. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.

(a) LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''agrees, in exchange for the real property—'' and all that follows through ''to carry out a military construction project or land acquisition'' and inserting ''agrees, in exchange for the real property, to carry out a land acquisition'';

(ii) by striking ''; or'' and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(2) in subsection (b), by striking ''fair market value of the military construction, military family housing, or military unaccompanied housing'' both places it appears and inserting ''fair market value of the land'';

(3) by striking subsection (c) and inserting the following new subsection:

''(c) LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation.''; and

(4) in subsection (d)(2)(A), by striking ''military construction project, land acquisition, military family housing, or military unaccompanied housing'' both places it appears and inserting ''land acquisition''.

(b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.—Subsection (e) of such section is amended by striking ''(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds'' and all that follows through ''funds deposited under paragraph (2) shall be available'' in paragraph (3) and inserting ''The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'. The funds deposited shall be available''.

(c) ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.—Subsection (f) of such section is amended to read as follows:

''(f) SUNSET.—The authority to enter into an agreement under this section shall expire on September 30, 2013.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to limit encroachment''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

''2869. Conveyance of property at military installations to limit encroachment.''.

SEC. 2805. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking ''as he determines to be necessary'' and inserting ''as are authorized by law''.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking ''During fiscal year 2004'' and all that follows through ''obligate'' and inserting ''The Secretary of Defense may obligate''; and

(2) by adding at the end the following new subsection:

''(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on the later of—

''(1) September 30, 2010; or

''(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.''.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking ''and United States Africa Command areas of responsibility'' and inserting ''area of responsibility''.

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting ''for fiscal year 2010'' after ''operation and maintenance'' ; and

(B) in the second sentence, by striking ''fiscal year 2009'' and inserting ''that fiscal year''; and

(2) by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts. Funds obligated under this paragraph are not subject to the limitation in the second sentence of paragraph (2).''.

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking ''Subcommittees on Defense and Military Construction'' both places it appears and inserting ''Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies''.

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing;

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions; and

(4) the Secretary's assessment of the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(b) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating such report. The report of the Comptroller General shall include the Comptroller General's assessment of the process used by the Secretary in preparing the report under subsection (a) and the Comptroller General's assessment of the extent to which such report addresses the elements required under subsection (a).

(2) INDEPENDENT RESEARCH.—The Comptroller General may conduct such independent research and make such independent findings and recommendations as the Comptroller General determines appropriate for purposes of the report submitted under this subsection.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term ''housing privatization transaction'' means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SEC. 2809. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions by project made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms ''State'' and ''facility'' have the meanings given those terms in section 18232 of such title.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking ''system; and'' and inserting the following: ''system by 10 percent of the long-term cost for provision of those utility services in the agency tender; and''.

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

''(3)(A) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not further reconsider the utility system, or part of a utility system, for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination.

''(B) If the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under section 2461 of this title or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.''.

SEC. 2822. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTER-AGENCY REVIEW.

(a) ANNUAL REVIEW OF OVERSEAS BASE CLOSURE AND REALIGNMENT ACTIONS AND BASING MASTER PLANS.—

(1) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

"§2687a. Overseas base closures and realignments and basing master plans

"(a) ANNUAL STATUS REPORT.—At the same time that the budget is submitted under section 1105(a) of title 31for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on—

"(1) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(2) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations.

"(b) REPORT ELEMENTS.—A report under subsection (a) shall address the following:

"(1) How the master plans described in subsection (a)(2) would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

"(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

"(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans that includes the Department of State and other Federal departments and agencies that the Secretary of Defense considers necessary for national security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

"2687a. Overseas base closures and realignments and basing master plans.".

(b) INTERAGENCY OVERSEAS BASING REPORT IN RESPONSE TO QUADRENNIAL DEFENSE REVIEW.—Section 118 of title 10, United States Code, is amended by inserting after subsection (h), as added by section 1002, the following new subsection:

"(i) INTERAGENCY OVERSEAS BASING REPORT.—(1) Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact—

"(A) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(B) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

"(2) A report under paragraph (1) shall include any recommendations for additional closures or realignments of military installations outside of the United States and any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.".

SEC. 2823. PROPERTY AND FACILITIES MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.

(a) ACQUISITION OF REAL PROPERTY.—Subsection (e)(2) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by adding at the end the following new sentence: "If the purchase price to acquire fee title to real property for inclusion in the Retirement Home is more than $750,000, the Secretary may acquire the real property only if the acquisition is specifically authorized by law.".

(b) DISPOSAL OF EXCESS PROPERTY AND LEASE OF NON-EXCESS PROPERTY.—Such section is further amended—

(1) in subsection (e), by striking paragraph (3) and inserting the following new paragraph:

"(3) If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.). The proceeds from the disposal of property under this paragraph shall be deposited in the Armed Forces Retirement Home Trust Fund."; and

(2) by adding at the end the following new subsection:

"(i) AUTHORITY TO LEASE NON-EXCESS PROPERTY.—(1) Whenever the Chief Operating Officer of the Armed Forces Retirement Home considers it advantageous to the Retirement Home, the Secretary of Defense (acting on behalf of the Chief Operating Officer) may lease to such lessee and upon such terms as the Secretary considers will promote the purpose and financial stability of the Retirement Home or be in the public interest, real or personal property that is—

"(A) under the control of the Retirement Home; and

"(B) not excess property (as defined by section 102 of title 40, United States Code) subject to disposal under subsection (e)(3).

"(2) A lease under this subsection—

"(A) may not be for more than five years, unless the Chief Operating Officer determines that a lease for a longer period will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(B) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(C) shall permit the Chief Operating Officer to revoke the lease at any time, unless the Chief Operating Officer determines that the omission of such a provision will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(D) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Chief Operating Officer ; and

"(E) may provide, notwithstanding section 1302 of title 40, United States Code, or any other provision of law, for the alteration, repair, or improvement, by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(3) In addition to any in-kind consideration accepted under subparagraph (D) or (E) of paragraph (2), in-kind consideration accepted with respect to a lease under this subsection may include the following:

"(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Retirement Home.

"(B) Construction of new facilities for the Retirement Home.

"(C) Provision of facilities for use by the Retirement Home.

"(D) Facilities operation support for the Retirement Home.

"(E) Provision of such other services relating to activities that will occur on the leased property as the Chief Operating Officer considers appropriate.

"(4) In-kind consideration under paragraph (3) may be accepted at any property or facilities of the Retirement Home that are selected for that purpose by the Chief Operating Officer.

"(5) In the case of a lease for which all or part of the consideration proposed to be accepted under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer until at least 30 days after the date on which a report on the facts of the lease is submitted to Congress. This paragraph does not apply to a lease covered by paragraph (6).

"(6)(A) If a proposed lease under this subsection involves only personal property, the lease term exceeds one year, or the fair market value of the lease interest exceeds $100,000, as determined by the Chief Operating Officer, the Secretary of Defense shall use competitive procedures to select the lessee unless the Chief Operating Officer determines that—

"(i) a public interest will be served as a result of the lease; and

"(ii) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under clause (i).

"(B) Not later than 45 days before entering into a lease described in subparagraph (A), the Chief Operating Officer shall submit to Congress written notice describing the terms of the proposed lease and—

"(i) the competitive procedures used to select the lessee; or

"(ii) in the case of a lease involving the public benefit exception authorized by subparagraph (A)(ii), a description of the public benefit to be served by the lease.

"(7) The proceeds from the lease of property under this subsection shall be deposited in the Armed Forces Retirement Home Trust Fund.

"(8) The interest of a lessee of property leased under this subsection may be taxed by State or local governments. A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated.".

SEC. 2824. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Army may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available without further appropriations and until expended.

SEC. 2825. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

SEC. 2826. REPORT ON FEDERAL ASSISTANCE TO SUPPORT COMMUNITIES ADVERSELY IMPACTED BY EXPANSION OF MILITARY INSTALLATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following information:

(1) A description of the current authorities under which the Secretary may assist a community that is adversely impacted by the expansion of a military installation (in this section referred to as "impacted community").

(2) A description of the current authorities under which heads of other Federal agencies may assist an impacted community.

(3) A review of additional authorities that the Secretary requires to assist impacted communities, including an assessment on the following:

(A) Methods to obtain educational opportunities for members of the Armed Forces and their dependents in impacted communities.

(B) Opportunities to use payments in lieu of taxes under chapter 69 of title 31, United States Code, to offset impacts on impacted communities.

(C) In remote locations where the Armed Forces does not have a presence and significant military expansion has been proposed, the ability to augment local medical capacities and public utilities to support expansion requirements.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF DEPARTMENT OF DEFENSE IN MANAGEMENT AND COORDINATION OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

(a) DEPUTY SECRETARY OF DEFENSE.—Section 132 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Until September 30, 2015, the Deputy Secretary of Defense shall lead the Guam Executive Council and shall be the Department of Defense's principal representative for coordinating the interagency efforts in matters relating to Guam, including the following executive orders:

''(1) Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451; relating to the Interagency Group on Insular Affairs).

''(2) Executive Order No. 12788 of January 15, 1992, as amended (57 Fed. Reg. 2213; relating to the Defense Economic Adjustment Program).''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report including the charter that establishes the Guam Executive Council.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''special purpose entity'' means any private person, corporation, firm, partnership, company, State or local government, or authority or instrumentality of a State or local government that the Secretary of Defense determines is capable of producing military family housing or providing utilities to support the realignment of military installations and the relocation of military personnel on Guam.

(b) REPORT ON INTENDED USE SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the intended use of special purpose entities to provide military family housing or utilities to support the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of special use entities as described in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. In preparing the report, the Secretary shall consider the impact of—

(A) increasing the overseas housing allowance for members of the Armed Forces serving on Guam; and

(B) providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking ''should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system'' and inserting ''should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations''.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds.

''(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

''(C) WAGE RATE DETERMINATION.—In making wage rate determinations pursuant to subparagraph (A), the Secretary of Labor shall not include in the wage survey any persons who hold a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(D) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(E) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.''.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) MILITARY CONSTRUCTION INFORMATION.—Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.''.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

''(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

''(A) LIMITATION.—With respect to each construction project that is carried out using amounts described in subparagraph (B), no work may be performed by a person holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) unless—

''(i) the application for that visa has been approved pursuant to the issuance of a temporary labor certification by the Governor of Guam as provided under section 214.2 of title 8, Code of Federal Regulations; and

''(ii) the Governor of Guam, in consultation with the Secretary of Labor, makes the certification described in subparagraph (C) to the Secretary of Defense.

''(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

''(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

''(ii) funds associated with activities under section 2821 of this Act; and

''(iii) funds for authorized military construction projects.

''(C) CERTIFICATION.—The certification referred to in subparagraph (A) is a certification, in addition to the certifications required by section 214.2 of title 8, Code of Federal Regulations, that—

''(i) there are not sufficient United States workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) are to perform such skilled or unskilled labor; and

''(ii) the employment of such persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) will not adversely affect the wages and working conditions of workers in Guam similarly employed.

''(D) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, in accordance with a recruitment plan approved by the Secretary of Labor. The contractor shall submit a

copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor at least 60 days before the start date of the workers under a contract. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State, territorial, and local job banks, with State and territorial workforce agencies, and with any other referral and recruitment sources the Secretary of Labor determines may be pertinent to the employment opportunity.

''(E) RECRUITMENT PERIOD.—The Secretary of Labor shall ensure that a contractor's recruitment of construction workers complies with the recruitment plan required by subparagraph (D) for a period beginning 60 days before the start date of workers under a contract and continuing for the next 28 days. During the recruitment period, the contractor shall interview all qualified and available United States construction workers who have applied for the employment opportunity, and, at the close of the recruitment period, the contractor shall provide the Secretary of Labor with a recruitment report providing any reasons for which the contractor did not hire an applicant who is a qualified United States construction worker. Not later than 21 days before the start date of the workers under a contract, the Secretary of Labor shall certify to the Governor of Guam whether the contractor has satisfied the recruitment plan created under subparagraph (D).

''(F) LIMITATION.—An employer, its attorney or agent, the Secretary of Labor, the Governor of Guam, and any designee thereof, may not seek or receive payment of any kind from any worker for any activity related to obtaining an H-2B labor certification with respect to any construction project that is carried out using amounts described in subparagraph (B).''.

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment;

(C) the sufficiency of efforts to recruit United States construction workers; and

(D) The costs to the United States for recruitment plans required by such paragraph (6) and a proposed method to cover such costs.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspectors General for Guam Realignment (in this section referred to as the ''Interagency Coordination Group'')—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations.

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and the Inspector General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that—

(A) is entered into by any department or agency of the United States Government with any public or private sector entity; and

(B) involves the use of amounts appropriated or otherwise made available for military construction on Guam.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ''amounts appropriated or otherwise made available for military construction on Guam'' includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term ''Guam'' includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

(a) IN GENERAL.—The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa until the Secretary reports to the congressional defense committees that the replacement facility and its planned operating procedures are consistent with naval aviation safety requirements.

(b) EXERCISE OF WAIVER AUTHORITIES.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the Secretary from exercising existing waiver authorities provided the Secretary first determines the waiver is necessary in the interest of national defense.

(2) REQUIRED REPORTING OF EFFORTS.—The report specified under subsection (a) shall clearly identify efforts made to mitigate deviations from criteria in the planning and construction of the replacement facility described in such subsection.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the training and readiness requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned or realigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces specified in paragraph (1).

(3) A description of the strategic- and tactical-lift requirements associated with the training, operational readiness, and movement of Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training and readiness requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include an analysis that, at a minimum, reviews the capabilities required to support the training, operational readiness, and movement of Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement entitled ''Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam''.

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 the following new section:

''§2867. Energy monitoring and utility control system specification for military construction and military family housing activities

''(a) ADOPTION OF DEPARTMENT-WIDE, OPEN PROTOCOL, ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION.—(1) The Secretary of Defense shall adopt an open protocol energy monitoring and utility control system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling, with respect to the project or activity, the items specified in paragraph (2) with the goal of establishing installation-wide energy monitoring and utility control systems.

''(2) The energy monitoring and utility control system specification required by paragraph (1) shall cover the following:

''(A) Utilities and energy usage, including electricity, gas, steam, and water usage.

''(B) Indoor environments, including temperature and humidity levels.

''(C) Heating, ventilation, and cooling components.

''(D) Central plant equipment.

''(E) Renewable energy generation systems.

''(F) Lighting systems.

''(G) Power distribution networks.

''(b) EXCLUSION.—(1) The energy monitoring and utility control system specification required by subsection (a) is not required to apply to projects carried out under the authority provided in subchapter IV of chapter 169 of this title.

''(2) The Secretary concerned may waive the application of the energy monitoring and utility control system specification required by subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective. The Secretary concerned shall notify the congressional defense committees of any waiver granted under this paragraph.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended by inserting after the item relating to section 2866 the following new item:

''2867. Energy monitoring and utility control system specification for military construction and military family housing activities.''.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) A plan and expected timetable for integration of the standard with the energy monitoring and utility control systems.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulation Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and utility control systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking ''electric energy'' and inserting ''facility energy'';

(B) by striking ''and in its activities''; and

(C) by striking ''(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))''; and

(3) in subparagraph (B) (as so redesignated), by striking ''electric energy'' and inserting ''facility energy''.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking ''It shall be'' and inserting ''(1) It shall be''; and

(2) by adding at the end the following new paragraph:

''(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking ''ELECTRICITY NEEDS'' and inserting ''FACILITY ENERGY NEEDS''.

SEC. 2843. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

''(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

''(1) An electric utility.

''(2) An independent system operator.

''(3) A State agency.

''(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

''(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be—

''(1) received as a cost reduction in the utility bill for a facility; or

''(2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

''(c) ENERGY SAVINGS FINANCIAL INCENTIVES FUND.—There is established in the Treasury a fund to be known as the 'Energy Savings Financial Incentives Fund'. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.''.

SEC. 2844. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§2922g. Preference for motor vehicles using electric or hybrid propulsion systems

''(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

''(1) will meet the requirements or needs of the Department of Defense; and

''(2) are commercially available at a cost, including operating cost, reasonably comparable to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

''(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

''(d) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2922g. Preference for motor vehicles using electric or hybrid propulsion systems.''.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations.

(b) ELEMENTS.—As part of the study required by subsection (a), the Secretary shall—

(1) summarize options available to the Department to enter into public-private partnerships or other transactions for the construction and operation of the nuclear power plants;

(2) estimate the potential cost per kilowatt-hour and life-cycle cost savings to the Department;

(3) consider the potential energy security advantages of generating electricity on military installations through the use of nuclear power plants;

(4) assess the additional infrastructure that would be needed to enable the power plants to provide power through the general electricity grid and to military installations in the event of a commercial grid failure;

(5) consider the potential impact on the quality of life of personnel stationed at military installations at which a nuclear power plant is installed and ways to mitigate those impacts;

(6) review the range of Federal, State, and local regulatory processes governing the establishment of nuclear power plants on military installations;

(7) assess the degree to which nuclear power plants might adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department;

(9) consider factors impacting safe co-location and operation of nuclear power plants on military installations; and

(10) consider other factors that affect the development of nuclear power plants on military installations.

(c) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study required by subsection (a).

SEC. 2846. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES, INCLUDING SOLAR INITIATIVES, ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report describing all renewable energy initiatives, including projects involving the installation of solar panels, that are currently producing energy or are under development on military installations.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) specify the costs associated with each renewable energy initiative;

(2) address whether the renewable energy initiative has a clearly delineated set of goals or targets and whether the goals or targets are being met or are likely to be met by the completion of the renewable energy initiative; and

(3) contain recommendations for legislative or administrative actions that will assist—

(A) renewable energy initiatives in meeting the goals or targets; and

(B) the Department of Defense in achieving its renewable energy goal by 2025, as specified in section 2911(e) of title 10, United States Code.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the

amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas' '', approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431 note; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over of a parcel of land consisting of approximately five acres, depicted within the proposed boundary on the map entitled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, if the Secretary of the Army determines that the land is in excess to military needs. At the time of the transfer of administrative jurisdiction, the Secretary of the Army and the Secretary of the Interior shall enter into an agreement to determine the responsibilities of the respective agencies in the application of, or obligation to comply with, any applicable environmental law affecting the transferred land, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(e) PUBLIC ACCESS.—The Secretary of the Army shall enter into an agreement with the Secretary of the Interior to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Military Ocean Terminal–Concord.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.

''(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).''.

(b) SENSE OF CONGRESS ON REPAIR AND MODIFICATION OF NATIONAL MEMORIAL.—In accordance with public access provided by section 203(e) of the Port Chicago National Memorial Act of 1992, as amended by subsection (a), it is the sense of Congress that the Secretary of the Army and the Secretary of the Interior should work together to develop a process by which future repairs and modifications to mutually used infrastructure at the Port Chicago Naval Magazine National Memorial can be carried out in as timely and cost-effective a manner as possible.

SEC. 2854. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary of the Navy in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TRANSFER OF PROCEEDS AUTHORIZED.—The Secretary of Defense may transfer any proceeds received from the conveyance under subsection (a), less amounts received as reimbursement for costs under subsection (c), to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of title 10, United States Code, for the purposes of carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, described in subsection (b) and located at former Naval Air Station, Barbers Point, Oahu, Hawaii—

(1) to the Hawaii Community Development Authority (in this section referred to as the ''Authority''), which is the local redevelopment authority for former Naval Air Station, Barbers Point; or

(2) to the Department of Hawaiian Homelands (in this section referred to as the ''Department'').

(b) COVERED PARCELS.—The real property authorized to be conveyed under subsection (a) includes the following:

(1) An approximately 10.569-acre parcel of land identified as ''Parcel No. 13126 B'' and further identified by Oahu Tax Map Key No. 9–1–031:047.

(2) An approximately 145.785-acre parcel of land identified as ''Parcel No. 13058 D'' and further identified by Oahu Tax Map Key No. 9–1–013:039.

(3) An approximately 9.303-acre parcel of land identified as ''Parcel No. 13058 F'' and further identified by Oahu Tax Map Key No. 9–1–013:041.

(4) An approximately 57.937-acre parcel of land identified as ''Parcel No. 13058 G'' and further identified by Oahu Tax Map Key No. 9–1–013:042.

(5) An approximately 11.501-acre parcel of land identified as ''Parcel No. 13073 D'' and further identified by Oahu Tax Map Key No. 9–1–013:069.

(6) An approximately 65.356-acre parcel of land identified as ''Parcel No. 13073 B'' and further identified by Oahu Tax Map Key No. 9–1–013:067.

(7) Any other property at former Naval Air Station, Barbers Point identified for closure through the base closure process.

(c) CONSIDERATION.—

(1) AUTHORITY CONVEYANCES.—Any conveyance under subsection (a)(1) to the Authority shall be made without consideration if the conveyed real property is to be used for public benefit, as determined by the Secretary.

(2) DEPARTMENT CONVEYANCES.—Any conveyance under subsection (a)(2) to the Department shall be made to mitigate further claims associated with the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357; 48 U.S.C. 491 note prec.).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority or the Department, as the case may be, to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to

the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority or the Department, whichever entity paid the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions, including easements or covenants to protect cultural or natural resources, in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (in this section referred to as the ''lessee'') all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration described in section 2667(c) of title 10, United States Code, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended by striking ''two parcels'' and all that follows through the period at the end and inserting the following: ''three parcels of real property consisting of 7.897 acres, 1.742 acres, and 5.037 acres, respectively, and containing all or a portion of the five buildings specified in paragraph (2), which were vacated, or will be vacated, by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory and to a replacement Modification and Fabrication Facility at Air Force Research Laboratory–Rome Research Site, Rome, New York.''.

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

''(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).''.

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: ''and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance''.

(d) CONSIDERATION.—Subsection (c) of such section is amended—

(1) by striking ''in-kind contribution'' and inserting ''in-kind consideration (including land and new facilities)''; and

(2) by adding at the end the following new sentence: ''Any cash payment received by the Secretary under this subsection shall be deposited in the special account established for the Secretary under section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.''.

SEC. 2858. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational and educational-support activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')'' and inserting ''South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority')''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

(A) by striking ''Foundation'' each place it appears in subsections (c) and (e) and inserting ''Authority'';

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''137.56 acres'' and inserting ''120.70 acres''; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the ''Authority''), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance.

(c) ELIGIBLE ENTITIES.—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) CONSIDERATION.—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2861. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking ''The Secretary of the Army may transfer'' and inserting ''Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer''; and

(2) in the second sentence—

(A) by striking ''may make the transfer'' and inserting ''shall make the transfer''; and

(B) by striking ''may accept'' and inserting ''shall accept''.

SEC. 2863. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the ''County'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking ''National War Dogs Monument, Inc.,'' both places it appears and inserting ''John Burnam Monument Foundation, Inc.,''.

SEC. 2872. NATIONAL D–DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term ''Area'' means in the National D–Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) CONTENTS.—The study authorized under paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study authorized under this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Moreno Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia to allow access to and use of its facilities at the German Olano Moreno Airbase for the duration of the agreement to carry out mutually agreed-upon activities.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1059; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

''(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Airborne	$7,800,000
	Altimur	$7,750,000
	Asadabad	$5,500,000
	Bagram Air Base	$132,850,000
	Camp Joyce	$7,700,000
	Camp Kabul	$137,000,000
	Camp Kandahar	$132,500,000
	Camp Salerno	$50,200,000
	Forward Operating Base Blessing	$5,600,000
	Forward Operating Base Bostick	$5,500,000
	Forward Operating Base Dwyer	$19,300,000
	Forward Operating Base Ghazni	$5,500,000
	Forward Operating Base Shank	$19,700,000
	Forward Operating Base Sharana	$60,800,000
	Frontenac	$2,200,000
	Jalalabad Airfield	$41,400,000
	Maywand	$7,800,000
	Methar-Lam	$4,150,000
	Provincial Reconstruction Team Gardez	$36,200,000
	Provincial Reconstruction Team Tarin Kowt	$55,800,000
	Tombstone/Bastion	$71,800,000
	Wolverine	$17,050,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $924,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$29,100,000
	Camp Kandahar	$234,600,000
	Forward Operating Base Dwyer	$4,900,000
	Forward Operating Base Shank	$4,900,000
	Provincial Reconstruction Team Tarin Kowt	$4,900,000
	Tombstone/Bastion	$156,200,000
	Wolverine	$4,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) USE OF FUNDS AUTHORIZED.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this title, the Secretary of Defense may use not more than $10,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the ''ODRP'').

(2) NOTICE AND WAIT.—The Secretary may not obligate funds made available pursuant to paragraph (1) until the end of the 14-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a report containing notice of the proposed obligation of the funds and addressing the items specified in subsection (b)(2).

(b) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the notice under subsection (a)(2), and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) terminates on the date occurring two years after the date on which the first report under such paragraph is submitted.

(c) FORM.—A report under this section may be submitted in a classified form.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this section, the appropriate congressional committees are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.
Sec. 3106. Relation to funding tables.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.
Sec. 3113. Stockpile management program.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.
Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.
Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
Sec. 3118. Modification of minor construction threshold for plant projects.
Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3120. National Nuclear Security Administration authority for urgent nonproliferation activities.
Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle C—Reports

Sec. 3131. National Academy of Sciences review of national security laboratories.
Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.
Sec. 3133. Comptroller General study of stockpile stewardship program.
Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

Subtitle D—Other Matters

Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.
Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.
Sec. 3144. Sense of Congress on production of molybdenum–99.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,033,477,000, to be allocated as follows:

(1) For weapons activities, $6,433,131,000.

(2) For defense nuclear nonproliferation activities, $2,176,459,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal

year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,495,831,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $852,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

SEC. 3106. RELATION TO FUNDING TABLES.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, 3104, and 3105 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

''(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

''(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''detonation'' and inserting ''performance over time''; and

(2) by adding at the end the following new paragraphs:

''(4) Support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

''(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

''(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory;

''(C) the Z Machine at Sandia National Laboratories; and

''(D) the experimental facilities at the Nevada test site.

''(5) Support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

''(A) the Pantex Plant;

''(B) the Y–12 National Security Complex;

''(C) the Kansas City Plant;

''(D) the Savannah River Site; and

''(E) production and manufacturing capabilities resident in the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).''.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. REPORT ON STOCKPILE STEWARDSHIP CRITERIA AND ASSESSMENT OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (c) of section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is amended to read as follows:

''(c) REPORT.—(1) In each odd-numbered year, beginning in 2011, the Secretary of Energy shall include in the stockpile stewardship plan required by section 4203 a report containing the following elements:

''(A) A description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information.

''(B) A description of any updates to the criteria established under subsection (a) during—

''(i) the previous two years; or

''(ii) with respect to the report in 2011, the period beginning on the date of the submission of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submission of the 2011 stockpile stewardship plan required by section 4203.

''(C) For each science-based tool to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable that is developed or modified by the Department of Energy during the relevant period described in subparagraph (B)—

''(i) a description of the relationship of the science-based tool to the collection of such information; and

''(ii) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

''(D) An assessment described in paragraph (2).

''(2) An assessment described in this paragraph is an assessment of the stockpile stewardship program conducted by the Administrator for Nuclear Security in consultation with the directors of the national security laboratories. Such assessment shall set forth the following:

''(A) An identification and description of—

''(i) any key technical challenges to the stockpile stewardship program; and

''(ii) the strategies to address such challenges without the use of nuclear testing.

''(B) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(C) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

''(D) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

''(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.''.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following subsection:

''(d) DEFINITIONS.—In this section:

''(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear nonproliferation;

''(B) nuclear forensics;

''(C) nuclear intelligence;

''(D) nuclear safety; and

''(E) nuclear incident response.''.

SEC. 3113. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

"SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, in support of the stockpile stewardship program, to provide for the effective management of the weapons in the nuclear weapons stockpile, including the extension of the effective life of such weapons. The program shall have the following objectives:

''(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

''(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

''(3) To achieve reductions in the future size of the nuclear weapons stockpile.

''(4) To reduce the risk of an accidental detonation of an element of the stockpile.

''(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

''(b) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

''(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

''(2) any such changes made to the stockpile shall—

''(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

''(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.

''(c) PROGRAM PLAN.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without the use of nuclear weapons testing. The plan shall include the following:

''(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

''(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

''(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear

weapons laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

''(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

''(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

''(6) An identification of the funds needed, in the fiscal year in which the plan is developed and in each of the following five fiscal years, to carry out the program.

''(d) ANNUAL UPDATES.—The Secretary of Energy shall annually update the plan required under subsection (c) and shall submit the updated plan to Congress as part of the stockpile stewardship plan required by section 4203(c).

''(e) PROGRAM BUDGET.—In accordance with the requirements under section 4209, for each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

''Sec. 4204. Stockpile management program.''.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

(1) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525), as added by paragraph (2) of this subsection.

(2) DUAL VALIDATION.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security may establish teams, known as 'dual validation teams', to provide each national security laboratory responsible for weapons design with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. A dual validation team established by the Administrator shall—

''(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

''(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

''(3) use all relevant available data to conduct independent calculations; and

''(4) pursue independent experiments to support the independent evaluations.''.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) by inserting ''both'' after ''review''; and

(2) by inserting after ''that laboratory'' the following: ''and any independent evaluations conducted by a dual validation team under subsection (c)''.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(2)(A) of this section, by striking ''subsection (c)'' and inserting ''subsection (d)'';

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(2)(A) of this section, by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (g), as redesignated by subsection (a)(2)(A) of this section, by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(4) in subsection (i), as redesignated by subsection (a)(2)(A) of this section—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 3115. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking ''necessary— '' and all that follows through the period and inserting ''necessary to address proliferation concerns.''; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 3116. LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) IN GENERAL.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. BIENNIAL PLAN AND BUDGET ASSESSMENT ON THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

''(a) NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND ASSESSMENT.—The Administrator for Nuclear Security shall include with the nuclear security budget materials submitted for each odd-numbered fiscal year—

''(1) the plan for the modernization and refurbishment of the nuclear security complex described under subsection (b); and

''(2) an assessment by the Administrator of whether both the budget for such fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan described under subsection (b).

''(b) PLAN ELEMENTS.—(1) The plan required under subsection (a)(1) shall be designed so that the nuclear security complex is capable of supporting—

''(A) the national security strategy of the United States, as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials a national security strategy report required under such section 108 has not been submitted to Congress, then such plan shall be designed so that the modernization and refurbishment of the nuclear security complex provided for under such plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

''(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) The plan required under subsection (a)(1) shall include the following:

''(A) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1)(A), and the Nuclear Posture Review.

''(B) A schedule for implementing those measures determined necessary under subparagraph (A) during the 10 years following the date of the plan.

''(C) The estimated levels of annual funds the Administrator determines necessary to carry out the program, including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

''(c) BUDGET ASSESSMENT.—If the Administrator determines a budget request is insufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan required under subsection (a)(1), the Administrator shall include with the nuclear security budget materials for such fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

''(d) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada test site.

''(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

''(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.''.

SEC. 3117. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

SEC. 3118. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) INCREASE.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C.

2741(3)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) SUNSET.—Effective September 30, 2010, such paragraph, as amended by subsection (a), is amended by striking ''$10,000,000'' and inserting ''$5,000,000''.

(c) NOTIFICATION.—Notwithstanding section 4703 of such Act (50 U.S.C. 2743), in carrying out construction projects during fiscal year 2010, the Secretary of Energy may not start a general plant project with a total estimated cost of more than $5,000,000 until—

(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

(2) a period of 15 days has elapsed after the date on which such notification is received.

SEC. 3119. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

SEC. 3120. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORITY FOR URGENT NONPROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the nonproliferation programs of the Department of Energy National Nuclear Security Administration may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Energy, with the concurrence of the Secretary of State and the Secretary of Defense, may make a written determination that—

(A) threats arising from the proliferation of nuclear or radiological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out nonproliferation activities of the National Nuclear Security Administration to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Energy shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the nonproliferation programs of the National Nuclear Security Administration;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 3121. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Subsection (a) of section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended to read as follows:

''(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.''.

Subtitle C—Reports

SEC. 3131. NATIONAL ACADEMY OF SCIENCES REVIEW OF NATIONAL SECURITY LABORATORIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an agreement with the National Academy of Sciences to conduct a study of the following laboratories:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, California and New Mexico.

(b) ELEMENTS.—The study required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The criteria used to assess the quality of scientific research and engineering being conducted at the laboratory.

(4) The relationship between the quality of the science and engineering at the laboratory and the contract for managing and operating the laboratory.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

(c) COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the National Academy of Sciences receives full and timely cooperation from the Department of Energy, the Department of Defense, and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in conducting the study required under subsection (a).

(d) REPORT.—The National Academy of Sciences shall submit to the Secretary of Energy a report containing the results of the study and any recommendations resulting from the study.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary of Energy shall submit to the appropriate congressional committees the report submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

(2) FORM.—The report shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

SEC. 3132. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit to the appropriate congressional committees a report describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 3133. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without the use of nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the time line for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the ''Office'') using American Recovery and Reinvestment Act funds.

(b) PHASE ONE REVIEW.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following:

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(c) PHASE TWO REVIEW.—

(1) IN GENERAL.—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any program management, implementation or technical problems, or other problems in connection with such projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Reinvestment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) REPORTS.—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) PHASE THREE REVIEW.—

(1) IN GENERAL.—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects—

(i) that were completed;

(ii) that were not completed;

(iii) that were completed on budget;

(iv) that exceeded the budget for such project;

(v) that were completed on schedule; and

(vi) that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) REPORT.—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.—In this section, the term ''American Recovery and Reinvestment Act funds'' means funds made available for the Office of Environmental Management under the heading ''DEFENSE ENVIRONMENTAL CLEANUP'' under the heading ''ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES'' under the heading ''DEPARTMENT OF ENERGY'' under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

Subtitle D—Other Matters

SEC. 3141. TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The Z Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application Facility at the Sandia National Laboratories, New Mexico.

(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the appropriate congressional committees the plan required by subsection (a).

(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.

SEC. 3142. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

''(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.''.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.).

SEC. 3143. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

SEC. 3144. SENSE OF CONGRESS ON PRODUCTION OF MOLYBDENUM–99.

(a) FINDINGS.—Congress finds the following:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum–99 (in this section referred to as ''Mo–99'') and there are no such reactors in the United States that can provide a reliable supply of Mo–99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo–99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo–99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo–99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo–99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo–99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) radioisotopes and radiopharmaceuticals, including Mo–99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo–99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Unused leave balances.
Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.
Sec. 3507. Technical corrections to State maritime academies student incentive program.
Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.
Sec. 3509. Use of funding for DOT maritime heritage property.
Sec. 3510. Use of midshipman fees.
Sec. 3511. Construction of vessels in the United States policy.
Sec. 3512. Port infrastructure development program.
Sec. 3513. Reefs for marine life conservation program.
Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.
Sec. 3515. America's short sea transportation grants for the development of marine highways.
Sec. 3516. Expansion of the Marine View system.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $74,500,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to the implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the program of assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, $4,000,000.

SEC. 3502. UNUSED LEAVE BALANCES.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused annual leave, at a rate of pay that existed on the date of termination or on the day before conversion to the Civil Service, to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated from such employment in the period September 2008 through March 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 51317. Adjunct professors

''(a) IN GENERAL.—The Maritime Administrator may establish a program for the purpose of contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

''(b) CONTRACT REQUIREMENTS.—Each contract under the program—

''(1) must be approved by the Maritime Administrator; and

''(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year.

''(3) shall be subject to the availability of appropriations.

''(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

''(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy in fiscal year 2010 or fiscal year 2011, the Administrator shall notify the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment for the adjunct professor.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following new item:

''51317. Adjunct professors.'''.

(2) CONFORMING AMENDMENT.—Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base by allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and larger fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard as an area of high risk of piracy shall be equipped with, at a minimum, appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

''(B) The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe the non-lethal defense measures that are required under this paragraph.''.

SEC. 3506. REPORT ON RESTRICTIONS ON UNITED STATES-FLAGGED COMMERCIAL VESSEL SECURITY.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall prepare and submit a joint report to the appropriate congressional committees not later than 60 days after the date of the enactment of this Act on actions within their respective departments to—

(1) eliminate or reduce restrictions under any regulation or provision of law on the carriage of arms and use of armed security teams on United States-flagged commercial vessels for purpose of self defense in areas that are designated as being at a high risk of piracy;

(2) negotiate bilateral agreements with coastal states to allow United States-flagged commercial vessels carrying United States Government cargos, such as food aid, that must transit areas designated as being at high risk of piracy, to enter the ports of those coastal states while carrying arms or embarked armed security teams for the purpose of self-defense; and

(3) establish common standards, in coordination with the Secretary of Homeland Security and the Commandant of the United States Coast Guard, for the training and professional qualifications of armed security teams.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) ARMED SECURITY TEAMS.—The term ''armed security teams'' means security guards employed from the private sector for the purpose of self-defense of the vessel.

SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,'' and inserting ''and be paid in such installments as the Secretary shall determine'';

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

SEC. 3508. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—'';

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—'';

(3) by striking ''make contracts'' in subsection (h)(1) and inserting ''make contracts and cooperative agreements'';

(4) by striking ''section and'' in subsection (h)(1)(A) and inserting ''section,'';

(5) by striking ''title 46;'' in subsection (h)(1)(A) and insert ''title 46, and all other Maritime Administration programs;''; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.''.

SEC. 3509. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

''(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.''.

SEC. 3510. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended by striking ''1994.'' in subsection (b) and inserting ''1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees.''.

SEC. 3511. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting ''constructed in the United States'' after ''vessels''.

SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

''(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

''(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

''(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator to further the purposes of this subsection;

''(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

''(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

''(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

''(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

''(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out projects under the port infrastructure development program. The Fund shall be available to the Administrator—

''(i) to administer and carry out projects under the program;

''(ii) to receive Federal, non-Federal, and private funds from entities which have specific agreements or contracts with the Administrator; and

''(iii) to make refunds for projects that will not be completed.

''(B) CREDITS.—There may be deposited into the Fund—

''(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended or refunded; and

''(ii) such amounts as may be appropriated or transferred, subject to subparagraph (C), to the Fund under this subsection.

''(C) TRANSFERS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

''(ii) PROHIBITION ON TRANSFERS.—Except as provided in clause (iii), no funds appropriated or made available under title 23 or chapter 53 of title 49, United States Code, including funds from the Highway Trust Fund (section 9503(c) of the Internal Revenue Code of 1986), funds from the Mass Transit Account of the Highway Trust Fund (section 9503(e) of Internal Revenue Code of 1986), and funds provided for public transportation programs within the mass transit category (as defined in section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985), shall be transferred into the Fund.

''(iii) EXCEPTION.—

''(I) IN GENERAL.—Amounts described in subclause (II) are eligible for transfer into the Fund if—

''(aa) the recipient of the amounts has a specific agreement or contract with the Administrator;

''(bb) the Department of Transportation agency that administers the amounts to be transferred has granted project approval for each component of the project that is to be funded using such amounts;

''(cc) the Department of Transportation agency that administers the amounts to be transferred and the Maritime Administration agree to the transfer through a signed Memorandum of Understanding; and

''(dd) the amounts will be used only to carry out the project for which funds were approved, and in accordance with any conditions governing the amounts under title 23 or chapter 53 of title 49, United States Code.

''(II) AMOUNTS DESCRIBED.—The amounts referred to in subclause (I) are amounts appropriated or made available—

''(aa) for loans, loan guarantees, or lines of credit under chapter 6 of title 23, United States Code, for a project eligible under such chapter to facilitate direct intermodal exchange, transfer, and access into and out of a port as defined under section 601(a)(8)(D)(iii) of such title, as in effect on the date of enactment of this subsection; or

''(bb) for projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

''(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect existing authorities to conduct port infrastructure programs in Hawaii (as authorized by section 9008 of Public Law 109–59), Alaska (as authorized by section 10205 of Public Law 109–59), or Guam (as authorized by section 3512 of Public Law 110–417).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under paragraph (3)(A)(ii).''.

SEC. 3513. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

''(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).''.

(b) LIMITATION.—Section 7 of Public Law 92–402 (16 U.S.C. 1220c–1) is amended by adding at the end thereof the following:

''(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.''.

SEC. 3514. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NONAPPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after ''body.'' the following: ''Nonappropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of nonappropriated fund receipts and all associated expenses.''.

SEC. 3515. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

Section 55601 of title 46, United States Code, is amended by adding at the end the following:

''(g) GRANTS.—

''(1) IN GENERAL.—The Secretary shall establish and implement a short sea transportation

grant program to implement projects or components of a project designated under subsection (d).

''(2) APPLICATIONS.—In order to receive a grant under the program, an applicant shall—

''(A) submit an application to the Secretary, in such form and manner, at such time, and containing such information as the Secretary may require; and

''(B) demonstrate to the satisfaction of the Secretary that—

''(i) the project is financially viable;

''(ii) the funds received will be spent efficiently and effectively; and

''(iii) a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

''(3) NON-FEDERAL SHARE.—An applicant shall provide at least 20 percent of the project costs from non-Federal sources. In awarding grants under the program, the Secretary shall give a preference to those projects or components that present the most financially viable transportation services and require the lowest percentage Federal share of the costs.''.

SEC. 3516. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term ''marine transportation system'' means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term ''Marine View system'' means the information system of the Maritime Administration known as Marine View.

(b) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(c) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) AMOUNTS SPECIFIED IN FUNDING TABLES ARE AUTHORIZED BY LAW.—Wherever a funding table in this Division specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in a funding table referred to in subsection (a) shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in a funding table referred to in subsection (a) shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
001	JOINT CARGO AIRCRAFT (JCA)		
002	UTILITY F/W AIRCRAFT		
003	MQ–1 UAV	401,364	201,364
	Avoid forward funding of production		[–200,000]
004	RQ–11 (RAVEN)	35,008	35,008
004A	C–12A		
	ROTARY WING		
006	ARMED RECONNAISSANCE HELICOPTER		
007	ADVANCE PROCUREMENT (CY)		
008	HELICOPTER, LIGHT UTILITY (LUH)	326,040	326,040
009	AH–64 APACHE BLOCK III	161,280	161,280
010	ADVANCE PROCUREMENT (CY)	57,890	57,890
011	UH–60 BLACKHAWK (MYP)	1,258,374	1,258,374
012	ADVANCE PROCUREMENT (CY)	98,740	98,740
013	CH–47 HELICOPTER	860,087	882,087
	Transfer From APA 22		[22,000]
014	ADVANCE PROCUREMENT (CY)	50,676	50,676
015	HELICOPTER NEW TRAINING	19,639	0
	Program Not Justified		[–19,639]
	MODIFICATION OF AIRCRAFT		
016	MQ–1 PAYLOAD—UAS	87,424	87,424
017	MQ–1 WEAPONIZATION—UAS	14,832	14,832
018	GUARDRAIL MODS (MIP)	61,517	61,517
019	MULTI SENSOR ABN RECON (MIP)	21,457	21,457
020	AH–64 MODS	426,415	427,415
	Air Filtration Systems		[1,000]
021	ADVANCE PROCUREMENT (CY)		
022	CH–47 CARGO HELICOPTER MODS (MYP)	102,876	85,876
	Common Avionics Architecture System		[2,000]
	Vibration Management Enhancement Program		[3,000]
	Transfer to APA 13		[–22,000]
023	ADVANCE PROCUREMENT (CY)		
024	UTILITY/CARGO AIRPLANE MODS	39,547	39,547
025	AIRCRAFT LONG RANGE MODS	823	823
026	UTILITY HELICOPTER MODS	66,682	71,682
	UH–60 ARNG Rewiring Program		[5,000]
027	KIOWA WARRIOR	140,768	140,768
028	AIRBORNE AVIONICS	241,287	241,287

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
029	GATM ROLLUP	103,142	103,142
030	RQ–7 UAV MODS	283,012	283,012
030A	C–12A		
	SPARES AND REPAIR PARTS		
031	SPARE PARTS (AIR)	7,083	7,083
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
032	AIRCRAFT SURVIVABILITY EQUIPMENT	25,975	25,975
033	ASE INFRARED CM	186,356	186,356
	OTHER SUPPORT		
034	AVIONICS SUPPORT EQUIPMENT	4,933	4,933
035	COMMON GROUND EQUIPMENT	87,682	87,682
036	AIRCREW INTEGRATED SYSTEMS	52,725	55,725
	Air warrior ensemble—generation III		[3,000]
037	AIR TRAFFIC CONTROL	76,999	76,999
038	INDUSTRIAL FACILITIES	1,533	1,533
039	LAUNCHER, 2.75 ROCKET	2,716	2,716
040	AIRBORNE COMMUNICATIONS	11,109	11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY	**5,315,991**	**5,110,352**
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	348,351	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY	16,406	16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	72,920	72,920
004	ADVANCE PROCUREMENT (CY)		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	31,154	29,154
	Unjustified cost growth		[–2,000]
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	148,649	148,649
007	TOW 2 SYSTEM SUMMARY	108,066	108,066
008	GUIDED MLRS ROCKET (GMLRS)	293,617	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,663	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	209,061	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM		
	MODIFICATIONS		
012	PATRIOT MODS	44,775	44,775
013	ITAS/TOW MODS	6,983	6,983
014	MLRS MODS	3,662	3,662
015	HIMARS MODIFICATIONS	38,690	38,690
016	HELLFIRE MODIFICATIONS	10	10
	SPARES AND REPAIR PARTS		
017	SPARES AND REPAIR PARTS	22,338	22,338
	SUPPORT EQUIPMENT AND FACILITIES		
018	AIR DEFENSE TARGETS	4,188	4,188
019	ITEMS LESS THAN $5.0M (MISSILES)	1,178	1,178
020	PRODUCTION BASE SUPPORT	4,398	4,398
	TOTAL—MISSILE PROCUREMENT, ARMY	**1,370,109**	**1,368,109**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM		
002	BRADLEY TRAINING DEVICES (MOD)		
003	ABRAMS TANK TRAINING DEVICES		
004	STRYKER VEHICLE	388,596	364,196
	Program Reduction		[–24,400]
005	FUTURE COMBAT SYSTEMS: (FCS)		
006	ADVANCE PROCUREMENT (CY)		
007	FCS SPIN OUTS	285,920	285,920
008	ADVANCE PROCUREMENT (CY)	42,001	42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	34,192	34,192
010	BRADLEY PROGRAM (MOD)	526,356	526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	96,503	5,003
	Army requested transfer to RDT&E, A, line 114		[–91,500]
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	96,814	96,814
013	ARMORED BREACHER VEHICLE	63,250	63,250
014	JOINT ASSAULT BRIDGE	70,637	70,637
015	M1 ABRAMS TANK (MOD)	183,829	183,829
016	ABRAMS UPGRADE PROGRAM	185,611	185,611
	SUPPORT EQUIPMENT & FACILITIES		
017	ITEMS LESS THAN $5.0M (TCV-WTCV)		
018	PRODUCTION BASE SUPPORT (TCV-WTCV)	6,601	6,601
	WEAPONS AND OTHER COMBAT VEHICLES		
019	HOWITZER, LIGHT, TOWED, 105MM, M119	95,631	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM)	32,919	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	84,588	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN	977	977
023	M249 SAW MACHINE GUN (5.56MM)	7,535	7,535
024	MK–19 GRENADE MACHINE GUN (40MM)	7,700	7,700

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
025	MORTAR SYSTEMS	14,779	14,779
026	M107, CAL. 50, SNIPER RIFLE	224	224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	16,023	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	6,223	6,223
029	M4 CARBINE	20,500	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,945	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO		100,000
	Program Increase		[100,000]
032	HANDGUN	3,389	3,389
033	HOWITZER LT WT 155MM (T)	49,572	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH		
034	MK–19 GRENADE MACHINE GUN MODS	8,164	8,164
035	M4 CARBINE MODS	31,472	31,472
036	M2 50 CAL MACHINE GUN MODS	7,738	7,738
037	M249 SAW MACHINE GUN MODS	7,833	7,833
038	M240 MEDIUM MACHINE GUN MODS	17,964	17,964
039	PHALANX MODS		
040	M119 MODIFICATIONS	25,306	25,306
041	M16 RIFLE MODS	4,186	4,186
041A	M14 7.62 RIFLE MODS		
042	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	6,164	6,164
	SUPPORT EQUIPMENT & FACILITIES		
043	ITEMS LESS THAN $5.0M (WOCV-WTCV)	551	551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV)	9,855	12,855
	Arsenal Support Program Initiative (ASPI) at Rock Island		[3,000]
045	INDUSTRIAL PREPAREDNESS	392	392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	5,012	5,012
	TOTAL—PROCUREMENT OF WTCV, ARMY	**2,451,952**	**2,439,052**
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CALIBER AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	207,752	207,752
002	CTG, 7.62MM, ALL TYPES	77,602	77,602
003	CTG, HANDGUN, ALL TYPES	5,120	5,120
004	CTG, .50 CAL, ALL TYPES	162,342	162,342
005	CTG, 25MM, ALL TYPES	17,054	17,054
006	CTG, 30MM, ALL TYPES	96,572	96,572
007	CTG, 40MM, ALL TYPES	172,675	175,675
	Additional 40mm Mortar Rounds—Milan AAP		[3,000]
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	23,607	25,607
	M722 60mm White Phosphorous Smoke Mortar Rounds		[2,000]
009	81MM MORTAR, ALL TYPES	28,719	28,719
010	CTG, MORTAR, 120MM, ALL TYPES	104,961	104,961
	TANK AMMUNITION		
011	CTG TANK 105MM: ALL TYPES	7,741	7,741
012	CTG, TANK, 120MM, ALL TYPES	113,483	113,483
	ARTILLERY AMMUNITION		
013	CTG, ARTY, 75MM: ALL TYPES	5,229	5,229
014	CTG, ARTY, 105MM: ALL TYPES	90,726	90,726
015	CTG, ARTY, 155MM, ALL TYPES	54,546	54,546
016	PROJ 155MM EXTENDED RANGE XM982	62,292	62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	33,441	33,441
	ARTILLERY FUZES		
018	ARTILLERY FUZES, ALL TYPES	19,870	19,870
	MINES		
019	MINES, ALL TYPES	815	815
020	MINE, CLEARING CHARGE, ALL TYPES		
021	ANTIPERSONNEL LANDMINE ALTERNATIVES	56,387	56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES	19,507	19,507
	ROCKETS		
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	45,302	45,302
024	ROCKET, HYDRA 70, ALL TYPES	99,904	99,904
	OTHER AMMUNITION		
025	DEMOLITION MUNITIONS, ALL TYPES	18,793	18,793
026	GRENADES, ALL TYPES	49,910	49,910
027	SIGNALS, ALL TYPES	83,094	83,094
028	SIMULATORS, ALL TYPES	12,081	12,081
	MISCELLANEOUS		
029	AMMO COMPONENTS, ALL TYPES	17,968	17,968
030	NON-LETHAL AMMUNITION, ALL TYPES	7,378	7,378
031	CAD/PAD ALL TYPES	3,353	3,353
032	ITEMS LESS THAN $5 MILLION	8,826	8,826
033	AMMUNITION PECULIAR EQUIPMENT	11,187	11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)	14,354	14,354
035	CLOSEOUT LIABILITIES	99	99
	AMMUNITION PRODUCTION BASE SUPPORT		
	PRODUCTION BASE SUPPORT		
036	PROVISION OF INDUSTRIAL FACILITIES	151,943	153,943
	Bomb line modernization		[2,000]
037	LAYAWAY OF INDUSTRIAL FACILITIES	9,529	9,529
038	MAINTENANCE OF INACTIVE FACILITIES	8,772	8,772

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	145,777	145,777
040	ARMS INITIATIVE	3,184	3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY	**2,051,895**	**2,058,895**
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	95,893	95,893
002	SEMITRAILERS, FLATBED:	20,870	20,870
003	SEMITRAILERS, TANKERS	13,217	13,217
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	281,123	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1,158,522	1,033,522
	Program reduction		[–125,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	17,575	17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	812,918	812,918
008	PLS ESP	18,973	18,973
009	ARMORED SECURITY VEHICLES (ASV)	136,605	136,605
010	MINE PROTECTION VEHICLE FAMILY	402,517	312,517
	Reassessment of program requirement		[–90,000]
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)		
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	74,703	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P	180,793	180,793
014	HMMWV RECAPITALIZATION PROGRAM	2,904	2,904
015	MODIFICATION OF IN SVC EQUIP	10,314	10,314
016	ITEMS LESS THAN $5.0M (TAC VEH)	298	298
017	TOWING DEVICE-FIFTH WHEEL	414	414
	NON-TACTICAL VEHICLES		
018	HEAVY ARMORED SEDAN	1,980	1,980
019	PASSENGER CARRYING VEHICLES	269	269
020	NONTACTICAL VEHICLES, OTHER	3,052	3,052
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMM-JOINT COMMUNICATIONS		
021	COMBAT IDENTIFICATION PROGRAM		
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	11,868	11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK	544,202	544,202
024	JCSE EQUIPMENT (USREDCOM)	4,868	4,868
	COMM—SATELLITE COMMUNICATIONS		
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S	145,108	145,108
026	SHF TERM	90,918	90,918
027	SAT TERM, EMUT (SPACE)	653	653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	72,735	72,735
029	SMART-T (SPACE)	61,116	61,116
030	SCAMP (SPACE)	1,834	1,834
031	GLOBAL BRDCST SVC—GBS	6,849	6,849
032	MOD OF IN-SVC EQUIP (TAC SAT)	2,862	2,862
	COMM—COMBAT SUPPORT COMM		
032A	MOD-IN-SERVICE PROFILER		
	COMM—C3 SYSTEM		
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	22,996	22,996
	COMM—COMBAT COMMUNICATIONS		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	1,705	1,705
035	JOINT TACTICAL RADIO SYSTEM	90,204	35,040
	Testing delays in JTRS GMR		[–55,164]
036	RADIO TERMINAL SET, MIDS LVT(2)	8,549	8,549
037	SINCGARS FAMILY	6,812	0
	Program Reduction		[–6,812]
038	AMC CRITICAL ITEMS—OPA2		
038A	SINCGARS—GROUND		
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS	6,164	6,164
040	BRIDGE TO FUTURE NETWORKS		
041	COMMS-ELEC EQUIP FIELDING		
042	SPIDER APLA REMOTE CONTROL UNIT	21,820	21,820
043	IMS REMOTE CONTROL UNIT	9,256	9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	4,646	4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	2,367	2,367
046	RADIO, IMPROVED HF (COTS) FAMILY	6,555	6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	18,583	18,583
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	1,414	1,414
	INFORMATION SECURITY		
049	TSEC—ARMY KEY MGT SYS (AKMS)	29,525	29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	33,189	33,189
	COMM—LONG HAUL COMMUNICATIONS		
051	TERRESTRIAL TRANSMISSION	1,890	1,890
052	BASE SUPPORT COMMUNICATIONS	25,525	25,525
053	ELECTROMAG COMP PROG (EMCP)		
054	WW TECH CON IMP PROG (WWTCIP)	31,256	31,256
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	216,057	216,057
056	DEFENSE MESSAGE SYSTEM (DMS)	6,203	6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	147,111	147,111
058	PENTAGON INFORMATION MGT AND TELECOM	39,906	39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)		
062	JTT/CIBS-M (MIP)	3,279	3,279
063	PROPHET GROUND (MIP)	64,498	64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP		
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)		
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		
068	TACTICAL EXPLOITATION SYSTEM (MIP)		
069	DCGS-A (MIP)	85,354	85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)	6,703	6,703
071	TROJAN (MIP)	26,659	26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,021	7,021
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	4,509	4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	6,420	6,420
075	ITEMS LESS THAN $5.0M (MIP)	17,053	17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	31,661	31,661
077	WARLOCK		
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,284	1,284
079	CI MODERNIZATION (MIP)	1,221	1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	SENTINEL MODS	25,863	25,863
081	SENSE THROUGH THE WALL (STTW)	25,352	25,352
082	NIGHT VISION DEVICES	366,820	191,158
	Contractor production delays in Enhanced Night Vision Goggle line		[–175,662]
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	133,836	133,836
084	NIGHT VISION, THERMAL WPN SIGHT	313,237	313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	9,179	9,179
086	RADIATION MONITORING SYSTEMS	2,198	2,198
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)		
088	BASE EXPEDITIONARY TARGETING AND SURV SYS		
089	ARTILLERY ACCURACY EQUIP	5,838	5,838
090	MOD OF IN-SVC EQUIP (MMS)		
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	1,178	1,178
092	PROFILER	4,766	4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	2,801	2,801
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	271,979	271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	17,242	17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	59,080	59,080
097	COMPUTER BALLISTICS: LHMBC XM32		
098	MORTAR FIRE CONTROL SYSTEM	15,520	15,520
099	COUNTERFIRE RADARS	194,665	194,665
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP		
101	ENHANCED SENSOR & MONITORING SYSTEM	1,944	1,944
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	TACTICAL OPERATIONS CENTERS	29,934	29,934
103	FIRE SUPPORT C2 FAMILY	39,042	39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	31,968	31,968
105	FAAD C2	8,289	8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	62,439	62,439
107	KNIGHT FAMILY	80,831	80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,778	1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY	31,542	31,542
110	TC AIMS II	11,124	11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		
112	TACTICAL INTERNET MANAGER		
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	53,898	53,898
114	MANEUVER CONTROL SYSTEM (MCS)	77,646	77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	46,861	46,861
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	11,118	11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	926	926
	ELECT EQUIP—AUTOMATION		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	85,801	85,801
119	ARMY TRAINING MODERNIZATION	12,823	12,823
120	AUTOMATED DATA PROCESSING EQUIP	254,723	239,723
	Program Reduction		[–15,000]
121	CSS COMMUNICATIONS	33,749	33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,675	39,675
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
123	AFRTS		
124	ITEMS LESS THAN $5.0M (A/V)	2,709	2,709
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	5,172	5,172
	ELECT EQUIP—MODS TACTICAL SYS/EQ		
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)		
	ELECT EQUIP—SUPPORT		
127	ITEMS UNDER $5M (SSE)		
128	PRODUCTION BASE SUPPORT (C-E)	518	518
	CLASSIFIED PROGRAMS	2,522	2,522
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	2,081	2,081
130	CBRN SOLDIER PROTECTION	108,334	108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	7,135	7,135
	BRIDGING EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
132	TACTICAL BRIDGING	58,509	58,509
133	TACTICAL BRIDGE, FLOAT-RIBBON	135,015	135,015
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	42,264	42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS	56,123	59,123
	FIDO explosives detector		[3,000]
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	49,333	49,333
137	< $5M, COUNTERMINE EQUIPMENT	3,479	3,479
138	AERIAL DETECTION	11,200	200
	Funding ahead of need		[–11,000]
	COMBAT SERVICE SUPPORT EQUIPMENT		
139	HEATERS AND ECU'S	11,924	11,924
140	LAUNDRIES, SHOWERS AND LATRINES		
141	SOLDIER ENHANCEMENT	4,071	4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)		
142A	LAND WARRIOR		
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	6,981	6,981
144	GROUND SOLDIER SYSTEM	1,809	1,809
145	MOUNTED SOLDIER SYSTEM	1,085	1,085
146	FORCE PROVIDER		
147	FIELD FEEDING EQUIPMENT	57,872	57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	66,381	66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	16,585	16,585
150	ITEMS LESS THAN $5M (ENG SPT)	25,531	25,531
	PETROLEUM EQUIPMENT		
151	QUALITY SURVEILLANCE EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	84,019	84,019
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	7,173	7,173
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	33,694	37,694
	Combat casualty care equipment upgrade program		[3,000]
	Life Support for Trauma and Transport (LSTAT)		[1,000]
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	137,002	137,002
156	ITEMS LESS THAN $5.0M (MAINT EQ)	812	812
	CONSTRUCTION EQUIPMENT		
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	50,897	50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	18,387	18,387
159	SCRAPERS, EARTHMOVING		
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC		
161	MISSION MODULES—ENGINEERING	44,420	44,420
162	LOADERS	20,824	20,824
163	HYDRAULIC EXCAVATOR	18,785	18,785
164	TRACTOR, FULL TRACKED	50,102	50,102
165	CRANES		
166	PLANT, ASPHALT MIXING	12,915	12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	36,451	36,451
168	CONST EQUIP ESP	8,391	8,391
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,562	12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	JOINT HIGH SPEED VESSEL (JHSV)	183,666	183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC	10,962	10,962
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	6,785	6,785
	GENERATORS		
173	GENERATORS AND ASSOCIATED EQUIP	146,067	146,067
	MATERIAL HANDLING EQUIPMENT		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	41,239	41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM	44,898	44,898
	TRAINING EQUIPMENT		
176	COMBAT TRAINING CENTERS SUPPORT	22,967	22,967
177	TRAINING DEVICES, NONSYSTEM	261,348	276,698
	Operator driving simulator		[350]
	Joint fires & effects training systems (JFETS)		[5,000]
	Virtual interactive combat environment (VICE)		[4,000]
	Mobile Firing Range—TX ARNG		[1,500]
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—VA ARNG		[2,000]
	Immersive Group Simulation Virtual Training Systems for the Hawaii ARNG		[2,500]
178	CLOSE COMBAT TACTICAL TRAINER	65,155	65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	12,794	12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	7,870	7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
181	CALIBRATION SETS EQUIPMENT	16,844	16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	101,320	101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)	15,526	15,526
	OTHER SUPPORT EQUIPMENT		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	21,770	21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)	49,758	49,758
186	BASE LEVEL COM'L EQUIPMENT	1,303	1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	53,884	53,884
188	PRODUCTION BASE SUPPORT (OTH)	3,050	3,050
189	BUILDING, PRE-FAB, RELOCATABLE		
190	SPECIAL EQUIPMENT FOR USER TESTING	45,516	45,516
191	AMC CRITICAL ITEMS OPA3	12,232	12,232

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
192	MA8975	4,492	4,492
	SPARES AND REPAIR PARTS		
	OPA2		
193	INITIAL SPARES—C&E	25,867	25,867
194	WIN-T INCREMENT 2 SPARES	9,758	9,758
194a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, ARMY	**9,907,151**	**9,450,863**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	203,100	0
	Transfer to OCO		[–203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	199,100	0
	Transfer to OCO		[–199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	41,100	0
	Transfer to OCO		[–41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	121,550	0
	Transfer to OCO		[–121,550]
	TOTAL—JOINT IED DEFEAT FUND	**564,850**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	AV–8B (V/STOL) HARRIER		
002	EA–18G	1,611,837	1,611,837
003	ADVANCE PROCUREMENT (CY)	20,559	20,559
004	F/A–18E/F (FIGHTER) HORNET	1,009,537	1,521,817
	Additional aircraft		[512,280]
005	ADVANCE PROCUREMENT (CY)	51,431	159,431
	EOQ for MYP III		[108,000]
006	JOINT STRIKE FIGHTER	3,997,048	3,997,048
007	ADVANCE PROCUREMENT (CY)	481,000	481,000
008	V–22 (MEDIUM LIFT)	2,215,829	2,215,829
009	ADVANCE PROCUREMENT (CY)	84,342	84,342
010	UH–1Y/AH–1Z	709,801	609,801
	UH–1Y/AH–1Z Program Reduction		[–100,000]
011	ADVANCE PROCUREMENT (CY)	70,550	70,550
012	MH–60S (MYP)	414,145	414,145
013	ADVANCE PROCUREMENT (CY)	78,830	78,830
014	MH–60R	811,781	811,781
015	ADVANCE PROCUREMENT (CY)	131,504	131,504
016	P–8A POSEIDON	1,664,525	1,664,525
017	ADVANCE PROCUREMENT (CY)	160,526	149,646
	Excessive advance procurement growth		[–7,680]
	Funding for production line slots		[–3,200]
018	E–2D ADV HAWKEYE	511,245	511,245
019	ADVANCE PROCUREMENT (CY)	94,924	94,924
	AIRLIFT AIRCRAFT		
020	C–40A	74,381	74,381
	TRAINER AIRCRAFT		
021	T–45TS (TRAINER) GOSHAWK		
022	JPATS	266,539	266,539
	OTHER AIRCRAFT		
023	KC–130J		
024	ADVANCE PROCUREMENT (CY)		
025	RQ–7 UAV	56,797	53,797
	Attrition vehicles		[–3,000]
026	MQ–8 UAV	77,616	77,616
027	OTHER SUPPORT AIRCRAFT		
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	39,977	39,977
029	AV–8 SERIES	35,668	35,668
030	F–18 SERIES	484,129	480,729
	Excessive growth of IR Marker ECP		[–3,400]
031	H–46 SERIES	35,325	35,325
032	AH–1W SERIES	66,461	66,461
033	H–53 SERIES	68,197	68,197
034	SH–60 SERIES	82,253	82,253
035	H–1 SERIES	20,040	20,040
036	EP–3 SERIES	92,530	92,530
037	P–3 SERIES	485,171	445,571
	P–3 Series Program Reduction		[–39,600]
038	S–3 SERIES		
039	E–2 SERIES	22,853	22,853
040	TRAINER A/C SERIES	20,907	20,907
041	C–2A	21,343	21,343
042	C–130 SERIES	22,449	22,449
043	FEWSG	9,486	9,486
044	CARGO/TRANSPORT A/C SERIES	19,429	19,429
045	E–6 SERIES	102,646	102,646

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
046	EXECUTIVE HELICOPTERS SERIES	42,456	42,456
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
048	T–45 SERIES	51,484	51,484
049	POWER PLANT CHANGES	26,395	26,395
050	JPATS SERIES	4,922	4,922
051	AVIATION LIFE SUPPORT MODS	5,594	5,594
052	COMMON ECM EQUIPMENT	47,419	49,419
	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability		[2,000]
053	COMMON AVIONICS CHANGES	151,112	151,112
054	COMMON DEFENSIVE WEAPON SYSTEM		
055	ID SYSTEMS	24,125	24,125
056	V–22 (TILT/ROTOR ACFT) OSPREY	24,502	24,502
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	1,264,012	1,262,412
	UH–1Y/AH–1Z reduction		[–1,600]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
058	COMMON GROUND EQUIPMENT	363,588	363,588
059	AIRCRAFT INDUSTRIAL FACILITIES	11,075	11,075
060	WAR CONSUMABLES	55,406	55,406
061	OTHER PRODUCTION CHARGES	23,861	23,861
062	SPECIAL SUPPORT EQUIPMENT	42,147	42,147
063	FIRST DESTINATION TRANSPORTATION	1,734	1,734
064	CANCELLED ACCOUNT ADJUSTMENTS		
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	**18,378,312**	**18,842,112**
	WEAPONS PROCUREMENT, NAVY		
	BALLISTIC MISSILES		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,060,504	1,060,504
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	3,447	3,447
	OTHER MISSILES		
	STRATEGIC MISSILES		
003	TOMAHAWK	283,055	283,055
	TACTICAL MISSILES		
004	AMRAAM	145,506	140,506
	Diminished manufacturing sources funding ahead of need		[–5,000]
005	SIDEWINDER	56,845	56,845
006	JSOW	145,336	145,336
007	SLAM-ER		
008	STANDARD MISSILE	249,233	249,233
009	RAM	74,784	74,784
010	HELLFIRE	59,411	59,411
011	AERIAL TARGETS	47,003	47,003
012	OTHER MISSILE SUPPORT	3,928	3,928
	MODIFICATION OF MISSILES		
013	ESSM	51,388	51,388
014	HARM MODS	47,973	47,973
015	STANDARD MISSILES MODS	81,451	81,451
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES	3,211	13,211
	Accelerate facility restoration program		[10,000]
017	FLEET SATELLITE COMM FOLLOW-ON	487,280	487,280
018	ADVANCE PROCUREMENT (CY)	28,847	28,847
	ORDNANCE SUPPORT EQUIPMENT		
019	ORDNANCE SUPPORT EQUIPMENT	48,883	48,883
	TORPEDOES AND RELATED EQUIPMENT		
	TORPEDOES AND RELATED EQUIP.		
020	SSTD		
021	ASW TARGETS	9,288	9,288
	MOD OF TORPEDOES AND RELATED EQUIP		
022	MK–46 TORPEDO MODS	94,159	87,023
	Support funding carryover		[–7,136]
023	MK–48 TORPEDO ADCAP MODS	61,608	56,308
	Support funding carryover		[–5,300]
024	QUICKSTRIKE MINE	4,680	4,680
	SUPPORT EQUIPMENT		
025	TORPEDO SUPPORT EQUIPMENT	39,869	39,869
026	ASW RANGE SUPPORT	10,044	10,044
	DESTINATION TRANSPORTATION		
027	FIRST DESTINATION TRANSPORTATION	3,434	3,434
	OTHER WEAPONS		
	GUNS AND GUN MOUNTS		
028	SMALL ARMS AND WEAPONS	12,742	12,742
	MODIFICATION OF GUNS AND GUN MOUNTS		
029	CIWS MODS	158,896	158,896
030	COAST GUARD WEAPONS	21,157	21,157
031	GUN MOUNT MODS	30,761	30,761
032	LCS MODULE WEAPONS		
033	CRUISER MODERNIZATION WEAPONS	51,227	51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,309	12,309
	OTHER		
035	MARINE CORPS TACTIAL UNMANNED AERIAL SYSTEM		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
036	CANCELLED ACCOUNT ADJUSTMENTS		
	SPARES AND REPAIR PARTS		
037	SPARES AND REPAIR PARTS	65,196	65,196
	TOTAL—WEAPONS PROCUREMENT, NAVY	**3,453,455**	**3,446,019**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		
	PROC AMMO, NAVY		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	75,227	75,227
002	JDAM	1,968	1,968
003	AIRBORNE ROCKETS, ALL TYPES	38,643	38,643
004	MACHINE GUN AMMUNITION	19,622	12,062
	20MM linkless TP cost growth		[–2,900]
	20MM linked TP cost growth		[–1,990]
	20MM linked HEI cost growth		[–2,670]
005	PRACTICE BOMBS	33,803	24,503
	Enhanced laser guided training round cost growth		[–9,300]
006	CARTRIDGES & CART ACTUATED DEVICES	50,600	50,600
007	AIR EXPENDABLE COUNTERMEASURES	79,102	69,302
	MJU–55 production termination		[–9,800]
008	JATOS	3,230	3,230
009	5 INCH/54 GUN AMMUNITION	27,483	27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION	25,974	25,974
011	OTHER SHIP GUN AMMUNITION	35,934	35,934
012	SMALL ARMS & LANDING PARTY AMMO	43,490	43,490
013	PYROTECHNIC AND DEMOLITION	10,623	10,623
014	AMMUNITION LESS THAN $5 MILLION	3,214	3,214
	PROC AMMO, MC		
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	87,781	87,781
016	LINEAR CHARGES, ALL TYPES	23,582	23,582
017	40 MM, ALL TYPES	57,291	57,291
018	60MM, ALL TYPES	22,037	22,037
019	81MM, ALL TYPES	54,869	54,869
020	120MM, ALL TYPES	29,579	29,579
021	CTG 25MM, ALL TYPES	2,259	2,259
022	GRENADES, ALL TYPES	10,694	10,694
023	ROCKETS, ALL TYPES	13,948	13,948
024	ARTILLERY, ALL TYPES	57,948	57,948
025	EXPEDITIONARY FIGHTING VEHICLE		
026	DEMOLITION MUNITIONS, ALL TYPES	14,886	14,886
027	FUZE, ALL TYPES	575	575
028	NON LETHALS	3,034	3,034
029	AMMO MODERNIZATION	8,886	8,886
030	ITEMS LESS THAN $5 MILLION	4,393	4,393
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS	**840,675**	**814,015**
	SHIPBUILDING AND CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	739,269	739,269
002	ADVANCE PROCUREMENT (CY)	484,432	484,432
003	VIRGINIA CLASS SUBMARINE	1,964,317	1,964,317
004	ADVANCE PROCUREMENT (CY)	1,959,725	1,959,725
005	CVN REFUELING OVERHAULS	1,563,602	1,563,602
006	ADVANCE PROCUREMENT (CY)	211,820	211,820
007	SSBN ERO		
008	ADVANCE PROCUREMENT (CY)		
009	DDG 1000	1,084,161	1,084,161
010	ADVANCE PROCUREMENT (CY)		
011	DDG–51	1,912,267	1,912,267
012	ADVANCE PROCUREMENT (CY)	328,996	328,996
013	LITTORAL COMBAT SHIP	1,380,000	1,380,000
	AMPHIBIOUS SHIPS		
014	LPD–17	872,392	872,392
015	ADVANCE PROCUREMENT (CY)	184,555	184,555
016	LHA REPLACEMENT		
017	ADVANCE PROCUREMENT (CY)		
018	INTRATHEATER CONNECTOR	177,956	177,956
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
019	OUTFITTING	391,238	391,238
020	SERVICE CRAFT	3,694	3,694
021	LCAC SLEP	63,857	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS	454,586	454,586
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY	**13,776,867**	**13,776,867**
	OTHER PROCUREMENT, NAVY		
	SHIPS SUPPORT EQUIPMENT		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	8,014	8,014
002	ALLISON 501K GAS TURBINE	9,162	9,162
003	OTHER PROPULSION EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	NAVIGATION EQUIPMENT		
004	OTHER NAVIGATION EQUIPMENT	34,743	34,743
	PERISCOPES		
005	SUB PERISCOPES & IMAGING EQUIP	75,127	70,127
	Digital periscope contract delay		[–5,000]
	OTHER SHIPBOARD EQUIPMENT		
006	DDG MOD	142,262	142,262
007	FIREFIGHTING EQUIPMENT	11,423	14,523
	Smart valves for fire suppression		[3,100]
008	COMMAND AND CONTROL SWITCHBOARD	4,383	4,383
009	POLLUTION CONTROL EQUIPMENT	24,992	24,992
010	SUBMARINE SUPPORT EQUIPMENT	16,867	16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT	103,153	103,153
012	SUBMARINE BATTERIES	51,482	51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP	15,672	15,672
014	DSSP EQUIPMENT	10,641	10,641
015	CG MODERNIZATION	315,323	315,323
016	LCAC	6,642	6,642
017	MINESWEEPING EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	19,232	19,232
019	ITEMS LESS THAN $5 MILLION	127,554	124,430
	CVN auto voltage regulators ahead of need		[–3,124]
020	CHEMICAL WARFARE DETECTORS	8,899	8,899
021	SUBMARINE LIFE SUPPORT SYSTEM	14,721	14,721
	REACTOR PLANT EQUIPMENT		
022	REACTOR POWER UNITS		
023	REACTOR COMPONENTS	262,354	262,354
	OCEAN ENGINEERING		
024	DIVING AND SALVAGE EQUIPMENT	5,304	5,304
	SMALL BOATS		
025	STANDARD BOATS	35,318	35,318
	TRAINING EQUIPMENT		
026	OTHER SHIPS TRAINING EQUIPMENT	15,113	15,113
	PRODUCTION FACILITIES EQUIPMENT		
027	OPERATING FORCES IPE	47,172	47,172
	OTHER SHIP SUPPORT		
028	NUCLEAR ALTERATIONS	136,683	136,683
029	LCS MODULES	137,259	137,259
	LOGISTIC SUPPORT		
030	LSD MIDLIFE	117,856	117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	SHIP RADARS		
031	RADAR SUPPORT	9,968	9,968
032	SPQ–9B RADAR	13,476	13,476
033	AN/SQQ–89 SURF ASW COMBAT SYSTEM	111,093	95,593
	SQQ–89 backfit suites ahead of need		[–15,500]
034	SSN ACOUSTICS	299,962	303,962
	TB–33 thinline towed array		[4,000]
035	UNDERSEA WARFARE SUPPORT EQUIPMENT	38,705	38,705
036	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
	ASW ELECTRONIC EQUIPMENT		
037	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,681	20,681
038	SSTD	2,184	2,184
039	FIXED SURVEILLANCE SYSTEM	63,017	63,017
040	SURTASS	24,108	24,108
041	TACTICAL SUPPORT CENTER	22,464	22,464
	ELECTRONIC WARFARE EQUIPMENT		
042	AN/SLQ–32	34,264	34,264
	RECONNAISSANCE EQUIPMENT		
043	SHIPBOARD IW EXPLOIT	105,883	105,883
	SUBMARINE SURVEILLANCE EQUIPMENT		
044	SUBMARINE SUPPORT EQUIPMENT PROG	98,645	83,495
	Multi-function modular mast units ahead of need		[–15,150]
	OTHER SHIP ELECTRONIC EQUIPMENT		
045	NAVY TACTICAL DATA SYSTEM		
046	COOPERATIVE ENGAGEMENT CAPABILITY	30,522	30,522
047	GCCS-M EQUIPMENT	13,594	13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,933	35,933
049	ATDLS	7,314	7,314
050	MINESWEEPING SYSTEM REPLACEMENT	79,091	74,291
	RMS restructure		[–4,800]
051	SHALLOW WATER MCM	7,835	7,835
052	NAVSTAR GPS RECEIVERS (SPACE)	10,845	10,845
053	ARMED FORCES RADIO AND TV	3,333	3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP	4,149	4,149
	TRAINING EQUIPMENT		
055	OTHER TRAINING EQUIPMENT	36,784	36,784
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	17,468	17,468
057	SHIPBOARD AIR TRAFFIC CONTROL	7,970	7,970
058	AUTOMATIC CARRIER LANDING SYSTEM	18,878	18,878
059	NATIONAL AIR SPACE SYSTEM	28,988	28,988
060	AIR STATION SUPPORT EQUIPMENT	8,203	8,203
061	MICROWAVE LANDING SYSTEM	10,526	10,526

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
062	ID SYSTEMS	38,682	38,682
063	TAC A/C MISSION PLANNING SYS(TAMPS)	9,102	9,102
	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,719	11,719
	Shelter Upgrade Program		[3,000]
065	TADIX-B	793	793
066	GCCS-M EQUIPMENT TACTICAL/MOBILE	11,820	11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS	27,632	27,632
068	CANES	1,181	1,181
069	RADIAC	5,990	5,990
070	GPETE	3,737	3,737
071	INTEG COMBAT SYSTEM TEST FACILITY	4,423	4,423
072	EMI CONTROL INSTRUMENTATION	4,778	4,778
073	ITEMS LESS THAN $5 MILLION	65,760	65,760
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS		
075	PORTABLE RADIOS		
076	SHIP COMMUNICATIONS AUTOMATION	310,605	290,305
	Shipboard network systems ahead of need		[–20,300]
077	AN/URC–82 RADIO	4,913	4,913
078	COMMUNICATIONS ITEMS UNDER $5M	25,314	25,314
	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT	48,729	48,729
	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT)	72,496	72,496
	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,322	2,322
084	ELECTRICAL POWER SYSTEMS	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS	2,542	2,542
	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,054	119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP	16,839	16,839
	OTHER ELECTRONIC SUPPORT		
088	COAST GUARD EQUIPMENT	18,892	18,892
	DRUG INTERDICTION SUPPORT		
089	OTHER DRUG INTERDICTION SUPPORT		
	AVIATION SUPPORT EQUIPMENT		
	SONOBUOYS		
090	SONOBUOYS—ALL TYPES	91,976	91,976
	AIRCRAFT SUPPORT EQUIPMENT		
091	WEAPONS RANGE SUPPORT EQUIPMENT	75,329	75,329
092	EXPEDITIONARY AIRFIELDS	8,343	8,343
093	AIRCRAFT REARMING EQUIPMENT	12,850	12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	48,670	46,849
	ADMACS Block II upgrade cost growth		[–1,821]
095	METEOROLOGICAL EQUIPMENT	21,458	21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT	1,582	1,582
097	AVIATION LIFE SUPPORT	27,367	32,367
	Multi Climate Protection System		[5,000]
098	AIRBORNE MINE COUNTERMEASURES	55,408	55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT	23,694	23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	9,710	9,710
101	OTHER AVIATION SUPPORT EQUIPMENT	16,541	16,541
	ORDNANCE SUPPORT EQUIPMENT		
	SHIP GUN SYSTEM EQUIPMENT		
102	NAVAL FIRES CONTROL SYSTEM	1,391	1,391
103	GUN FIRE CONTROL EQUIPMENT	7,891	7,891
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	NATO SEASPARROW	13,556	13,556
105	RAM GMLS	7,762	7,762
106	SHIP SELF DEFENSE SYSTEM	34,079	34,079
107	AEGIS SUPPORT EQUIPMENT	108,886	108,886
108	TOMAHAWK SUPPORT EQUIPMENT	88,475	88,475
109	VERTICAL LAUNCH SYSTEMS	5,513	5,513
	FBM SUPPORT EQUIPMENT		
110	STRATEGIC MISSILE SYSTEMS EQUIP	155,579	155,579
	ASW SUPPORT EQUIPMENT		
111	SSN COMBAT CONTROL SYSTEMS	118,528	118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT	5,200	5,200
113	SURFACE ASW SUPPORT EQUIPMENT	13,646	13,646
114	ASW RANGE SUPPORT EQUIPMENT	7,256	7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	54,069	54,069
116	ITEMS LESS THAN $5 MILLION	3,478	3,478
	OTHER EXPENDABLE ORDNANCE		
117	ANTI-SHIP MISSILE DECOY SYSTEM	37,128	37,128
118	SURFACE TRAINING DEVICE MODS	7,430	7,430
119	SUBMARINE TRAINING DEVICE MODS	25,271	25,271
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	4,139	4,139
121	GENERAL PURPOSE TRUCKS	1,731	1,731
122	CONSTRUCTION & MAINTENANCE EQUIP	12,931	12,931

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
123	FIRE FIGHTING EQUIPMENT	12,976	12,976
124	TACTICAL VEHICLES	25,352	25,352
125	AMPHIBIOUS EQUIPMENT	2,950	2,950
126	POLLUTION CONTROL EQUIPMENT	5,097	5,097
127	ITEMS UNDER $5 MILLION	23,787	23,787
128	PHYSICAL SECURITY VEHICLES	1,115	1,115
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	17,153	17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT	6,368	6,368
131	FIRST DESTINATION TRANSPORTATION	6,217	6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS	71,597	71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	TRAINING DEVICES		
133	TRAINING SUPPORT EQUIPMENT	12,944	12,944
	COMMAND SUPPORT EQUIPMENT		
134	COMMAND SUPPORT EQUIPMENT	55,267	55,267
135	EDUCATION SUPPORT EQUIPMENT	2,084	2,084
136	MEDICAL SUPPORT EQUIPMENT	5,517	5,517
137	NAVAL MIP SUPPORT EQUIPMENT	1,537	1,537
139	OPERATING FORCES SUPPORT EQUIPMENT	12,250	12,250
140	C4ISR EQUIPMENT	5,324	5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT	18,183	18,183
142	PHYSICAL SECURITY EQUIPMENT	128,921	128,921
143	ENTERPRISE INFORMATION TECHNOLOGY	79,747	79,747
	OTHER		
144	CANCELLED ACCOUNT ADJUSTMENTS		
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	19,463	19,463
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	247,796	247,796
145a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, NAVY	**5,661,176**	**5,610,581**
	PROCUREMENT, MARINE CORPS		
	WEAPONS AND COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	9,127	9,127
002	LAV PIP	34,969	34,969
003	IMPROVED RECOVERY VEHICLE (IRV)		
004	M1A1 FIREPOWER ENHANCEMENTS		
	ARTILLERY AND OTHER WEAPONS		
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	19,591	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER	7,420	7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	71,476	71,476
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	25,949	25,949
	WEAPONS		
009	MODULAR WEAPON SYSTEM		
	OTHER SUPPORT		
010	MODIFICATION KITS	33,990	33,990
011	WEAPONS ENHANCEMENT PROGRAM	22,238	22,238
	GUIDED MISSILES AND EQUIPMENT		
	GUIDED MISSILES		
012	GROUND BASED AIR DEFENSE	11,387	11,387
013	JAVELIN		
014	FOLLOW ON TO SMAW	25,333	25,333
015	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	71,225	71,225
	OTHER SUPPORT		
016	MODIFICATION KITS	2,114	2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT		
	COMMAND AND CONTROL SYSTEMS		
017	UNIT OPERATIONS CENTER	19,832	19,832
	REPAIR AND TEST EQUIPMENT		
018	REPAIR AND TEST EQUIPMENT	31,087	31,087
	OTHER SUPPORT (TEL)		
019	COMBAT SUPPORT SYSTEM	11,368	11,368
020	MODIFICATION KITS		
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
021	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,531	3,531
022	AIR OPERATIONS C2 SYSTEMS	45,084	45,084
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	7,428	7,428
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	2,580	2,580
025	INTELLIGENCE SUPPORT EQUIPMENT	37,581	37,581
026	RQ–11 UAV	42,403	42,403
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	10,360	10,360
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	115,263	115,263
029	COMMAND POST SYSTEMS	49,820	49,820
030	RADIO SYSTEMS	61,954	61,954
031	COMM SWITCHING & CONTROL SYSTEMS	98,254	98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT	15,531	15,531

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	SUPPORT VEHICLES		
	ADMINISTRATIVE VEHICLES		
033	COMMERCIAL PASSENGER VEHICLES	1,265	1,265
034	COMMERCIAL CARGO VEHICLES	13,610	13,610
035	5/4T TRUCK HMMWV (MYP)	9,796	9,796
036	MOTOR TRANSPORT MODIFICATIONS	6,111	6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,792	10,792
038	LOGISTICS VEHICLE SYSTEM REP	217,390	217,390
039	FAMILY OF TACTICAL TRAILERS	26,497	26,497
040	TRAILERS	18,122	18,122
	OTHER SUPPORT		
041	ITEMS LESS THAN $5 MILLION	5,948	5,948
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,121	5,121
043	BULK LIQUID EQUIPMENT	13,035	13,035
044	TACTICAL FUEL SYSTEMS	35,059	38,159
	Nitrile Rubber Collapsible Storage Units		[3,100]
045	POWER EQUIPMENT ASSORTED	21,033	21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT	39,876	39,876
047	EOD SYSTEMS	93,335	93,335
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	12,169	12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,825	11,825
050	MATERIAL HANDLING EQUIP	41,430	41,430
051	FIRST DESTINATION TRANSPORTATION	5,301	5,301
	GENERAL PROPERTY		
052	FIELD MEDICAL EQUIPMENT	6,811	6,811
053	TRAINING DEVICES	14,854	14,854
054	CONTAINER FAMILY	3,770	3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT	37,735	37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	10,360	10,360
057	BRIDGE BOATS		
058	RAPID DEPLOYABLE KITCHEN	2,159	2,159
	OTHER SUPPORT		
059	ITEMS LESS THAN $5 MILLION	8,792	8,792
	SPARES AND REPAIR PARTS		
060	SPARES AND REPAIR PARTS	41,547	41,547
	TOTAL—PROCUREMENT, MARINE CORPS	**1,600,638**	**1,603,738**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	COMBAT AIRCRAFT		
	TACTICAL FORCES		
001	F–35	2,048,830	2,178,830
	F136 engine procurement		[130,000]
002	ADVANCE PROCUREMENT (CY)	300,600	278,600
	Reduction of 2 aircraft previously funded in fiscal year 2009		[–22,000]
003	F–22A	95,163	95,163
004	ADVANCE PROCUREMENT (CY)		
	AIRLIFT AIRCRAFT		
	TACTICAL AIRLIFT		
005	C–17A (MYP)	88,510	88,510
	OTHER AIRLIFT		
006	C–130J	285,632	285,632
007	ADVANCE PROCUREMENT (CY)	108,000	108,000
008	HC/MC–130 RECAP	879,231	375,231
	Funded in fiscal year 2009 supplemental		[–504,000]
009	ADVANCE PROCUREMENT (CY)	137,360	137,360
010	JOINT CARGO AIRCRAFT	319,050	319,050
	TRAINER AIRCRAFT		
	UPT TRAINERS		
011	USAFA POWERED FLIGHT PROGRAM	4,144	4,144
	OPERATIONAL TRAINERS		
012	JPATS	15,711	15,711
	OTHER AIRCRAFT		
	HELICOPTERS		
013	V22 OSPREY	437,272	437,272
014	ADVANCE PROCUREMENT (CY)	13,835	13,835
	MISSION SUPPORT AIRCRAFT		
015	C–29A FLIGHT INSPECTION ACFT		
016	C–12 A		
017	C–40	154,044	259,294
	Program Increase		[105,250]
018	CIVIL AIR PATROL A/C	2,426	2,426
	OTHER AIRCRAFT		
020	TARGET DRONES	78,511	78,511
021	C–37A	66,400	66,400
022	GLOBAL HAWK	554,775	554,775
023	ADVANCE PROCUREMENT (CY)	113,049	113,049
024	MQ–1		
025	MQ–9	489,469	489,469
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	3,608	3,608
	MODIFICATION OF IN-SERVICE AIRCRAFT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	STRATEGIC AIRCRAFT		
026	B–2A	283,955	264,155
	USAF requested transfer to APAF 78A, B–2 Post Production Support for the B–2 Weapon System Support Center		[–19,800]
027	ADVANCE PROCUREMENT (CY)		
028	B–1B	107,558	78,558
	Program delay for various programs. Funding transferred to PE 11126F (RDAF 119)		[–29,000]
029	B–52	78,788	61,466
	Air Force identified excess		[–17,322]
	TACTICAL AIRCRAFT		
030	A–10	252,488	252,488
031	F–15	92,921	143,421
	5 AESA Radars		[50,500]
032	F–16	224,642	221,875
	Funding ahead of need—BLOS Installs		[–2,767]
033	F–22A	350,735	192,336
	Common Configuration—Early to need		[–158,399]
	AIRLIFT AIRCRAFT		
034	C–5	606,993	578,993
	Funding ahead of need—RERP Install		[–28,000]
035	ADVANCE PROCUREMENT (CY)	108,300	108,300
036	C–9C	10	10
037	C–17A	469,731	424,431
	Funding requested ahead of need		[–45,300]
038	C–21	562	562
039	C–32A	10,644	10,644
040	C–37A	4,336	4,336
	TRAINER AIRCRAFT		
041	GLIDER MODS	119	119
042	T–6	33,074	33,074
043	T–1	35	35
044	T–38	75,274	61,057
	Improved Brake System Program Termination		[–14,217]
045	T–43		
	OTHER AIRCRAFT		
046	KC–10A (ATCA)	9,441	9,441
047	C–12	472	472
048	MC–12W	63,000	63,000
049	C–20 MODS	734	734
050	VC–25A MOD	15,610	15,610
051	C–40	9,162	9,162
052	C–130	354,421	134,171
	Scathe View Hyper-Spectral Imagery Upgrade		[4,500]
	Senior Scout COMINT Capability Upgrade		[3,750]
	Program Excess		[–209,500]
	Centerwing Replacements—Early to need		[–19,000]
053	C130J MODS	13,627	13,627
054	C–135	150,425	150,425
055	COMPASS CALL MODS	29,187	29,187
056	DARP	107,859	107,859
057	E–3	79,263	79,263
058	E–4	73,058	73,058
059	E–8	225,973	225,973
060	H–1	18,280	18,280
061	H–60	14,201	95,201
	HH–60G AAQ–29 FLIR		[81,000]
062	GLOBAL HAWK MODS	134,864	134,864
063	HC/MC–130 MODIFICATIONS	1,964	1,964
064	OTHER AIRCRAFT	103,274	127,274
	Litening ATP upgrade kits		[24,000]
065	MQ–1 MODS	123,889	123,889
066	MQ–9 MODS	48,837	48,837
	Reflect USAF decision to change sensor payload		
067	CV–22 MODS	24,429	24,429
067A	CAF Restructure		
	AIRCRAFT SPARES + REPAIR PARTS		
068	INITIAL SPARES/REPAIR PARTS	418,604	418,604
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	COMMON SUPPORT EQUIP		
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP	105,820	105,820
	POST PRODUCTION SUPPORT		
070	B–1	3,929	3,929
071	B–2A		
072	B–2A	24,481	24,481
073	C–5	2,259	2,259
074	C–5	11,787	11,787
075	KC–10A (ATCA)	4,125	4,125
076	C–17A	91,400	0
	Funding requested ahead of need		[–91,400]
077	C–130	28,092	28,092
078	EC–130J	5,283	5,283
078A	B–2 POST PRODUCTION SUPPORT		19,800
	USAF requested transfer from APAF 26 for the B–2 Weapon System Support Center		[19,800]
079	F–15	15,744	15,744
080	F–16	19,951	19,951

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
081	OTHER AIRCRAFT	51,980	51,980
082	T–1		
	INDUSTRIAL PREPAREDNESS		
083	INDUSTRIAL RESPONSIVENESS	25,529	25,529
	WAR CONSUMABLES		
084	WAR CONSUMABLES	134,427	134,427
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	490,344	490,344
	OTHER PRODUCTION CHARGES—SOF		
087	CANCELLED ACCT ADJUSTMENTS		
	DARP		
088	DARP	15,323	15,323
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	19,443	19,443
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**11,966,276**	**11,224,371**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	PROCUREMENT OF AMMO, AIR FORCE		
	ROCKETS		
001	ROCKETS	43,461	43,461
	CARTRIDGES		
002	CARTRIDGES	123,886	123,886
	BOMBS		
003	PRACTICE BOMBS	52,459	52,459
004	GENERAL PURPOSE BOMBS	225,145	225,145
005	JOINT DIRECT ATTACK MUNITION	103,041	103,041
	FLARE, IR MJU–7B		
006	CAD/PAD	40,522	40,522
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,302	3,302
008	SPARES AND REPAIR PARTS	4,582	4,582
009	MODIFICATIONS	1,289	1,289
010	ITEMS LESS THAN $5,000,000	5,061	5,061
	FUZES		
011	FLARES	152,515	152,515
012	FUZES	61,037	61,037
	WEAPONS		
	SMALL ARMS		
013	SMALL ARMS	6,162	6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE	**822,462**	**822,462**
	MISSILE PROCUREMENT, AIR FORCE		
	BALLISTIC MISSILES		
	MISSILE REPLACEMENT EQUIPMENT-BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	58,139	58,139
	OTHER MISSILES		
	TACTICAL		
002	JASSM	52,666	52,666
003	SIDEWINDER (AIM–9X)	78,753	78,753
004	AMRAAM	291,827	286,827
	Funding ahead of need for DMS		[095,000]
005	PREDITOR HELLFIRE MISSILE	79,699	64,530
	Updated pricing		[–15,169]
006	SMALL DIAMETER BOMB	134,801	134,801
	INDUSTRIAL FACILITIES		
007	INDUSTRIAL PREPAREDNS/POL PREVENTION	841	841
	MODIFICATION OF IN-SERVICE MISSILES		
	CLASS IV		
008	ADVANCED CRUISE MISSILE	32	32
009	MM III MODIFICATIONS	199,484	199,484
010	AGM–65D MAVERICK	258	258
011	AGM–88A HARM	30,280	30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)		
	SPARES AND REPAIR PARTS		
	MISSILE SPARES + REPAIR PARTS		
013	INITIAL SPARES/REPAIR PARTS	70,185	70,185
	OTHER SUPPORT		
	SPACE PROGRAMS		
014	ADVANCED EHF	1,843,475	1,843,475
015	ADVANCE PROCUREMENT (CY)		
016	WIDEBAND GAPFILLER SATELLITES(SPACE)	201,671	151,671
	Program delay		[–50,000]
017	ADVANCE PROCUREMENT (CY)	62,380	62,380
018	SPACEBORNE EQUIP (COMSEC)	9,871	9,871
019	GLOBAL POSITIONING (SPACE)	53,140	53,140
020	ADVANCE PROCUREMENT (CY)		
021	NUDET DETECTION SYSTEM		
022	DEF METEOROLOGICAL SAT PROG(SPACE)	97,764	97,764
023	TITAN SPACE BOOSTERS(SPACE)		
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,295,325	1,102,225
	Reduction in Requirement for Launch Vehicles		[–88,100]
	EELV reduction for AFSPC 4		[–105,000]
025	MEDIUM LAUNCH VEHICLE(SPACE)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
026	SBIR HIGH (SPACE)	307,456	307,456
027	ADVANCE PROCUREMENT (CY)	159,000	159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE	3,900	3,900
	SPECIAL PROGRAMS		
029	DEFENSE SPACE RECONN PROGRAM	105,152	105,152
031	SPECIAL UPDATE PROGRAMS	311,070	311,070
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	853,559	853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE	**6,300,728**	**6,037,459**
	OTHER PROCUREMENT, AIR FORCE		
	VEHICULAR EQUIPMENT		
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	25,922	25,922
003	CAP VEHICLES	897	897
	SPECIAL PURPOSE VEHICLES		
004	SECURITY AND TACTICAL VEHICLES	44,603	44,603
	FIRE FIGHTING EQUIPMENT		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES	27,760	27,760
	MATERIALS HANDLING EQUIPMENT		
006	HALVERSEN LOADER		
	BASE MAINTENANCE SUPPORT		
007	RUNWAY SNOW REMOV AND CLEANING EQU	24,884	24,884
008	ITEMS LESS THAN $5,000,000(VEHICLES)	57,243	40,243
	Reduce program growth		[–17,000]
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	18,163	18,163
	ELECTRONICS AND TELECOMMUNICATIONS		
	COMM SECURITY EQUIPMENT(COMSEC)		
009	COMSEC EQUIPMENT	209,249	209,249
010	MODIFICATIONS (COMSEC)	1,570	1,570
	INTELLIGENCE PROGRAMS		
011	INTELLIGENCE TRAINING EQUIPMENT	4,230	4,230
012	INTELLIGENCE COMM EQUIPMENT	21,965	27,465
	Eagle Vision-ANG		[4,000]
	Eagle Vision Upgrade-ANG		[1,500]
	ELECTRONICS PROGRAMS		
013	AIR TRAFFIC CONTROL & LANDING SYS	22,591	22,591
014	NATIONAL AIRSPACE SYSTEM	47,670	47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN	56,776	56,776
016	WEATHER OBSERVATION FORECAST	19,357	19,357
017	STRATEGIC COMMAND AND CONTROL	35,116	35,116
018	CHEYENNE MOUNTAIN COMPLEX	28,608	28,608
019	DRUG INTERDICTION SPT	452	452
	SPCL COMM-ELECTRONICS PROJECTS		
020	GENERAL INFORMATION TECHNOLOGY	111,282	111,282
021	AF GLOBAL COMMAND & CONTROL SYS	15,499	15,499
022	MOBILITY COMMAND AND CONTROL	8,610	8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM	137,293	77,293
	Weapons Storage Area—Request ahead of need		[–60,000]
024	COMBAT TRAINING RANGES	40,633	44,633
	Unmanned modular threat emitter (UMTE)		[3,000]
	Joint threat emitter (JTE)		[1,000]
025	C3 COUNTERMEASURES	8,177	8,177
026	GCSS-AF FOS	81,579	81,579
027	THEATER BATTLE MGT C2 SYSTEM	29,687	29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS	54,093	54,093
	AIR FORCE COMMUNICATIONS		
029	BASE INFO INFRASTRUCTURE	433,859	384,859
	Excess funding		[–49,000]
030	USCENTCOM	38,958	38,958
031	AUTOMATED TELECOMMUNICATIONS PRG		
	DISA PROGRAMS		
032	SPACE BASED IR SENSOR PGM SPACE	34,440	34,440
033	NAVSTAR GPS SPACE	6,415	6,415
034	NUDET DETECTION SYS SPACE	15,436	15,436
035	AF SATELLITE CONTROL NETWORK SPACE	58,865	58,865
036	SPACELIFT RANGE SYSTEM SPACE	100,275	100,275
037	MILSATCOM SPACE	110,575	110,575
038	SPACE MODS SPACE	30,594	30,594
039	COUNTERSPACE SYSTEM	29,793	29,793
	ORGANIZATION AND BASE		
040	TACTICAL C-E EQUIPMENT	240,890	207,890
	Reduce Vehicle Communication Systems		[–33,000]
041	COMBAT SURVIVOR EVADER LOCATER	35,029	35,029
042	RADIO EQUIPMENT	15,536	15,536
043	TV EQUIPMENT (AFRTV)		
044	CCTV/AUDIOVISUAL EQUIPMENT	12,961	12,961
045	BASE COMM INFRASTRUCTURE	121,049	121,049
	MODIFICATIONS		
046	COMM ELECT MODS	64,087	64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
	PERSONAL SAFETY & RESCUE EQUIP		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
047	NIGHT VISION GOGGLES	28,226	28,226
048	ITEMS LESS THAN $5,000,000 (SAFETY)	17,223	17,223
	DEPOT PLANT+MTRLS HANDLING EQ		
049	MECHANIZED MATERIAL HANDLING EQUIP	15,449	15,449
	BASE SUPPORT EQUIPMENT		
050	BASE PROCURED EQUIPMENT	14,300	14,300
051	CONTINGENCY OPERATIONS	22,973	10,000
	Reduce program growth		[–12,973]
052	PRODUCTIVITY CAPITAL INVESTMENT	3,020	3,020
053	MOBILITY EQUIPMENT	32,855	32,855
054	ITEMS LESS THAN $5,000,000 (BASE S)	8,195	11,195
	Aircrew Body Armor and Load Carriage Vest		[3,000]
	SPECIAL SUPPORT PROJECTS		
056	DARP RC135	23,132	23,132
057	DISTRIBUTED GROUND SYSTEMS	293,640	293,640
059	SPECIAL UPDATE PROGRAM	471,234	471,234
060	DEFENSE SPACE RECONNAISSANCE PROG.	30,041	30,041
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	13,830,722	13,830,722
	SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	19,460	19,460
061a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**17,293,141**	**17,133,668**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		600,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		**600,000**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT		
	MAJOR EQUIPMENT, AFIS		
001	MAJOR EQUIPMENT, AFIS		
	MAJOR EQUIPMENT, BTA		
002	MAJOR EQUIPMENT, BTA	8,858	8,858
	MAJOR EQUIPMENT, DCAA		
003	ITEMS LESS THAN $5 MILLION	1,489	1,489
	MAJOR EQUIPMENT, DCMA		
004	MAJOR EQUIPMENT	2,012	2,012
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	10,431	10,431
	MAJOR EQUIPMENT, DISA		
017	INTERDICTION SUPPORT		
018	INFORMATION SYSTEMS SECURITY	13,449	13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM	7,053	7,053
020	GLOBAL COMBAT SUPPORT SYSTEM	2,820	2,820
021	TELEPORT PROGRAM	68,037	68,037
022	ITEMS LESS THAN $5 MILLION	196,232	196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,051	3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)	89,725	89,725
025	PUBLIC KEY INFRASTRUCTURE	1,780	1,780
026	JOINT COMMAND AND CONTROL PROGRAM	2,835	2,835
027	CYBER SECURITY INITIATIVE	18,188	18,188
	MAJOR EQUIPMENT, DLA		
028	MAJOR EQUIPMENT	7,728	7,728
	MAJOR EQUIPMENT, DMACT		
029	MAJOR EQUIPMENT	10,149	10,149
	MAJOR EQUIPMENT, DODEA		
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,463	1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
031	EQUIPMENT		
032	VEHICLES	50	50
033	OTHER MAJOR EQUIPMENT	7,447	7,447
	MAJOR EQUIPMENT, DTSA		
034	MAJOR EQUIPMENT	436	436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
035	THAAD SYSTEM	420,300	420,300
036	SM–3	168,723	191,923
	Additional SM–3 Block 1A missiles		[23,200]
036A	TPY–2 Radar		
	MAJOR EQUIPMENT, NSA		
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,013	4,013
	MAJOR EQUIPMENT, OSD		
047	MAJOR EQUIPMENT, OSD	111,487	111,487
	MAJOR EQUIPMENT, TJS		
048	MAJOR EQUIPMENT, TJS	12,065	12,065
	MAJOR EQUIPMENT, WHS		
049	WHS MOTOR VEHICLES		
050	MAJOR EQUIPMENT, WHS	26,945	26,945
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	818,766	818,766
	SPECIAL OPERATIONS COMMAND		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AVIATION PROGRAMS		
051	ROTARY WING UPGRADES AND SUSTAINMENT	101,936	101,936
052	MH–47 SERVICE LIFE EXTENSION PROGRAM	22,958	22,958
053	MH–60 SOF MODERNIZATION PROGRAM	146,820	146,820
054	NON-STANDARD AVIATION	227,552	197,552
	Procurement Schedule		[–30,000]
055	UNMANNED VEHICLES		
056	SOF TANKER RECAPITALIZATION	34,200	34,200
057	SOF U–28	2,518	2,518
058	MC–130H, COMBAT TALON II		
059	CV–22 SOF MOD	114,553	114,553
060	MQ–1 UAV	10,930	10,930
061	MQ–9 UAV	12,671	12,671
062	STUASL0	12,223	12,223
063	C–130 MODIFICATIONS	59,950	145,950
	MC–130W multi-mission modifications		[85,000]
	Intelligence Broadcast Receiver (IBR) for AFSOC MC–130		[1,000]
064	AIRCRAFT SUPPORT	973	973
	SHIPBUILDING		
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)	5,236	0
	Program termination		[–5,236]
066	MK8 MOD1 SEAL DELIVERY VEHICLE	1,463	1,463
	AMMUNITION PROGRAMS		
067	SOF ORDNANCE REPLENISHMENT	61,360	61,360
068	SOF ORDNANCE ACQUISITION	26,791	26,791
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	55,080	55,080
070	SOF INTELLIGENCE SYSTEMS	72,811	72,811
071	SMALL ARMS AND WEAPONS	35,235	42,735
	Advanced lightweight grenade launcher		[5,000]
	Special Operations Forces Combat Assault Rifle (SCAR)		[2,500]
072	MARITIME EQUIPMENT MODIFICATIONS	791	791
073	SPEC APPLICATION FOR CONT		
074	SOF COMBATANT CRAFT SYSTEMS	6,156	16,156
	Special Operations Craft-Riverine		[10,000]
075	SPARES AND REPAIR PARTS	2,010	2,010
076	TACTICAL VEHICLES	18,821	18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS	17,265	17,265
078	COMBAT MISSION REQUIREMENTS	20,000	20,000
079	MILCON COLLATERAL EQUIPMENT	6,835	6,835
081	SOF AUTOMATION SYSTEMS	60,836	60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	12,401	12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	26,070	26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	550	550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	33,741	38,741
	Special operations visual augmentation systems		[5,000]
086	SOF TACTICAL RADIO SYSTEMS	53,034	63,034
	Special operations forces multi-band inter/intra team radio		[10,000]
087	SOF MARITIME EQUIPMENT	2,777	2,777
088	DRUG INTERDICTION		
089	MISCELLANEOUS EQUIPMENT	7,576	7,576
090	SOF OPERATIONAL ENHANCEMENTS	273,998	273,998
091	PSYOP EQUIPMENT	43,081	43,081
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	5,573	5,573
	CHEMICAL/BIOLOGICAL DEFENSE		
	CBDP		
092	Installation Force Protection	65,590	65,590
093	Individual Force Protection	92,004	92,004
094	Decontamination	22,008	22,008
095	Joint Bio Defense Program (Medical)	12,740	12,740
096	Collective Protection	27,938	27,938
097	Contamination Avoidance	151,765	151,765
097a	Procurement of computer services / systems		
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**3,984,352**	**4,090,816**
	RAPID ACQUISITION FUND		
001	JOINT RAPID ACQUISITION CELL	79,300	0
	Program Reduction		[–79,300]
	TOTAL—RAPID ACQUISITION FUND	**79,300**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	RESERVE EQUIPMENT		
	UNDISTRIBUTED		600,000
	ARMY RESERVE		
001	MISCELLANEOUS EQUIPMENT		
	NAVY RESERVE		
002	MISCELLANEOUS EQUIPMENT		
	MARINE CORPS RESERVE		
003	MISCELLANEOUS EQUIPMENT		
	AIR FORCE RESERVE		
004	MISCELLANEOUS EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	ARMY NATIONAL GUARD		
005	MISCELLANEOUS EQUIPMENT		
	AIR NATIONAL GUARD		
006	MISCELLANEOUS EQUIPMENT		
	TOTAL—NATIONAL GUARD & RESERVE EQUIPMENT	**0**	**600,000**
	Total Procurement	**105,819,330**	**105,029,379**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
003	MQ–1 UAV	250,000	250,000
004	RQ–11 (RAVEN)	44,640	44,640
004A	C–12A	45,000	45,000
	ROTARY WING		
011	UH–60 BLACKHAWK (MYP)	74,340	74,340
013	CH–47 HELICOPTER	141,200	141,200
	MODIFICATION OF AIRCRAFT		
018	GUARDRAIL MODS (MIP)	50,210	50,210
019	MULTI SENSOR ABN RECON (MIP)	54,000	54,000
020	AH–64 MODS	315,300	315,300
026	UTILITY HELICOPTER MODS	2,500	2,500
027	KIOWA WARRIOR	94,335	94,335
030	RQ–7 UAV MODS	326,400	326,400
030A	C–12A	60,000	60,000
	SPARES AND REPAIR PARTS		
031	SPARE PARTS (AIR)	18,200	18,200
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
033	ASE INFRARED CM	111,600	111,600
	OTHER SUPPORT		
035	COMMON GROUND EQUIPMENT	23,704	23,704
036	AIRCREW INTEGRATED SYSTEMS	24,800	24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY	**1,636,229**	**1,636,229**
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	219,700	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	140,979	115,979
	Funding ahead of need		[–25,000]
007	TOW 2 SYSTEM SUMMARY	59,200	34,200
	Funding ahead of need		[–25,000]
008	GUIDED MLRS ROCKET (GMLRS)	60,600	60,600
	MODIFICATIONS		
014	MLRS MODS	18,772	18,772
015	HIMARS MODIFICATIONS	32,319	32,319
	TOTAL—MISSILE PROCUREMENT, ARMY	**531,570**	**481,570**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	36,000	36,000
010	BRADLEY PROGRAM (MOD)	243,600	243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	37,620	37,620
	SUPPORT EQUIPMENT & FACILITIES		
	WEAPONS AND OTHER COMBAT VEHICLES		
027	XM320 GRENADE LAUNCHER MODULE (GLM)	13,900	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	235,000	235,000
033	HOWITZER LT WT 155MM (T)	107,996	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M2 50 CAL MACHINE GUN MODS	27,600	27,600
037	M249 SAW MACHINE GUN MODS	20,900	20,900
038	M240 MEDIUM MACHINE GUN MODS	4,800	4,800
040	M119 MODIFICATIONS	21,250	21,250
041A	M14 7.62 RIFLE MODS	5,800	5,800
	SUPPORT EQUIPMENT & FACILITIES		
043	ITEMS LESS THAN $5.0M (WOCV-WTCV)	5,000	5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY	**759,466**	**759,466**

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CALIBER AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	22,000	22,000
002	CTG, 7.62MM, ALL TYPES	8,300	8,300
003	CTG, HANDGUN, ALL TYPES	500	500
004	CTG, .50 CAL, ALL TYPES	26,500	26,500
006	CTG, 30MM, ALL TYPES	530	530
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	20,000	20,000
	TANK AMMUNITION		
	ARTILLERY AMMUNITION		
014	CTG, ARTY, 105MM: ALL TYPES	9,200	9,200
016	PROJ 155MM EXTENDED RANGE XM982	52,200	52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	10,000	10,000
	ARTILLERY FUZES		
018	ARTILLERY FUZES, ALL TYPES	7,800	7,800
	MINES		
019	MINES, ALL TYPES	5,000	5,000
020	MINE, CLEARING CHARGE, ALL TYPES	7,000	7,000
	ROCKETS		
024	ROCKET, HYDRA 70, ALL TYPES	169,505	169,505
	OTHER AMMUNITION		
027	SIGNALS, ALL TYPES	100	100
	MISCELLANEOUS		
030	NON-LETHAL AMMUNITION, ALL TYPES	32,000	32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY	**370,635**	**370,635**
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	1,948	1,948
002	SEMITRAILERS, FLATBED:	40,403	40,403
003	SEMITRAILERS, TANKERS	8,651	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1,251,038	875,718
	Army end strength budget amendment		[–375,320]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	461,657	286,337
	Army end strength budget amendment		[–175,320]
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	623,230	623,230
009	ARMORED SECURITY VEHICLES (ASV)	13,206	13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	62,654	62,654
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMM-JOINT COMMUNICATIONS		
023	WIN-T—GROUND FORCES TACTICAL NETWORK	13,500	13,500
	COMM—SATELLITE COMMUNICATIONS		
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	53,486	53,486
029	SMART-T (SPACE)	26,000	26,000
032	MOD OF IN-SVC EQUIP (TAC SAT)	23,900	23,900
	COMM—COMBAT SUPPORT COMM		
032A	MOD-IN-SERVICE PROFILER	6,070	6,070
	COMM—COMBAT COMMUNICATIONS		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	239	239
037	SINCGARS FAMILY	128,180	53,180
	Unjustified program growth		[–75,000]
038	AMC CRITICAL ITEMS—OPA2	100,000	100,000
046	RADIO, IMPROVED HF (COTS) FAMILY	11,286	11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	18	18
	INFORMATION SECURITY		
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	32,095	32,095
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	330,342	330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	227,733	227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
062	JTT/CIBS-M (MIP)	1,660	1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	265	265
069	DCGS-A (MIP)	167,100	167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	34,208	34,208
075	ITEMS LESS THAN $5.0M (MIP)	5,064	5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	58,590	58,590
077	WARLOCK	164,435	164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	126,030	126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	NIGHT VISION DEVICES	93,183	93,183
084	NIGHT VISION, THERMAL WPN SIGHT	25,000	25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,000	15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	150,400	150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	1,900	1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	242,999	242,999
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	97,020	97,020
097	COMPUTER BALLISTICS: LHMBC XM32	3,780	3,780
099	COUNTERFIRE RADARS	26,000	26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
103	FIRE SUPPORT C2 FAMILY	14,840	14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	16	16
107	KNIGHT FAMILY	178,500	178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	58,900	58,900
114	MANEUVER CONTROL SYSTEM (MCS)	5,000	5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	1,440	1,440
	ELECT EQUIP—SUPPORT		
	CLASSIFIED PROGRAMS	760	760
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	44,460	44,460
130	CBRN SOLDIER PROTECTION	38,811	38,811
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGE, FLOAT-RIBBON	13,525	13,525
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	10,800	10,800
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	LAUNDRIES, SHOWERS AND LATRINES	21,561	21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	1,955	1,955
146	FORCE PROVIDER	245,382	245,382
147	FIELD FEEDING EQUIPMENT	4,011	4,011
150	ITEMS LESS THAN $5M (ENG SPT)	4,987	4,987
	PETROLEUM EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	58,554	58,554
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	3,017	3,017
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	11,386	11,386
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	12,365	12,365
156	ITEMS LESS THAN $5.0M (MAINT EQ)	546	546
	CONSTRUCTION EQUIPMENT		
162	LOADERS	1,100	1,100
163	HYDRAULIC EXCAVATOR	290	290
166	PLANT, ASPHALT MIXING	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	16,500	16,500
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	360	360
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	3,550	3,550
	GENERATORS		
173	GENERATORS AND ASSOCIATED EQUIP	62,210	62,210
	MATERIAL HANDLING EQUIPMENT		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	54,360	54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM	49,319	49,319
	TRAINING EQUIPMENT		
176	COMBAT TRAINING CENTERS SUPPORT	60,200	60,200
177	TRAINING DEVICES, NONSYSTEM	28,200	28,200
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	1,524	1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD)	3,817	3,817
	OTHER SUPPORT EQUIPMENT		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	27,000	27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	555,950	555,950
	TOTAL—OTHER PROCUREMENT, ARMY	**6,225,966**	**5,600,326**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	812,000	1,015,100
	Transfer from base budget		[203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	536,000	735,100
	Transfer from base budget		[199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	187,000	228,100
	Transfer from base budget		[41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS		121,550
	Transfer from base budget		[121,550]
	TOTAL—JOINT IED DEFEAT FUND	**1,535,000**	**2,099,850**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
010	UH–1Y/AH–1Z	55,006	55,006
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	45,000	45,000
029	AV–8 SERIES	28,296	19,396
	ALE–47 upgrades complete		[–8,900]
030	F–18 SERIES	96,000	96,000
031	H–46 SERIES	17,485	17,485
033	H–53 SERIES	164,730	164,730
034	SH–60 SERIES	11,192	11,192
035	H–1 SERIES	11,217	11,217
037	P–3 SERIES	74,900	74,900

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
039	E–2 SERIES	17,200	17,200
041	C–2A	14,100	14,100
042	C–130 SERIES	52,324	52,324
049	POWER PLANT CHANGES	4,456	0
	Non-emergency modifications		[–4,456]
052	COMMON ECM EQUIPMENT	263,382	263,382
054	COMMON DEFENSIVE WEAPON SYSTEM	5,500	5,500
056	V–22 (TILT/ROTOR ACFT) OSPREY	53,500	53,500
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	2,265	2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	**916,553**	**903,197**
010	HELLFIRE	73,700	50,700
	Army end strength budget amendment		[–23,000]
	TOTAL—WEAPONS PROCUREMENT, NAVY	**73,700**	**50,700**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		
	PROC AMMO, NAVY		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	40,500	40,500
003	AIRBORNE ROCKETS, ALL TYPES	42,510	42,510
004	MACHINE GUN AMMUNITION	109,200	80,377
	Army end strength budget amendment		[–28,823]
007	AIR EXPENDABLE COUNTERMEASURES	5,501	5,501
009	5 INCH/54 GUN AMMUNITION	352	352
011	OTHER SHIP GUN AMMUNITION	2,835	2,835
012	SMALL ARMS & LANDING PARTY AMMO	14,229	14,229
013	PYROTECHNIC AND DEMOLITION	1,442	1,442
	PROC AMMO, MC		
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	16,930	16,930
016	LINEAR CHARGES, ALL TYPES	5,881	5,881
017	40 MM, ALL TYPES	104,824	104,824
018	60MM, ALL TYPES	43,623	43,623
019	81MM, ALL TYPES	103,647	103,647
020	120MM, ALL TYPES	62,265	62,265
021	CTG 25MM, ALL TYPES	563	563
022	GRENADES, ALL TYPES	6,074	6,074
023	ROCKETS, ALL TYPES	8,117	8,117
024	ARTILLERY, ALL TYPES	81,975	81,975
026	DEMOLITION MUNITIONS, ALL TYPES	9,241	9,241
027	FUZE, ALL TYPES	51,071	51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS	**710,780**	**681,957**
	OTHER PROCUREMENT, NAVY		
	OTHER SHIPBOARD EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	12,040	12,040
	SMALL BOATS		
025	STANDARD BOATS	13,000	13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	400	400
	SHIPBOARD COMMUNICATIONS		
076	SHIP COMMUNICATIONS AUTOMATION	1,500	1,500
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	37,345	37,345
097	AVIATION LIFE SUPPORT	17,883	17,883
	ORDNANCE SUPPORT EQUIPMENT		
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	43,650	43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	25	25
121	GENERAL PURPOSE TRUCKS	93	93
122	CONSTRUCTION & MAINTENANCE EQUIP	11,167	11,167
124	TACTICAL VEHICLES	54,008	54,008
127	ITEMS UNDER $5 MILLION	10,842	10,842
128	PHYSICAL SECURITY VEHICLES	1,130	1,130
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	25	25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	COMMAND SUPPORT EQUIPMENT		
134	COMMAND SUPPORT EQUIPMENT	4,000	4,000
139	OPERATING FORCES SUPPORT EQUIPMENT	15,452	15,452
140	C4ISR EQUIPMENT	3,100	3,100
142	PHYSICAL SECURITY EQUIPMENT	89,521	64,521
	OCO unjustified request		[–25,000]
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	2,837	2,837
	TOTAL—OTHER PROCUREMENT, NAVY	**318,018**	**293,018**

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	PROCUREMENT, MARINE CORPS		
	WEAPONS AND COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	58,229	58,229
	ARTILLERY AND OTHER WEAPONS		
006	155MM LIGHTWEIGHT TOWED HOWITZER	54,000	0
	Army end strength budget amendment		[–54,000]
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	3,351	3,351
	OTHER SUPPORT		
010	MODIFICATION KITS	20,183	20,183
011	WEAPONS ENHANCEMENT PROGRAM	9,151	9,151
	GUIDED MISSILES AND EQUIPMENT		
	OTHER SUPPORT		
016	MODIFICATION KITS	8,506	8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT		
	REPAIR AND TEST EQUIPMENT		
018	REPAIR AND TEST EQUIPMENT	11,741	11,741
	OTHER SUPPORT (TEL)		
019	COMBAT SUPPORT SYSTEM	462	462
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
021	ITEMS UNDER $5 MILLION (COMM & ELEC)	4,153	4,153
022	AIR OPERATIONS C2 SYSTEMS	3,096	3,096
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	3,417	3,417
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	521	521
025	INTELLIGENCE SUPPORT EQUIPMENT	37,547	37,547
026	RQ–11 UAV	13,000	13,000
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	12,570	0
	Army end strength budget amendment		[–12,570]
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	23,105	23,105
029	COMMAND POST SYSTEMS	23,041	23,041
030	RADIO SYSTEMS	32,497	32,497
031	COMM SWITCHING & CONTROL SYSTEMS	2,044	2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT	64	64
	SUPPORT VEHICLES		
	ADMINISTRATIVE VEHICLES		
035	5/4T TRUCK HMMWV (MYP)	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS	10,177	0
	Army end strength budget amendment		[–10,177]
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	131,044	131,044
038	LOGISTICS VEHICLE SYSTEM REP	59,219	59,219
039	FAMILY OF TACTICAL TRAILERS	13,388	13,388
	OTHER SUPPORT		
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,119	5,119
043	BULK LIQUID EQUIPMENT	4,549	4,549
044	TACTICAL FUEL SYSTEMS	33,421	33,421
045	POWER EQUIPMENT ASSORTED	24,860	24,860
047	EOD SYSTEMS	47,697	47,697
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	19,720	2,720
	Army end strength budget amendment		[–17,000]
050	MATERIAL HANDLING EQUIP	56,875	56,875
	GENERAL PROPERTY		
053	TRAINING DEVICES	157,734	147,304
	Army end strength budget amendment		[–10,430]
055	FAMILY OF CONSTRUCTION EQUIPMENT	35,818	35,818
058	RAPID DEPLOYABLE KITCHEN	55	55
	OTHER SUPPORT		
059	ITEMS LESS THAN $5 MILLION	39,055	39,055
	SPARES AND REPAIR PARTS		
	TOTAL—PROCUREMENT, MARINE CORPS	**1,164,445**	**1,060,268**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
006	C–130J	72,000	72,000
	OTHER AIRCRAFT		
	CLASSIFIED PROGRAMS		
	MODIFICATION OF IN-SERVICE AIRCRAFT		
	STRATEGIC AIRCRAFT		
028	B–1B	20,500	20,500
	TACTICAL AIRCRAFT		
030	A–10	10,000	10,000
032	F–16	20,025	0
	Army end strength budget amendment—secure line-of-sight/beyond line-of-sight mods		[–20,025]
	AIRLIFT AIRCRAFT		
034	C–5	57,400	57,400
037	C–17A	132,300	120,725
	Army end strength budget amendment—LAIRCM mods		[–11,575]
	OTHER AIRCRAFT		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
052	C–130	210,800	86,400
	Army end strength budget amendment—LAIRCM mods		[–124,400]
054	C–135	16,916	16,916
056	DARP	10,300	10,300
063	HC/MC–130 MODIFICATIONS	7,000	7,000
064	OTHER AIRCRAFT	90,000	90,000
065	MQ–1 MODS	65,000	65,000
066	MQ–9 MODS	99,200	99,200
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	POST PRODUCTION SUPPORT		
076	C–17A	11,000	11,000
	WAR CONSUMABLES		
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	114,000	114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**936,441**	**780,441**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	3,488	3,488
	CARTRIDGES		
002	CARTRIDGES	39,236	39,236
	BOMBS		
004	GENERAL PURPOSE BOMBS	34,085	34,085
005	JOINT DIRECT ATTACK MUNITION	97,978	97,978
	FLARE, IR MJU–7B		
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	4,800	4,800
	FUZES		
011	FLARES	41,000	41,000
012	FUZES	14,595	14,595
	WEAPONS		
	SMALL ARMS		
013	SMALL ARMS	21,637	21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE	**256,819**	**256,819**
	MISSILE PROCUREMENT, AIR FORCE		
	OTHER MISSILES		
	TACTICAL		
005	PREDITOR HELLFIRE MISSILE	29,325	29,325
006	SMALL DIAMETER BOMB	7,300	7,300
	TOTAL—MISSILE PROCUREMENT, AIR FORCE	**36,625**	**36,625**
	OTHER PROCUREMENT, AIR FORCE		
	VEHICULAR EQUIPMENT		
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	3,364	3,364
	SPECIAL PURPOSE VEHICLES		
004	SECURITY AND TACTICAL VEHICLES	11,337	11,337
	FIRE FIGHTING EQUIPMENT		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,626	8,626
	MATERIALS HANDLING EQUIPMENT		
	SPCL COMM-ELECTRONICS PROJECTS		
023	AIR FORCE PHYSICAL SECURITY SYSTEM	1,600	1,600
	DISA PROGRAMS		
037	MILSATCOM SPACE	714	714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
	PERSONAL SAFETY & RESCUE EQUIP		
047	NIGHT VISION GOGGLES	14,528	14,528
048	ITEMS LESS THAN $5,000,000 (SAFETY)	4,900	4,900
	DEPOT PLANT+MTRLS HANDLING EQ		
	BASE SUPPORT EQUIPMENT		
051	CONTINGENCY OPERATIONS	11,300	11,300
	SPECIAL SUPPORT PROJECTS		
060	DEFENSE SPACE RECONNAISSANCE PROG.	34,400	34,400
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	2,230,780	2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**2,321,549**	**2,321,549**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND	5,456,000	6,056,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND	**5,456,000**	**6,056,000**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
019	GLOBAL COMMAND AND CONTROL SYSTEM	1,500	1,500
021	TELEPORT PROGRAM	7,411	7,411
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	304,794	304,794

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	SPECIAL OPERATIONS COMMAND		
	AVIATION PROGRAMS		
052	MH–47 SERVICE LIFE EXTENSION PROGRAM	5,900	5,900
057	SOF U–28	3,000	3,000
060	MQ–1 UAV	1,450	0
	Funding Early to Need		[–1,450]
062	STUASL0	12,000	12,000
063	C–130 MODIFICATIONS	19,500	19,500
	SHIPBUILDING		
	AMMUNITION PROGRAMS		
067	SOF ORDNANCE REPLENISHMENT	51,156	51,156
068	SOF ORDNANCE ACQUISITION	17,560	17,560
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,000	2,000
070	SOF INTELLIGENCE SYSTEMS	23,260	23,260
071	SMALL ARMS AND WEAPONS	3,800	3,800
076	TACTICAL VEHICLES	6,865	6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,000	11,000
086	SOF TACTICAL RADIO SYSTEMS	5,448	5,448
090	SOF OPERATIONAL ENHANCEMENTS	11,900	11,900
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	2,886	2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**491,430**	**489,980**
	Total Procurement	**23,741,226**	**23,878,630**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,671	19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	176,524
		Ballistic materials research		[3,500]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	92,421
		Nanocomposite materials research		[2,000]
		Open source intelligence research		[1,000]
		Smart Wound Dressing for MRSA-Infected Battle Wounds		[1,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	98,844
		Immersive simulation research		[1,200]
		Materials processing research		[1,500]
		SUBTOTAL, BASIC RESEARCH, ARMY	**377,260**	**387,460**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	27,206	47,206
		Advanced renewable jet fuels		[3,000]
		Applied composite materials research		[3,000]
		High strength fibers for ballistic armor applications		[2,000]
		Moldable fabric armor		[2,000]
		Smart materials and structures		[1,000]
		Dual Stage Variable Energy Absorber		[3,000]
		Next Generation High Strength Glass Fibers for Ballistic Armor Applications		[2,000]
		Ultra Lightweight Metallic Armor		[1,000]
		Nanomanufacturing of Multifunctional Sensors		[3,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]
007	0602122A	TRACTOR HIP	14,324	14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	41,332
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	16,119	16,119
010	0602303A	MISSILE TECHNOLOGY	50,716	50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	19,678	19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	17,473	19,473
		Cognitive modeling and simulation research		[2,000]
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	74,437
		Advanced composite materials research		[3,500]
		Composite vehicle shelters		[2,000]
		Tactical metal fabrication program		[1,000]
		Tribology research		[2,000]
		Vehicle systems engineering and integration activities		[10,000]
014	0602618A	BALLISTICS TECHNOLOGY	61,843	65,843
		Electromagnetic gun		[–2,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Reactive armor research		[3,000]
		Beneficial Infrastructure for Rotorcraft Risk Reduction		[1,000]
		Lethality research		[2,000]
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	5,293	5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,674	7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,085	59,085
		Acoustic gun detection systems		[2,000]
		Acoustic research		[3,000]
		UGV weaponization		[2,500]
		Highly Integrated Production for Expediting RESET		[2,500]
		Hybrid Projectile Program		[3,000]
		Specialized Compact Automated Mechanical Clearance Platform		[4,000]
		Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA		[1,000]
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	67,104
		Hybrid portable power program		[3,200]
		Novel Zinc Air Power Sources for Military		[2,500]
019	0602709A	NIGHT VISION TECHNOLOGY	26,893	26,893
020	0602712A	COUNTERMINE SYSTEMS	18,945	18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,605	33,605
		LWI Training-Based Collaborative Research		[15,000]
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902	20,402
		Cluster Bomb Unit & Combined Effects Munitions Demil System		[1,000]
		SUNY Cobleskill Biowaste-to-Bioenergy Center		[2,500]
		Renewable Energy Testing Center		[1,000]
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	24,833	24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,639	5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	54,818	59,818
		Cellulose Nanocomposite Panels for Ballistic Protection		[2,000]
		Geosciences Atmospheric Research		[3,000]
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701	18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	29,609
		Thermal resistant fiber research		[2,500]
028	0602787A	MEDICAL TECHNOLOGY	99,027	134,527
		Biomechanics research		[3,500]
		Blast wave modeling		[3,000]
		Hemorrhage research		[3,000]
		Malaria vaccine development		[2,500]
		Neurotrauma research		[3,500]
		Secondary trauma research		[2,500]
		Advanced Functional Nanomaterials for Biological Processes		[2,500]
		Improving Soldier Recovery from Catastrophic Bone Injuries		[4,000]
		Advanced Bio-Engineering for Enhancement of Soldier Survivability		[3,000]
		Self-Powered Prosthetic Limb Technology		[2,000]
		Human Organ and Tissue Preservation Technology		[2,000]
		Optical Neural Techniques for Combat and Post Trauma Care		[4,000]
		SUBTOTAL, APPLIED RESEARCH, ARMY	**781,197**	**914,397**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574	45,874
		High Pressure Pasteurization & Pressure Assisted Thermal Sterilization		[4,300]
		Next Generation Precision Airdrop System		[2,500]
		Onyx System Precision Guided Airdropped Equipment		[1,500]
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	124,240
		Biosensor controller systems development		[2,000]
		Body temperature conditioner systems		[2,500]
		Gulf War illness research		[12,000]
		Integrated medical technology program		[7,500]
		Lower limb prosthetics research		[2,000]
		Regenerative medical research		[4,000]
		Proton Treatment and Research Center—Northern Illinois		[2,000]
		Wounded Service Member Bioelectrics Research		[1,500]
		Malaria Vaccine Development		[5,000]
		Regenerative Medicine to Address Astute Hearing Loss		[3,000]
		Multi-Dose Closed Loop pH Monitoring System for Platelets		[1,000]
		Carbide-Derived Carbon for Treatment of Combat Related Sepsis		[1,000]
		Clinical Technology Integration for Military Health		[2,000]
		Institute for Simulation and Interprofessional Studies		[5,800]
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	80,597
		Advanced Affordable Turbine Engine Program		[5,000]
		Robust Composite Structural Core for Army Helicopters		[2,000]
		UH–60 Transmission/Gearbox Galvanic Corrosion Reduction		[1,500]
		Drive System Composite Structural Component Risk Reduction Program		[3,000]
		Universal Control—FADEC		[9,000]
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,410	61,410
		Electromagnetic gun		[–11,500]
		Lethality research		[6,500]
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	89,586	174,986
		Advanced APU development		[2,000]
		Advanced battery development program		[10,000]
		Advanced lithium ion battery systems		[3,000]
		Advanced suspension systems for heavy vehicles		[2,700]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Advanced thermal management systems		[3,000]
		Alternative energy research		[20,000]
		Hybrid engine development program		[4,000]
		Hybrid truck development		[4,000]
		Smart plug-in hybrid electric vehicle program		[4,100]
		Threat cue research		[2,000]
		Unmanned ground vehicle initiative		[12,000]
		Vehicle prognostics technologies		[3,100]
		Unmanned Robotic System Utilizing Hydrocarbon Fueled Solid Oxide Fuel Cell		[3,000]
		Advanced Composites for Light Weight, Low Cost Transportation Systems Using a 3+ Ring Extruder		[3,000]
		Protective 3–D Armor Structure to Safeguard Military Vehicles and Troops		[2,000]
		Fire Shield		[2,000]
		Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet		[3,500]
		Heavy Duty Hybrid Electric Vehicle		[2,000]
034	0603006A	*COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY*	8,667	12,467
		Applied Communications and Information Networking (ACIN)		[3,800]
035	0603007A	*MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY*	7,410	7,410
036	0603008A	*ELECTRONIC WARFARE ADVANCED TECHNOLOGY*	50,458	50,458
037	0603009A	*TRACTOR HIKE*	11,328	11,328
038	0603015A	*NEXT GENERATION TRAINING & SIMULATION SYSTEMS*	19,415	24,915
		Combat medic training systems		[2,000]
		Joint Fires & Effects Trainer System enhancements		[2,500]
		HapMed Combat Medic Trainer		[1,000]
039	0603020A	*TRACTOR ROSE*	14,569	14,569
040	0603103A	*EXPLOSIVES DEMILITARIZATION TECHNOLOGY*		2,000
		Propellant Conversion to Fertilizer Program for Tooele Army Depot		[2,000]
041	0603105A	*MILITARY HIV RESEARCH*	6,657	6,657
042	0603125A	*COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT*	11,989	11,989
043	0603270A	*ELECTRONIC WARFARE TECHNOLOGY*	19,192	22,692
		Laser systems for light aircraft missile defense		[1,000]
		Advanced Ground Electronic Warfare & Signals Intelligence System		[2,500]
044	0603313A	*MISSILE AND ROCKET ADVANCED TECHNOLOGY*	63,951	67,251
		Discriminatory imaging research		[2,500]
		Scenario Generation for Integrated Air and Missile Defense Evaluation		[800]
045	0603322A	*TRACTOR CAGE*	12,154	12,154
046	0603606A	*LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY*	30,317	30,317
047	0603607A	*JOINT SERVICE SMALL ARMS PROGRAM*	8,996	8,996
048	0603710A	*NIGHT VISION ADVANCED TECHNOLOGY*	40,329	52,329
		Bradley third generation FLIR		[5,000]
		Buster/Blacklight UAV Development		[1,000]
		Hyper Spectral Sensor for Improved Force Protection System		[2,000]
		Brownout Situational Awareness		[3,000]
		High Resolution Personal Miniature Thermal Viewer		[1,000]
049	0603728A	*ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS*	15,706	15,706
050	0603734A	*MILITARY ENGINEERING ADVANCED TECHNOLOGY*	5,911	19,211
		Permafrost tunnel		[500]
		Photovoltaic technology development		[2,000]
		PacCom Renewable Energy Security System		[3,000]
		Field Deployable Hologram Production System		[4,800]
		Demonstration of Thin Film Solar Modules as a Renewable Energy Source		[1,000]
		Nanotechnology for Potable Water and Waste Treatment		[2,000]
051	0603772A	*ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY*	41,561	45,061
		Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar		[2,000]
		Optimizing Natural Language Processing of Open Source Intelligence (OSINT)		[1,500]
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY	**695,217**	**902,617**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
052	0603024A	*UNIQUE ITEM IDENTIFICATION (UID)*		
053	0603305A	*ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)*	14,683	30,183
		Biological Air Filtering System Technology		[3,000]
		Compact Pulsed Power for Military Applications		[4,000]
		Adaptive robotic technology		[3,500]
		Advanced electronics integration		[3,000]
		Advanced environmental controls		[2,000]
054	0603308A	*ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)*	117,471	117,471
055	0603327A	*AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING*	209,531	160,531
		Center for Defense Systems Research		[1,000]
		Excessive Project Cost Growth—Integrated Air and Missile Defense		[–50,000]
056	0603460A	*JOINT AIR-TO-GROUND MISSILE (JAGM)*		
057	0603619A	*LANDMINE WARFARE AND BARRIER—ADV DEV*	17,536	17,536
058	0603627A	*SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV*	4,920	4,920
059	0603639A	*TANK AND MEDIUM CALIBER AMMUNITION*	33,934	33,934
060	0603653A	*ADVANCED TANK ARMAMENT SYSTEM (ATAS)*	90,299	90,299
061	0603747A	*SOLDIER SUPPORT AND SURVIVABILITY*	31,752	31,752
062	0603766A	*TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV*	18,228	18,228
063	0603774A	*NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT*		
064	0603779A	*ENVIRONMENTAL QUALITY TECHNOLOGY*	4,770	8,770
		Cadmium Emissions Reduction—Letterkenny Army Depot		[1,000]
		Vanadium Technology Program		[3,000]
065	0603782A	*WARFIGHTER INFORMATION NETWORK-TACTICAL*	180,673	180,673
066	0603790A	*NATO RESEARCH AND DEVELOPMENT*	5,048	5,048

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
067	0603801A	AVIATION—ADV DEV	8,537	8,537
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	46,373
		Premature JLTV program growth		[–10,000]
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	9,868	9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275	31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832	73,832
		Acid Alkaline Direct Methanol Fuel Cell		[2,000]
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476	1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY	**908,206**	**870,706**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
073	0604201A	AIRCRAFT AVIONICS	92,977	92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515	65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463	248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107	13,107
077	0604328A	TRACTOR CAGE	16,286	16,286
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	78,814
		Lightweight caliber .50 machine gun		[4,000]
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	5,683
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	978	978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	9,477
		Heavy tactical vehicle development		[2,000]
082	0604633A	AIR TRAFFIC CONTROL	7,578	7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660	88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	31,216
		Unjustified Termination Costs		[–27,000]
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	368,557	184,557
		Unjustified Termination Costs		[–184,000]
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191	1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701	68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616	125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919	26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182	749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION		
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410	55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092	2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	30,209
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	28,936	28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	33,213	33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320	15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,727	15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446	9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	26,243	26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM		
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	42,378
		Common guidance control module		[7,500]
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018	37,518
		Autonomous Sustainment Cargo Container Sea Truck		[1,500]
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	88,995	88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	33,893	34,693
		Plasma Sterilizer		[800]
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260	60,960
		Program reduction		[–21,300]
107	0604814A	ARTILLERY MUNITIONS	42,452	42,452
108	0604817A	COMBAT IDENTIFICATION	20,070	20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	90,864	90,864
110	0604820A	RADAR DEVELOPMENT		
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,002	6,002
112	0604823A	FIREFINDER	20,333	20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	19,786	19,786
114	0604854A	ARTILLERY SYSTEMS	23,318	81,534
		Accelerate Paladin integration management		[58,216]
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	569,182	569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,140	7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309	66,109
		Transfer from RDDW, line 117, for DIMHRS execution		[30,800]
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439	127,439
119	0605625A	MANNED GROUND VEHICLE	100,000	100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**4,640,455**	**4,512,971**
		RDT&E MANAGEMENT SUPPORT		
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222	22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615	13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846	51,846
123	0605103A	RAND ARROYO CENTER	16,305	18,305
		Program Increase		[2,000]
124	0605301A	ARMY KWAJALEIN ATOLL	163,514	163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445	23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH		
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	354,693

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	72,911	84,111
		Common regional operational systems		[3,000]
		Data fusion systems		[2,500]
		Dugway field test improvements		[4,500]
		MOTS All Sky Imager		[1,200]
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016	45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	8,891
		Program increase		[6,000]
131	0605606A	AIRCRAFT CERTIFICATION	3,766	3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391	8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969	19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432	5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877	77,877
136	0605716A	ARMY EVALUATION CENTER	66,309	66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	5,357	5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823	77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620	51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	45,053	47,053
		3D woven preform technology for Army munitions		[2,000]
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	5,191	5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866	15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**1,149,112**	**1,170,312**
		OPERATIONAL SYSTEMS DEVELOPMENT		
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693	27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV		
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	340,076
		Program delay reduction		[–20,000]
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727	26,227
		AFATDS Voice Recognition and Cross Platform Speech Interface System		[2,500]
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301	190,301
149	0203740A	MANEUVER CONTROL SYSTEM	21,394	21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	209,401	209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	792	792
152	0203758A	DIGITIZATION	10,692	10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)		
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	39,273	39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS		5,000
		Javelin Warhead Improvement Plan		[5,000]
156	0203808A	TRACTOR CARD	20,035	20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)		
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258	13,258
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082	3,082
160	0301359A	SPECIAL ARMY PROGRAM	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	2,144
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355	74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733	144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097	40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,034	12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365	20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521	202,521
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414	190,714
		Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh		[1,000]
		Adaptive Defense High-Speed IP Packet Inspection Engine on a Chip		[1,300]
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS-COMBINED		
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035	210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM		
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466	71,966
		Smart machine platform initiative		[2,000]
		Weapon systems repair technologies		[1,500]
999	9999999	OTHER PROGRAMS	3,883	3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**1,886,771**	**1,880,071**
		TOTAL, RDT&E ARMY	**10,438,218**	**10,638,534**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	99,472
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	18,076
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	416,243
		Nanoelectronics, Nanometrology, and Nanobiology Initiative		[2,500]
		SUBTOTAL, BASIC RESEARCH, NAVY	**531,291**	**533,791**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	64,787
		Energetics research		[3,000]
		Multifunctional Materials, their Applications and Devices		[2,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	124,400
		Alternative energy research		[20,000]
		Energy systems integration research		[4,000]
		Port security technologies		[2,000]
		Design Optimization of Composite High-Speed Boats Using Advanced Composite and Manufacturing and Non-destructive Evaluation.		[2,000]
		Lithium Ion Storage Advancement for Aircraft Applications		[2,500]
		Non-Traditional Weaving Applications for Aramid Ballistic Fibers and Fabrics		[2,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308	39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY		
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163	83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169	107,169
		Anti-reverse engineering technologies		[1,000]
		Managing and Extending DOD Asset Lifecycles (MEDAL)		[2,000]
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816	64,816
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,750	51,750
		Advanced UUV research		[1,000]
		Laser underwater imaging and communications research		[2,000]
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,008	6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694	55,694
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	40,880	42,880
		Electromagnetic signature assessment system		[2,000]
		SUBTOTAL, APPLIED RESEARCH, NAVY	**593,975**	**639,975**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	116,369
		Countermine Lidar UAV-Based System (CLUBS)		[2,000]
		Detection, Tracking, and Identification for ISRTE of Mobile Asymmetric Targets		[2,500]
		Quiet Drive Advanced Rotary Actuator		[2,000]
		Tactical High Speed Anti-Radiation Missile Demonstration		[1,900]
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	78,035
		Advance coatings for aviation components		[2,000]
		Single generator operations lithium ion battery		[5,000]
		High-Temperature Radar Dome Materials		[2,000]
		Pure Hydrogen Supply from Logistic Fuels		[3,000]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	49,294
		High-integrity GPS		[–59,100]
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	86,239	86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	65,827	65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	107,363	112,363
		Acoustic combat sensors		[5,000]
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	10,998	10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,609	21,109
		Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center		[2,500]
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037	68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	52,643	52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	28,782	28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY	**720,896**	**689,696**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	117,482
		Semi-submersible for UUV sensor developments		[1,400]
027	0603216N	AVIATION SURVIVABILITY	6,505	9,505
		Lighter Than Air Stratospheric UAV for Persistant Communications Relay and Surveillance		[3,000]
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032	6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	20,585
		Sonobuoy wave energy module		[1,000]
		Marine Mammal Awareness, Alert, and Response Systems		[3,000]
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713	7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677	1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	76,739	76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538	62,038
		Continuous Active Sonar for Torpedo Systems		[4,500]
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594	173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	18,791
		DDG–51 hybrid propulsion system		[8,100]
		Advanced Steam Turbine		[4,000]
		Next Generation Shipboard Intergrated Power: Fuel Efficiency and Advanced Capability Enhancer		[5,000]
036	0603525N	PILOT FISH	79,194	79,194
037	0603527N	RETRACT LARCH	99,757	99,757
038	0603536N	RETRACT JUNIPER	120,752	120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372	1,372
040	0603553N	SURFACE ASW	21,995	21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836	553,836
		Submarine Fatline Vector Sensor Towed Array		[2,000]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172	10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	22,541
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135	32,135
		Support for Naval Ship Hydrodynamics Test Facilities		[4,000]
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887	259,887

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599	9,099
		High Denstiy Power Conversion and Distribution Equipment		[1,500]
		Hybrid Electric Drive		[2,000]
047	0603576N	CHALK EAGLE	443,555	443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518	360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558	22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458	3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466	293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV		
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	73,798	61,798
		Premature JLTV program growth		[–12,000]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	21,054	21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586	56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328	17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661	20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	16,226
		Molten carbonate fuel cell demonstrator		[3,000]
		Solar heat reflective film development		[4,750]
059	0603725N	FACILITIES IMPROVEMENT	4,002	9,602
		Wave Energy Powerbuoy Generating System		[2,400]
		Photovoltaic Rooftop Systems—Navy		[1,500]
		Regenerative Fuel Cell Back-Up Power		[1,700]
060	0603734N	CHALK CORAL	70,772	70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	6,301
		Highly integrated optical interconnects for advanced air vehicles		[1,000]
		RFID technology exploitation		[1,000]
062	0603746N	RETRACT MAPLE	210,237	210,237
063	0603748N	LINK PLUMERIA	69,313	69,313
064	0603751N	RETRACT ELM	152,151	152,151
065	0603755N	SHIP SELF DEFENSE	6,960	6,960
066	0603764N	LINK EVERGREEN	123,660	123,660
067	0603787N	SPECIAL PROCESSES	54,115	54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194	10,194
069	0603795N	LAND ATTACK TECHNOLOGY	1,238	1,238
070	0603851M	NONLETHAL WEAPONS	46,971	46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	150,304	150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	52,716	52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS		
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	5,003	7,003
		Joint Technology Insertion & Accelerated System Intergration Capability for Electronic Warfare		[2,000]
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	63,702	63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)		
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	67,843	67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	40,926	40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	42,533	42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**4,163,795**	**4,208,645**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
080	0604212N	OTHER HELO DEVELOPMENT	54,092	54,092
081	0604214N	AV–8B AIRCRAFT—ENG DEV	20,886	20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540	55,540
		Measurement Standards Research and Development		[2,000]
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	81,953	86,653
		USN MH–60S "Close the Lethality Gap" M230 Pylon Qualification		[4,700]
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485	7,485
085	0604221N	P–3 MODERNIZATION PROGRAM	3,659	3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307	6,307
087	0604231N	TACTICAL COMMAND SYSTEM	86,462	86,462
088	0604234N	ADVANCED HAWKEYE	364,557	364,557
089	0604245N	H–1 UPGRADES	32,830	32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369	56,369
091	0604262N	V–22A	89,512	89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265	14,265
093	0604269N	EA–18	55,446	55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635	97,635
095	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	85,240	85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970	127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	876,374	876,374
098	0604300N	SC–21 TOTAL SHIP SYSTEM ENGINEERING		
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	178,459	180,459
		Surface Ship Advanced Capability Build		[2,000]
100	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	5,304	5,304
101	0604329N	SMALL DIAMETER BOMB (SDB)	43,902	43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS	182,197	182,197
103	0604373N	AIRBORNE MCM	48,712	48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	11,727	11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS	236,078	251,078
		Mobile maritime sensor technology development		[15,000]
106	0604503N	SSN–688 AND TRIDENT MODERNIZATION	122,733	122,733
107	0604504N	AIR CONTROL	6,533	6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623	80,623

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305	13,305
110	0604558N	NEW DESIGN SSN	154,756	162,756
		Common command & control system module		[6,000]
		Mold-in-Place Coating for Development of U.S. Submarine Fleet		[2,000]
111	0604561N	SSN–21 DEVELOPMENTS		
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	69,703
		Artificial Intelligence-based combat system kernel		[4,000]
		Submarine environment for evaluation & development		[3,000]
		Weapon acquisition & firing system		[3,000]
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	92,488
		Automated Fiber Optic Manufacturing Initiative for Navy Ships		[2,500]
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620	4,620
115	0604601N	MINE DEVELOPMENT	2,249	2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105	21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,327	10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	5,898	5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022	10,022
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	38,459
		AUSV		[3,000]
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	46,236
		Phalanx Next Generation		[12,000]
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	88,895
123	0604761N	INTELLIGENCE ENGINEERING	14,438	14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	23,488
		Composite tissue transplantation research		[2,000]
		Custom body implant development		[2,000]
		Multivalent dengue vaccine program		[1,600]
		Orthopedic surgery instrumentation		[3,000]
		U.S. Navy Vaccine Program		[3,000]
		U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy		[2,000]
125	0604777N	NAVIGATION/ID SYSTEM	63,184	63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM		
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	1,956,296
		F136 Development		[215,000]
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868	9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	77,126
		Information systems research		[4,000]
		Integrated network-centric technology systems		[2,600]
		Maintenance Planning and Assessment Technology (MPAT) Insertion		[1,500]
130	0605212N	CH–53K RDTE	554,827	554,827
131	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)		
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434	81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,162,417	1,162,417
134	0204201N	CG(X)	150,022	110,022
		Program delay		[–40,000]
135	0204202N	DDG–1000	539,053	539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	19,016	19,016
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	**7,975,882**	**8,231,782**
		RDT&E MANAGEMENT SUPPORT		
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534	25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603	79,603
139	0604759N	MAJOR T&E INVESTMENT	44,844	49,844
		Aviation enterprise interoperability upgrades		[5,000]
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422	11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821	49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH		
143	0605804N	TECHNICAL INFORMATION SERVICES	735	3,235
		Center for Commercialization of Advanced Technology		[2,500]
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	60,590	60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633	3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,942	70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION		
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353	193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733	380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010	12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,703	2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921	20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004	19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464	2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197	4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	**982,509**	**990,009**
		OPERATIONAL SYSTEMS DEVELOPMENT		
158	0604227N	HARPOON MODIFICATIONS		
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	311,204	311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	76,109
		Advanced LINAC Facility		[1,170]
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479	34,479

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211	7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982	46,982
		E–6B Strategic Communications Upgrade Block 1A (VLF-TX & HPTS)		[3,000]
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125	39,125
165	0204136N	F/A–18 SQUADRONS	127,733	127,733
166	0204152N	E–2 SQUADRONS	63,058	63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431	37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	13,238	13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835	24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	2,324	2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293	49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609	1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	37,524	37,524
174	0205601N	HARM IMPROVEMENT	30,045	30,045
175	0205604N	TACTICAL DATA LINKS	25,003	25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803	41,803
177	0205632N	MK–48 ADCAP	28,438	28,438
178	0205633N	AVIATION IMPROVEMENTS	135,840	123,349
		F135 engine funding ahead of need		[–12,491]
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716	3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031	72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348	287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	120,379	124,379
		Expandable rigid wall composite shelters		[1,000]
		Marine personnel carrier support system		[3,000]
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	18,057
		High performance capabilities for military vehicles		[1,000]
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	30,167	30,167
185	0207161N	TACTICAL AIM MISSILES	2,298	2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	3,604	3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431	8,431
188	0301303N	MARITIME INTELLIGENCE	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	474,009
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	45,513	45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	24,226
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453	2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139	4,139
197	0305149N	COBRA JUDY	62,061	62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	28,094	28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,600	4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971	8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES		
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208	46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599	22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079	18,079
205	0305220N	RQ–4 UAV	465,839	465,839
206	0305231N	MQ–8 UAV	25,639	25,639
207	0305232M	RQ–11 UAV	553	553
208	0305233N	RQ–7 UAV	986	986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	18,763	18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	23,594	23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)		
212	0307217N	EP–3E REPLACEMENT (EPX)	11,976	11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028	8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF)	14,675	14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725	2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	66,691
		Integrated manufacturing enterprise		[5,000]
		Life extension of weapon system structures research		[2,500]
		Laser Optimization Remote Lighting Systems		[2,500]
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		4,000
		National Shipbuilding Research Program		[4,000]
999	9999999	OTHER PROGRAMS	1,258,018	1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	**4,302,584**	**4,313,263**
		TOTAL, RDT&E NAVY	**19,270,932**	**19,607,161**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	322,028
		Coal transformation research		[1,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	138,449
		Cybersecurity for control networks research		[1,700]
		End-user software safeguard research		[2,000]
		Informatics research		[1,000]
		Information security research		[1,500]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834	12,834
004	0301555F	CLASSIFIED PROGRAMS	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM	[ ]	[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**466,111**	**473,311**
		APPLIED RESEARCH		
006	0602015F	MEDICAL DEVELOPMENT		
007	0602102F	MATERIALS	127,957	136,957
		Advanced aerospace heat exchangers		[3,000]
		Energy and automation technologies		[2,000]
		Energy efficiency, recovery, and generation systems		[1,000]
		Health monitoring sensors for aerospace components		[2,000]
		Mid-infrared laser source research		[1,000]
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	136,529
		Unmanned aerial system collaboration technologies		[2,500]
		UAV Sensor and Maintenance Development		[4,900]
		Unmanned Sense, Track, and Avoid Radar		[2,000]
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122	85,122
010	0602203F	AEROSPACE PROPULSION	196,529	210,029
		Hybrid bearing development		[1,000]
		Integrated electrical starter/generator systems		[2,000]
		Lithium ion technologies for aviation batteries		[1,500]
		Thermally efficient engine pumping system		[2,000]
		Advanced Lithium Battery Scale-Up and Manufacturing		[2,000]
		Advanced Vehicle Propulsion Center (AVPC)		[3,000]
		Multi-Mode Propulsion Phase IIA: High Performance Green Propellant		[2,000]
011	0602204F	AEROSPACE SENSORS	121,768	126,568
		Net-Centric Sensor Grids		[3,000]
		Information Quality Tools for Persistent Survelliance Data Sets		[1,800]
012	0602601F	SPACE TECHNOLOGY	104,148	113,248
		Reconfigurable electronics research		[1,000]
		Seismic research program		[5,000]
		Advanced Modular Avionics for ORS Use		[3,100]
013	0602602F	CONVENTIONAL MUNITIONS	58,289	58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	101,427
		Chemical laser technology		[–4,250]
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS		
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278	115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	48,654
		Advanced deformable mirrors for high energy laser weapons		[2,000]
		Chemical laser technology		[–6,100]
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	**1,094,651**	**1,132,101**
		ADVANCED TECHNOLOGY DEVELOPMENT		
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	54,201
		Sewage-derived biofuels program		[4,800]
		Metals Affordability Initiative		[10,000]
		Rapid Automated Processing of Advances Low Observables		[1,500]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955	2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	53,482
		Reconfigurable secure computing technologies		[2,000]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844	81,844
		Long Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence		[5,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	175,676	198,676
		Alternative energy research		[20,000]
		Silicon carbide power electronics research		[3,000]
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY		
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021	31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909	86,909
		Small Responsive Spacecraft at Low-Cost (SRSL)		[3,000]
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,813	5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,565	24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	14,356	14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,056	30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	39,913	45,163
		Next generation casting initiative		[3,250]
		Production of Nanocomposites for Aerospace Applications		[2,000]
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	39,708	46,208
		Optical interconnects research		[2,500]
		Cyber Attack and Security Environment		[4,000]
032	0603789F	C3I ADVANCED DEVELOPMENT		
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	3,831	3,831
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE	**618,030**	**679,080**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009	5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623	3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III		
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335	464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150	253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	102,701
		Space situational awareness		[5,000]
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252	27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351	4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632	632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)		
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739	20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	66,079
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	70,956	70,956
048	0603859F	POLLUTION PREVENTION	2,896	2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	23,174	23,174
050	0604015F	NEXT GENERATION BOMBER		
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612	22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	20,891	20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882	6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	35,533	35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778	18,778
056	0604796F	ALTERNATIVE FUELS	89,020	91,020
		Advanced Propulsion Non-Tactical Vehicle		[2,000]
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158	43,158
058	0604856F	COMMON AERO VEHICLE (CAV)		
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	112,861
060	0604858F	TECH TRANSITION PROGRAM	9,611	9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	396,641	396,641
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT		50,000
		Next generation MILSATCOM technology development		[50,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE	**1,795,884**	**1,852,884**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124	31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860	37,860
064	0604226F	B–1B		
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227	6,227
066	0604240F	B–2 ADVANCED TECHNOLOGY BOMBER		12,000
		Advanced Data Link		[12,000]
067	0604261F	PERSONNEL RECOVERY SYSTEMS		
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275	97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444	88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50	50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815	153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248	64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134	271,434
		SBSS follow-on—program delay		[–36,700]
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107	11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	512,642
076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	143,169	143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671	18,671
078	0604604F	SUBMUNITIONS	1,784	1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261	12,261
		Backpack Medical Oxygen System		[1,000]
080	0604706F	LIFE SUPPORT SYSTEMS	10,711	13,111
		ACES 5 Ejection Seat		[2,400]
081	0604735F	COMBAT TRAINING RANGES	29,718	29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	4,010
		Distributed Mission Interoperability Toolkit (DMIT)		[4,000]
083	0604750F	INTELLIGENCE EQUIPMENT	1,495	1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	2,073,055
		F136 Engine Development		[215,000]
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010	60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	26,545	26,545
087	0605011F	RDT&E FOR AGING AIRCRAFT		
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	439,615	439,615
089	0605277F	CSAR-X RDT&E	89,975	0
		Use available prior year funds		[–89,975]
090	0605278F	HC/MC–130 RECAP RDT&E	20,582	20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877	34,877
092	0207434F	LINK–16 SUPPORT AND SUSTAINMENT		
093	0207450F	E–10 SQUADRONS		
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	13,466	13,466
095	0207701F	FULL COMBAT MISSION TRAINING	99,807	99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR		
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353	9,353
098	0401318F	CV–22	19,640	19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056	20,056
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	**4,219,726**	**4,327,451**
		RDT&E MANAGEMENT SUPPORT		
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789	27,789

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
101	0604759F	MAJOR T&E INVESTMENT	60,824	68,324
		Holloman High Speed Test Track		[5,000]
		Eglin AFB Range Operations Control Center		[2,500]
102	0605101F	RAND PROJECT AIR FORCE	27,501	27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH		
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833	25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	755,788
		Program increase		[19,300]
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637	14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215	47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	52,409	52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,683	29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947	18,947
111	0804731F	GENERAL SKILL TRAINING	1,450	1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
113	1001004F	INTERNATIONAL ACTIVITIES	3,748	3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	**1,046,524**	**1,073,324**
		OPERATIONAL SYSTEMS DEVELOPMENT		
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513	9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276	47,276
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]	[ ]
117	0101113F	B–52 SQUADRONS	93,930	93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652	3,652
119	0101126F	B–1B SQUADRONS	148,025	177,025
		Transferred from APAF Line 28		[29,000]
120	0101127F	B–2 SQUADRONS	415,414	415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836	33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328	5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[ ]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832	9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	25,734	25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	18	18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	11,996	11,996
128	0205219F	MQ–9 UAV	39,245	39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	14,747	14,747
130	0207131F	A–10 SQUADRONS	9,697	9,697
131	0207133F	F–16 SQUADRONS	141,020	141,020
132	0207134F	F–15E SQUADRONS	311,167	312,167
		Corrosion Detection and Visualization Program		[1,000]
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748	10,748
134	0207138F	F–22A SQUADRONS	569,345	569,345
135	0207161F	TACTICAL AIM MISSILES	5,915	5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	49,971	49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,529	2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950	2,950
139	0207247F	AF TENCAP	11,643	11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950	2,950
141	0207253F	COMPASS CALL	13,019	13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	166,563	154,563
		F135 Engine—Early to need		[–12,000]
143	0207277F	CSAF INNOVATION PROGRAM	4,621	4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494	29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405	99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508	52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	176,040	176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS		
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782	63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]	[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475	1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067	19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106	72,106
154	0207446F	BOMBER TACTICAL DATA LINK		
155	0207448F	C2ISR TACTICAL DATA LINK	1,667	1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792	26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	140,670	140,670
158	0207590F	SEEK EAGLE	22,071	22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245	27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018	7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740	6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995	91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271	12,271
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]
		Open Source Research Centers		[1,000]
166	0301314F	COBRA BALL	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]
168	0301324F	FOREST GREEN	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]	[ ]
170	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	26,107	26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	72,694	72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621	196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375	3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149	3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087	3,087
177	0303601F	MILSATCOM TERMINALS	257,693	257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989	176,989
180	0304311F	SELECTED ACTIVITIES	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]	[ ]
		Advanced Technical Intelligence Center		[6,500]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028	6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065	2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991	20,991
185	0305111F	WEATHER SERVICE	33,531	33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	9,006	9,006
187	0305116F	AERIAL TARGETS	54,807	54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742	742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	137,692	137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	52,039	52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,599	3,599
198	0305174F	SPACE WARFARE CENTER	3,009	3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957	9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,240	1,240
201	0305202F	DRAGON U–2		
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	38,736
		ISIS		[–35,000]
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	145,892
		GORGON STARE		
		Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective		[2,000]
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846	15,346
		Rivet Joint Services Oriented Architecture (SOA)		[2,500]
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765	82,765
206	0305219F	MQ–1 PREDATOR A UAV	18,101	22,101
		Sense and avoid		[4,000]
207	0305220F	RQ–4 UAV	317,316	317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160	8,160
209	0305265F	GPS III SPACE SEGMENT	815,095	717,695
		GPS Control Segment (OCX)		[–97,400]
210	0305614F	JSPOC MISSION SYSTEM	131,271	137,271
		Karnac		[6,000]
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,267	5,267
212	0305906F	NCMC—TW/AA SYSTEM		
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021	84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634	10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648	54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	30,076	30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082	3,082
218	0401115F	C–130 AIRLIFT SQUADRON	201,250	201,250
219	0401119F	C–5 AIRLIFT SQUADRONS (IF)	95,266	95,266
220	0401130F	C–17 AIRCRAFT (IF)	161,855	161,855
221	0401132F	C–130J PROGRAM	30,019	30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	31,784	31,784
223	0401218F	KC–135S	10,297	10,297
224	0401219F	KC–10S	35,586	35,586
225	0401221F	KC–135 TANKER REPLACEMENT		
226	0401314F	OPERATIONAL SUPPORT AIRLIFT	4,916	4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK		
228	0408011F	SPECIAL TACTICS / COMBAT CONTROL	8,222	8,222
229	0702207F	DEPOT MAINTENANCE (NON-IF)	1,508	1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS		
231	0708011F	INDUSTRIAL PREPAREDNESS		2,000
		Wire Integrity Technology		[2,000]
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483	246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288	8,288
		ALC Logistics Integration Environment		[2,000]
234	0804743F	OTHER FLIGHT TRAINING	805	805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220	3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769	1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116	116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	11,376
		Biometric signature and passive physiological monitoring		[5,000]
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)		
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174	8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492	30,982
		DIMHRS—OSD requested transfer from RDDW, Line 117		[20,490]
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	55,991	55,991
999	9999999	OTHER PROGRAMS	11,955,084	12,137,084

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Program Increase		[172,500]
		Carbon Nanotube Enhanced Power Sources for Space		[2,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**18,751,901**	**18,863,491**
		TOTAL, RDT&E AIR FORCE	**27,992,827**	**28,401,642**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	48,544	48,544
002	0601101E	DEFENSE RESEARCH SCIENCES	226,125	226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH		
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980	89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	58,974	64,874
		In-vitro models for bio-defense vaccines		[1,900]
		Synchrotron Beamline and Experimental Station		[4,000]
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	**423,623**	**429,523**
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669	18,961
		Partial Program Growth Reduction		[–3,708]
008	0602227D8Z	MEDICAL FREE ELECTRON LASER		
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	15,164	20,164
		Historically Black Colleges and Universities and Minority Serving Institutions Program		[5,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034	34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	282,749	272,749
		Program Reduction		[–10,000]
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	142,840
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587	40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	209,072	212,972
		Chemical and biological infrared detector		[1,900]
		Chemical and Biological Resistant Clothing		[2,000]
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	4,940	4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	9,446	9,446
017	0602702E	TACTICAL TECHNOLOGY	276,075	266,075
		Program Reduction		[–10,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859	263,859
		Program Reduction		[–5,000]
019	0602716E	ELECTRONICS TECHNOLOGY	223,841	213,841
		Program Reduction		[–10,000]
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	219,130	220,630
		Blast mitigation and protection		[1,500]
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384	27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT		
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,776,790**	**1,748,482**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538	16,754
		Partial Program Growth Reduction		[–6,784]
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808	43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	92,368
		Reconnaissance and data exploitation systems		[3,500]
		Affordable Robust Mid-Sized UGV		[2,000]
		Integrated Rugged Checkpoint Container		[2,500]
		Combating Terrorism: Threat and Risk Assessment		[2,500]
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	233,203	233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760	104,760
		General Reduction		[–5,000]
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	7,817
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	23,276	23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	249,360
		Program Reduction		[–89,000]
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612	200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	282,235	284,235
		Total Perimeter Surveillance		[2,000]
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838	10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	177,352
		JCTD new starts		[–25,000]
		High Accuracy Network Determination System—Intelligent Optical Networks (HANDS-ION)		[2,000]
		Distributed Network Switching and Security		[2,000]
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212	28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935	4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993	10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	11,480	11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	14,638	24,638
		High performance defense manufacturing technology		[10,000]
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	11,110
		Robotics training systems		[2,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	19,043	33,643
		Biofuels program		[2,000]
		Biomass conversion research		[1,600]
		Fuel cell manufacturing research		[1,000]
		Vehicle fuel cell and hydrogen logistics program		[8,000]
		Next Generation Manufacturing Technologies Initiative		[2,000]
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,356	29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175	69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	26,310	30,810
		Feature Size Yield Enhancement at DMEA's Semiconductors Foundry		[2,500]
		End to End Semi Fab Alpha Tool		[2,000]
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135	11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912	190,912
		Program Reduction		[–15,000]
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	4,864	4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS		
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	221,286	224,286
		Computational design of novel materials		[3,000]
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	293,476	275,326
		CCC-CLS execution delays		[–18,150]
051	0603764E	LAND WARFARE TECHNOLOGY		
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526	186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941	135,941
054	0603767E	SENSOR TECHNOLOGY	243,056	218,056
		Program Reduction		[–15,000]
		SEN-CLS execution delays		[–10,000]
055	0603768E	GUIDANCE TECHNOLOGY	37,040	37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,822	13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298	31,298
058	0603805S	DUAL USE TECHNOLOGY		
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	94,484
		Quick Reaction Fund		[–15,000]
		Special warfare domain awareness		[1,500]
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	122,180
		Tidewater Full Scale Exercise		[2,700]
		National Center for Small Unit Excellence		[–5,000]
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	38,505	38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734	95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219	5,219
		National Radio Frequency RD&T Transfer Center		[3,000]
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	31,675	36,775
		Lithium ion battery safety research		[1,600]
		Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center		[3,500]
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544	3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,988	4,988
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE	**3,570,404**	**3,429,370**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,019	36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT		
070	0603527D8Z	RETRACT LARCH	21,718	21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803	13,803
		Autonomous Machine Vision for Mapping and Investigation of Remote Sites		[2,000]
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771	17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	31,613	31,613
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	719,465	719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	982,922	1,002,922
		GBI vendor base sustainment		[20,000]
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	186,697	186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	207,552
		Real-time non-specific viral agent detector		[1,600]
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	636,856
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR		
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752	940,752
		Target Synchronization with Test Schedule		[–26,000]
081	0603890C	BMD ENABLING PROGRAMS	369,145	354,145
		Programs Reduction		[–15,000]
082	0603891C	SPECIAL PROGRAMS—MDA	301,566	286,566
		Program Decrease due to excessive growth		[–15,000]
083	0603892C	AEGIS BMD	1,690,758	1,690,758
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000	173,200
		Demonstration Satellites		[–6,800]
085	0603894C	MULTIPLE KILL VEHICLE		
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	12,549	12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS	340,014	340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186	48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	60,921	61,421
		Independent Advisory Group to Review Ballistic Missile Defense Training Needs		[500]
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	86,949	86,949
091	0603906C	REGARDING TRENCH	6,164	6,164

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576	174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE		
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR		
095	0603911C	BMD EUROPEAN CAPABILITY	50,504	50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT		
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	144,634
		Short-range ballistic missile defense		[25,000]
098	0603920D8Z	HUMANITARIAN DEMINING	14,687	14,687
099	0603923D8Z	COALITION WARFARE	13,885	13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,887	8,387
		Corrosion control research		[3,500]
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	55,289	55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577	18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	7,006	7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	19,744
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	16,972	16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647	24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,949	3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE	**7,438,177**	**7,427,977**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	28,862	28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,628	7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	166,913	166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895	332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127	5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	39,911	39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,633	20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	8,735	8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705	11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	70,000	18,710
		Transfer to RDA, line 117 for DIMHRS execution		[–30,800]
		Transfer to RDAF, line 241 for DIMHRS execution		[–20,490]
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	197,008	197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395	395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000	5,000
121	0605140D8Z	TRUSTED FOUNDRY	41,223	41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	4,267	4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431	18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047	49,047
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE	1,609	1,609
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE	**1,009,389**	**958,099**
		RDT&E MANAGEMENT SUPPORT		
126	0603757D8Z	TRAINING TRANSFORMATION (T2)		
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121	13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247	15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	145,052	155,052
		Joint Gulf Range Test and Training Complex		[3,000]
		Gulf Range Mobile Instrumentation Capability		[3,000]
		Advanced SAM Hardware Simulator Development		[4,000]
130	0604943D8Z	THERMAL VICAR	9,045	9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	9,455	9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760	44,760
133	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914	4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	94,921	94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	96,909	96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)	[ ]	[ ]
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054	35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474	6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	14,916	14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888	5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477	106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH		
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA		
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH		
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH		
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH		
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION	2,163	4,063
		Anti-tamper software systems		[1,900]
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005	11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS		
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981	19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411	49,411
		Program Reduction		[–5,000]
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	19,554	19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512	23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000	45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055	51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929	5,929

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000	8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250	1,250
159	0301555G	CLASSIFIED PROGRAMS	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM	[ ]	[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	30,604	30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667	4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	50,000
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	20,648	20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]	[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	829	829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	34,306	34,306
168	0901585C	PENTAGON RESERVATION	19,709	19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403	57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980	980
170A	9999999	OTHER PROGRAMS	124,705	124,705
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE	**1,187,944**	**1,194,844**
		OPERATIONAL SYSTEMS DEVELOPMENT		
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	1,384	1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA	2,001	2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	292	292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,198	6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214	46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT		
177	0208043J	CLASSIFIED PROGRAMS	2,179	2,179
178	0208045K	C4I INTEROPERABILITY	74,786	74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	10,767	10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[ ]
		Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB)		[2,500]
		Portable Device for Latent Fingerprint Identification		[1,800]
182	0301318BB	HUMINT (CONTROLLED)	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]	[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	548	548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	17,655	17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406	9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	9,830	9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116	8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002	41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477	13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	408,316
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM		
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205	1,205
197	0303149J	C4I FOR THE WARRIOR	4,098	4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	23,761	23,761
199	0303153K	JOINT SPECTRUM CENTER	18,944	18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,782	1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	942	942
202	0303610K	TELEPORT PROGRAM	5,239	5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,381	16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)	[ ]	[ ]
206	0305103D8Z	CYBER SECURITY INITIATIVE	993	993
207	0305103G	CYBER SECURITY INITIATIVE	[ ]	[ ]
208	0305103K	CYBER SECURITY INITIATIVE	10,080	10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725	12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES		
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[ ]	[ ]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	6,948
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)		
217	0305199D8Z	NET CENTRICITY	1,479	1,479
218	0305202G	DRAGON U–2	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]	[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS		
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407	1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158	3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	2,067	2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]	[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,963	2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION	1,389	1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES		
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS		
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Technology applications for security enhancement		[3,000]
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT		
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]	[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	51,714
		Industrial Base Innovation Fund		[30,000]
		Northwest Manufacturing Initiative		[1,200]
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798	2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303	8,303
241	1001018D8Z	NATO AGS	74,485	74,485
242	1105219BB	MQ–9 UAV	4,380	4,380
243	1130435BB	STORM		
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG		
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	82,621	72,621
		Avionics Modernization Program		[–10,000]
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	6,182	1,594
		SOF Resource Business Information System		[–4,588]
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	21,273	33,173
		Biometric Optical Surveillance System (BOSS)		[2,000]
		Counterproliferation Analysis and Planning System (CAPS)		[5,000]
		Advanced long endurance unattended ground sensor technologies		[4,900]
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310	60,310
249	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	12,687	12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412	43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS		
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	1,321	0
		ASDS		[–1,321]
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	3,192	3,192
254	1160428BB	UNMANNED VEHICLES (UV)		
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION	5,957	5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	733	733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368	2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081	1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597	597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,369	4,869
		Miniature Day Night Sight for Crew Served Weapons		[1,500]
261	1160480BB	SOF TACTICAL VEHICLES	1,973	1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863	18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452	7,452
		Transformer Technology for Combat Submersibles (TTCS)		[4,000]
264	1160484BB	SOF SURFACE CRAFT	12,250	12,250
265	1160488BB	SOF PSYOP	9,887	9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944	4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547	11,547
999	9999999	OTHER PROGRAMS	4,148,984	4,156,284
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**5,335,215**	**5,375,206**
		DARPA execution adjustment		–150,000
		Total, RDT&E Defense-Wide	**20,741,542**	**20,413,501**
		OPERATIONAL TEST & EVALUATION, DEFENSE		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647	58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285	12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838	119,838
		Total, Operational Test & Evaluation, Defense	**190,770**	**190,770**
		TOTAL RDT&E	**78,634,289**	**79,251,608**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
		SYSTEM DEVELOPMENT & DEMONSTRATION		
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598	18,598
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**18,598**	**18,598**
		OPERATIONAL SYSTEMS DEVELOPMENT		
160	0301359A	SPECIAL ARMY PROGRAM	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644	7,644

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220	2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500	29,500
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**39,364**	**39,364**
		TOTAL, RDT&E ARMY	**57,962**	**57,962**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS		
027	0603216N	AVIATION SURVIVABILITY	8,000	0
		Non-emergency development funding		[–8,000]
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000	0
		Non-emergency development funding		[–9,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**17,000**	**0**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0301303N	MARITIME INTELLIGENCE	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900	51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	6,000	6,000
999	9999999	OTHER PROGRAMS	32,280	32,280
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	**90,180**	**90,180**
		TOTAL, RDT&E NAVY	**107,180**	**90,180**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
004	0301555F	CLASSIFIED PROGRAMS	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM	[ ]	[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**0**	**0**
		OPERATIONAL SYSTEMS DEVELOPMENT		
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]	[ ]
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[ ]
128	0205219F	MQ–9 UAV	1,400	1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375	9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]	[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]
166	0301314F	COBRA BALL	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]
168	0301324F	FOREST GREEN	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]	[ ]
180	0304311F	SELECTED ACTIVITIES	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]	[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]
206	0305219F	MQ–1 PREDATOR A UAV	1,400	1,400
999	9999999	OTHER PROGRAMS	17,111	17,111
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**29,286**	**29,286**
		TOTAL, RDT&E AIR FORCE	**29,286**	**29,286**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		RDT&E MANAGEMENT SUPPORT		
159	0301555G	CLASSIFIED PROGRAMS	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]	[ ]
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]	[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750	2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)	[ ]	[ ]
207	0305103G	CYBER SECURITY INITIATIVE	[ ]	[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[ ]	[ ]
218	0305202G	DRAGON U–2	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]	[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	[ ]	[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]	[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[ ]	[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]	[ ]
999	9999999	OTHER PROGRAMS	113,076	113,076
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**115,826**	**115,826**
		Total, RDT&E Defense-Wide	**115,826**	**115,826**
		TOTAL RDT&E	**310,254**	**293,254**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

	OPERATION AND MAINTENANCE (In Thousands of Dollars)		
Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	1,020,490	1,020,490
020	MODULAR SUPPORT BRIGADES	105,178	105,178
030	ECHELONS ABOVE BRIGADE	708,038	708,038
040	THEATER LEVEL ASSETS	718,233	718,233
050	LAND FORCES OPERATIONS SUPPORT	1,379,529	1,315,129
	Budget realignment of combat training center transportation funding in support of helicopter training		[–64,400]
060	AVIATION ASSETS	850,750	773,350
	Budget realignment in support of helicopter training		[–77,400]
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	2,088,233
080	LAND FORCES SYSTEMS READINESS	633,704	633,704
090	LAND FORCES DEPOT MAINTENANCE	692,601	695,601
	Texas Defense Manufacturing Supply Chain Initiative		[3,000]
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	7,586,455	7,588,155
	Fort Bliss Data Center		[1,700]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,221,446	2,221,446
120	MANAGEMENT AND OPERATIONAL HQ	333,119	333,119
130	COMBATANT COMMANDERS CORE OPERATIONS	123,163	123,163
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159	460,159
	TOTAL, BA 01: OPERATING FORCES	**18,921,098**	**18,783,998**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
180	STRATEGIC MOBILITY	228,376	228,376
190	ARMY PREPOSITIONING STOCKS	98,129	98,129
200	INDUSTRIAL PREPAREDNESS	5,705	5,705
	TOTAL, BA 02: MOBILIZATION	**332,210**	**332,210**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	125,615	125,615
220	RECRUIT TRAINING	87,488	87,488
230	ONE STATION UNIT TRAINING	59,302	59,302
240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397	449,397
	BASIC SKILL/ADVANCE TRAINING		
250	SPECIALIZED SKILL TRAINING	970,777	971,277
	Rule of law increase		[500]
260	FLIGHT TRAINING	843,893	985,693
	Budget realignment in support of helicopter training		[141,800]
270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812	166,812
280	TRAINING SUPPORT	702,031	702,031
	RECRUITING/OTHER TRAINING		
290	RECRUITING AND ADVERTISING	541,852	541,852
300	EXAMINING	147,915	147,915
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353	238,353
320	CIVILIAN EDUCATION AND TRAINING	217,386	217,386
330	JUNIOR ROTC	156,904	156,904
	TOTAL, BA 03: TRAINING AND RECRUITING	**4,707,725**	**4,850,025**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,017,055	1,017,055
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	540,249	540,249
360	CENTRAL SUPPLY ACTIVITIES	614,093	614,093
370	LOGISTIC SUPPORT ACTIVITIES	481,318	481,318
380	AMMUNITION MANAGEMENT	434,661	435,661
	M24 Sniper Weapons System Upgrade		[1,000]
	SERVICEWIDE SUPPORT		
390	ADMINISTRATION	776,866	776,866
400	SERVICEWIDE COMMUNICATIONS	1,166,491	1,141,491
	Servicewide communications underexecution		[–25,000]
410	MANPOWER MANAGEMENT	289,383	289,383
420	OTHER PERSONNEL SUPPORT	221,779	229,029
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
430	OTHER SERVICE SUPPORT	993,852	993,852
440	ARMY CLAIMS ACTIVITIES	215,168	215,168
450	REAL ESTATE MANAGEMENT	118,785	118,785
	SUPPORT OF OTHER NATIONS		
460	SUPPORT OF NATO OPERATIONS	430,449	430,449
470	MISC. SUPPORT OF OTHER NATIONS	13,700	13,700
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,313,849**	**7,297,099**
	Total Operation and Maintenance, Army	**31,274,882**	**31,263,332**
	Operation and Maintenance, Navy		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000	3,814,000
020	FLEET AIR TRAINING	120,868	120,868
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259	52,259
040	AIR OPERATIONS AND SAFETY SUPPORT	121,649	121,649
050	AIR SYSTEMS SUPPORT	485,321	485,321
060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	1,127,774
	Aviation Depot Maintenance		[70,027]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083	32,083
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	3,320,222	3,320,222
090	SHIP OPERATIONS SUPPORT & TRAINING	699,581	699,581
100	SHIP DEPOT MAINTENANCE	4,296,544	4,296,544
110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785	1,170,785
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	601,595	601,595
130	ELECTRONIC WARFARE	86,019	86,019
140	SPACE SYSTEMS AND SURVEILLANCE	167,050	167,050
150	WARFARE TACTICS	407,674	407,674
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228	315,228
170	COMBAT SUPPORT FORCES	758,789	758,789
180	EQUIPMENT MAINTENANCE	186,794	186,794
190	DEPOT OPERATIONS SUPPORT	3,305	3,305
200	COMBATANT COMMANDERS CORE OPERATIONS	167,789	167,789
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	252,188
	Reduction for National Program for Small Unit Excellence		[–7,000]
	WEAPONS SUPPORT		
220	CRUISE MISSILE	131,895	131,895
230	FLEET BALLISTIC MISSILE	1,145,020	1,145,020
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731	64,731
250	WEAPONS MAINTENANCE	448,777	460,777
	Gun depot overhauls		[12,000]
260	OTHER WEAPON SYSTEMS SUPPORT	326,535	326,535

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BASE SUPPORT		
270	ENTERPRISE INFORMATION	1,095,587	1,095,587
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418	1,746,418
290	BASE OPERATING SUPPORT	4,058,046	4,058,046
	TOTAL, BA 01: OPERATING FORCES	**27,141,499**	**27,216,526**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	407,977	407,977
	ACTIVATIONS/INACTIVATIONS		
310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491	7,491
320	SHIP ACTIVATIONS/INACTIVATIONS	192,401	195,401
	Navy Ship Disposal-Carrier Demonstration Program		[3,000]
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	24,546	24,546
340	INDUSTRIAL READINESS	2,409	2,409
350	COAST GUARD SUPPORT	25,727	25,727
	TOTAL, BA 02: MOBILIZATION	**660,551**	**663,551**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
360	OFFICER ACQUISITION	145,027	145,027
370	RECRUIT TRAINING	11,011	11,011
380	RESERVE OFFICERS TRAINING CORPS	127,490	127,490
	BASIC SKILLS AND ADVANCED TRAINING		
390	SPECIALIZED SKILL TRAINING	477,383	477,383
400	FLIGHT TRAINING	1,268,846	1,268,846
410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922	161,922
420	TRAINING SUPPORT	158,685	158,685
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
430	RECRUITING AND ADVERTISING	276,564	277,215
	Navy Sea Cadet Corps		[651]
440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979	154,979
450	CIVILIAN EDUCATION AND TRAINING	101,556	101,556
460	JUNIOR ROTC	49,161	49,161
	TOTAL, BA 03: TRAINING AND RECRUITING	**2,932,624**	**2,933,275**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	768,048	768,048
480	EXTERNAL RELATIONS	6,171	6,171
490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675	114,675
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115	189,365
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
510	OTHER PERSONNEL SUPPORT	298,729	298,729
520	SERVICEWIDE COMMUNICATIONS	408,744	393,744
	Servicewide communications underexecution		[–15,000]
530	MEDICAL ACTIVITIES	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
540	SERVICEWIDE TRANSPORTATION	246,989	246,989
550	ENVIRONMENTAL PROGRAMS	0	0
560	PLANNING, ENGINEERING AND DESIGN	244,337	244,337
570	ACQUISITION AND PROGRAM MANAGEMENT	778,501	778,501
580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223	60,223
590	COMBAT/WEAPONS SYSTEMS	17,328	17,328
600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065	79,065
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	515,989	515,989
	SUPPORT OF OTHER NATIONS		
670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918	5,918

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	CANCELLED ACCOUNTS		
680	CANCELLED ACCOUNT ADJUSTMENTS	0	0
690	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	608,840	608,840
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**4,335,672**	**4,327,922**
	Unobligated balances estimate		–100,000
	Total Operation and Maintenance, Navy	**35,070,346**	**35,041,274**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	730,931	737,931
	Family of shelter and tents		[2,000]
	Flame Resistant Organizational Gear		[1,500]
	Ultra Lightweight Camouflage Net System		[3,500]
020	FIELD LOGISTICS	591,020	591,020
030	DEPOT MAINTENANCE	80,971	80,971
	USMC PREPOSITIONING		
050	MARITIME PREPOSITIONING	72,182	72,182
060	NORWAY PREPOSITIONING	5,090	5,090
	COMBAT OPERATIONS/SUPPORT		
070	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	0	0
	BASE SUPPORT		
080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330	666,330
090	BASE OPERATING SUPPORT	2,250,191	2,250,191
	TOTAL, BA 01: OPERATING FORCES	**4,396,715**	**4,403,715**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
100	RECRUIT TRAINING	16,129	16,129
110	OFFICER ACQUISITION	418	418
	BASIC SKILLS AND ADVANCED TRAINING		
120	SPECIALIZED SKILL TRAINING	67,336	67,336
130	FLIGHT TRAINING	369	369
140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112	28,112
150	TRAINING SUPPORT	330,885	330,885
	RECRUITING AND OTHER TRAINING EDUCATION		
160	RECRUITING AND ADVERTISING	240,832	240,832
170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254	64,254
180	JUNIOR ROTC	19,305	19,305
	BASE SUPPORT		
190	SUSTAINMENT, RESTORATION AND MODERNIZATION	0	0
200	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 03: TRAINING AND RECRUITING	**767,640**	**767,640**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	299,065	299,065
220	SERVICEWIDE TRANSPORTATION	28,924	28,924
230	ADMINISTRATION	43,879	43,879
	BASE SUPPORT		
240	SUSTAINMENT, RESTORATION, AND MODERNIZATION	0	0
250	BASE OPERATING SUPPORT	0	0

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**371,868**	**371,868**
	Total Operation and Maintenance, Marine Corps	**5,536,223**	**5,543,223**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	4,017,156	4,017,156
020	COMBAT ENHANCEMENT FORCES	2,754,563	2,754,563
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913	1,416,413
	Air Education and Training Command Range Improvements		[1,500]
050	DEPOT MAINTENANCE	2,389,738	2,389,738
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,420,083	1,420,083
070	BASE SUPPORT	2,859,943	2,860,183
	Wage Modification for US Azores Portugese National Employees		[240]
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	1,411,813	1,411,813
090	OTHER COMBAT OPS SPT PROGRAMS	880,353	880,353
110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	552,148
	SPACE OPERATIONS		
120	LAUNCH FACILITIES	356,367	356,367
130	SPACE CONTROL SYSTEMS	725,646	725,646
	COCOM		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796	608,796
150	COMBATANT COMMANDERS CORE OPERATIONS	216,073	216,073
	TOTAL, BA 01: OPERATING FORCES	**19,607,592**	**19,609,332**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
160	AIRLIFT OPERATIONS	2,932,080	2,934,080
	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements		[2,000]
170	MOBILIZATION PREPAREDNESS	211,858	211,858
180	DEPOT MAINTENANCE	332,226	332,226
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	362,954	362,954
200	BASE SUPPORT	657,830	657,830
	TOTAL, BA 02: MOBILIZATION	**4,496,948**	**4,498,948**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	120,870	120,870
220	RECRUIT TRAINING	18,135	18,135
230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414	88,414
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	372,788	372,788
250	BASE SUPPORT	685,029	685,029
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	514,048	514,048
270	FLIGHT TRAINING	833,005	833,005
280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676	215,676
290	TRAINING SUPPORT	118,877	118,877
300	DEPOT MAINTENANCE	576	576
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
320	RECRUITING AND ADVERTISING	152,983	152,983
330	EXAMINING	5,584	5,584
340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198	188,198
350	CIVILIAN EDUCATION AND TRAINING	174,151	174,151
360	JUNIOR ROTC	67,549	67,549
	TOTAL, BA 03: TRAINING AND RECRUITING	**3,555,883**	**3,555,883**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	LOGISTICS OPERATIONS		
370	LOGISTICS OPERATIONS	1,055,672	1,055,672
380	TECHNICAL SUPPORT ACTIVITIES	735,036	735,036
400	DEPOT MAINTENANCE	15,411	15,411
410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	359,562	359,562
420	BASE SUPPORT	1,410,097	1,410,097
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	646,080	643,330
	Servicewide administration		[–10,000]
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
440	SERVICEWIDE COMMUNICATIONS	581,951	581,951
450	OTHER SERVICEWIDE ACTIVITIES	1,062,803	1,062,803
460	CIVIL AIR PATROL	22,433	22,433
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	1,148,704	1,148,704
	SUPPORT TO OTHER NATIONS		
480	INTERNATIONAL SUPPORT	49,987	49,987
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,087,736**	**7,084,986**
	USAF Civilian Underexecution		–50,000
	Unobligated Balances Estimate		–172,000
	Total Operation and Maintenance, Air Force	**34,748,159**	**34,527,149**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	457,169	457,169
020	SPECIAL OPERATIONS COMMAND	3,611,492	3,612,992
	Special Operations Forces Modular Glove System		[1,500]
	TOTAL, BUDGET ACTIVITY 1:	**4,068,661**	**4,070,161**
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		
	DEFENSE-WIDE ACTIVITIES		
030	DEFENSE ACQUISITION UNIVERSITY	115,497	115,497
	RECRUITING AND OTHER TRAINING EDUCATION		
040	NATIONAL DEFENSE UNIVERSITY	103,408	103,408
	TOTAL, BUDGET ACTIVITY 3:	**218,905**	**218,905**
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	DEFENSE-WIDE ACTIVITIES		
050	AMERICAN FORCES INFORMATION SERVICE	0	0
060	CIVIL MILITARY PROGRAMS	132,231	152,231
	National Guard Youth Challenge Program		[5,000]
	Junior ROTC		[15,000]
080	CLASSIFIED AND INTELLIGENCE	0	0
090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579	117,829
	DIMHRS Transfer to Services (Army, Navy and Air Force)		[–21,750]
100	DEFENSE CONTRACT AUDIT AGENCY	458,316	458,316
110	DEFENSE FINANCE AND ACCOUNTING SERVICE	0	0
120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743	665,743
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163	1,322,163
150	DEFENSE LEGAL SERVICES	42,532	42,532
160	DEFENSE LOGISTICS AGENCY	405,873	414,873
	Procurement and Technical Assistance Program		[9,000]
170	DEFENSE MEDIA ACTIVITY	253,667	253,667
180	DEFENSE POW/MIA OFFICE	20,679	20,679
190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325	34,325
200	DEFENSE THREAT REDUCTION AGENCY	385,453	385,453
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	2,305,516

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SoAR Recruiting Initiative		[3,400]
220	*DEFENSE CONTRACT MANAGEMENT AGENCY*	1,058,721	1,058,721
230	*DEFENSE SECURITY COOPERATION AGENCY*	721,756	621,756
	Security and Stabilization (1207)		[–100,000]
240	*DEFENSE SECURITY SERVICE*	497,857	497,857
	NATIONAL GUARD BORDER SECURITY	0	0
260	*OFFICE OF ECONOMIC ADJUSTMENT*	37,166	38,166
	Redevelopment of Naval Station Ingleside		[1,000]
270	*OFFICE OF THE SECRETARY OF DEFENSE*	1,955,985	1,977,985
	Readiness and Environmental Protection Initiative		[20,000]
	Critical Language Training		[2,000]
280	*WASHINGTON HEADQUARTERS SERVICE*	589,309	589,309
	OTHER PROGRAMS		
999	*OTHER PROGRAMS*	13,046,209	13,046,209
	TOTAL, BUDGET ACTIVITY 4:	**24,069,680**	**24,003,330**
	Impact Aid		30,000
	Impact aid for children with severe disabilities		5,000
	Total Operation and Maintenance, Defense-Wide	**28,357,246**	**28,327,396**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	*MANEUVER UNITS*	1,403	1,403
020	*MODULAR SUPPORT BRIGADES*	12,707	12,707
030	*ECHELONS ABOVE BRIGADE*	468,288	468,288
040	*THEATER LEVEL ASSETS*	152,439	152,439
050	*LAND FORCES OPERATIONS SUPPORT*	520,420	520,420
060	*AVIATION ASSETS*	61,063	61,063
	LAND FORCES READINESS		
070	*FORCE READINESS OPERATIONS SUPPORT*	290,443	290,443
080	*LAND FORCES SYSTEMS READINESS*	106,569	106,569
090	*LAND FORCES DEPOT MAINTENANCE*	94,499	94,499
	LAND FORCES READINESS SUPPORT		
100	*BASE OPERATIONS SUPPORT*	522,310	522,310
110	*FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION*	234,748	234,748
120	*ADDITIONAL ACTIVITIES*	0	0
	TOTAL, BA 01: OPERATING FORCES	**2,464,889**	**2,464,889**
	LOGISTICS OPERATIONS		
130	*SERVICEWIDE TRANSPORTATION*	9,291	9,291
	SERVICEWIDE SUPPORT		
140	*ADMINISTRATION*	72,075	72,075
150	*SERVICEWIDE COMMUNICATIONS*	3,635	3,635
160	*MANPOWER MANAGEMENT*	9,104	9,104
170	*RECRUITING AND ADVERTISING*	61,202	61,202
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**155,307**	**155,307**
	Total Operation and Maintenance, Army Reserve	**2,620,196**	**2,620,196**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	*MISSION AND OTHER FLIGHT OPERATIONS*	570,319	570,319
020	*INTERMEDIATE MAINTENANCE*	16,596	16,596
030	*AIR OPERATIONS AND SAFETY SUPPORT*	3,171	3,171
040	*AIRCRAFT DEPOT MAINTENANCE*	125,004	125,004

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397	397
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	55,873	55,873
070	SHIP OPERATIONS SUPPORT & TRAINING	592	592
080	SHIP DEPOT MAINTENANCE	41,899	41,899
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	15,241	15,241
100	COMBAT SUPPORT FORCES	142,924	142,924
	WEAPONS SUPPORT		
110	WEAPONS MAINTENANCE	5,494	5,494
	BASE SUPPORT		
120	ENTERPRISE INFORMATION	83,611	83,611
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853	69,853
140	BASE OPERATING SUPPORT	124,757	124,757
	TOTAL, BA 01: OPERATING FORCES	**1,255,731**	**1,255,731**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
150	ADMINISTRATION	3,323	3,323
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897	13,897
170	SERVICEWIDE COMMUNICATIONS	1,957	1,957
180	OTHER SERVICEWIDE POWER	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
190	ACQUISITION AND PROGRAM MANAGEMENT	3,593	3,593
	CANCELLED ACCOUNTS		
200	CANCELLED ACCOUNT ADJUSTMENTS	0	0
210	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**22,770**	**22,770**
	Total Operation and Maintenance, Navy Reserve	**1,278,501**	**1,278,501**
	Operation and Maintenance, Marine Corps Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	61,117	61,117
020	DEPOT MAINTENANCE	13,217	13,217
030	TRAINING SUPPORT	29,373	29,373
	BASE SUPPORT		
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466	25,466
050	BASE OPERATING SUPPORT	73,899	73,899
	TOTAL, BA 01: OPERATING FORCES	**203,072**	**203,072**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	SPECIAL SUPPORT	5,639	5,639
070	SERVICEWIDE TRANSPORTATION	818	818
080	ADMINISTRATION	10,642	10,642
090	RECRUITING AND ADVERTISING	8,754	8,754
	BASE SUPPORT		
100	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**25,853**	**25,853**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Total Operation and Maintenance, Marine Corps Reserve	**228,925**	**228,925**
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	*PRIMARY COMBAT FORCES*	2,049,303	2,049,303
020	*MISSION SUPPORT OPERATIONS*	121,417	121,417
030	*DEPOT MAINTENANCE*	441,958	441,958
040	*FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION*	78,763	78,763
050	*BASE SUPPORT*	258,091	258,091
	TOTAL, BA 01: OPERATING FORCES	**2,949,532**	**2,949,532**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	*ADMINISTRATION*	77,476	77,476
070	*RECRUITING AND ADVERTISING*	24,553	24,553
080	*MILITARY MANPOWER AND PERS MGMT (ARPC)*	20,838	20,838
090	*OTHER PERS SUPPORT (DISABILITY COMP)*	6,121	6,121
100	*AUDIOVISUAL*	708	708
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**129,696**	**129,696**
	Total Operation and Maintenance, Air Force Reserve	**3,079,228**	**3,079,228**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	*MANEUVER UNITS*	876,269	876,269
020	*MODULAR SUPPORT BRIGADES*	173,843	173,843
030	*ECHELONS ABOVE BRIGADE*	615,160	615,160
040	*THEATER LEVEL ASSETS*	253,997	253,997
050	*LAND FORCES OPERATIONS SUPPORT*	34,441	34,441
060	*AVIATION ASSETS*	819,031	821,281
	Joint Command Vehicle and Supporting C3 Systems		[2,250]
	LAND FORCES READINESS		
070	*FORCE READINESS OPERATIONS SUPPORT*	436,799	436,799
080	*LAND FORCES SYSTEMS READINESS*	99,757	99,757
090	*LAND FORCES DEPOT MAINTENANCE*	379,646	379,646
	LAND FORCES READINESS SUPPORT		
100	*BASE OPERATIONS SUPPORT*	798,343	800,943
	North Carolina National Guard Family Assistance Centers		[1,600]
	Our Military Kids		[1,000]
110	*FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION*	580,171	580,471
	Camp Ethan Allen Training Site Road Equipment		[300]
120	*MANAGEMENT AND OPERATIONAL HQ*	573,452	573,452
130	*ADDITIONAL ACTIVITIES*	0	0
	TOTAL, BA 01: OPERATING FORCES	**5,640,909**	**5,646,059**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
140	*ADMINISTRATION*	119,186	119,186
150	*SERVICEWIDE COMMUNICATIONS*	48,020	48,020
160	*MANPOWER MANAGEMENT*	7,920	7,920
170	*RECRUITING AND ADVERTISING*	440,999	440,999
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**616,125**	**616,125**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Total Operation and Maintenance, Army National Guard	**6,257,034**	**6,262,184**
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	3,347,685	3,347,685
020	MISSION SUPPORT OPERATIONS	779,917	779,917
030	DEPOT MAINTENANCE	780,347	780,347
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	302,949	302,949
050	BASE SUPPORT	606,916	606,916
	TOTAL, BA 01: OPERATING FORCES	**5,817,814**	**5,817,814**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	35,174	35,174
070	RECRUITING AND ADVERTISING	32,773	32,773
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**67,947**	**67,947**
	Total Operation and Maintenance, Air National Guard	**5,885,761**	**5,885,761**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,932	13,932
010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000	100,000
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869	109,869
010	COOPERATIVE THREAT REDUCTION	404,093	424,093
	Program increase		[20,000]
020	ENVIRONMENTAL RESTORATION, ARMY	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	0
	Program decrease		[–5,000]
080	IRAQ FREEDOM FUND	0	0
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,107,703**	**2,122,703**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**156,444,204**	**156,179,872**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES READINESS SUPPORT		
140	ADDITIONAL ACTIVITIES	36,330,899	36,330,899
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	1,300,000
	Program reduction		[–200,000]
160	RESET	7,867,551	7,867,551
	TOTAL, BA 01: OPERATING FORCES	**45,698,450**	**45,498,450**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,426,309	1,426,309
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	5,045,902	5,045,902

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**6,472,211**	**6,472,211**
	Army end strength budget amendment		*[196,100]*
	Total Operation and Maintenance, Army	**52,170,661**	**52,166,761**
	Operation and Maintenance, Navy		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398	1,138,398
020	FLEET AIR TRAINING	2,640	2,640
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212	1,212
040	AIR OPERATIONS AND SAFETY SUPPORT	26,815	26,815
050	AIR SYSTEMS SUPPORT	44,532	44,532
060	AIRCRAFT DEPOT MAINTENANCE	158,559	158,559
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	651,209	651,209
090	SHIP OPERATIONS SUPPORT & TRAINING	22,489	22,489
100	SHIP DEPOT MAINTENANCE	1,001,037	1,001,037
	Transfer to base		
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	20,704	20,704
150	WARFARE TACTICS	15,918	15,918
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889	16,889
170	COMBAT SUPPORT FORCES	1,891,799	1,891,799
180	EQUIPMENT MAINTENANCE	306	306
200	COMBATANT COMMANDERS CORE OPERATIONS	6,929	6,929
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344	7,344
	WEAPONS SUPPORT		
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759	68,759
250	WEAPONS MAINTENANCE	82,496	82,496
260	OTHER WEAPON SYSTEMS SUPPORT	16,902	16,902
	BASE SUPPORT		
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629	7,629
290	BASE OPERATING SUPPORT	338,604	338,604
	TOTAL, BA 01: OPERATING FORCES	**5,521,170**	**5,521,170**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	27,290	27,290
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	4,336	4,336
350	COAST GUARD SUPPORT	245,039	245,039
	TOTAL, BA 02: MOBILIZATION	**276,665**	**276,665**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	BASIC SKILLS AND ADVANCED TRAINING		
390	SPECIALIZED SKILL TRAINING	97,995	97,995
420	TRAINING SUPPORT	5,463	5,463
	TOTAL, BA 03: TRAINING AND RECRUITING	**103,458**	**103,458**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	3,899	3,899
480	EXTERNAL RELATIONS	463	463
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563	563
510	OTHER PERSONNEL SUPPORT	2,525	2,525
520	SERVICEWIDE COMMUNICATIONS	23,557	23,557
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
540	SERVICEWIDE TRANSPORTATION	223,890	223,890
570	ACQUISITION AND PROGRAM MANAGEMENT	642	642
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	37,452	37,452
	OTHER PROGRAMS		
999	OTHER PROGRAMS	25,299	25,299
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**318,290**	**318,290**
	Total Operation and Maintenance, Navy	**6,219,583**	**6,219,583**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	2,048,844	2,048,844
020	FIELD LOGISTICS	486,014	486,014
030	DEPOT MAINTENANCE	554,000	554,000
	USMC PREPOSITIONING		
060	NORWAY PREPOSITIONING	950	950
	BASE SUPPORT		
090	BASE OPERATING SUPPORT	121,700	121,700
	TOTAL, BA 01: OPERATING FORCES	**3,211,508**	**3,211,508**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	BASIC SKILLS AND ADVANCED TRAINING		
120	SPECIALIZED SKILL TRAINING	6,303	6,303
140	PROFESSIONAL DEVELOPMENT EDUCATION	923	923
150	TRAINING SUPPORT	205,625	205,625
	TOTAL, BA 03: TRAINING AND RECRUITING	**212,851**	**212,851**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	2,576	2,576
220	SERVICEWIDE TRANSPORTATION	269,415	269,415
230	ADMINISTRATION	5,250	5,250
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**277,241**	**277,241**
	Total Operation and Maintenance, Marine Corps	**3,701,600**	**3,701,600**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	1,582,431	1,582,431
020	COMBAT ENHANCEMENT FORCES	1,460,018	1,460,018
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255	109,255
050	DEPOT MAINTENANCE	304,540	304,540
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	121,881	121,881
070	BASE SUPPORT	1,394,809	1,394,809
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	130,885	130,885
090	OTHER COMBAT OPS SPT PROGRAMS	407,554	407,554
	SPACE OPERATIONS		
130	SPACE CONTROL SYSTEMS	38,677	38,677

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	COCOM		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000	157,000
	TOTAL, BA 01: OPERATING FORCES	**5,707,050**	**5,707,050**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
160	AIRLIFT OPERATIONS	3,171,148	3,171,148
170	MOBILIZATION PREPAREDNESS	169,659	169,659
180	DEPOT MAINTENANCE	167,070	167,070
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	942	942
200	BASE SUPPORT	45,998	45,998
	TOTAL, BA 02: MOBILIZATION	**3,554,817**	**3,554,817**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,019	1,019
250	BASE SUPPORT	19,361	19,361
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	48,442	48,442
270	FLIGHT TRAINING	291	291
280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
290	TRAINING SUPPORT	1,427	1,427
	TOTAL, BA 03: TRAINING AND RECRUITING	**72,040**	**72,040**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	LOGISTICS OPERATIONS		
370	LOGISTICS OPERATIONS	328,009	328,009
420	BASE SUPPORT	35,322	35,322
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	9,000	9,000
440	SERVICEWIDE COMMUNICATIONS	178,470	178,470
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	142,160	142,160
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**692,961**	**692,961**
	Total Operation and Maintenance, Air Force	**10,026,868**	**10,026,868**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	25,000	25,000
020	SPECIAL OPERATIONS COMMAND	2,519,935	2,519,935
	TOTAL, BUDGET ACTIVITY 1:	**2,544,935**	**2,544,935**
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	DEFENSE-WIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,908	13,908
130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117	245,117
150	DEFENSE LEGAL SERVICES	115,000	115,000
170	DEFENSE MEDIA ACTIVITY	13,364	13,364
200	DEFENSE THREAT REDUCTION AGENCY	2,018	2,018
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600	553,600
220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130	63,130
230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000	1,950,000
270	OFFICE OF THE SECRETARY OF DEFENSE	79,047	79,047

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	OTHER PROGRAMS		
999	OTHER PROGRAMS	1,998,181	1,998,181
	TOTAL, BUDGET ACTIVITY 4:	**5,033,365**	**5,033,365**
	Army end strength budget amendment		5,100
	Total Operation and Maintenance, Defense-Wide	**7,578,300**	**7,583,400**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
030	ECHELONS ABOVE BRIGADE	86,881	86,881
050	LAND FORCES OPERATIONS SUPPORT	40,675	40,675
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	21,270	21,270
080	LAND FORCES SYSTEMS READINESS	17,500	17,500
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	38,000	38,000
	TOTAL, BA 01: OPERATING FORCES	**204,326**	**204,326**
	Total Operation and Maintenance, Army Reserve	**204,326**	**204,326**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	26,673	26,673
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	3,600	3,600
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	7,416	7,416
080	SHIP DEPOT MAINTENANCE	8,917	8,917
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	3,147	3,147
100	COMBAT SUPPORT FORCES	13,428	13,428
	BASE SUPPORT		
140	BASE OPERATING SUPPORT	4,478	4,478
	TOTAL, BA 01: OPERATING FORCES	**68,059**	**68,059**
	Total Operation and Maintenance, Navy Reserve	**68,059**	**68,059**
	Operation and Maintenance, Marine Corps Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	77,849	77,849
	BASE SUPPORT		
050	BASE OPERATING SUPPORT	8,818	8,818
	TOTAL, BA 01: OPERATING FORCES	**86,667**	**86,667**
	Total Operation and Maintenance, Marine Corps Reserve	**86,667**	**86,667**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	3,618	3,618
020	MISSION SUPPORT OPERATIONS	7,276	7,276
030	DEPOT MAINTENANCE	114,531	114,531
050	BASE SUPPORT	500	500
	TOTAL, BA 01: OPERATING FORCES	**125,925**	**125,925**
	Total Operation and Maintenance, Air Force Reserve	**125,925**	**125,925**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	89,666	89,666
020	MODULAR SUPPORT BRIGADES	1,196	1,196
030	ECHELONS ABOVE BRIGADE	18,360	18,360
040	THEATER LEVEL ASSETS	380	380
060	AVIATION ASSETS	59,357	59,357
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	94,458	94,458
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	22,536	22,536
120	MANAGEMENT AND OPERATIONAL HQ	35,693	35,693
	TOTAL, BA 01: OPERATING FORCES	**321,646**	**321,646**
	Total Operation and Maintenance, Army National Guard	**321,646**	**321,646**
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	103,259	103,259
020	MISSION SUPPORT OPERATIONS	51,300	51,300
030	DEPOT MAINTENANCE	135,303	135,303
	TOTAL, BA 01: OPERATING FORCES	**289,862**	**289,862**
	Total Operation and Maintenance, Air National Guard	**289,862**	**289,862**
	Afghanistan Security Forces Fund		
010	INFRASTRUCTURE	868,320	868,320
020	EQUIPMENT AND TRANSPORTATION	1,615,192	1,615,192
030	TRAINING AND OPERATIONS	272,998	272,998
040	SUSTAINMENT	1,945,887	1,945,887
060	INFRASTRUCTURE	605,584	605,584
070	EQUIPMENT AND TRANSPORTATION	279,186	279,186
080	TRAINING AND OPERATIONS	648,217	648,217
090	SUSTAINMENT	1,219,966	1,219,966
120	SUSTAINMENT	5,919	5,919
130	TRAINING AND OPERATIONS	1,500	1,500

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	TOTAL, Afghanistan Security Forces Fund	**7,462,769**	**7,462,769**
	Pakistan Counterinsurgency Capability Fund		
	INFRASTRUCTURE	41,970	0
	Realigned from Defense to International Affairs		[–41,970]
	EQUIPMENT/TRANSPORTATION	397,907	0
	Realigned from Defense to International Affairs		[–397,907]
	TRAINING AND OPERATIONS	67,953	0
	Realigned from Defense to International Affairs		[–67,953]
	INFRASTRUCTURE	73,000	0
	Realigned from Defense to International Affairs		[–73,000]
	EQUIPMENT/TRANSPORTATION	107,000	0
	Realigned from Defense to International Affairs		[–107,000]
	TRAINING AND OPERATIONS	8,170	0
	Realigned from Defense to International Affairs		[–8,170]
	HUMANITARIAN ASSISTANCE	4,000	0
	Realigned from Defense to International Affairs		[–4,000]
	TOTAL, Pakistan Counterinsurgency Capability Fund	**700,000**	**0**
	MISCELLANEOUS APPROPRIATIONS		
080	IRAQ FREEDOM FUND	115,300	0
	Program reduction		[–115,300]
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**115,300**	**0**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**89,071,566**	**88,257,466**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
REVOLVING AND MANAGEMENT FUNDS		
DEFENSE WORKING CAPITAL FUNDS		
DEFENSE WORKING CAPITAL FUNDS	141,388	141,388
DEFENSE COMMISSARY AGENCY	1,313,616	1,313,616
Total, Defense Working Capital Funds	**1,455,004**	**1,455,004**
NATIONAL DEFENSE SEALIFT FUND		
Strategic Ship Acquisition		
T–AKE	940,115	940,115
MLP	120,047	120,047
OUTFITTING AND POST DELIVERY	29,740	29,740
DoD Mobilization Assets		
NATIONAL DEFENSE SEALIFT VESSEL	1,438	1,438
LMSR MAINTENANCE	96,363	96,363
DOD MOBILIZATION ALTERATIONS	64,167	64,167
T–AH MAINTENANCE	37,627	37,627
Strategic Sealift Support		
STRATEGIC SEALIFT SUPPORT	4,794	4,794
Sealift Research and Development		
RESEARCH AND DEVELOPMENT	72,983	72,983
Ready Reserve Force		
READY RESERVE FORCE	275,484	275,484
Total, National Defense Sealift Fund	**1,642,758**	**1,642,758**
DEFENSE COALITION SUPPORT FUND		
DEFENSE COALITION SUPPORT FUND	22,000	0
Total Revolving and Management Funds	**3,119,762**	**3,097,762**
MILITARY PROGRAMS		

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
DEFENSE HEALTH PROGRAM		
DEFENSE HEALTH PROGRAM—O&M	26,967,919	27,094,849
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]
Transitional Dental Care (S712)		[11,000]
Pre-mobilization health care coverage for Reservists and their families		[92,000]
Madigan Medical Center Trauma Assistance Program		[2,500]
Fort Drum Regional Health Planning Organization		[430]
Extend Dental Coverage to Dependent Survivors		[2,000]
Chiropractic Clinical Trials		[5,000]
TRICARE Coverage for Gray-Area Retirees		[10,000]
DEFENSE HEALTH PROGRAM—R&D	613,102	616,102
USUHS Immersive, Wide Area Virtual Environment		[3,000]
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142	322,142
Total Defense Health Program	**27,903,163**	**28,033,093**
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	1,146,802	1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269	401,269
CHEM DEMILITARIZATION—PROC	12,689	12,689
Total Chemical Agents and Munitions Destruction	**1,560,760**	**1,560,760**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,058,984	1,054,234
EUCOM Interagency Fusion Centers (PC2365)		[–750]
PC9205 EUCOM CN Operation Support—excessive growth		[–2,000]
PC9206 AFRICOM CN Operational Support—excessive growth		[–2,000]
Total Drug Interdiction and Counter-Drug Activities	**1,058,984**	**1,054,234**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	287,100
Second year growth plan		[15,656]
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000
Total Office of the Inspector General	**272,444**	**288,100**
TOTAL OTHER AUTHORIZATIONS	**33,915,113**	**34,033,949**
Memorandum: Civil Program (non-defense)		
Armed Forces Retirement Home (Budget Function 600)	134,000	134,000

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
REVOLVING AND MANAGEMENT FUNDS		
DEFENSE WORKING CAPITAL FUNDS		
DEFENSE WORKING CAPITAL FUNDS	396,915	396,915
Total, Defense Working Capital Funds	**396,915**	**396,915**
Total Revolving and Management Funds	**396,915**	**396,915**
MILITARY PROGRAMS		
DEFENSE HEALTH PROGRAM		
DEFENSE HEALTH PROGRAM—O&M	1,155,235	1,256,675
Army end strength budget amendment		[101,440]
Total Defense Health Program	**1,155,235**	**1,256,675**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603	356,603
International Support—US CENTCOM CN Training—Mi–17 Procurement		[32,000]
Total Drug Interdiction and Counter-Drug Activities	**324,603**	**356,603**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876	8,876
Total Office of the Inspector General	**8,876**	**8,876**
TOTAL OTHER AUTHORIZATIONS	**1,885,629**	**2,019,069**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Alabama			
Army	*Anniston Army Depot*	*Industrial Area Elec System Upgrade*		*3,300*
ARNG	*Fort McClellan*	*Urban Assault Course*	*3,000*	*3,000*
Army	*Redstone Arsenal*	*Gate 7 Access Control Point*		*3,550*
Def-Wide	*Redstone Arsenal*	*Missile and Space Intel Center Eoe Complex*		*12,000*
	Alaska			
Air Force	*Clear AFS*	*Power Plant Facility*	*24,300*	*24,300*
Air Force	*Eielson AFB*	*Arctic Utilidors—phase 1*		*9,900*
Air Force	*Eielson AFB*	*Taxiway Lighting*		*3,450*
Air Force	*Elmendorf AFB*	*Red Flag Alaska Add/Alter Operations Center*	*3,100*	*3,100*
Air Force	*Elmendorf AFB*	*F–22 Weapons Load Training Facility*	*12,600*	*12,600*
Def-Wide	*Elmendorf AFB*	*Aeromedical Services/Mental Health Clinic*	*25,017*	*25,017*
Army	*Fort Richardson*	*Airborne Sustainment Training Complex*	*6,100*	*6,100*
Army	*Fort Richardson*	*Training Aids Center*	*2,050*	*2,050*
Army	*Fort Richardson*	*Warrior In Transition Complex*	*43,000*	*43,000*
Army	*Fort Richardson*	*Combat Pistol Range*		*4,900*
Def-Wide	*Fort Richardson*	*Health Clinic*	*3,518*	*3,518*
Army	*Fort Wainwright*	*Railhead Complex*	*26,000*	*26,000*
Army	*Fort Wainwright*	*Aviation Unit Operations Complex*	*19,000*	*19,000*
Army	*Fort Wainwright*	*Aviation Task Force Complex, Ph 1, Inc 1*	*125,000*	*95,000*
Army	*Fort Wainwright*	*Warrior In Transition Complex*	*28,000*	*28,000*
	Arizona			
ARNG	*Camp Navajo*	*Combat Pistol Qualification Course*	*3,000*	*3,000*
Air_Guard	*Davis-Monthan AFB*	*TFI-Predator Beddown-FOC*	*5,600*	*5,600*
Air Force	*Davis-Monthan AFB*	*Dormitory (144 Rm)*	*20,000*	*20,000*
Air Force	*Davis-Monthan AFB*	*CSAR HC–130J Simulator Facility*	*8,400*	*8,400*
Air Force	*Davis-Monthan AFB*	*CSAR HC–130J Rqs Operations Facility*	*8,700*	*8,700*
Air Force	*Davis-Monthan AFB*	*CSAR HC–130J Infrastructure*	*4,800*	*4,800*
Army	*Fort Huachuca*	*UAV ER/MPER/MP*	*15,000*	*15,000*
Army	*Fort Huachuca*	*Battalion Headquarters UAV*	*6,000*	*6,000*
Army	*Fort Huachuca*	*Fire Station, Two company*		*6,700*
Milcon, Naval Res	*Phoenix*	*Reserve Center Move To Luke AFB, NOSC Phoenix*	*10,986*	*10,986*
Navy	*Yuma*	*Aircraft Maintenance Hanger (phase 1)*	*27,050*	*27,050*
Navy	*Yuma*	*Airfield Elec. Dist. and Contol*	*1,720*	*1,720*
	Arkansas			
Air Force	*Little Rock AFB*	*C–130 Flight Simulator Addition*	*5,800*	*5,800*
Air Force	*Little Rock AFB*	*Security Forces Operations Facility*		*10,400*
Army	*Pine Bluff Arsenal*	*Fuse & Detonator Magazine, Depot Level*	*25,000*	*25,000*
	California			
Milcon, Naval Res	*Alameda*	*Reserve Training Center—Alameda, Ca*	*5,960*	*5,960*
Navy	*Bridgeport*	*Fire Station—Renovation—MWTC*	*4,460*	*4,460*
Navy	*Bridgeport*	*Mountain Warfare Training, Commissary*		*6,830*
Navy	*Camp Pendleton*	*Anglico Operations Complex*	*25,190*	*25,190*
Navy	*Camp Pendleton*	*Recon Bn Operations Complex*	*77,660*	*77,660*
Navy	*Camp Pendleton*	*Comm/elec Maintenance Facility*	*13,170*	*13,170*
Navy	*Camp Pendleton*	*Expansion Of SRTTP To 7.5 MGD*	*55,180*	*55,180*
Navy	*Camp Pendleton*	*North Region Tertiary Treatment Plant (Incr 1)*	*142,330*	*112,330*
Navy	*Camp Pendleton*	*Gas/Electrical Upgrades*	*51,040*	*51,040*
Navy	*Camp Pendleton*	*Recruit Barracks—School of Infantry*	*53,320*	*53,320*
Navy	*Camp Pendleton*	*Enlisted Dining Facility*	*32,300*	*32,300*
Navy	*Camp Pendleton*	*Recruit Barracks—field/K–span*	*23,200*	*23,200*
Navy	*Camp Pendleton*	*Communications Upgrades*	*79,492*	*79,492*
Navy	*Camp Pendleton*	*Electrical Distribution System*	*76,950*	*76,950*
Navy	*Camp Pendleton*	*Operations Access Points*	*12,740*	*12,740*
Navy	*Camp Pendleton*	*Enlisted Dining Facility—Edson Range*	*37,670*	*37,670*
Navy	*Camp Pendleton*	*BEQ*	*39,610*	*39,610*
Navy	*Camp Pendleton*	*Recruit Marksmanship Training Facility*	*13,730*	*13,730*
Navy	*Camp Pendleton*	*Expand Combat Aircraft Loading Apron*	*12,240*	*12,240*
Navy	*Camp Pendleton*	*Aviation Transmitter/Receiver Site*	*13,560*	*13,560*
Navy	*Camp Pendleton*	*WFTBN Support Facilities*	*15,780*	*15,780*
USAR	*Camp Pendleton*	*Army Reserve Center*	*19,500*	*19,500*
Def-Wide	*Coronado*	*SOF Close Quarters Combat Training Facility*	*15,722*	*15,722*
Navy	*Edwards AFB*	*Edwards Ramp Extension*	*3,007*	*3,007*
Def-Wide	*El Centro*	*Aircraft Direct Fueling Station*	*11,000*	*11,000*
Army	*Fort Irwin*	*Mout Assault Course, Ph 4*	*9,500*	*9,500*
Air_Guard	*Fresno Yosemite IAP ANG*	*144th Squadron Operations Facility*		*9,800*
ARNG	*Los Alamitos*	*Readiness Center Ph1*	*31,000*	*31,000*
USAR	*Los Angeles*	*Army Reserve Center*	*29,000*	*29,000*
Air Force	*Los Angeles AFB*	*Consolidated Parking Area, Ph1*		*8,000*
AF Reserve	*March ARB*	*Small Arms Firing Range*		*9,800*
Navy	*Miramar*	*Aircraft Parking Apron Modification*	*9,280*	*9,280*
Navy	*Monterey NSA*	*Marine Meteorology Center*		*10,240*
Def-Wide	*Point Loma Annex*	*Replace Fuel Storage Fac Incr 2*	*92,300*	*92,300*
Navy	*Point Loma Annex*	*Alter/Add Marine Mammal Surgical Center*		*2,330*
Navy	*Point Loma Annex*	*Public Works Shops Consolidation*	*8,730*	*8,730*
Navy	*San Diego*	*Messhall Expansion*	*23,590*	*23,590*
Air_Guard	*Socal Logistics Airport*	*TFI-Predator Beddown—FTU/LRE Site*	*8,400*	*8,400*
Air Force	*Travis AFB*	*Construct Kc–10 Cargo Load Training Facility*	*6,900*	*6,900*

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Air Force	Travis AFB	Taxiway M Bypass Load		6,000
Def-Wide	Travis AFB	Replace Fuel Distribution System	15,357	15,357
Navy	Twentynine Palms	Station Comm Facility and Infrastructure	49,040	49,040
Navy	Twentynine Palms	Sub-Station and Electrical Upgrades	31,310	31,310
Navy	Twentynine Palms	Elec. Infra. Upgrade—34.5kv To 115kv	46,220	46,220
Navy	Twentynine Palms	Elec. Power Plant/CO—GEN/Gas Turbine—n	53,260	53,260
Navy	Twentynine Palms	Water Improvements and Storage Tank	30,610	30,610
Navy	Twentynine Palms	Sewage System Imp. and Lift Station	5,800	5,800
Navy	Twentynine Palms	HTHW/chilled Water System	25,790	25,790
Navy	Twentynine Palms	Natural Gas System Extension	19,990	19,990
Navy	Twentynine Palms	Industrial Waste Water Pretreatment Sys.	3,330	3,330
Navy	Twentynine Palms	Laydown Site Work—north mainside	21,740	21,740
Navy	Twentynine Palms	Secondary elec.dist.—north mainside	31,720	31,720
Navy	Twentynine Palms	Construct Loads—north mainside	29,360	29,360
Navy	Twentynine Palms	Maint. Shop—wheeled	16,040	16,040
Navy	Twentynine Palms	Maint. Sunshades— wheeled	12,580	12,580
Navy	Twentynine Palms	Comm/Elect Maint/Storage	12,660	12,660
Navy	Twentynine Palms	Dining Facility—north mainside	17,200	17,200
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Maint. Shop—tracked	19,780	19,780
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Consolidated Armory— tanks	12,670	12,670
Air Force	Vandenberg AFB	Child Development Center	13,000	13,000
	Colorado			
Air_Guard	Buckley Ang Base	Add/Alter Weapons Release		4,500
USAR	Colorado Springs	Army Reserve Center/land	13,000	13,000
Army	Fort Carson	Training Aids Center	18,500	18,500
Army	Fort Carson	Brigade Complex	69,000	69,000
Army	Fort Carson	Brigade Complex, Ph 1	102,000	
Army	Fort Carson	Railroad Tracks	14,000	14,000
Army	Fort Carson	Warrior In Transition (WT) Complex	56,000	56,000
Army	Fort Carson	Automated Qualification Training Range	11,000	11,000
Army	Fort Carson	Modified Record Fire Range	4,450	4,450
Army	Fort Carson	Automated Multipurpose Machine Gun Range	7,400	7,400
Army	Fort Carson	Scout/recce Gunnery Complex	16,000	16,000
Army	Fort Carson	Urban Assault Course	3,100	3,100
Army	Fort Carson	Convoy Live Fire Range	6,500	6,500
Army	Fort Carson	Commissary	35,000	35,000
Army	Fort Carson	Barracks & dining, Increment 2	60,000	60,000
Def-Wide	Fort Carson	SOF Battalion Ops Complex	45,200	45,200
Def-Wide	Fort Carson	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Carson	Health and Dental Clinic	52,773	31,900
Air Force	Peterson AFB	East Gate Realignment		7,200
Air Force	Peterson AFB	C–130 Squad Ops/AMU (TFI)	5,200	5,200
Air Force	Peterson AFB	National Security Space Institute	19,900	19,900
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XI	92,500	92,500
AF Reserve	Schriever AFB	Wing Headquarters	10,200	10,200
Air Force	U.S. Air Force Academy	Add To Cadet Fitness Center	17,500	17,500
	Connecticut			
Air_Guard	Bradley National Airport	CNAF Beddown Upgrade Facilities		9,000
USAR	Bridgeport	Army Reserve Center/land	18,500	18,500
Navy	New London NSB	Mk–48 Torpedo Magazine		6,570
	Delaware			
Air Force	Dover AFB	C–5 Cargo Aircraft maint Training Facility P1	5,300	5,300
Air Force	Dover AFB	Consol Comm Fac	12,100	12,100
Air Force	Dover AFB	Chapel Center		7,500
	Florida			
Navy	Blount Island	Port Operations Facility	3,760	3,760
Air Force	Eglin AFB	F–35 Duke Control Tower	3,420	3,420
Air Force	Eglin AFB	Construct Dormitory (96 rm)	11,000	11,000
Air Force	Eglin AFB	F–35 Pol Ops Facility	3,180	5,236
Air Force	Eglin AFB	F–35 Hydrant Refueling System Phase 1	8,100	14,308
Air Force	Eglin AFB	F–35 Parallel Taxiway lAdder	1,440	2,371
Air Force	Eglin AFB	F–35 JPS Flightline fillstands	5,400	8,892
Air Force	Eglin AFB	F–35 JP–8 West Side bulk Fuel Tank Upgrades	960	1,581
Air Force	Eglin AFB	F–35 Live Ordinance Load Facility	9,900	9,900
Air Force	Eglin AFB	F–35 A/C Parking Apron	16,400	27,652
Army	Eglin AFB	Operations Complex, Ph 3	80,000	80,000
Army	Eglin AFB	Indoor Firing Range	8,900	8,900
Army	Eglin AFB	Live Fire Exercise Shoothouse	8,000	8,000
Army	Eglin AFB	Live Fire Exercise Breach Facility	4,950	4,950
Army	Eglin AFB	Non-standard Small Arms range	3,400	3,400
Army	Eglin AFB	Grenade Launcher Range	1,600	1,600
Army	Eglin AFB	Hand Grenade Qualification Course	1,400	1,400
Army	Eglin AFB	Urban Assault Course	2,700	2,700
Army	Eglin AFB	Anti-armor, Tracking & Live Fire Range	3,400	3,400
Army	Eglin AFB	Automated Qualification/Training Range	12,000	12,000
Army	Eglin AFB	Light Demolition Range	2,200	2,200
Army	Eglin AFB	Basic 10m–25m Firing range (zero)	3,050	3,050
Def-Wide	Eglin AFB	SOF Military Working Dog Facility	3,046	3,046
Navy	Eglin AFB	F–35 Hydrant Refueling sys, Ph 1	6,208	
Navy	Eglin AFB	F–35 Parallel Taxiway ladder	931	
Navy	Eglin AFB	F–35 A/C Parking Apron	11,252	

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Eglin AFB	Bachelor Enlisted Quarters, EOD School, Phase	26,287	26,287
Navy	Eglin AFB	F–35 JP8 West Side Bulk Tank Upgrades	621	
Navy	Eglin AFB	F–35 Pol Operations Facility (Eglin)	2,056	
Navy	Eglin AFB	F–35 JP8 Flightline Fillstands (Eglin)	3,492	
Army	Eglin AFB (Camp Rudder)	Elevated Water Storage Tank		1,200
Air Force	Hurlburt Field	Refueling Vehicle Maintenance Facility	2,200	2,200
Air Force	Hurlburt Field	Electrical Distribution Substation	8,300	8,300
Air Force	Hurlburt Field	Flight Test Opns Fac (413 Flts)		9,400
Def-Wide	Hurlburt Field	SOF Simulator Facility for Mc–130 (recap)	8,156	8,156
Navy	Jacksonville	P–8/MMA Facilities Modification	5,917	5,917
Def-Wide	Jacksonville IAP	Replace Jet Fuel Storage Complex	11,500	11,500
Air Force	Macdill AFB	Dormitory (120 Room)	16,000	16,000
Air Force	Macdill AFB	Child Development Center	7,000	7,000
Air Force	Macdill AFB	Centcom Commandant Facility	15,300	15,300
Air Force	Macdill AFB	Consolidated Commo Facility		21,000
Navy	Mayport	Fitness Ctr		26,360
Navy	Mayport	Wharf Charlie Repair	29,682	29,682
Navy	Mayport	Channel Dredging	46,303	46,303
Army	Miami Doral	Southcom Headquarters, incr 3	55,400	55,400
USAR	Panama City	Army Reserve Center/land	7,300	7,300
Air Force	Patrick AFB	Combat Weapons Training Facility		8,400
Navy	Pensacola	Corry ''A'' School bachelor Enlisted Quarters R	22,950	22,950
Navy	Pensacola	Simulator Addition For umfo Program	3,211	3,211
USAR	West Palm Beach	Army Reserve Center/land	26,000	26,000
Navy	Whiting Field	T–6B JPATS Trng. Ops Paraloft Facility	4,120	4,120
	Georgia			
Navy	Albany MCLB	Wpns Maint Hardstand Fac		4,870
USAR	Atlanta	Army Reserve Center/land	14,000	14,000
Army	Fort Benning	Combined Arms Collective Training Facility	10,800	10,800
Army	Fort Benning	Fire and Movement Range	2,800	2,800
Army	Fort Benning	Battle Lab	30,000	30,000
Army	Fort Benning	Training Area Tank Trails	9,700	9,700
Army	Fort Benning	Training Battalion Complex	38,000	38,000
Army	Fort Benning	Dining Facility	15,000	15,000
Army	Fort Benning	Warrior In Transition (WT) Complex	53,000	53,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Trainee Barracks Complex, Ph 1	74,000	74,000
ARNG	Fort Benning	Readiness Center	15,500	15,500
Def-Wide	Fort Benning	Wilson Es Construct Gymnasium	2,330	2,330
Def-Wide	Fort Benning	SOF Expand Battalion Headquarters	3,046	3,046
Def-Wide	Fort Benning	Blood Donor Center Replacement	12,313	12,313
Def-Wide	Fort Benning	Dental Clinic	4,887	4,887
Army	Fort Gillem	Forensic Lab	10,800	10,800
Army	Fort Stewart	Brigade Complex	93,000	48,000
Army	Fort Stewart	Automated Sniper Field Fire Range	3,400	3,400
Army	Fort Stewart	Warrior In Transition (WT) Complex	49,000	49,000
Army	Fort Stewart	Barracks & Dining, Increment 2	80,000	80,000
Def-Wide	Fort Stewart	New Elementary School	22,502	
Def-Wide	Fort Stewart	New Elementary School	22,501	22,501
Def-Wide	Fort Stewart	Health and Dental Clinic	26,386	22,200
ARNG	Hunter Army Airfield	Aviation Readiness Center		8,967
Air Force	Moody AFB	Rescue Opns/maint HQ Fac		10,000
Air Force	Warner Robins AFB	Hot Cargo Pad/taxiway		6,200
	Hawaii			
Def-Wide	Ford Island	Pacific Operations Facility Upgrade	9,633	9,633
Air Force	Hickam AFB	Ground Control Tower		4,000
Air_Guard	Hickam AFB	TFI—F–22 LO/composite repair Facility	26,000	26,000
Air_Guard	Hickam AFB	TFI—F–22 Parking Apron and Taxiways	7,000	7,000
Navy	Navsta Pearl Harbor	Production Services Support Facility		25,070
Navy	Oahu	Range, 1000 - Puuloa	5,380	5,380
Navy	Pearl Harbor	Pacflt Sub Drive-in Mag Silencing Fac (inc)	8,645	8,645
Navy	Pearl Harbor	APCSS Conference & Technology Learning Center	12,775	12,775
Navy	Pearl Harbor	Missile Magazines (5), West Loch	22,407	22,407
Army	Schofield Barracks	Vehicle Maintenance Shop	63,000	63,000
Army	Schofield Barracks	Vehicle Maintenance Shop	36,000	36,000
Army	Schofield Barracks	Warrior In Transition (WT) Barracks	55,000	55,000
Army	Schofield Barracks	Warrior In Transition Complex	30,000	30,000
Air Force	Wheeler AAF	Construct ASOC Complex	15,000	15,000
Army	Wheeler AAF	Regional SATCOM Information Center	7,500	7,500
	Idaho			
ARNG	Gowen Field	Combined Arms Collective Training Facility	16,100	16,100
Air Force	Mountain Home AFB	Logistics Readiness Center	20,000	20,000
	Illinois			
USAR	Chicago	Army Reserve Center	23,000	23,000
Milcon, Naval Res	Joliet Army Ammo Plant	Reserve Training Center—Joliet, Il	7,957	7,957
Air_Guard	Lincoln Capital Airport	Security Improv—Relocate Entrance		3,000
ARNG	Milan	Readiness Center		5,600
Air Force	Scott AFB	Aeromedical Evac Facility		7,400
	Indiana			
ARNG	Muscatatuck	Combined Arms Collective Training Facility Ph	10,100	10,100
Navy	Naval Support Activity Crane	Strategic Weapons Systems Engineering Facility		13,710

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Iowa			
ARNG	Camp Dodge	US Property and Fiscal Office		4,000
Air_Guard	Des Moines	Des Moines Alt Security Forces Fac		4,600
	Kansas			
Army	Fort Riley	Training Aids Center	15,500	15,500
Army	Fort Riley	Advanced Waste Water Treatment Plant	28,000	28,000
Army	Fort Riley	Igloo Storage, Installation	7,200	7,200
Army	Fort Riley	Brigade Complex	49,000	49,000
Army	Fort Riley	Battalion Complex	59,000	59,000
Army	Fort Riley	Land Vehicle Fueling Facility	3,700	3,700
Army	Fort Riley	Estes Load Access Control Point		6,100
Air_Guard	McConnell AFB	TFI-Upgrade DCGS		8,700
ARNG	Salina Army NG Aviation Facility	Taxiway Alterations		2,227
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph X	54,041	54,041
Chem Demil	Blue Grass Army Depot	Blue Grass Army Depot Chem Demil Project		5,000
Army	Fort Campbell	Installation Chapel Center		14,400
Def-Wide	Fort Campbell	5th SFG Language Sustainment Trng Fac		6,800
Def-Wide	Fort Campbell	SOF Battalion Operations Complex	29,289	29,289
Def-Wide	Fort Campbell	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Campbell	Health Clinic	8,600	8,600
Army	Fort Knox	Warrior In Transition (WT) Complex	70,000	70,000
	Louisiana			
Air Force	Barksdale Air Force Base	Phase Five Ramp Replacement—Aircraft Apron		12,800
Army	Fort Polk	Multipurpose Machinegun Range		6,400
Army	Fort Polk	Warrior In Transition (WT) Complex	32,000	32,000
Army	Fort Polk	Land Purchases	17,000	17,000
	Maine			
Air_Guard	Bangor IAP	Replace Aircraft Maint Hanger/shops	28,000	28,000
Navy	Portsmouth Naval Shipyard	Gate 2 Security Improvements		7,090
	Maryland			
Army	Aberdeen PG	Analytical Chem Wing—Advanced Chem Lab		15,500
Def-Wide	Aberdeen PG	USAMRICD Replacement, inc I	111,400	111,400
Air Force	Andrews AFB	Replace Munitions Storage Area	9,300	9,300
Air_Guard	Andrews AFB	Rpl Munitions maintenance and Storage Complex	14,000	14,000
Navy	Carderock Nswc Det	RDTE Support Facility, ph2		6,520
Army	Fort Detrick	ATL Auditorium & Tng Cntr Expand		7,400
Army	Fort Detrick	Satellite Communications Center	18,000	18,000
Army	Fort Detrick	Satellite Communications Facility	21,000	21,000
Def-Wide	Fort Detrick	Boundary Gate At Nalin Pond	10,750	10,750
Def-Wide	Fort Detrick	Emergency Service Center	16,125	16,125
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc IV	108,000	108,000
Def-Wide	Fort Detrick	Nibc Truck Inspection Station & RLoad	2,932	2,932
Army	Fort Meade	Intersection, Rockenbach Rd & Cooper Ave		2,350
Def-Wide	Fort Meade	South Campus Utility Plant Ph 2	175,900	175,900
Def-Wide	Fort Meade	NSAW Campus Chilled Water Backup	19,100	19,100
Def-Wide	Fort Meade	Mission Support—PSAT	8,800	8,800
Navy	Patuxent River NAS	Special Commo Rqts Eng Facility		11,043
	Massachusetts			
Air_Guard	Barnes ANGB	F–15 Aircraft Ready Shelters		8,100
ARNG	Hanscom AFB	Armed Forces Reserve Center (JFHQ)	29,000	29,000
Air_Guard	Otis Air National Guard Base	Composite Operations and Training Facility		12,800
	Michigan			
Air_Guard	Alpena CRTC	Replace Troop Quarters		8,900
Air_Guard	Battle Creek ANG Base	CNAF Bed Down Facilities		14,000
ARNG	Fort Custer	Org Maint Shop (ADRS)		7,732
Air_Guard	Selfridge ANG Base	A–10 Squad Operations Facility		7,100
	Minnesota			
ARNG	Arden Hills	Readiness Center Ph2	6,700	6,700
ARNG	Camp Ripley	Urban Assault Course	1,710	1,710
Def-Wide	Duluth IAP	Jet Fuel Stoarge Complex	15,000	15,000
USAR	Fort Snelling (Minneapolis)	Army Reserve Center	12,000	12,000
Air_Guard	Minn/St. Paul IAP 133rd AW Base	Minnesota Starbase Facility Alteration		1,900
	Mississippi			
ARNG	Camp Shelby	Combined Arms Collective Tng Fac Add/alt	16,100	16,100
Air Force	Columbus AFB	Aircraft Fuel Systems Maint Dock		9,800
Air_Guard	Gulfport-biloxi RA	Relocate Base Entrance		6,500
AF Reserve	Keesler AFB	Aerial Port Squadron Facility	9,800	9,800
ARNG	Monticello	Monticello National guard Readiness Center		14,350
	Missouri			
ARNG	Boonville	Readiness Center Add/alt	1,800	1,800
Army	Fort Leonard Wood	Automated-aided Instruction Facility	27,000	27,000
Army	Fort Leonard Wood	Wheeled Vehicle Drivers Course	17,500	17,500
Army	Fort Leonard Wood	Warrior In Transition Complex	19,500	19,500
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 1	99,000	99,000
Army	Fort Leonard Wood	Health Clinic		7,800
Def-Wide	Fort Leonard Wood	Dental Clinic Addition	5,570	5,570
Air_Guard	Rosecrans Memorial Airport	Replace Fire/crash rescue Station Phase I		9,300
Air Force	Whiteman AFB	EOD Opns Complex		7,400
Air Force	Whiteman AFB	Land Acquisition North & South Bdry		5,500
	Montana			
Air Force	Malmstrom AFB	Upgrade Weapons Storage Area		10,600
	Nebraska			

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
ARNG	Lincoln	Armed Forces Reserve Center (JFHQ)	23,000	23,000
Air__Guard	Lincoln Map	Joint Forces Operations Center—ANG Share	1,500	1,500
Air Force	Offutt AFB	STRATCOM Gate		10,400
	Nevada			
ARNG	Carson City	National Guard Energy Sustainable Projects		2,000
Air Force	Creech AFB	UAS AT/FP Security Updates	2,700	2,700
Navy	Naval Air Station Fallon	Warrior Physical Training Facility		10,670
ARNG	North Las Vegas	Readiness Center	26,000	26,000
Air__Guard	Reno, NV	NV Air National Guard Fire Station Replacement		10,800
	New Hampshire			
Air__Guard	Pease ANGB	Replace Squadron Operations Facilities		10,000
	New Jersey			
Air Force	McGuire AFB	Warfighter & Family Sup Cntr		7,900
Air__Guard	McGuire AFB	108th Air Refuel Wng, Base Civil Eng Complex		9,700
Army	Picatinny Arsenal	Ballistic Eval Facility, Ph 2		10,200
Air Force	Cannon AFB	WB—Consolidated Communication Fac	15,000	15,000
	New Mexico			
Def-Wide	Cannon AFB	SOF Fuel Cell Hanger (MC–130)	41,269	41,269
Def-Wide	Cannon AFB	SOF AMU Addition (CV–22)	11,595	11,595
Def-Wide	Cannon AFB	SOF Ac–130 Load Out Apron Ph1		6,000
Air Force	Holloman AFB	F–22a Consolidated Munitions Maint (TFI)	5,500	5,500
Air Force	Holloman AFB	Fire-crash Rescue Station		10,400
Air Force	Holloman AFB	UAS Field Training Complex		37,500
Air Force	Kirtland AFB	Add To Space RDT&E Opns Cntr		5,800
Air Force	Kirtland AFB	MC–130J Simulator Facility	8,000	8,000
Air Force	Kirtland AFB	HC–130J Simulator Facility	8,700	8,700
ARNG	Santa Fe	Army Aviation Support Facility	39,000	39,000
	New York			
Army	Fort Drum	All Wx Marksmanship Facility		8,200
Army	Fort Drum	Water System Expansion	6,500	6,500
Army	Fort Drum	Barracks	57,000	57,000
Army	Fort Drum	Warrior In Transition Complex	21,000	21,000
AF Reserve	Niagra Falls ARB	Indoor Small Arms Range		5,700
USAR	Rochester	Army Reserve Center/land	13,600	13,600
Air__Guard	Wheeler Sack AAF	TFI-reaper LRE Beddown		2,700
	North Carolina			
Def-Wide	Camp Lejeune	SOF Academic Instruction Facility Expansion	11,791	11,791
Navy	Camp Lejeune	Maintenance/OPS Complex	52,390	52,390
Navy	Camp Lejeune	BEQ—Wallace Creek	34,160	34,160
Navy	Camp Lejeune	Utility Expansion—Courthouse Bay	56,280	56,280
Navy	Camp Lejeune	SOI-east Facilities—Camp Geiger	56,940	56,940
Navy	Camp Lejeune	Field Training fac.—Devil Dog - SOI	37,170	37,170
Navy	Camp Lejeune	Road Network—Wallace creek	15,130	15,130
Navy	Camp Lejeune	MP Working Dog Kennel— relocation	8,370	8,370
Navy	Camp Lejeune	Consolidated Info tech/telecom Complex	46,120	46,120
Navy	Camp Lejeune	New Base Entry Point and Road (phase 1)	79,150	79,150
Navy	Camp Lejeune	BEQ—Wallace Creek	43,480	43,480
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	42,110	42,110
Navy	Camp Lejeune	Pre-trial Detainee Facility	18,580	18,580
Navy	Camp Lejeune	Physical Fitness Center	39,760	39,760
Navy	Camp Lejeune	4th Infantry Battalion Ops Complex	55,150	55,150
Navy	Cherry Point MCAS	Ordnance Magazines	12,360	12,360
Navy	Cherry Point MCAS	EMS/fire Vehicle Facility	10,600	10,600
ARNG	East Flat Rock	Readiness Center Add/alt		2,516
Army	Fort Bragg	Vehicle Maintenance Shop	19,500	19,500
Army	Fort Bragg	Simulations Center	50,000	50,000
Army	Fort Bragg	Vehicle Maintenance Shop	17,500	17,500
Army	Fort Bragg	Company Operations Facility	3,300	3,300
Army	Fort Bragg	Transient Training Barracks Complex	16,500	16,500
Army	Fort Bragg	Automated Sniper Field Fire Range		3,450
Army	Fort Bragg	Automated Multipurpose Machine Gun	4,350	4,350
ARNG	Fort Bragg	TUAS Support Facility		6,038
Def-Wide	Fort Bragg	Albritton JHS Addition	3,439	3,439
Def-Wide	Fort Bragg	Special Ops Prep & Conditioning Course	24,600	24,600
Def-Wide	Fort Bragg	SOF Battalion & Company HQ	15,500	15,500
Def-Wide	Fort Bragg	SOF Operations Support Addition	13,756	13,756
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	1,125	1,125
Def-Wide	Fort Bragg	SOF Battalion Headquarters Facility	13,000	13,000
Def-Wide	Fort Bragg	SOF Operations Addition North	27,513	27,513
Def-Wide	Fort Bragg	SOF TUAV Hanger	2,948	2,948
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Bragg	Consolidated Health Clinic	26,386	26,386
Def-Wide	Fort Bragg	Health Clinic	31,272	31,272
Navy	New River	Apron Expansion (phase 2)	35,600	35,600
Navy	New River	VMMT–204 Maintenance Hanger—phase 3	28,210	28,210
Navy	New River	Parallel Taxiway	17,870	17,870
Navy	New River	Tactical Support Van Pad Addition	5,490	5,490
Navy	New River	Gymnasium/outdoor Pool	19,920	19,920
Air Force	Pope AFB	Pope AFB Air Traffic Control Tower		9,000
Air Force	Seymour Johnson AFB	Radar Approach Control Complex, Ph1		6,900
Army	Sunny Point Mot	Towers	3,900	3,900

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Sunny Point Mot	Lightning Protection System	25,000	25,000
	North Dakota			
Air Force	Grand Forks AFB	Consolidated Security Forces Facility		12,000
Air Force	Minot AFB	Munitions Trailer Storage Facility	1,500	1,500
Air Force	Minot AFB	Missile Procedures Trng Operations	10,000	10,000
	Ohio			
USAR	Cincinnati	Army Reserve Center/land	13,000	13,000
Air__Guard	Mansfield Lahm Airport	TFI—Red Horse Squadron Beddown	11,400	11,400
Air Force	Wright-Patterson AFB	Info Tech Complex Ph 1	27,000	27,000
Air Force	Wright-Patterson AFB	Conversion For Advanced Power Research Lab	21,000	21,000
Air Force	Wright-Patterson AFB	Replace West Ramp, phase I		10,600
	Oklahoma			
Air Force	Altus AFB	Repair Taxiways	20,300	20,300
Def-Wide	Altus AFB	Replace Upload Facility	2,700	2,700
Army	Fort Sill	Automated Infantry Squad Battle Course	3,500	3,500
Army	Fort Sill	Barracks	65,000	65,000
Army	Fort Sill	Warrior In Transition Complex	22,000	22,000
Def-Wide	Fort Sill	Dental Clinic	10,554	10,554
Army	McAlester	High Explosive Magazine, Depot Level	1,300	1,300
Army	McAlester	General Purpose Storage Building	11,200	11,200
Air Force	Tinker AFB	T–9 Noise Suppressor		5,200
Air Force	Tinker AFB	Building 3001 Hanger Door	13,037	13,037
Air Force	Vance AFB	Control Tower		10,700
Air__Guard	Will Rogers World Airport	TFI—Air Supt Opers Sqdn (ASOS) Beddn	7,300	7,300
	Oregon			
ARNG	Clatsop County, Warrenton	Camp Rilea Infrastructure (Water Supply System)		3,369
ARNG	Polk County	Readiness Center		12,100
	Pennsylvania			
USAR	Ashley	Army Reserve Center	9,800	9,800
FH Con DW	Def Distro Depot	Def Distribution Depot New Cumberland	2,859	2,859
USAR	Harrisburg	Army Reserve Center	7,600	7,600
USAR	Newton Square	Army Reserve Center/land	20,000	20,000
AF Reserve	Pittsburgh AFR Base	Visiting Quarters Phase 1		12,400
USAR	Uniontown	Army Reserve Center/land	11,800	11,800
	Rhode Island			
Navy	Newport	Officer Training Command Quarters	45,803	45,803
Navy	Newport	Renovate of Senior Enlisted Academy		10,550
Navy	Newport	Renovate Perry Hall		8,530
	South Carolina			
Navy	Beaufort	Widebody Aircraft Fuel Lane	1,280	1,280
Milcon, Naval Res	Charleston	Reserve Vehicle Maintenance Facility	4,240	4,240
Army	Charleston NWS	Staging Area	4,100	4,100
Army	Charleston NWS	Railroad Tracks	12,000	12,000
Army	Charleston NWS	Pier and Loading/Unloading Ramps	5,700	5,700
ARNG	Eastover	Army Aviation Support Facility Add/Alt	26,000	26,000
Army	Fort Jackson	Advanced Skills Trainee Barracks	32,000	32,000
Army	Fort Jackson	Modified Record Fire Range	3,600	3,600
Army	Fort Jackson	Training Battalion Complex	66,000	66,000
Army	Fort Jackson	Infiltration Course	1,900	1,900
ARNG	Greenville	Army Aviation Support Facility	40,000	40,000
Air__Guard	McEntire JNGB	Joint Force headquarters Building		1,300
Navy	Parris Island	Electrical SubStation and Improvements	6,972	6,972
Air Force	Shaw AFB	Add/Alter USAFCENT HQ		21,183
	South Dakota			
ARNG	Camp Rapid	Joint Force HQ Readiness Center Supplement		7,890
ARNG	Camp Rapid	Troop Medical Clinic Addition and Alteration		1,950
Air Force	Ellsworth AFB	Add/Alter Deployment Center		14,500
Air__Guard	Joe Foss Field	Add and Alter Munitions Maintenance Complex		1,300
Air__Guard	Joe Foss Field	Above Ground Multi-cubicle Magazine Storage		1,300
	Tennessee			
Air__Guard	164 AirLift Wing, Mem	164th AirLift Wing ANG Eng Maint Trng Fac		9,800
	Texas			
ARNG	Austin	Armed Forces Reserve Center	16,500	16,500
ARNG	Austin	Field Maintenance Shop, joint	5,700	5,700
USAR	Austin	Armed Forces Reserve Center/AMSA	20,000	20,000
USAR	Bryan	Army Reserve Center		12,200
Navy	Corpus Christi	Operational Facilities for T–6	19,764	19,764
Air Force	Dyess AFB	C–130J Alter Hanger	4,500	4,500
Army	Fort Bliss	Vehicle Maintenance Shop	16,000	16,000
Army	Fort Bliss	Brigade Staging Area Complex	14,800	14,800
Army	Fort Bliss	Digital Multipurpose Range Complex	45,000	45,000
Army	Fort Bliss	Fire and Military Police Stations	16,500	16,500
Army	Fort Bliss	Aircraft Fuel Storage	10,800	10,800
Army	Fort Bliss	Vehicle Maintenance Shop	20,000	20,000
Army	Fort Bliss	Automated Sniper Field Fire Range	4,250	4,250
Army	Fort Bliss	Known Distance Range	4,750	4,750
Army	Fort Bliss	Automated Multipurpose Machine Gun Range	6,900	6,900
Army	Fort Bliss	Scout/recce Gunnery Complex	17,000	17,000
Army	Fort Bliss	Light Demolition Range	2,400	2,400
Army	Fort Bliss	Automated Infantry Platoon Battle Course	7,000	7,000
Army	Fort Bliss	Simulation Center	23,000	23,000
Army	Fort Bliss	Vehicle Maintenance & Company Ops Fac	31,000	31,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Fort Bliss	Health and Dental Clinic	30,295	24,600
Def-Wide	Fort Bliss	Hospital Replacement Inc1	86,975	86,975
USAR	Fort Bliss	Army Reserve Center	9,500	9,500
Army	Fort Hood	Vehicle Maintenance Shop	23,000	23,000
Army	Fort Hood	Urban Assault Course	2,400	2,400
Army	Fort Hood	Automated Multipurpose Machine Gun Range	6,700	6,700
Army	Fort Hood	Family Life Center		10,800
Def-Wide	Fort Hood	Alter Fuel Pump House and Fill Stand	3,000	3,000
Army	Fort Sam Houston	Access Control Point and Road Improvements	10,800	10,800
Army	Fort Sam Houston	General Instruction building	9,000	9,000
Milcon, Naval Res	Fort Worth NAS/JRB	Replace Joint Base Comms		6,170
Air Force	Goodfellow AFB	Joint Intel Tech Trng fac, Ph 1 (tfi)	18,400	18,400
Air Force	Goodfellow AFB	Student Dormitory (100 rm)	14,000	14,000
Air Force	Goodfellow AFB	Consolidated Learning Center		12,000
USAR	Houston	Army Reserve Center/land	24,000	24,000
Air_Guard	Kelly Field Annex	Add/Alter Aircraft Maint Shops		7,900
Navy	Kingsville NAS	Solar Panel Array		4,470
AF Reserve	Lackland AFB	C–5 Ground Training Schoolhouse Addition	1,500	1,500
Air Force	Lackland AFB	Evasion, Conduct After Capture Trng	4,879	4,879
Air Force	Lackland AFB	Recruit Dormitory 2, phase 2	77,000	77,000
Air Force	Lackland AFB	Bmt Satellite Classroom/dining Fac	32,000	32,000
Def-Wide	Lackland AFB	Dental Clinic replacement	29,318	29,318
Def-Wide	Lackland AFB	Ambulatory Care Center, phase 1	72,610	72,610
USAR	Robstown	Tactical Equip Maint Facility		10,200
Milcon, Naval Res	San Antonio	Reserve Training Center	2,210	2,210
USAR	San Antonio	Army Reserve Center	20,000	20,000
Air Force	Sheppard Air Force Base	ENJJPT Operations Complex, Phase 1		13,450
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center (Incr. 2)	800,000	600,000
Army	Dugway Proving Ground	Water Treatment Systems	25,000	25,000
AF Reserve	Hill AFB	Reserve Squad Ops/AMU Facility	3,200	3,200
Air Force	Hill AFB	F–22A Radar Cross Section Testing Fac	21,053	21,053
Air Force	Hill AFB	PCC Apron Northwest End Taxiway		5,100
	Vermont			
Air_Guard	Burlington IAP	Fire Crash and Rescue Station Addition and Alteration		6,000
ARNG	Ethan Allen Firing Range	BOQ Additions and Improvements		1,996
	Virginia			
Def-Wide	Dahlgren	Aegis BMD Facility Expansion	24,500	24,500
Navy	Dahlgren	Electromagnetic Research and Engineering Facility		3,660
Def-Wide	Dam Neck	SOF Operations Facility inc III	15,967	15,967
Navy	Dam Neck	SOF Cafeteria		14,170
Army	Fort A.P. Hill	Automated Infantry Platoon Battle Course	4,900	4,900
Army	Fort A.P. Hill	Field Training Area	9,000	9,000
Army	Fort A.P. Hill	Training Aids Center	9,100	9,100
Army	Fort Belvoir	Flight Control Tower	8,400	8,400
Army	Fort Belvoir	Road and Access Control Point	9,500	9,500
Army	Fort Belvoir	Road and Infrastructure Improvements	20,000	
Army	Fort Lee	Defense Access Roads		5,000
ARNG	Fort Pickett	Regional Training Institute Ph2	32,000	32,000
Army	Ft. Eustis	Upgrade Marshalling Area		8,900
Air Force	Langley AFB	West & Lasalle Gates Force Protection/access	10,000	10,000
Def-Wide	Little Creek	SOF Support Activity Operation Facility	18,669	18,669
Navy	Little Creek	Naval Construction Division Operations Fac	13,095	13,095
Navy	Norfolk	E–2D Trainer Facility	11,737	11,737
Navy	Norfolk	Facility Upgrades For E–2D Program	6,402	6,402
Milcon, Naval Res	Oceana Naval Air Station	C–40 Hanger	30,400	30,400
Def-Wide	Pentagon	Pentagon Electrical Upgrade	19,272	19,272
Def-Wide	Pentagon	Secondary Uninterruptible Power Raven Rock	8,400	8,400
Navy	Portsmouth	Ship Repair Pier replacement (Incr. 1)	226,969	126,969
Navy	Quantico	Student Quarters—TBS (phase 4)	32,060	32,060
Navy	Quantico	Battalion Training Facility—MSGBN	10,340	10,340
Navy	Quantico	MC Information Operations Center—MCIOC	29,620	29,620
Navy	Quantico	Aircraft Trainer	3,170	3,170
Navy	Quantico	Dining Facility - TBS	14,780	14,780
Navy	Quantico	South Mainside Electrical SubStation	15,270	15,270
	Washington			
Navy	Bangor	Limited Area Production/strg Cmplx (inc 6)	87,292	87,292
Navy	Bremerton	Enclave Fencing/ parking, Silverdale WA	67,419	67,419
Navy	Bremerton	CVN Maintenance Pier replacement (inc 2)	69,064	69,064
Navy	Everett NS	Small Craft Launch		3,810
Air Force	Fairchild AFB	SERE Force Support Complex, Phase I		11,000
Air Force	Fairchild AFB	TFI Refuel Veh Maint Facility		4,150
Def-Wide	Fairchild AFB	Replace Fuel Distribution System	7,500	7,500
Army	Fort Lewis	Live Fire Exercise Shoothouse	2,550	2,550
Army	Fort Lewis	Animal Building	3,050	3,050
Army	Fort Lewis	Brigade Complex, Inc 4	102,000	102,000
Army	Fort Lewis	Modified Record Fire Range	4,100	4,100
Army	Fort Lewis	Ft Lewis-Mcchord AFB Joint Access		9,000
Def-Wide	Fort Lewis	SOF Support Company Facility	14,500	14,500
Def-Wide	Fort Lewis	Health and Dental Clinic	15,636	15,636

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Indian Island NM	Ord Storage Pads W/2 Covers		13,130
Navy	Spokane	Jnt Pers Recovery agency Specialized SERE Tra	12,707	12,707
	West Virginia			
Air_Guard	Martinsburg	C–5 Taxiway Upgrades		19,500
Navy	Navy, Sugar Grove	Emergency Services Center		10,990
ARNG	St. Albans Armory	Readiness Center Additions		2,000
	Wisconsin			
USAR	Fort McCoy	Combined Arms Collective Training Facility	25,000	25,000
USAR	Fort McCoy	Range Utility Upgrade		3,850
Air_Guard	General Mitchell IAP	Upgrade Corrosion Control Hanger		5,000
	Wyoming			
Air_Guard	Cheyenne Airport	Squadron Operations		1,500
Air Force	F. E. Warren AFB	ADAL Missile Service Complex	9,100	9,100
	Zu			
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Maint Complex		–22,000
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Ops Complex		–15,500
BRAC 05	Unspecified Worldwide	Base Realignment and Closure 2005	7,479,498	7,455,498
BRAC IV	Unspecified Worldwide	Base Realignment and Closure IV	396,768	496,768
Army	Various Locations	Brigade Combat Team Stationing		–166,000
Army	Various Locations	Trainee Troop Housing		350,000
	Afghanistan			
Air Force	Bagram Air Base	Passenger Terminal	22,000	22,000
Army	Bagram Air Base	Fuel System Ph 6	12,000	12,000
Army	Bagram Air Base	Fuel System Ph 7	5,000	5,000
Army	Bagram Air Base	Coalition Operation Center	49,000	49,000
Army	Bagram Air Base	APS Compound	38,000	
Army	Bagram Air Base	Aviation Support Facility	2,600	2,600
Army	Bagram Air Base	Barracks	18,500	18,500
Army	Bagram Air Base	Command and Control Facility	38,000	
Army	Bagram Air Base	Perimeter Fence and Guard Towers	7,000	
	Bahrain			
Navy	SW Asia	Waterfront Development phase 2	41,526	41,526
	Belgium			
Def-Wide	Brussels	Replace Elementary School (shape)	38,124	38,124
Army	Mons	NATO SOF Operational Support		20,000
Def-Wide	Brussels	NATO Headquarters		41,400
	Colombia			
Air Force	Palanquero Ab	Palanquero AB Development	46,000	46,000
	Czech Republic			
Def-Wide	Various Locations	Recission Pl 110–417 Emcr Site		–108,560
	Djibouti			
Navy	Camp Lemonier	Interior Paved Roads Phase A	7,275	7,275
Navy	Camp Lemonier	Ammo Supply Point	21,689	21,689
Navy	Camp Lemonier	Security Fencing I	8,109	8,109
Navy	Camp Lemonier	Fire Station	4,772	4,772
	Germany			
Army	Ansbach	Barracks	17,500	17,500
Army	Ansbach	Barracks	14,200	14,200
FH Con Army	Baumholder	Family Housing Replacement Constru(138 Units)	18,000	18,000
Def-Wide	Boeblingen	New Elementary School		50,000
Def-Wide	Kaiserlautern AB	Kaiserslautern Complex-phase 1	19,380	19,380
Def-Wide	Kaiserlautern AB	Kaiserslautern HS Replace School	74,165	74,165
Army	Kleber Kaserne	Barracks	20,000	20,000
Army	Landstuhl	Warrior In Transition (WT) Complex	25,000	
Air Force	Ramstein AB	Construct Age Maint Complex	11,500	11,500
Air Force	Ramstein AB	Contingency Response Group Command	23,200	23,200
Air Force	Spangdahlem AB	Fitness Ctr	23,500	23,500
Def-Wide	Weisbaden	Wiesbaden HS New Cafeteria and Kitchen	5,379	5,379
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	10,000	10,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
	Greece			
Def-Wide	Souda Bay	Fuel Storage Tanks & Pipeline Rpl	24,000	24,000
	Guam			
Def-Wide	Agana Naval Air Station	Replace Gas Cylander Storage Facility	4,900	4,900
Air Force	Andersen AFB	Postal Service Center		3,500
Air Force	Andersen AFB	Strike Fol Electrical Infrastructure	33,750	33,750
Air Force	Andersen AFB	NW Field ATFP Perimeter Fence and Road	4,752	4,752
Air Force	Andersen AFB	Commando Warrior Operations Fac	4,200	4,200
Air Force	Andersen AFB	NW Field Combat Spt Vehicle Maint Fac	15,500	15,500
ARNG	Barrigada	Readiness Center	30,000	30,000
Def-Wide	Guam	Hospital Replacement incr I	259,156	259,156
FH Con Navy	Guam	Replace Guam N. Tipalao ph III	20,730	20,730
Navy	Guam	Consolidated Slc Training & CSS–15 HQ Fac	45,309	45,309
Navy	Guam	Military Working Dog Relocation, Apra Harbor	27,070	14,000
Navy	Guam	Defense Access Road improvements	48,860	48,860
Navy	Guam	AAFB North Ramp Utilities Incr 1	21,500	21,500
Navy	Guam	AAFB North Ramp Parking incr 1	88,797	88,797
Navy	Guam	Apra Harbor Wharves Imp. Incr 1	167,033	127,033
Navy	Guam	Torpedo Exercise Support Building	15,627	15,627
Def-Wide	Various Locations	Unspecified Various locations		
	Guantanamo			
Def-Wide	Guantanamo Bay	Replace Fuel Storage Tanks	12,500	12,500

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Italy			
Air Force	Sigonella	Global Hawk Aircraft Maint and Ops Complex	31,300	31,300
Army	Vicenza	Bde Complex—Operations spt Fac, Incr 3	23,500	23,500
Army	Vicenza	Bde Complex—Barracks/community, Incr 3	22,500	22,500
	Japan			
Army	Okinawa	Training Aids Center	6,000	6,000
Army	Sagamihara	Training Aids Center	6,000	6,000
	Korea			
Army	Camp Humphreys	Vehicle Maintenance Shop	19,000	19,000
Army	Camp Humphreys	Vehicle Maintenance Shop	18,000	18,000
Army	Camp Humphreys	Fire Stations	13,200	13,200
Def-Wide	K–16 Airfield	Convert Warehouses	5,050	5,050
Def-Wide	Osan AB	Replace Hydrant Fuel System	28,000	28,000
FH Con Navy	Pusan	Constr Chinhae Welcome Ctr/warehouse	4,376	4,376
	Kuwait			
Army	Camp Arifjan	APS Warehouses	82,000	82,000
Air Force	Al Musannah AB	War Reserve Material Compound	47,000	
Air Force	Al Musannah AB	AirLift Ramp and Fuel Facilities	69,000	
	Poland			
Def-Wide	Various Locations	Recission Pl 110–417 European Interceptor Site		–42,600
	Puerto Rico			
USAR	Caguas	Army Reserve Center/land	12,400	12,400
	Qatar			
Air Force	Al Udeid, Qatar	Blatchford-preston Complex Ph Ii	60,000	60,000
	Spain			
Navy	Rota	Reception Airfield Facilities	26,278	26,278
	Turkey			
Air Force	Incirlik Ab	Construct Consolidated Community Ctr	9,200	9,200
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS PSC Construction	37,588	37,588
Def-Wide	Raf Mildenhall	Connect Fuel Tank Distribution Pipe Ln	4,700	4,700
Def-Wide	Royal Air Force Alconbury	Medical/dental Clinic replacement	14,227	14,227
Def-Wide	Royal Air Force Lakenheath	Liberty IS—Gymnasium	4,509	4,509
	Virgin Islands			
ARNG	St. Croix	Regional Training Institute Ph1	20,000	20,000
	Zc			
Air Force	Classified Location	Classified Planning & Design	3,000	3,000
	Zu			
NSIP	NATO Security Invest Prgm	NATO Security Investment Program	276,314	197,414
AF Reserve	Unspecified Worldwide	Planning and Design	1,976	3,869
AF Reserve	Unspecified Worldwide	Minor Construction	800	800
Air Force	Unspecified Worldwide	Unspecified minor construction	18,000	20,000
Air Force	Unspecified Worldwide	Planning & design	79,363	100,562
Air_Guard	Unspecified Worldwide	Minor Construction	9,000	17,005
Air_Guard	Unspecified Worldwide	Planning & design	10,061	13,021
Army	Unspecified Worldwide	Minor Construction FY 10	23,000	25,000
Army	Unspecified Worldwide	Planning & design FY 10	153,029	175,519
Army	Unspecified Worldwide	Host Nation Support FY 10	25,000	25,000
ARNG	Unspecified Worldwide	Unspecified Minor construction	10,300	29,682
ARNG	Unspecified Worldwide	Planning and Design	23,981	47,429
Def-Wide	Unspecified Worldwide			
Def-Wide	Unspecified Worldwide	Unspecified Minor construction	6,800	6,800
Def-Wide	Unspecified Worldwide	Planning and Design	8,855	8,855
Def-Wide	Unspecified Worldwide	Unspecified Minor construction	4,100	4,100
Def-Wide	Unspecified Worldwide	Minor Construction	3,717	3,717
Def-Wide	Unspecified Worldwide	Planning and Design	2,000	2,000
Def-Wide	Unspecified Worldwide	Planning and Design	10,534	10,534
Def-Wide	Unspecified Worldwide	Unspecified Minor construction	6,022	6,022
Def-Wide	Unspecified Worldwide	Planning and Design	4,425	4,425
Def-Wide	Unspecified Worldwide	JEP Exercise Related construction	7,861	7,861
Def-Wide	Unspecified Worldwide	Minor Construction	4,525	4,525
Def-Wide	Unspecified Worldwide	Planning and Design	72,974	72,974
Def-Wide	Unspecified Worldwide	Energy Conservation Improvement Program	90,000	123,013
Def-Wide	Unspecified Worldwide	Contingency construction	10,000	10,000
Def-Wide	Unspecified Worldwide	Unspecified Minor construction	3,000	
Def-Wide	Unspecified Worldwide	Planning and Design	35,579	19,079
Def-Wide	Unspecified Worldwide	Planning and Design	3,575	3,575
FH Con AF	Unspecified Worldwide	Construction improvements	61,737	61,737
FH Con AF	Unspecified Worldwide	Classified Project	50	50
FH Con AF	Unspecified Worldwide	Planning and Design	4,314	4,314
FH Con Army	Unspecified Worldwide	Construction improvements (2428 Units)	219,300	219,300
FH Con Army	Unspecified Worldwide	Family Housing P&D	3,936	3,936
FH Con Navy	Unspecified Worldwide	Improvements	118,692	118,692
FH Con Navy	Unspecified Worldwide	Design	2,771	2,771
FH Ops AF	Unspecified Worldwide	Utilities Account	81,686	81,686
FH Ops AF	Unspecified Worldwide	Management Account	1,557	1,557
FH Ops AF	Unspecified Worldwide	Management Account	51,334	51,334
FH Ops AF	Unspecified Worldwide	Services Account	20,183	20,183
FH Ops AF	Unspecified Worldwide	Furnishings Account	39,182	39,182
FH Ops AF	Unspecified Worldwide	Miscellaneous Account	1,543	1,543
FH Ops AF	Unspecified Worldwide	Leasing Account	548	548
FH Ops AF	Unspecified Worldwide	Leasing	102,858	102,858
FH Ops AF	Unspecified Worldwide	Maintenance Account	1,911	1,911

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
FH Ops AF	Unspecified Worldwide	Maintenance (RPMA & RPMC)	148,318	148,318
FH Ops AF	Unspecified Worldwide	Housing Privatization	53,816	53,816
FH Ops Army	Unspecified Worldwide	Utilities Account	81,650	81,650
FH Ops Army	Unspecified Worldwide	Operations	87,263	87,263
FH Ops Army	Unspecified Worldwide	Miscellaneous Account	1,177	1,177
FH Ops Army	Unspecified Worldwide	Leasing	205,685	205,685
FH Ops Army	Unspecified Worldwide	Maintenance of Real Property	115,854	115,854
FH Ops Army	Unspecified Worldwide	Privatization Support Costs	31,789	31,789
FH Ops DW	Unspecified Worldwide	Furnishings Account	4,426	4,426
FH Ops DW	Unspecified Worldwide	Leasing	33,579	33,579
FH Ops DW	Unspecified Worldwide	Utilities Account	274	274
FH Ops DW	Unspecified Worldwide	Furnishings Account	19	19
FH Ops DW	Unspecified Worldwide	Services Account	29	29
FH Ops DW	Unspecified Worldwide	Management Account	309	309
FH Ops DW	Unspecified Worldwide	Maintenance 0f Real Property	366	366
FH Ops DW	Unspecified Worldwide	Recission (Public Law 110–5)		
FH Ops DW	Unspecified Worldwide	Operations	35	35
FH Ops DW	Unspecified Worldwide	Leasing	10,108	10,108
FH Ops DW	Unspecified Worldwide	Maintenance of Real Property	69	69
FH Ops Navy	Unspecified Worldwide	Utilities Account	53,956	53,956
FH Ops Navy	Unspecified Worldwide	Furnishings Account	14,624	14,624
FH Ops Navy	Unspecified Worldwide	Management Account	60,278	60,278
FH Ops Navy	Unspecified Worldwide	Miscellaneous Account	457	457
FH Ops Navy	Unspecified Worldwide	Services Account	16,462	16,462
FH Ops Navy	Unspecified Worldwide	Leasing	101,432	101,432
FH Ops Navy	Unspecified Worldwide	Maintenance of Real Property	94,184	94,184
FH Ops Navy	Unspecified Worldwide	Privatization Support Costs	27,147	27,147
FHIF	Unspecified Worldwide	Family Housing improvement Fund	2,600	2,600
HOAP	Unspecified Worldwide	Homeowners Assistance program	23,225	300,000
Milcon, Naval Res	Unspecified Worldwide	Planning and Design	2,371	2,951
Navy	Unspecified Worldwide	Unspecified minor construction	12,483	12,483
Navy	Unspecified Worldwide	Planning and Design	166,896	179,652
USAR	Unspecified Worldwide	Unspecified minor construction	3,600	3,600
USAR	Unspecified Worldwide	Planning and Design	22,262	22,716
AF Reserve	Unspecified Worldwide	Programmatic Plus Up		55,000
Air_Guard	Unspecified Worldwide	Programmatic Plus Up		30,000
ARNG	Unspecified Worldwide	Programmatic Plus Up		30,000
Milcon, Naval Res	Unspecified Worldwide	Programmatic Plus Up		55,000
USAR	Unspecified Worldwide	Programmatic Plus Up		30,000
		Total FY2010 Authorizations	**22,946,036**	**23,879,856**
		Prior Year Savings		**–175,800**
		General Reduction		**–529,091**
		Grand Total	**22,946,036**	**23,174,965**

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
	AL			
Army	Anniston (Pelham Range)	Armed Forces Reserve Center	8,000	8,000
Army	Birmingham	Armed Forces Reserve Center	10,000	10,000
Army	Mobile	Armed Forces Reserve Center	20,430	20,430
Defense Wide	Redstone Arsenal	Von Braun Complex	0	27,800
Army	Tuscaloosa	Armed Forces Reserve Center	18,000	18,000
	AR			
Army	Camden	Armed Forces Reserve Center	9,800	9,800
Army	El Dorado	Armed Forces Reserve Center	14,000	14,000
Army	Hot Springs	Armed Forces Reserve Center	14,600	14,600
Army	Pine Bluff	Armed Forces Reserve Center	15,500	15,500
	AZ			
Army	Marana	Armed Forces Reserve Center	31,000	31,000
	CA			
Navy	Barstow	Industrial Machine Shop Facility	14,131	14,130
Navy	China Lake	Shipboard Shock Test Facility	3,160	3,160
Navy	China Lake	Weapons Dynamics RDT&E Center	5,970	5,970
	CT			
Army	Middletown	Armed Forces Reserve Center, Incr 2	37,000	37,000
	DC			
Navy	Washington	Navy Systems Management Activity Relocation (INCR II of II)	71,929	71,929
Navy	Washington	Renovate 3rd Floor Building 176, Washington Navy Yard	750	750
	FL			
Army	Eglin AFB	Special Forces Complex, Incr 2	8,000	8,000
Air Force	Eglin AFB	BRAC F–35 Live Ordnance Load Area (LOLA)	6,624	6,624

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Air Force	Eglin AFB	CE Facility	2,000	2,000
Air Force	Eglin AFB	F–35 (JSF) Duke Field Control Tower	2,280	2,280
Air Force	Eglin AFB	Fitness Facility	2,750	2,750
Air Force	Eglin AFB	STOVL Simulated Carrier Practice Landing Deck	27,690	27,690
Air Force	Eglin AFB	School Age Facility	2,600	2,600
Air Force	Eglin AFB	Security Forces Facility	890	890
Air Force	Eglin AFB	Taxiway Extension	13,000	13,000
Air Force	Eglin AFB	Traffic Management Cargo Processing Facility	900	900
	GA			
Army	Benning	AAFES Troop Store	1,950	1,950
Army	Benning	Armed Forces Reserve Center	18,000	18,000
Army	Benning	Equipment Concentration Site	43,000	43,000
Army	Benning	General Instruction Complex 2, Incr 2	58,000	58,000
Army	Benning	Maneuver Ctr HQ & CDI Bldg Expansion	42,000	42,000
Army	Benning	Medical Facility, Incr 2	77,000	77,000
	IA			
Army	Cedar Rapids	Armed Forces Reserve Center	42,000	42,000
Army	Iowa AAP	Armed Forces Reserve Center	27,000	27,000
Army	Muscatine	Armed Forces Reserve Center	8,800	8,800
	IL			
Army	Rock Island	Army Headquarters Building Renovation	20,000	20,000
	KY			
Army	Campbell	Armed Forces Reserve Center	5,900	5,900
Army	Campbell	Headquarters Building, Group	14,800	14,800
Army	Knox	Armed Forces Reserve Center	2,300	2,300
	MD			
Army	Aberdeen PG	C4ISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	Bethesda (WRNMMC)	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	Bethesda (WRNMMC)	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	Bethesda (WRNMMC)	Site Utility Infrastructure Upgrade for NICoE	0	6,500
Army	Detrick	Joint Bio-Med RDA Management Center	8,300	8,300
Army	Forest Glenn	Museum	12,200	12,200
Defense Wide	Fort Meade	Construct DISA Building	131,662	131,662
Army	Fort Meade	Defense Media Activity, Incr 2	17,000	17,000
	ME			
Navy	Brunswick	Marine Corps Reserve Center	12,960	12,960
	MI			
Army	Detroit Arsenal	Administrative Office Buildings, Incr 2	0	21,384
Army	Detroit Arsenal	Weapons Systems Support and Training	8,300	8,300
Army	Ft. Custer (Augusta)	Armed Forces Reserve Center	18,500	18,500
Air Force	Selfridge ANGB	A10 Arm/Disarm Apron	1,350	1,350
Air Force	Selfridge ANGB	Repair Munitions Admin Building 891	3,100	3,100
Air Force	Selfridge ANGB	Upgrade Munitions Maintenance Shop	1,650	1,650
Air Force	Selfridge ANGB	Upgrade Munitions Missile Maintenance Bays	2,350	2,350
	MO			
Army	Kirksville	Armed Forces Reserve Center	6,600	6,600
	MT			
Army	Great Falls	Armed Forces Reserve Center	7,600	7,600
	NC			
Army	Bragg	Band Training Facility	4,200	4,200
Army	Bragg	Headquarters Bldg, FORSCOM/USARC, Incr 3	124,000	124,000
Army	Wilmington	Armed Forces Reserve Center	17,500	17,500
	ND			
Army	Fargo	Armed Forces Reserve Center	11,200	11,200
	NE			
Army	Columbus	Armed Forces Reserve Center	9,300	9,300
Army	McCook	Armed Forces Reserve Center	7,900	7,900
	NJ			
Army	Camden	Armed Forces Reserve Center	21,000	21,000
	NY			
Army	West Point	US Military Academy Prep School, Incr 2	0	98,000
	OH			
Army	Columbus	Armed Forces Reserve Center, Incr 2	0	30,218
Navy	Akron	Armed Forces Reserve Center	13,840	13,840
	OK			
Army	Sill	Joint Fires & Effects Simulator Building	28,000	28,000
Air Force	Will Rogers World APT AGS	Relocate Global Air Traffic Operation Program Office	1,200	1,200
	PA			
Army	Allentown	Armed Forces Reserve Center	15,000	15,000
Army	Tobyhanna	Electronics Maintenance Shop, Depot Level	3,200	3,200
Air Force	Willow Grove ARS, NAS Willow Grove JRB	Establish Enclave	4,000	4,000
	RI			
Army	Bristol	Armed Forces Reserve Center	17,500	17,500
	SC			

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Navy	Charleston	SPAWAR Data Center	9,670	9,670
Navy	Goose Creek	Consolidated Brig Addition	9,790	9,790
Army	Shaw AFB	Headquarters Building, Third US Army, Incr 2	55,000	55,000
	TN			
Army	Chattanooga	Armed Forces Reserve Center	8,900	8,900
	TX			
Army	Bliss	Brigade Combat Team Complex #3, Incr 3	110,000	110,000
Army	Bliss	Combat Aviation Brigade Complex, Incr 3	94,000	94,000
Army	Bliss	Hospital Add/Alt, WBAMC	24,000	0
Army	Bliss	Hospital Replacement	89,000	89,000
Army	Bliss	Tactical Equipment Maintenance Facility 2	104,000	104,000
Army	Brownsville	Armed Forces Reserve Center	15,000	15,000
Army	Huntsville	Armed Forces Reserve Center	16,000	16,000
Army	Kingsville	Armed Forces Reserve Center	17,500	17,500
Air Force	Lackland AFB	Joint Base San Antonio Headquarters Facility	8,500	8,500
Army	Lufkin	Armed Forces Reserve Center	15,500	15,500
Air Force	Randolph AFB	Renovate Building 38	2,050	2,050
Army	Red River	Armed Forces Reserve Center	14,200	14,200
Defense Wide	Fort Sam Houston	San Antonio Military Medical Center (North) Incr 3	0	163,750
Army	Sam Houston	Add/Alt Building 2270	18,000	18,000
Army	Sam Houston	Housing, Enlisted Permanent Party	10,800	10,800
Army	Sam Houston	IMCOM Campus Area Infrastructure	11,000	11,000
Army	Sam Houston	Headquarters Bldg, IMCOM	48,000	48,000
	VA			
Army	Belvoir	Infrastructure Support, Incr 3	13,000	13,000
Army	Belvoir	Infrastructure Support, Incr 3	39,400	39,400
Army	Belvoir	NARMC HQ Building	17,500	17,500
Defense Wide	Fort Belvoir	NGA Headquarters Facility	0	168,749
Defense Wide	Fort Belvoir	Hospital Replacement—Increment 4	140,750	140,750
Defense Wide	Fort Belvoir	Dental Clinic	12,600	12,600
Defense Wide	Fort Belvoir	Office Complex Increment 3		360,533
Army	Eustis	Bldg 705 Renv (AAA & 902d MI)	1,600	1,600
Army	Eustis	Headquarters Bldg, IMCOM Eastern Region	5,700	5,700
Army	Eustis	Headquarters Building, TRADOC, Incr 2	34,300	34,300
Army	Eustis	Joint Task Force—Civil Support	19,000	19,000
Army	Eustis	Renovation for ACA and NETCOM	4,800	4,800
Army	Lee	AAFES Troop Store	1,850	1,850
Army	Lee	Administrative Building (DCMA)	28,000	28,000
Army	Lee	Combat Service Support School, Ph 1, Incr 4	0	30,000
Army	Lee	Combat Service Support School, Ph 2, Incr 3	137,000	137,000
Army	Lee	Combat Service Support School, Ph 3, Incr 2	145,000	145,000
Army	Lee	Consolidated Troop Med/Dntl Clinic	20,000	20,000
Army	Lee	HQs, Transportation Management Detachment	1,200	1,200
Army	Lee	USMC Training Facilities	25,000	25,000
Navy	Arlington	Crystal Park 5 to Arlington Service Center	33,660	33,660
Navy	Chesapeake	Joint Regional Correctional Facility (INCR II of II)	0	47,560
Navy	Norfolk	Building 1558 Renovations for SPAWAR	2,510	2,510
	WV			
Army	Elkins	Armed Forces Reserve Center	22,000	22,000
Army	Fairmont	Armed Forces Reserve Center	21,000	21,000
Army	Spencer-Ripley	Armed Forces Reserve Center	19,540	19,540
	WW			
Army	Various	Planning and Design	26,100	26,100
Army	Various	Environmental	147,693	147,693
Navy	Various	Environmental	16,529	16,529
Air Force	Various	Environmental	19,454	19,454
Defense Wide	Various	Environmental	0	0
Army	Various	Operation and Maintenance	1,169,334	1,169,334
Navy	Various	Operation and Maintenance	322,495	322,495
Air Force	Various	Operation and Maintenance	288,459	288,459
Defense Wide	Various	Operation and Maintenance	836,715	836,715
Army	Various	MilPers PCS	0	0
Navy	Various	MilPers PCS	6,504	6,504
Air Force	Various	MilPers PCS	3,970	3,970
Defense Wide	Various	MilPers PCS	0	0
Army	Various	Other	311,138	311,138
Navy	Various	Other	20,115	20,115
Air Force	Various	Other	23,443	23,443
Defense Wide	Various	Other	412,320	412,320
Defense Wide	Various	Other		
		Subtotal BRAC 2005 FY 2010, Army		4,057,037

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	*State and Location*	*Project Title*	*Project Authorization*	*Conference Authorization*
		Subtotal BRAC 2005 FY 2010, Navy		*591,572*
		Subtotal BRAC 2005 FY 2010, Air Force		*418,260*
		Subtotal BRAC 2005 FY 2010, Defense Wide		*2,388,629*
		Total BRAC 2005 FY 2010 All Categories	***5,934,740***	***7,455,498***
Army	*Various*	*Base Realignment and Closure IV, Army*		*138,723*
Navy	*Various*	*Base Realignment and Closure IV, Navy*		*228,000*
Air Force	*Various*	*Base Realignment and Closure IV, Air Force*		*127,364*
Defense Wide	*Various*	*Base Realignment and Closure IV, Defense Wide*		*2,681*
		Total BRAC IV for FY 2010		***496,768***

SEC. 4503. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	*Country and Location*	*Project*	*Request*	*Conference Authorized*
	Afghanistan			
Army	*Airborne*	*Dining Facility*	*2,200*	*2,200*
Army	*Airborne*	*Waste Management Area*	*5,600*	*5,600*
Army	*Altimur*	*Dining Facility*	*2,150*	*2,150*
Army	*Altimur*	*Waste Management Area*	*5,600*	*5,600*
Army	*Asadabad*	*Waste Management Area*	*5,500*	*5,500*
Air Force	*Bagram Air Base*	*Cargo Terminal*	*13,800*	*13,800*
Air Force	*Bagram Air Base*	*Aviation Operations & Maintenance Facilities*	*8,900*	*8,900*
Air Force	*Bagram Air Base*	*Expeditionary Fighter Shelter*	*6,400*	*6,400*
Army	*Bagram Air Base*	*Troop Housing Phase 3*	*22,000*	*0*
Army	*Bagram Air Base*	*Drainage System, Ph 2*	*21,000*	*21,000*
Army	*Bagram Air Base*	*APS Compound*	*0*	*38,000*
Army	*Bagram Air Base*	*Barracks*	*0*	*0*
Army	*Bagram Air Base*	*Perimeter Fence and Guard Towers*	*0*	*7,000*
Army	*Bagram Air Base*	*Command and Control Facility*	*0*	*38,000*
Army	*Bagram Air Base*	*Access Roads*	*21,000*	*21,000*
Army	*Bagram Air Base*	*Command and Control Facility*	*4,500*	*4,500*
Army	*Bagram Air Base*	*Medlog Warehouse*	*3,350*	*3,350*
Army	*Blessing*	*Waste Management Area*	*5,600*	*5,600*
Army	*Bostick*	*Waste Management Area*	*5,500*	*5,500*
Air Force	*Dwyer*	*Cargo Handling Area*	*4,900*	*4,900*
Army	*Dwyer*	*Contingency Housing Phase 1*	*8,600*	*0*
Army	*Dwyer*	*Contingency Housing Phase 2*	*6,900*	*0*
Army	*Dwyer*	*Fuel System, Ph 1*	*5,800*	*5,800*
Army	*Dwyer*	*Waste Management Complex*	*6,900*	*6,900*
Army	*Dwyer*	*Dining Facility*	*6,600*	*6,600*
Army	*Frontenac*	*Dining Facility*	*2,200*	*2,200*
Army	*Frontenac*	*Contingency Housing*	*3,800*	*0*
Army	*Gardez*	*Tactical Runway*	*28,000*	*28,000*
Army	*Gardez*	*Dining Facility*	*2,200*	*2,200*
Army	*Gardez*	*Contingency Housing*	*8,400*	*0*
Army	*Gardez*	*Fuel System, Ph 1*	*6,000*	*6,000*
Army	*Ghazni*	*Waste Management Complex*	*5,500*	*5,500*
Army	*Jalalabad*	*Dining Facility*	*4,350*	*4,350*
Army	*Jalalabad*	*Ammunition Supply Point*	*35,000*	*35,000*
Army	*Jalalabad*	*Contingency Housing*	*6,900*	*0*
Army	*Jalalabad*	*Perimeter Fencing*	*2,050*	*2,050*
Army	*Joyce*	*Dining Facility*	*2,100*	*2,100*
Army	*Joyce*	*Waste Management Area*	*5,600*	*5,600*
Army	*Kabul*	*USFOR–A Headquarters & Housing*	*98,000*	*98,000*
Army	*Kabul*	*Camp Phoenix West Expansion*	*39,000*	*39,000*
Air Force	*Kandahar*	*Secure RSOI Facility*	*9,700*	*9,700*
Air Force	*Kandahar*	*Tactical Airlift Apron*	*29,000*	*29,000*
Air Force	*Kandahar*	*Refueler Apron/Relocate HCP*	*66,000*	*66,000*
Air Force	*Kandahar*	*CAS Apron Expansion*	*25,000*	*25,000*
Air Force	*Kandahar*	*ISR Apron Expansion*	*40,000*	*40,000*
Air Force	*Kandahar*	*Aviation Operations & Maintenance Facilities*	*10,500*	*10,500*
Air Force	*Kandahar*	*Expeditionary Fighter Shelter*	*6,400*	*6,400*
Air Force	*Kandahar*	*Cargo Helicopter Apron*	*32,000*	*32,000*
Air Force	*Kandahar*	*Relocate North Airfield Road*	*16,000*	*16,000*
Army	*Kandahar*	*Troup Housing Phase 2*	*4,250*	*0*
Army	*Kandahar*	*Command and Control Facility*	*4,500*	*4,500*
Army	*Kandahar*	*Tanker Truck Offload Facility*	*23,000*	*23,000*
Army	*Kandahar*	*Command and Control Facility*	*4,500*	*4,500*
Army	*Kandahar*	*Command and Control Facility*	*4,500*	*4,500*
Army	*Kandahar*	*Southpark Roads*	*11,000*	*11,000*
Army	*Kandahar*	*Waste Management Complex*	*10,000*	*10,000*
Army	*Kandahar*	*Warehouse*	*20,000*	*20,000*
Army	*Kandahar*	*Theater Vehicle Maintenance Facility*	*55,000*	*55,000*
Army	*Maywand*	*Dining Facility*	*2,200*	*2,200*
Army	*Maywand*	*Waste Management Area*	*5,600*	*5,600*
Army	*Methar-lam*	*Waste Management Area*	*4,150*	*4,150*
Army	*Salerno*	*Waste Management Complex*	*5,500*	*5,500*
Army	*Salerno*	*Electrical Distribution Grid*	*2,600*	*2,600*
Army	*Salerno*	*Fuel System, Ph 1*	*12,800*	*12,800*
Army	*Salerno*	*Dining Facility*	*4,300*	*4,300*
Army	*Salerno*	*Runway Upgrade*	*25,000*	*25,000*
Air Force	*Shank*	*Cargo Handling Area*	*4,900*	*4,900*

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Army	Shank	Dining Facility	4,350	4,350
Army	Shank	Electrical Distribution Grid	4,600	4,600
Army	Shank	Waste Management Complex	8,100	8,100
Army	Shank	Water Distribution System	2,650	2,650
Army	Shank	Troup Housing Phase 2	8,600	0
Army	Sharana	Rotary Wing Parking	32,000	32,000
Army	Sharana	Ammunition Supply Point	14,000	14,000
Army	Sharana	Aircraft Maintenance Facilities	12,200	12,200
Army	Sharana	Electrical Distribution Grid	2,600	2,600
Air Force	Tarin Kowt	Cargo Handling Area	4,900	4,900
Army	Tarin Kowt	Fuel System Phase 2	11,800	11,800
Army	Tarin Kowt	Waste Management Area	6,800	6,800
Army	Tarin Kowt	Ammunition Supply Point	35,000	35,000
Army	Tarin Kowt	Dining Facility	2,200	2,200
Air Force	Tombstone/Bastion	Strategic Airlift Apron Expansion	32,000	32,000
Air Force	Tombstone/Bastion	CAS Apron Expansion	40,000	40,000
Air Force	Tombstone/Bastion	ISR Apron	41,000	41,000
Air Force	Tombstone/Bastion	Secure RSOI Facility	10,000	10,000
Air Force	Tombstone/Bastion	Cargo Handling Area	18,000	18,000
Air Force	Tombstone/Bastion	Aviation Operations & Maintenance Facs	8,900	8,900
Air Force	Tombstone/Bastion	Expeditionary Fighter Shelter	6,300	6,300
Army	Tombstone/Bastion	Basic Load Ammunition Holding Area	7,500	7,500
Army	Tombstone/Bastion	Dining Facility	8,900	8,900
Army	Tombstone/Bastion	Entry Control Point and Access Roads	14,200	14,200
Army	Tombstone/Bastion	Fuel System, Ph 2	14,200	14,200
Army	Tombstone/Bastion	Roads	4,300	4,300
Army	Tombstone/Bastion	Troop Housing Phase 3	3,250	0
Army	Tombstone/Bastion	Troop Housing Phase 4	3,800	0
Army	Tombstone/Bastion	Level 3 Medical Facility	16,500	16,500
Army	Tombstone/Bastion	Water Supply and Distribution System	6,200	6,200
Air Force	Wolverine	Cargo Handling Area	4,900	4,900
Army	Wolverine	Dining Facility	4,350	4,350
Army	Wolverine	Fuel System, Ph 1	5,800	5,800
Army	Wolverine	Waste Management Complex	6,900	6,900
	Belgium			
Army	Mons	NATO SOF Operational Support		
	ZU			
Air Force	Unspecified Worldwide.	Planning and Design	35,000	29,000
Army	Unspecified Worldwide.	Minor Construction	20,000	20,100
Army	Unspecified Worldwide.	Planning and Design	76,284	76,284
NSA	Unspecified Worldwide.	Classified Project	6,000	0
NSA	Unspecified Worldwide.	Planning and Design	600	0
		Grand Total Military Construction	**1,404,984**	**1,398,984**

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	*FY 2010 Request*	*Conference Authorized*
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	*6,188*	*6,188*
Weapons Activities		
Directed stockpile work		
Life extension programs		
W76 Life extension program	*209,196*	*209,196*
Total, Life extension programs	***209,196***	***209,196***
Stockpile systems		
B61 Stockpile systems	*124,456*	*124,456*
W76 Stockpile systems	*65,497*	*65,497*
W78 Stockpile systems	*50,741*	*50,741*
W80 Stockpile systems	*19,064*	*19,064*
B83 Stockpile systems	*35,682*	*35,682*
W87 Stockpile systems	*51,817*	*51,817*
W88 Stockpile systems	*43,043*	*43,043*
Total, Stockpile systems	***390,300***	***390,300***
Weapons dismantlement and disposition		
Operation and maintenance	*84,100*	*94,100*
Total, Weapons dismantlement and disposition	***84,100***	***94,100***
Stockpile services		
Production support	*301,484*	*301,484*
Research and development support	*37,071*	*37,071*
R&D certification and safety	*143,076*	*153,076*
Dynamic plutonium experiment—NTS		*[10,000]*
Management, technology, and production	*200,223*	*200,223*
Plutonium infrastructure sustainment	*149,201*	*149,201*
Total, Stockpile services	***831,055***	***841,055***
Total, Directed stockpile work	***1,514,651***	***1,534,651***
Campaigns:		
Science campaign		
Advanced certification	*19,400*	*19,400*
Primary assessment technologies	*80,181*	*80,181*
Dynamic materials properties	*86,617*	*86,617*
Academic alliances	*30,251*	*30,251*
Advanced radiography	*22,328*	*22,328*
Secondary assessment technologies	*77,913*	*77,913*
Total, Science campaign	***316,690***	***316,690***
Engineering campaign		
Enhanced surety	*42,000*	*47,000*
Program increase		*[5,000]*
Weapon systems engineering assessment technology	*18,000*	*18,000*
Nuclear survivability	*21,000*	*21,000*
Enhanced surveillance	*69,000*	*69,000*
Total, Engineering campaign	***150,000***	***155,000***
Inertial confinement fusion ignition and high yield campaign		
Ignition	*106,734*	*106,734*
NIF diagnostics, cryogenics and experimental support	*72,252*	*73,252*
National Ignition Campaign program increase		*[1,000]*
Pulsed power inertial confinement fusion	*5,000*	*5,000*
Joint program in high energy density laboratory plasmas	*4,000*	*4,000*
Facility operations and target production	*248,929*	*266,629*
Omega operations		*[6,500]*
National Ignition Campaign program increase		*[11,200]*
Total, Inertial confinement fusion and high yield campaign	***436,915***	***455,615***
Advanced simulation and computing campaign		
Operation and maintenance	*556,125*	*556,125*
Total, Advanced simulation and computing campaign	***556,125***	***556,125***

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Readiness Campaign		
Stockpile readiness	5,746	5,746
High explosives and weapon operations	4,608	4,608
Nonnuclear readiness	12,701	12,701
Tritium readiness	68,246	68,246
Advanced design and production technologies	8,699	8,699
Total, Readiness campaign	**100,000**	**100,000**
Total, Campaigns	**1,559,730**	**1,583,430**
Readiness in technical base and facilities (RTBF)		
Operation of facilities	1,342,303	1,360,303
Pantex Plant program increase		[8,000]
Y–12 National Security Complex program increase		[10,000]
Total, Operation of facilities	**1,342,303**	**1,360,303**
Program readiness	73,021	73,021
Material recycle and recovery	69,542	69,542
Containers	23,392	23,392
Storage	24,708	24,708
Subtotal, Readiness in technical base and facilities (RTBF)	**1,532,966**	**1,550,966**
Construction:		
10–D–501 Nuclear facilities risk reduction Y–12 National Security Complex, Oakridge, TN	12,500	12,500
99–D–141 Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321	30,321
09–D–007, LANSCE—Refurbishment, Los Alamos National Laboratory, NM	0	24,000
Program increase in support of RTBF		[24,000]
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	0	5,000
Program increase in support of RTBF		[5,000]
08–D–801 High pressure fire loop (HPFL), Pantex, TX	31,910	31,910
08–D–804 TA–55 Reinvestment project, Los Alamos National Laboratory	0	
08–D–802 High Explosive Pressing Facility, Pantex Plant, Amarillo, TX	0	
06–D–140 Project engineering design (PED), various locations	70,678	70,678
06–D–402 NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473	1,473
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	55,000	55,000
04–D–128 TA–18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV	1,500	1,500
Total, Construction	**203,382**	**232,382**
Total, Readiness in technical base and facilities	**1,736,348**	**1,783,348**
Secure transportation asset		
Operation and equipment	138,772	138,772
Program direction	96,143	96,143
Total, Secure transportation asset	**234,915**	**234,915**
Nuclear counterterrorism incident response	**221,936**	**221,936**
Facilities and infrastructure recapitalization program		
Operation and maintenance	144,959	144,959
Construction		
07–D–253 TA 1 heating systems modernization (HSM) Sandia National Laboratory	9,963	9,963
Total, Construction	**9,963**	**9,963**
Total, Facilities and infrastructure recapitalization program	**154,922**	**154,922**
Site stewardship		
Environmental projects and operations	41,288	41,288
Nuclear materials integration	20,000	20,000
Stewardship planning	29,086	29,086
Total, Site stewardship	**90,374**	**90,374**
Safeguards and security		
Defense nuclear security		
Operation and maintenance	700,044	700,044
Construction:		
10–D–701 Security improvements project Y–12 National Security Complex, Oak Ridge, TN	49,000	49,000
Total, Construction	**49,000**	**49,000**
Total, Defense nuclear security	**749,044**	**749,044**
Cyber security	122,511	122,511
Total, Safeguards and security	**871,555**	**871,555**
Use of prior year balances		–42,000
Total, Weapons Activities	**6,384,431**	**6,433,131**

Defense Nuclear Nonproliferation

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Nonproliferation and verification research and development		
Operation and maintenance	297,300	337,300
Nonproliferation and international security	207,202	187,202
International nuclear materials protection and cooperation	552,300	592,050
MPC&A		[39,750]
Elimination of weapons-grade plutonium production program	24,507	24,507
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operation and maintenance		
U.S. plutonium disposition	90,896	90,896
U.S. uranium disposition	34,691	34,691
Supporting activities	1,075	1,075
Total, Operation and maintenance	**126,662**	**126,662**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238	504,238
99–D–141–02 Waste solidification building, Savannah River, SC	70,000	70,000
Total, Construction	**574,238**	**574,238**
Total, U.S. surplus fissile materials disposition	**700,900**	**700,900**
Russian surplus materials disposition	1,000	1,000
Total, Fissile materials disposition	**701,900**	**701,900**
Global threat reduction initiative	353,500	333,500
Subtotal, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**
Total, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**
Naval Reactors		
Naval reactors development		
Operation and maintenance		
Operation and maintenance	935,533	935,533
Total, Operation and maintenance	**935,533**	**935,533**
Construction:		
10–D–903, KAPL Security upgrades, Schnectady, NY	1,500	1,500
10–D–904, NRF infrastructure upgrades, ID	700	700
09–D–190, PED, Infrastructure upgrades, KAPL, Schnectady, NY	1,000	1,000
09–D–902, NRF Production Support Complex, ID	6,400	6,400
08–D–190 NRF Project engineering and design Expended Core Facility M–290 receiving/discharge station, ID	9,500	9,500
07–D–190 Materials research and technology complex, BAPL, Pittsburgh, PA	11,700	11,700
Total, Construction	**30,800**	**30,800**
Total, Naval reactors development	**966,333**	**966,333**
Program direction	36,800	36,800
Total, Naval Reactors	**1,003,133**	**1,003,133**
Office Of The Administrator		
Office of the administrator	431,074	431,074
Use of prior year balances	–10,320	–10,320
Total, Office Of The Administrator	**420,754**	**420,754**
Total, National Nuclear Security Administration	**9,945,027**	**10,033,477**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	8,225	8,225
Miamisburg	33,243	33,243
Total, Closure sites	**41,468**	**41,468**
Hanford site:		
2012 accelerated completions		
Nuclear facility D&D river corridor closure project	327,955	327,955
Nuclear material stabilization and disposition PFP	118,087	118,087
SNF stabilization and disposition	55,325	55,325
Total, 2012 accelerated completions	**501,367**	**501,367**
2035 accelerated completions		
Nuclear facility D&D—remainder of Hanford	70,250	70,250
Richland community and regulatory support	21,940	21,940
Soil and water remediation—groundwater vadose zone	176,766	176,766

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Solid waste stabilization and disposition 200 area	132,757	132,757
Total, 2035 accelerated completions	**401,713**	**401,713**
Total, Hanford site	**903,080**	**903,080**
Idaho National Laboratory:		
SNF stabilization and disposition—2012	14,768	14,768
Solid waste stabilization and disposition	137,000	137,000
Radioactive liquid tank waste stabilization and disposition	95,800	95,800
Construction		
06–D–401 Sodium bearing waste treatment project, Idaho	83,700	83,700
Soil and water remediation—2012	71,000	71,000
Idaho community and regulatory support	3,900	3,900
Total, Idaho National Laboratory	**406,168**	**406,168**
NNSA sites		
Lawrence Livermore National Laboratory	910	910
NNSA Service Center/SPRU	17,938	17,938
Nevada	65,674	65,674
California site support	238	238
Sandia National Laboratories	2,864	2,864
Los Alamos National Laboratory	189,000	189,000
Total, NNSA sites and Nevada off-sites	**276,624**	**276,624**
Oak Ridge Reservation:		
Building 3019	38,900	38,900
Nuclear facility D & D ORNL	38,900	38,900
Nuclear facility D & D Y–12	34,000	34,000
Nuclear facility D & D, E. Tennessee technology park	100	100
OR reservation community and regulatory support	6,253	6,253
Solid waste stabilization and disposition—2012	35,615	35,615
Total, Oak Ridge Reservation	**153,768**	**153,768**
Office of River Protection:		
Waste treatment and immobilization plant		
Construction:		
01–D–416 Waste treatment and immobilization plant		
01–D–16A Low activity waste facility	100,000	100,000
01–D–16B Analytical laboratory	55,000	55,000
01–D–16C Balance of facilities	50,000	50,000
01–D–16D High level waste facility	160,000	160,000
01–D–16E Pretreatment facility	325,000	325,000
Total, Waste treatment and immobilization plant	**690,000**	**690,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	408,000	408,000
Total, Office of River protection	**1,098,000**	**1,098,000**
Savannah River sites:		
Nuclear material stabilization and disposition		
Nuclear material stabilization and disposition	385,310	385,310
Construction:		
08–D–414 Project engineering and design Plutonium Vitrification Facility, VL	6,315	6,315
Total, Nuclear material stabilization and disposition	**391,625**	**391,625**
2035 accelerated completions		
SR community and regulatory support	18,300	18,300
Spent nuclear fuel stabilization and disposition	38,768	38,768
Total, 2035 accelerated completions	**57,068**	**57,068**
Tank farm activities		
Radioactive liquid tank waste stabilization and disposition	527,138	527,138
Construction:		
05–D–405 Salt waste processing facility, Savannah River	234,118	234,118
Total, Tank farm activities	**761,256**	**761,256**
Total, Savannah River site	**1,209,949**	**1,209,949**
Waste Isolation Pilot Plant		
Waste isolation pilot plant	144,902	144,902
Central characterization project	13,730	13,730
Transportation	33,851	33,851
Community and regulatory support	27,854	27,854
Total, Waste Isolation Pilot Plant	**220,337**	**220,337**
Program direction	355,000	355,000

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Program support	34,000	34,000
Safeguards and Security:		
Waste Isolation Pilot Project	4,644	4,644
Oak Ridge Reservation	32,400	32,400
West Valley	1,859	1,859
Paducah	8,190	8,190
Portsmouth	17,509	17,509
Richland/Hanford Site	82,771	82,771
Savannah River Site	132,064	132,064
Total, Safeguards and Security	**279,437**	**279,437**
Technology development	55,000	55,000
Uranium enrichment D&D fund contribution	463,000	463,000
Subtotal, Defense environmental cleanup	**5,495,831**	**5,495,831**
UNDISTRIBUTED		
Realignment to support NNSA Weapons Activities	0	
Transfer to Title II	0	
Total, Defense Environmental Cleanup	**5,495,831**	**5,495,831**
Other Defense Activities		
Health, safety and security		
Health, safety and security	337,757	337,757
Program direction	112,125	112,125
Total, Health, safety and security	**449,882**	**449,882**
Office of Legacy Management		
Legacy management	177,618	177,618
Program direction	12,184	12,184
Total, Office of Legacy Management	**189,802**	**189,802**
Nuclear energy		
Infrastructure		
Idaho facilities management		
INL infrastructure O&M	83,358	83,358
Total, Infrastructure	**83,358**	**83,358**
Total, Nuclear energy	**83,358**	**83,358**
Defense related administrative support	122,982	122,982
Office of hearings and appeals	6,444	6,444
Total, Other Defense Activities	**852,468**	**852,468**
Defense Nuclear Waste Disposal		
Defense nuclear waste disposal	98,400	98,400
Total, Environmental & other defense activities	**6,446,699**	**6,446,699**
Total, Atomic Energy Defense Activities	**16,391,726**	**16,480,176**
Total, Department of Energy	**16,397,914**	**16,486,364**

DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

Sec. 4701. Short title.
Sec. 4702. Findings.
Sec. 4703. Definitions.
Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.
Sec. 4705. Grant program.
Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.
Sec. 4707. Prohibition of certain hate crime acts.
Sec. 4708. Statistics.
Sec. 4709. Severability.
Sec. 4710. Rule of construction.
Sec. 4711. Guidelines for hate-crimes offenses.
Sec. 4712. Attacks on United States servicemen.
Sec. 4713. Report on mandatory minimum sentencing provisions.

SEC. 4701. SHORT TITLE.

This division may be cited as the ''Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act''.

SEC. 4702. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends

of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 4703. DEFINITIONS.

(a) AMENDMENT.—Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096) is amended by inserting ''gender identity,'' after ''gender,''.

(b) THIS DIVISION.—In this division—

(1) the term ''crime of violence'' has the meaning given that term in section 16 of title 18, United States Code;

(2) the term ''hate crime'' has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096), as amended by this Act;

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(4) the term ''State'' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 4705. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

''(A) the State does not have jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

''(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

''(c) DEFINITIONS.—In this section—

''(1) the term 'bodily injury' has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

''(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(3) the term 'firearm' has the meaning given such term in section 921(a) of this title;

''(4) the term 'gender identity' means actual or perceived gender-related characteristics; and

''(5) the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

''(d) STATUTE OF LIMITATIONS.—

''(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

''(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

SEC. 4709. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4710. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) IN GENERAL.—Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership, or expressive conduct unless that evidence is relevant and admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of a victim.

(3) CONSTRUCTION AND APPLICATION.—Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

(A) plan or prepare for an act of physical violence; or

(B) incite an imminent act of physical violence against another.

(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

(5) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(6) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4711. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section 4707 of this Act, is amended by adding at the end the following:

''(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.''.

SEC. 4712. ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''§ 1389. Prohibition on attacks on United States servicemen on account of service

''(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

''(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

''(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not more than 5 years; and

''(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 6 months nor more than 10 years.

''(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

''(c) DEFINITIONS.—In this section—

''(1) the term 'Armed Forces' has the meaning given that term in section 1388;

''(2) the term 'immediate family member' has the meaning given that term in section 115; and

''(3) the term 'United States serviceman'—

''(A) means a member of the Armed Forces; and

''(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''1389. Prohibition on attacks on United States servicemen on account of service.''.

SEC. 4713. REPORT ON MANDATORY MINIMUM SENTENCING PROVISIONS.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on mandatory minimum sentencing provisions under Federal law.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include—

(1) a compilation of all mandatory minimum sentencing provisions under Federal law;

(2) an assessment of the effect of mandatory minimum sentencing provisions under Federal law on the goal of eliminating unwarranted sentencing disparity and other goals of sentencing;

(3) an assessment of the impact of mandatory minimum sentencing provisions on the Federal prison population;

(4) an assessment of the compatibility of mandatory minimum sentencing provisions under Federal law and the sentencing guidelines system established under the Sentencing Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987) and the sentencing guidelines system in place after Booker v. United States, 543 U.S. 220 (2005);

(5) a description of the interaction between mandatory minimum sentencing provisions under Federal law and plea agreements;

(6) a detailed empirical research study of the effect of mandatory minimum penalties under Federal law;

(7) a discussion of mechanisms other than mandatory minimum sentencing laws by which Congress can take action with respect to sentencing policy; and

(8) any other information that the Commission determines would contribute to a thorough assessment of mandatory minimum sentencing provisions under Federal law.

Amend the title to as to read: ''A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

And the Senate agree to the same.

Congresswoman Ellen O. Tauscher resigned from the U.S. House of Representatives on June 26, 2009. Congressman John M. McHugh resigned from the U.S. House of Representatives on September 21, 2009.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed on conference:

IKE SKELTON,
JOHN M. SPRATT, Jr.,
SOLOMON P. ORTIZ,
NEIL ABERCROMBIE,
SILVESTRE REYES,
VIC SNYDER,
ADAM SMITH,
LORETTA SANCHEZ,
ROBERT A. BRADY,
ROBERT E. ANDREWS,
SUSAN A. DAVIS,
JAMES R. LANGEVIN,
RICK LARSEN,
JIM COOPER,
JIM MARSHALL,
MADELEINE Z. BORDALLO,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

ALCEE L. HASTINGS,
ADAM B. SCHIFF,

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833, and 2834 of the House bill and secs. 531–534, and 3136 of the Senate amendment, and modifications committed to conference:

LYNN C. WOOLSEY,
JASON ALTMIRE,
JUDY BIGGERT,

From the Committee on Energy and Commerce, for consideration of secs. 247, 315, and 601 of the House bill and secs. 311, 601, 2835, and 3118 of the Senate amendment, and modifications committed to conference:

HENRY A. WAXMAN,
EDWARD J. MARKEY,

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of Title XII, Title XIII, and sec. 1517 of the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,
GARY L. ACKERMAN,
ILEANA ROS-LEHTINEN,

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference:

BENNIE G. THOMPSON,
DINA TITUS,
GUS M. BILIRAKIS,

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to conference:

MICHAELA E. CAPUANO,
CHARLES A. GONZALEZ,
DANIEL E. LUNGREN,

From the Committee on Judiciary, for consideration of secs. 583, 584, 1021, and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086, and Division E of the Senate amendment, and modifications committed to conference:

JERROLD NADLER,
ZOE LOFGREN,

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference:

NICK J. RAHALL II,

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113, and Title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105, and 1162 of the Senate amendment, and modifications committed to conference:

EDOLPHUS TOWNS,
STEPHEN F. LYNCH,

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference:

BART GORDON,
DAVID WU,

From the Committee on Small Business, for consideration of secs. 830 of the House bill and secs. 833, 834 838, 1090 and Division F of the Senate amendment, and modifications committed to conference:

NYDIA M. VELÁZQUEZ,
GLENN C. NYE,

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601, and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference:

ELIJAH J. CUMMINGS,
LAURA RICHARDSON,

From the Committee on Veterans' Affairs, for consideration of secs. 525, 583, 584, and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of Title X, secs. 1084, and 1085 of the Senate amendment, and modifications committed to conference:

CIRO D. RODRIGUEZ,

Managers on the Part of the House.

CARL LEVIN,
ROBERT C. BYRD,
JOSEPH I. LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
EVAN BAYH,
JIM WEBB,
CLAIRE MCCASKILL,
MARK UDALL,
KAY R. HAGAN,
MARK BEGICH,
ROLAND W. BURRIS,
JOHN MCCAIN,
SUSAN M. COLLINS,
PAUL G. KIRK, Jr.,

Managers on the Part of the Senate.

Pending consideration of said conference report.

¶123.15 POINT OF ORDER

Mr. PRICE of Georgia, made a point of order against consideration of said conference report, and said:

''Pursuant to clause 10 of rule XXII that states that nongermane items may not be included in conference reports and that this bill contains a nongermane item in the hate crimes legislation that was included in it, I raise a point of order against H.R. 2647.''.

The SPEAKER pro tempore, Mr. SERRANO, responded to the point of order, and said:

''Pursuant to House Resolution 808, all points of order against the conference report are waived.''.

When said conference report was considered.

After debate,

Pursuant to House Resolution 808, the previous question was ordered on the conference report to its adoption or rejection.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c), rule XIX, announced that further proceedings on the conference report were postponed.

¶123.16 RECESS—1:31 P.M.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 31 minutes p.m., subject to the call of the Chair.

¶123.17 AFTER RECESS—2:47 P.M.

The SPEAKER pro tempore, Mr. SERRANO, called the House to order.

¶123.18 DEFENSE AUTHORIZATION FY 2010

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c) of rule XIX, called up the conference report for further consideration.

Mr. MCKEON moved to recommit the conference report on H.R. 2647 to the committee of conference, with instructions to the managers on the part of the House as follows: (1) to not accept any provision that would provide for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, as described in section 1023(d) of the bill as passed by the House into the United States or its territories or possessions; and (2) to insist on section 121 if division D of the bill as passed by the House (regarding expansion of eligibility for concurrent receipt of retired military pay and veterans' disability compensation).

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. MCKEON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative .....

Yeas	208
Nays	216
Answered present	2

¶123.19 [Roll No. 769]

YEAS—208

Aderholt	Bachmann	Biggert
Adler (NJ)	Bachus	Bilbray
Akin	Barrett (SC)	Bilirakis
Alexander	Barrow	Bishop (UT)
Altmire	Bartlett	Blackburn
Austria	Barton (TX)	Blunt

Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—2

Kucinich
Paul

NOT VOTING—7

Campbell
Carney
Johnson, Sam
Maloney
Slaughter
Tsongas
Watt

So the motion to recommit the conference report to the committee of conference was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. SKELTON demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 281 / Nays 146

¶123.20 [Roll No. 770]

AYES—281

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—146

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis
Issa
Jackson (IL)
Johnson (IL)
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latham
LaTourette

Latta
Linder
Lucas
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—6

Campbell
Carney
Johnson, Sam
Maloney
Slaughter
Tsongas

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

Pursuant to section 2 of House Resolution 808, upon adoption of the conference report, the House shall be considered to have agreed to the concurrent resolution (H. Con. Res. 196) making corrections in the enrollment of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

¶123.21 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

¶123.22 H. RES. 804—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 804) providing for the concurrence by the House in the amendment of the Senate to H.R. 1016, with an amendment.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 1

¶123.23 [Roll No. 771]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Buyer

NOT VOTING—12

Campbell
Carney
Cummings
Hastings (WA)
Herger
Johnson, Sam
Linder
Maloney
Miller, George
Schakowsky
Slaughter
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶123.24 MESSAGE FROM THE PRESIDENT—CLEAN DIAMOND TRADE

The SPEAKER pro tempore, Mr. POLIS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The Clean Diamond Trade Act (Public Law 108–19) (the ''Act'') authorizes the President to ''prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.'' The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and

other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.

THE WHITE HOUSE, *October 8, 2009*.

By unanimous consent, the message was referred to the Committee on Ways and Means and the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–67).

¶123.25 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, October 9, 2009, at 10 a.m.; and further, when the House adjourns on Friday, October 9, 2009, it adjourn to meet at 12:30 p.m. on Tuesday, October 13, 2009, for morning-hour debate.

¶123.26 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.''

¶123.27 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 942. An Act to prevent abuse of Government charge cards; to the Committee on Oversight and Government Reform; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

And then,

¶123.28 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 6 o'clock and 53 minutes p.m., the House adjourned until 10 a.m. on Friday, October 9, 2009.

¶123.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 481. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; with an amendment (Rept. 111–290). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 111–291). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1641. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; with an amendment (Rept. 111–292). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2806. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes (Rept. 111–293). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2499. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; with an amendment (Rept. 111–294). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; with an amendment (Rept. 111–295). Referred to the Committee of the Whole House on the state of the Union.

¶123.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REICHERT (for himself and Mr. TANNER):

H.R. 3758. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. REHBERG, and Mr. SCHRADER):

H.R. 3759. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. MCHENRY, Mr. PAUL, Mr. LANCE, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3760. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. ROGERS of Michigan, Mr. HARPER, Mr. PAUL, Mr. LANCE, Mr. LEE of New York, Mr. THOMPSON of Pennsylvania, Mrs. BLACKBURN, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3761. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL (for himself and Mr. LANCE):

H.R. 3762. A bill to provide members of the public with Internet access to certain Congressional Research Service publications, and for other purposes; to the Committee on House Administration.

By Mr. ADLER of New Jersey (for himself, Mr. BROUN of Georgia, and Mr. SIMPSON):

H.R. 3763. A bill to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, and Mr. JOHNSON of Georgia):

H.R. 3764. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky (for himself, Mrs. CAPITO, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. PAUL, Mr. PENCE, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. COBLE, Mr. BOEHNER, Mr. THORNBERRY, Mr. GOHMERT, Mr. REICHERT, Mr. ROSKAM, Mr. NUNES, Mr. HELLER, Mr. HERGER, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADY of Texas, Mrs. MCMORRIS RODGERS, Mr. CANTOR, Mr. MCCARTHY of California, Mr. KLINE of Minnesota, Mr. PITTS, Mr. WOLF, Mr. CAMP, Mr. MCHENRY, Mr. SESSIONS, Mr. SHIMKUS, Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BROWN of South Carolina, Mr. SHADEGG, Mr. CULBERSON, Mr. CONAWAY, Mr. UPTON, Mr. ROGERS of Alabama, Mr. REHBERG, Mr. CASSIDY, Mr. MORAN of Kansas, Mr. SMITH of Texas, Mr. MCKEON, Mr. AKIN, and Mr. POSEY):

H.R. 3765. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. KANJORSKI, Ms. VELÁZQUEZ, Mr. CARDOZA, Mr. FATTAH, and Mr. CUMMINGS):

H.R. 3766. A bill to use amounts made available under the Troubled Assets Relief Program of the Secretary of the Treasury for relief for homeowners and affordable rental housing; to the Committee on Financial Services.

By Mr. BISHOP of Utah:

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts:

H.R. 3768. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 3769. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, Mr. BOREN, Mr. WILSON of South Carolina, and Mr. JOHNSON of Georgia):

H.R. 3770. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. CLAY, Mr. DAVIS of Illinois, Mr. HARE, Mr. TOWNS, Ms. SUTTON, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. CUELLAR, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Ms. RICHARDSON):

H.R. 3771. A bill to amend the Small Business Act to establish mentorship and assistance programs designed to help minority, veteran-owned, and women-owned small businesses operate in the construction industry, and for other purposes; to the Committee on Small Business.

By Mr. DAVIS of Illinois (for himself, Mr. ELLISON, Mr. SIRES, Mr. SCOTT of Virginia, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Mr. STARK):

H.R. 3772. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

By Ms. EDWARDS of Maryland (for herself, Mrs. BIGGERT, Mr. BROUN of Georgia, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. LOBIONDO):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 3774. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 3775. A bill to exempt certain small businesses from the attestation requirement of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 3776. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself and Mr. TAYLOR):

H.R. 3777. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term ''first applicant'' for purposes of filing an abbreviated application for a new drug; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 3778. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians; to the Committee on Energy and Commerce.

By Mr. LANCE:

H.R. 3779. A bill to amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 3780. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit for members of the Armed Forces and certain Federal employees serving on extended duty; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado (for herself, Mr. COFFMAN of Colorado, and Mr. MINNICK):

H.R. 3781. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3782. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and Labor.

By Mr. POSEY (for himself, Mr. BACHUS, Mr. PUTNAM, and Mrs. BACHMANN):

H.R. 3783. A bill to amend the Securities Exchange Act of 1934 to provide the Securities and Exchange Commission with the authority to contract for the collection of delinquent claims resulting from judgments or orders obtained by the Commission; to the Committee on Financial Services.

By Mr. ROONEY (for himself and Mr. BOCCIERI):

H.R. 3784. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit and increase the employer-provided child care credit; to the Committee on Ways and Means.

By Mr. SCOTT of Georgia (for himself, Mr. MARSHALL, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H.R. 3785. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of expanding the boundary of Chattahoochee River National Recreation Area; to the Committee on Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. MCINTYRE, Mr. MICHAUD, Mr. HARE, Mr. HIGGINS, Mr. JONES, Ms. KAPTUR, and Mr. TONKO):

H.R. 3786. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. LATHAM, Mr. ADLER of New Jersey, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. FILNER, Mr. GONZALEZ, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Ms. HERSETH SANDLIN, Mr. MCNERNEY, Mr. MASSA, Mr. MICHAUD, Mr. MITCHELL, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERSON, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. TAYLOR, and Mr. TEAGUE):

H.R. 3787. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H. Con. Res. 196. Concurrent resolution making corrections in the enrollment of the bill H.R. 2647; considered and agreed to.

By Mr. NYE (for himself, Mr. WEXLER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. BUCHANAN):

H. Con. Res. 197. Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages; to the Committee on Financial Services.

By Mr. FLEMING (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. CASSIDY, Mr. MELANCON, and Mr. SCALISE):

H. Res. 814. A resolution honoring the life and service of Dewey Lee Fletcher, Jr; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Pennsylvania:

H. Res. 815. A resolution expressing support for recognition of Christopher Columbus and his role in the history of the United States and recognizing the importance of students learning about Christopher Columbus and the heritage and history of the Nation; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. RAHALL, Ms. RICHARDSON, Mr. ACKERMAN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Ms. HIRONO, Mr. SABLAN, Mr. MANZULLO, Mr. FLAKE, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mr. GUTIERREZ, Mr. LAMBORN, Mr. WAMP, Mr. SIRES, Mr. MCDERMOTT, Mr. PALLONE, Mr. MURTHA, Mr. BROWN of South Carolina, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. HONDA, Mr. CAO, Mr. MEEKS of New York, Mr. SERRANO, Mr. GONZALEZ, Ms. SHEA-PORTER, Mr. HINCHEY, Mrs. CAPPS, Mr. CHAFFETZ, Ms. CHU, Mr. WU, Mr. KENNEDY, Mr. KIND, Mr. DELAHUNT, Mr. AL GREEN of Texas, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. ENGEL, Mr. SMITH of New Jersey, Ms. DEGETTE, and Mr. PAYNE):

H. Res. 816. A resolution mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. ALTMIRE, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRALEY of

Iowa, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. FILNER, Ms. FUDGE, Mr. GONZALEZ, Mrs. BIGGERT, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CONAWAY, Mr. POE of Texas, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Ms. KILROY, Mr. LARSEN of Washington, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. NADLER of New York, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. REYES, Ms. SHEA-PORTER, Mr. SPRATT, and Ms. WASSERMAN SCHULTZ):

H. Res. 817. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on Education and Labor.

By Mr. KING of New York (for himself, Mr. HOYER, Mrs. EMERSON, Mr. ANDREWS, and Mr. PASCRELL):

H. Res. 818. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; to the Committee on Oversight and Government Reform.

By Mr. POSEY:

H. Res. 819. A resolution amending the Rules of the House of Representatives to provide for division of the question on the legislative proposals involved to allow separate votes on disparate matters; to the Committee on Rules.

By Mr. ROYCE (for himself, Mr. WOLF, Mr. MORAN of Virginia, and Mr. CAO):

H. Res. 820. A resolution condemning the pervasive corruption of the Kingdom of Cambodia; to the Committee on Foreign Affairs.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 821. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; to the Committee on Oversight and Government Reform.

¶123.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. EHLERS.
H.R. 43: Mrs. MILLER of Michigan, Mr. HEINRICH, Mr. LANGEVIN, Mr. FARR, Mr. ETHERIDGE, Mr. KENNEDY, Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, and Mr. ANDREWS.
H.R. 208: Mr. MANZULLO and Ms. FUDGE.
H.R. 211: Ms. CHU, Ms. TITUS, and Ms. BERKLEY.
H.R. 213: Mr. HALL of New York.
H.R. 330: Mr. CUMMINGS.
H.R. 391: Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, and Mr. CASSIDY.
H.R. 422: Mr. CROWLEY.
H.R. 442: Mr. CONNOLLY of Virginia and Mr. PETERSON.
H.R. 471: Mr. KUCINICH, Mr. ADERHOLT, and Ms. JACKSON-LEE of Texas.
H.R. 560: Mr. CASSIDY.
H.R. 571: Mr. KENNEDY, Mr. TOWNS, and Mrs. MCCARTHY of New York.
H.R. 648: Mr. CUMMINGS and Mr. COHEN.
H.R. 708: Mr. ROE of Tennessee and Mr. ADERHOLT.
H.R. 761: Mr. MILLER of Florida.
H.R. 766: Ms. LEE of California, Mr. TOWNS, and Mr. GRIJALVA.
H.R. 796: Mr. COHEN and Mr. MICHAUD.
H.R. 874: Ms. MARKEY of Colorado.
H.R. 886: Mr. HARE, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. BRALEY of Iowa.
H.R. 914: Mr. DEAL of Georgia.
H.R. 932: Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CUMMINGS.
H.R. 953: Mr. CHAFFETZ.
H.R. 1054: Mr. CASSIDY.
H.R. 1065: Mr. GRIJALVA.
H.R. 1067: Mr. ARCURI.
H.R. 1086: Mr. NEUGEBAUER.
H.R. 1091: Mr. BERMAN.
H.R. 1094: Mr. DOGGETT.
H.R. 1132: Mr. WAMP, Mr. RADANOVICH, Mr. CALVERT, Ms. ROS-LEHTINEN, Mr. SPRATT, and Mr. MILLER of North Carolina.
H.R. 1147: Mr. KING of New York.
H.R. 1182: Mr. YOUNG of Florida.
H.R. 1191: Mr. CLAY, Ms. ESHOO, Mr. WEINER, Mr. WEXLER, Ms. WATERS, and Mr. BRALEY of Iowa.
H.R. 1193: Mr. CLAY.
H.R. 1242: Mr. KUCINICH and Mr. TIBERI.
H.R. 1250: Mrs. CAPITO.
H.R. 1258: Mrs. CHRISTENSEN.
H.R. 1283: Mr. DRIEHAUS.
H.R. 1327: Ms. KOSMAS, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. GRIJALVA, Mr. MACK, and Mrs. CAPITO.
H.R. 1402: Mr. MCNERNEY.
H.R. 1456: Ms. FUDGE and Mr. VAN HOLLEN.
H.R. 1458: Mr. BURGESS.
H.R. 1505: Mr. CLAY.
H.R. 1519: Mr. HELLER.
H.R. 1521: Mr. BARROW.
H.R. 1551: Ms. CORRINE BROWN of Florida.
H.R. 1588: Mrs. CAPITO.
H.R. 1643: Mr. ABERCROMBIE.
H.R. 1751: Mr. SNYDER.
H.R. 1758: Mr. CONYERS.
H.R. 1820: Ms. WATSON, Mr. MCCLINTOCK, and Mrs. NAPOLITANO.
H.R. 1826: Mr. WALZ, Mr. BOCCIERI, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. THOMPSON of Mississippi.
H.R. 1829: Mr. DAVIS of Kentucky and Mr. WELCH.
H.R. 1835: Mrs. KIRKPATRICK of Arizona.
H.R. 1894: Mr. CONYERS.
H.R. 1908: Mr. TONKO.
H.R. 1912: Mr. OLVER.
H.R. 1964: Mr. RUSH.
H.R. 1986: Mr. MARSHALL.
H.R. 1993: Mr. KLEIN of Florida.
H.R. 2001: Mr. ACKERMAN, Mr. HALL of New York, Mr. HIGGINS, Mr. LYNCH, Mr. GRIJALVA, and Mr. RUPPERSBERGER.
H.R. 2017: Mr. WAXMAN and Mrs. KIRKPATRICK of Arizona.
H.R. 2062: Mr. PRICE of North Carolina.
H.R. 2080: Mr. HALL of New York, Ms. SHEA-PORTER, and Mr. ROSS.
H.R. 2112: Ms. BALDWIN.
H.R. 2132: Ms. JACKSON-LEE of Texas.
H.R. 2149: Mr. GENE GREEN of Texas, Ms. CASTOR of Florida, Mr. RUSH, and Mrs. CHRISTENSEN.
H.R. 2156: Mr. BACA.
H.R. 2190: Mr. WALZ.
H.R. 2194: Mr. BOUSTANY.
H.R. 2266: Mr. COHEN.
H.R. 2267: Mr. LARSON of Connecticut.
H.R. 2279: Mr. CLAY.
H.R. 2280: Mr. WITTMAN.
H.R. 2329: Mr. EHLERS.
H.R. 2350: Ms. SLAUGHTER.
H.R. 2365: Mr. MASSA.
H.R. 2377: Ms. MATSUI, Mr. SCHIFF, and Mr. HONDA.
H.R. 2378: Mr. SPRATT and Mr. WHITFIELD.
H.R. 2408: Mr. MEEKS of New York and Mr. SMITH of New Jersey.
H.R. 2413: Mr. BISHOP of Georgia.
H.R. 2414: Mr. PASTOR of Arizona and Mr. DOGGETT.
H.R. 2419: Mr. JONES.
H.R. 2452: Mr. SPRATT, Mr. Coffman of Colorado, Mr. LUETKEMEYER, and Mr. CASSIDY.
H.R. 2492: Ms. SCHWARTZ.
H.R. 2499: Mr. SERRANO, Mr. LARSEN of Washington, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHADEGG.
H.R. 2502: Mr. LANCE and Mr. DAVIS of Illinois.
H.R. 2556: Mr. MANZULLO.
H.R. 2563: Mr. BURGESS.
H.R. 2573: Mr. NYE.
H.R. 2575: Mr. MORAN of Kansas.
H.R. 2577: Mr. YOUNG of Florida.
H.R. 2584: Ms. BERKLEY, Mr. MARCHANT, Mr. GOHMERT, and Mr. PERRIELLO.
H.R. 2606: Mrs. CHRISTENSEN.
H.R. 2626: Mrs. MILLER of Michigan.
H.R. 2710: Ms. HARMAN, Mr. MCGOVERN, Mr. BERMAN, Mr. BACA, Mrs. CHRISTENSEN, and Ms. MATSUI.
H.R. 2743: Mr. ROGERS of Michigan.
H.R. 2788: Mr. WOLF, Mrs. BLACKBURN, Mr. LUETKEMEYER, Mr. BARRETT of South Carolina, Mr. KILDEE, and Mr. BILBRAY.
H.R. 2811: Mr. LEVIN.
H.R. 2815: Mr. GERLACH.
H.R. 2824: Mr. HELLER and Mr. TIBERI.
H.R. 2849: Mr. MCDERMOTT.
H.R. 2866: Mr. MILLER of North Carolina and Ms. WASSERMAN SCHULTZ.
H.R. 2887: Mr. PERRIELLO.
H.R. 2932: Mr. HASTINGS of Florida.
H.R. 2946: Mr. RAHALL and Mr. PRICE of North Carolina.
H.R. 2964: Mr. WOLF, Mr. BUCHANAN, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. HUNTER, Mr. THOMPSON of Pennsylvania, Mr. ROONEY, Mrs. BONO MACK, Mr. MACK, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. GERLACH, Mr. BISHOP of Utah, and Mr. SCHOCK.
H.R. 2999: Mr. GENE GREEN of Texas.
H.R. 3015: Mr. BARRETT of South Carolina and Mrs. BLACKBURN.
H.R. 3017: Mr. SALAZAR.
H.R. 3024: Ms. SHEA-PORTER, Mr. AL GREEN of Texas, Mr. WITTMAN, Mr. KENNEDY, Mr. ROTHMAN of New Jersey, and Mr. GEORGE MILLER of California.
H.R. 3037: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. FORBES.
H.R. 3044: Mr. LATOURETTE and Mr. DAVIS of Kentucky.
H.R. 3116: Mr. FRANK of Massachusetts.
H.R. 3238: Mr. FILNER.
H.R. 3258: Mrs. MALONEY.
H.R. 3307: Mr. YOUNG of Florida.
H.R. 3400: Mr. ISSA.
H.R. 3402: Mr. LATOURETTE.
H.R. 3408: Mrs. MALONEY.
H.R. 3421: Mr. RYAN of Ohio and Ms. CLARKE.
H.R. 3445: Mr. ROONEY.
H.R. 3463: Ms. JENKINS.
H.R. 3464: Ms. MARKEY of Colorado.
H.R. 3486: Mr. CROWLEY and Mr. MICHAUD.
H.R. 3487: Mr. ISRAEL and Mr. PALLONE.
H.R. 3502: Mr. CASSIDY.
H.R. 3503: Ms. KILPATRICK of Michigan and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3510: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. MASSA.
H.R. 3524: Mr. GOODLATTE.
H.R. 3545: Mr. QUIGLEY.
H.R. 3554: Mr. TAYLOR.
H.R. 3589: Mr. BOUCHER, Ms. PINGREE of Maine, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, Mr. STUPAK, and Mr. KENNEDY.
H.R. 3597: Mr. MICHAUD, Mr. GENE GREEN of Texas, and Ms. DELAURO.
H.R. 3606: Mr. POSEY and Mr. KANJORSKI.
H.R. 3608: Mr. CAMP.
H.R. 3610: Mr. LATOURETTE, Mr. HASTINGS of Washington, and Mr. GOODLATTE.

H.R. 3613: Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. KIRK, Mr. WILSON of South Carolina, Mr. INGLIS, Mr. GARRETT of New Jersey, and Mr. ROGERS of Kentucky.

H.R. 3621: Mr. TIM MURPHY of Pennsylvania and Mr. DEFAZIO.

H.R. 3633: Mr. CAO.

H.R. 3635: Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. MELANCON.

H.R. 3636: Mr. SABLAN.

H.R. 3639: Ms. FUDGE and Ms. TITUS.

H.R. 3640: Mr. ELLSWORTH.

H.R. 3650: Mr. MARIO DIAZ-BALART of Florida and Ms. EDWARDS of Maryland.

H.R. 3664: Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. CAPUANO, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. DELAURO, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. SMITH of Washington.

H.R. 3665: Mr. DOGGETT and Ms. SCHAKOWSKY.

H.R. 3666: Mr. LARSON of Connecticut and Ms. KILPATRICK of Michigan.

H.R. 3669: Ms. KAPTUR and Mr. GEORGE MILLER of California.

H.R. 3676: Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHADEGG, and Mr. GALLEGLY.

H.R. 3677: Mr. WITTMAN.

H.R. 3679: Mr. RUSH.

H.R. 3693: Mrs. EMERSON, Mr. CONAWAY, Mr. SMITH of New Jersey, Mr. SMITH of Texas, and Mr. KIRK.

H.R. 3696: Mr. CHAFFETZ.

H.R. 3697: Mr. BOREN.

H.R. 3698: Mr. MOORE of Kansas.

H.R. 3699: Mr. NADLER of New York.

H.R. 3700: Mr. KINGSTON, Mr. DEAL of Georgia, Mr. WESTMORELAND, and Mr. MILLER of Florida.

H.R. 3703: Ms. SPEIER, Mr. SMITH of New Jersey, and Ms. WATSON.

H.R. 3706: Mr. HOEKSTRA, Mrs. BACHMANN, and Mrs. MYRICK.

H.R. 3709: Mr. WALDEN.

H.R. 3721: Mr. KUCINICH and Mr. VAN HOLLEN.

H.R. 3731: Ms. SCHWARTZ, Mr. SESTAK, Ms. FUDGE, Mr. CONYERS, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of Mississippi, and Mr. STUPAK.

H.R. 3742: Mr. BACA, Mr. HEINRICH, Mr. INSLEE, Mr. BOREN, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. STUPAK, Mrs. NAPOLITANO, Mr. SHULER, and Mr. HONDA.

H.R. 3744: Mr. COURTNEY, Mr. RODRIGUEZ, Mr. MASSA, Mr. HIGGINS, Mr. CARTER, and Mr. BARTLETT.

H.R. 3745: Mr. THOMPSON of California.

H.R. 3749: Mr. CONAWAY, Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. WALZ, Ms. FALLIN, Mr. SULLIVAN, Mr. ROE of Tennessee, Mr. CAMP, Mr. BOOZMAN, and Mr. REHBERG.

H. J. Res. 50: Mr. SMITH of New Jersey.

H. Con. Res. 79: Mr. BRADY of Pennsylvania.

H. Con. Res. 129: Mr. CRENSHAW, Ms. KILPATRICK of Michigan, Mr. BOYD, and Mr. YOUNG of Florida.

H. Con. Res. 139: Mr. CONAWAY, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. BOYD, Mr. FORTENBERRY, and Mr. ADLER of New Jersey.

H. Con. Res. 158: Mr. NYE, Mrs. HALVORSON, and Mr. MURTHA.

H. Con. Res. 160: Mr. SNYDER.

H. Res. 111: Mr. CARTER.

H. Res. 150: Mr. RUSH.

H. Res. 159: Ms. KAPTUR.

H. Res. 397: Mr. MANZULLO.

H. Res. 521: Mr. PLATTS.

H. Res. 568: Mr. CLEAVER, Ms. ROS-LEHTINEN, Mr. WITTMAN, and Mr. LATTA.

H. Res. 581: Mr. CONAWAY, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. TERRY, Mr. HUNTER, Mrs. MYRICK, and Mr. KIRK.

H. Res. 633: Mr. BACA.

H. Res. 660: Mr. TONKO.

H. Res. 666: Mr. YOUNG of Florida.

H. Res. 700: Mr. THOMPSON of California and Mr. FRANK of Massachusetts.

H. Res. 708: Mr. TURNER, Mr. OBERSTAR, Mrs. MYRICK, Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, Mr. SABLAN, Mrs. Dahlkemper, Mr. CLAY, Mr. RANGEL, and Mr. MCCAUL.

H. Res. 709: Mr. CUMMINGS, and Mr. NYE.

H. Res. 711: Mr. STARK.

H. Res. 713: Mr. BERRY, Mr. BISHOP of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPITO, Mr. CLEAVER, Mr. DEFAZIO, Mr. GENE GREEN of Texas, Mr. JONES, Ms. KILROY, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. JOHNSON of Georgia, Mr. ORTIZ, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. REYES, and Ms. RICHARDSON.

H. Res. 716: Mr. QUIGLEY and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 721: Mr. WITTMAN.

H. Res. 729: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Pennsylvania, Mr. Hall of Texas, and Mr. MASSA.

H. Res. 747: Ms. SHEA-PORTER and Mr. MASSA.

H. Res. 756: Mr. CALVERT and Mrs. BONO MACK.

H. Res. 771: Mr. LIPINSKI.

H. Res. 776: Mr. HALL of New York, Ms. SHEA-PORTER, Mr. BOUCHER, Mr. DOGGETT, Mr. WELCH, Mr. REICHERT, and Mr. BLUMENAUER.

H. Res. 777: Mr. GRIJALVA.

H. Res. 783: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SESSIONS, Mr. SHIMKUS, Ms. LEE of California, Mr. HENSARLING, Mr. WELCH, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. SIMPSON, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. GERLACH, Mr. LUETKEMEYER, Mr. GRAVES, Mr. PLATTS, Mr. SMITH of New Jersey, Mr. MICA, and Mr. FRELINGHUYSEN.

H. Res. 787: Mr. CONYERS, Mrs. MYRICK, Mr. MEEK of Florida, Mr. KILDEE, Mr. FARR, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. KAGEN, Mr. WILSON of Ohio, Mrs. NAPOLITANO, Mr. KLEIN of FLORIDA, Mr. ORTIZ, Mr. CLAY, and Ms. BERKLEY.

H. Res. 790: Mr. MCDERMOTT, Mr. YARMUTH, and Ms. SCHWARTZ.

H. Res. 793: Mr. BAIRD, Mr. FRANK of Massachusetts, Mr. PLATTS, Mr. COURTNEY, and Mr. MILLER of North Carolina.

H. Res. 797: Mr. MCCAUL.

H. Res. 798: Mr. RUSH, Ms. BORDALLO, Ms. WATSON, Mr. ABERCROMBIE, Mr. DUNCAN, Mr. WEINER, and Mr. SNYDER.

H. Res. 800: Mr. WOLF, Mr. MITCHELL, Mr. ALTMIRE, Mr. KAGEN, Ms. WATERS, Mr. CAMPBELL, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mrs. NAPOLITANO, Mr. HARE, Mr. MICHAUD, Mr. KISSELL, Ms. TITUS, Mrs. HALVORSON, Mr. TEAGUE, Ms. PINGREE of Maine, Ms. KOSMAS, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. WELCH, Mr. MARCHANT, Mrs. KIRKPATRICK of Arizona, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. MANZULLO, Mr. ROSKAM, Ms. KAPTUR, Mr. COURTNEY, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. WAXMAN, Ms. LEE of California, Mr. CLEAVER, and Mr. SKELTON.

H. Res. 810: Mr. SMITH of Washington, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. FORTENBERRY, and Mr. MORAN of Virginia.

H. Res. 812: Mr. ROGERS of Alabama.

H. Res. 813: Mr. DAVIS of Illinois.

FRIDAY, OCTOBER 9, 2009 (124)

¶124.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. GRIFFITH, who laid before the House the following communication:

WASHINGTON, DC,
October 9, 2009.

I hereby appoint the Honorable PARKER GRIFFITH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶124.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GRIFFITH, announced he had examined and approved the Journal of the proceedings of Thursday, October 8, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶124.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4064. A letter from the Administrator: Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs-Specific Administrative Provisions for the New Era Rural Technology Competitive Grants Program (RIN: 0524-AA60) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4065. A letter from the Administrator: Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs — General Award Administrative Provisions and Program-Specific Administrative Provisions for the Specialty Crop Research Initiative (RIN: 0524-AA28) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4066. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No.: APHIS-2008-0124] received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4067. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — User Fees for Agricultural Quarantine and Inspection Services [Docket No.: APHIS-2009-0048] (RIN: 0579-AC99) received September 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Commuted Traveltime [Docket No.: APHIS-2009-0055] received September 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4069. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director's Directive #2 on Super Completed Contract Method received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4070. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier III — Field Directive on the Planning and Examination of IRC Section 263A issues in the Auto Dealership Industry received

September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4071. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-33) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper All Industries Leveraged Oil and Gas Drilling Partnerships received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4073. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2009-28) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶124.4 ADJOURNMENT

The SPEAKER pro tempore, Mr. GRIFFITH, by unanimous consent and pursuant to the special order of the House agreed to on October 8, 2009, at 10 o'clock and 2 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, October 13, 2009.

¶124.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes (Rept. 111–296). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3537. A bill to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 111–297). Referred to the Committee of the Whole House on the state of the Union.

¶124.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3720: Mr. LATHAM.

TUESDAY, OCTOBER 13, 2009 (125)

¶125.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MORAN of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
October 13, 2009.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶125.2 RECESS—12:32 P.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 32 minutes p.m., until 2 p.m.

¶125.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CARNAHAN, called the House to order.

¶125.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CARNAHAN, announced he had examined and approved the Journal of the proceedings of October 9, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶125.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4074. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Sweet Oranges and Grapefruit From Chile; Technical Amendment [Docket No.: APHIS-2007-0115] (RIN: 0579-AC83) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4075. A letter from the Administrator; Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs-Specific Administrative Provisions for the Beginning Farmer and Rancher Development (RIN: 0524-AA59) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4076. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-36; Introduction [Docket FAR 2009-0001, Sequence 7] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4077. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-038, Federal Technical Data Solution (FedTeDS) [FAC 2005-36; FAR Case 2008-038; Item I; Docket 2009-0028, Sequence 1] (RIN: 9000-AL32) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4078. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2007-021, Fair Labor Standards Act and Service Contract Act Price Adjustment Clauses [FAC 2005-36; FAR Case 2007-021; Item II Docket 2009-0004; Sequence 2] (RIN: 9000-AL14) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4079. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-014, New Designated Country-Taiwan [FAC 2005-36; FAR Case 2009-014; Item III; Docket 2009-0027, Sequence 1] (RIN: 9000-AL34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4080. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-004, Prohibition on Restricted Business Operations in Sudan and Imports from Burma [FAC 2005-36; FAR Case 2008-004; Item IV; Docket 2008-0001; Sequence 21] (RIN: 9000-AL) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4081. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Eagle Permits; Take Necessary To Protect Interests in Particular Localities [FWS-R9-MB-2008-0057; 91200-1231-9BPP-L2] (RIN: 1018-AV81) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4082. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs [Docket No.: 0809031176-91213-03] (RIN: 0648-AX25) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4083. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping; Transportation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2009-0702] (RIN: 1625-ZA24) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0211; Directorate Identifier 2008-NM-028-AD; Amendment 39-15980; AD 2009-15-17] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turboshaft Engines; Correction [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes [Docket No.: FAA-2009-0432; Directorate Identifier 2008-NM-168-AD; Amendment 39-15982; AD 2009-15-19] (RIN: 2120-AA64) Received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No.: FAA-2008-1005; Directorate Identifer 2008-NM-119-AD; Amendment

39-15981; AD 2009-15-18] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty; Assistance to Eligible Individuals in Acquiring Specially Adapted Housing; Cost-of-Construction Index (RIN: 2900-AN26) received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4089. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry of Certain Cement Products from Mexico Requiring a Commerce Department Import License (RIN: 1505-AC14) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4090. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Increase In Certain Personal Duty Exemptions Extended to Returning U.S. Residents (RIN: 1505-AC16) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4091. A letter from the Federal Register Liaison, Department of the Treasury, transmitting the Department's final rule — Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R-368P) [Docket No.: TTB-2009-0002; T.D. TTB-81; Re: Notice No. 99, T.D. TTB-78, Notice No. 95] (RIN: 1513-AB75) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4092. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-40) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4093. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Countries [Notice 2009-81] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4094. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Authorization of Representative Fees [Docket No.: SSA-2008-0030] (RIN: 0960-AG82) received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶125.6 ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to section 214(a) of the Help America Vote Act of 2002 (42 United States Code 15344), and the order of the House of January 6, 2009, announced that the Speaker appointed the following member on the part of the House to the Election Assistance Commission Board of Advisors: Ms. Lillie Coney, Washington, D.C.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶125.7 VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶125.8 NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 1593) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; as amended.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.9 JUNIOR DUCK STAMP CONSERVATION AND DESIGN

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 3537) to amend and reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.10 NORTH AMERICAN WETLANDS CONSERVATION

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 3433) to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.11 DELAWARE WATER GAP

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 3476) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶125.12 1ST LIEUTENANT LOUIS ALLEN POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2877) to designate the facility of the United

States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. LYNCH and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.13 DAUGHTERS OF PENELOPE

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 209); as amended:

Whereas generations of Greek-Americans have worked alongside their fellow Americans to build a more perfect Union, and the United States is a stronger country because of them;

Whereas Greek-Americans have served ably in their communities in numerous capacities, such as government, including five-term Maryland Senator Paul S. Sarbanes, and in the Armed Services in every war in which the United States fought since World War I, including patriots such as George Dilboy, a World War I Medal of Honor recipient;

Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece (namely, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence) through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program;

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc., supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the ''Open Books'' program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, the tapes that provide an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness and research on medical diseases, such as cancer, thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations, such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Literacy, the Children's Wish Foundation, UNICEF, Habitat for Humanity, St. Basil Academy, and others;

Whereas Greek-American directors and performers, such as Elia Kazan, Olympia Dukakis, and Maria Callas, enriched the arts, and medical researcher, Dr. George Papanicolaou, also known as the ''The Father of Cytology'', saved millions of lives by inventing the Pap Test;

Whereas countless Greek-Americans have risen to become leaders of commerce and industry, thus fulfilling the ''American Dream'';

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters, such as hurricanes, earthquakes, and forest fires;

Whereas the Daughters of Penelope, founded November 16, 1929, celebrates its 80th anniversary as a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); and

Whereas Americans can trace the concept and ideals of democracy to the ancient Greeks: Now, therefore, be it

Resolved, That the House of Representatives recognizes the significant contributions of American citizens of Greek ancestry and Philhellenes, and the Daughters of Penelope to the United States.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. LYNCH and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶125.14 ALDINE INDEPENDENT SCHOOL DISTRICT

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 791); as amended:

Whereas the thousands of employees of the Aldine Independent School District in Harris County, Texas, work hard to create a supportive, safe, and effective learning environment, enabling students to achieve academic success;

Whereas the Aldine Independent School District uses a district-wide strategic plan, which is focused on student achievement, student behavior, and community relations;

Whereas the leadership of the Aldine Independent School District is vigilant in ensuring that all staff, departments, schools, and resources continue to focus on the district-wide strategic plan;

Whereas the Aldine Independent School District, through the use of creative teaching technology, has set clear, rigorous expectations for teachers and has provided school management with increased oversight;

Whereas data from the Texas Education Agency indicates that the Aldine Independent School District consistently ranks among the high performing school districts in the State;

Whereas the Aldine Independent School District ranks among the top large school districts in Texas for educating African-American students and Hispanic students, according to a recent study conducted by Texas Agricultural & Mechanical University and the University of Texas-Pan American;

Whereas between 2005 and 2008, the SAT and Advanced Placement participation rates for African-American and Hispanic students in the Aldine Independent School District increased significantly;

Whereas in 2008, African-American students in the Aldine Independent School District achieved higher proficiency rates in math at all school levels and in reading at the middle and high school levels compared with other students in Texas;

Whereas in 2008, a greater percentage of Hispanic students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas in 2008, a greater percentage of low-income students in the Aldine Independent School District performed at the highest achievement level on State reading and math assessments at all school levels compared to other school districts in the State;

Whereas nationwide, family income level is typically a strong statistical predictor of school performance;

Whereas in the Aldine Independent School District, poverty does not appear to be statistically related to achievement at any school level or in math or reading, despite a high enrollment of students considered to be low-income;

Whereas between 2005 and 2008, the Aldine Independent School District narrowed the income achievement gaps in reading at all school levels and in math at the elementary and middle school levels;

Whereas the ''Broad Prize for Urban Education'', the largest education award for school districts in the United States, was established in 2002 by the Eli and Edythe Broad Foundation;

Whereas the Aldine Independent School District has been a finalist four times for the ''Broad Prize for Urban Education'';

Whereas in 2008, the Aldine Independent School District outperformed other Texas school districts that serve students with similar family incomes in reading and math at all school levels, according to the Broad Prize methodology; and

Whereas the Aldine Independent School District was selected from among 100 of the largest school districts in the country to win the 2009 ''Broad Prize for Urban Education'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Aldine Independent School District in Harris County, Texas, for the outstanding achievement of winning the 2009 ''Broad Prize for Urban Education'', the largest education award for school districts in the United States; and

(2) congratulates the entire Aldine Independent School District community on the

hard work and dedication the community has demonstrated toward student achievement, particularly the efforts of the community toward reducing the achievement gaps among ethnic groups and between high- and low-income students.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶125.15 KAPPA ALPHA PSI FRATERNITY

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 659); as amended:

Whereas Kappa Alpha Psi Fraternity, Inc., was founded on January 5, 1911, on the campus of Indiana University in Bloomington, Indiana, by Elder Watson Diggs, John Milton Lee, Byron K. Armstrong, Guy Levis Grant, Ezra D. Alexander, Henry T. Asher, Marcus P. Blakemore, Paul W. Caine, Edward G. Irvin, and George W. Edmonds;

Whereas the founders of Kappa Alpha Psi were young men who possessed the imagination, ambition, courage, and determination to defy custom in pursuit of college educations and careers during an oppressive time in American history for African-Americans;

Whereas Kappa Alpha Psi stressed the importance of achievement in seeking to set the sights of African-American youth on accomplishments greater than those they otherwise would have imagined or realized;

Whereas, since its founding, Kappa Alpha Psi has matured to an organization of over 150,000 college-trained men;

Whereas Kappa Alpha Psi's undergraduate chapters are located on more than 360 college and university campuses and its alumni chapters are located in 347 cities in the United States and 5 foreign countries;

Whereas Kappa Alpha Psi has a partnership with Habitat for Humanity and builds a home for a local family in conjunction with each of its biennial conventions;

Whereas Kappa Alpha Psi has a partnership with Memphis-based St. Jude Children's Research Hospital and has designated the hospital as the primary benefactor of its national fundraising efforts;

Whereas Kappa Alpha Psi sponsors Kappas on Capitol Hill, a four-day conference for its members in the Nation's capitol designed to increase its members' awareness of the political process through workshops, seminars, and lectures;

Whereas Kappa Alpha Psi has emphasized financial literacy in its community-based outreach, implementing two major programs, Credit Abuse Resistance Education (CARE) and Greeks Learning to Avoid Debt (GLAD) in partnership with the National Association of Bankruptcy Trustees, the National Foundation for Credit Counseling, and the National Pan-Hellenic Council;

Whereas Kappa Alpha Psi, through its Kappa League and National Guide Right programs, has provided thousands of at-risk youth in communities throughout the Nation with role models and mentors that encourage them to make positive contributions to, and to take leadership roles in, their communities;

Whereas, since 1990, Kappa Alpha Psi's Kappa Scholarship Fund has provided scholarship grants to over 10,000 high school graduates to assist in furthering their education;

Whereas Kappa Alpha Psi's chapters nationwide regularly participate in its Holiday Food Drive, provides food, clothing, and toys to low income citizens in many metropolitan and rural communities throughout the Nation;

Whereas Kappa Alpha Psi's national theme of ''One Kappa, Creating Inspiration: A Call to Service'' has mobilized Kappa men across the Nation who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better servant leaders for their respective families and communities, the Nation, and the fraternity at large; and

Whereas Kappa Alpha Psi Fraternity, Inc., will hold its 79th Grand Chapter Meeting in Washington, DC, August 4 through August 9, 2009: Now, therefore, be it

Resolved, That the House of Representatives congratulates Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. SABLAN and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶125.16 UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 730); as amended:

Whereas La Crosse is located on the western border of middle-Wisconsin on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current day University of Wisconsin-La Crosse;

Whereas University of Wisconsin-La Crosse was founded as the La Crosse Normal School in 1909 for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas ''Mens Corpusque'', Latin for mind and body, is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the La Crosse State Teachers Colleges could establish baccalaureate degrees in liberal arts;

Whereas University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among Midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams took the nickname ''Eagles'' in fall 1989, and the women teams a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 NCAA Division III national titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

Resolved, That the House of Representatives honors the University of Wisconsin-La Crosse, on its 100th anniversary and commends the institution's status as a leading public university that excels in academics, athletics, and quality of life for students.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. SABLAN and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶125.17 NATIONAL WORK AND FAMILY MONTH

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 768); as amended:

Whereas, according to a report entitled ''Attraction and Retention'' published by an organization called WorldatWork, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas, according to a 2008 report by the Families and Work Institute entitled National Study of the Changing Workforce, employees with a high level of work-life integration are, compared to employees with moderate or low levels of work-life integration, more highly engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress;

Whereas, according to a 2004 report entitled ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers;

Whereas, according to the Best Places to Work in the Federal Government rankings released by the Partnership for Public Service and American University's Institute for

the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of employee engagement and satisfaction in the Federal workforce;

Whereas finding a good work-life balance is important for workers in multiple generations, as indicated by a 2009 survey entitled ''Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It'', which found that attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and a 2008 study entitled ''A Golden Opportunity'', which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules ''extremely appealing'';

Whereas, according to research by the Radcliffe Public Policy Center in 2000, men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families;

Whereas, according to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life;

Whereas employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a 2000 study entitled Urban Working Families revealed that a lack of job flexibility for parents negatively affects child health by preventing parents from making needed doctors' appointments and children from receiving adequate early care, which makes illnesses more severe and prolonged;

Whereas, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military;

Whereas according to a Centers for Disease Control and Prevention (CDC) report, less than half of mothers who work full time exclusively breastfeed their newborns although support for lactation at work benefits individual families as well as employers by improving productivity and staff loyalty, and decreasing absenteeism and employee turnover;

Whereas according to the CDC, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric obesity;

Whereas studies report that family rituals, such as sitting down to dinner together positively influence children's health and development, and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care for elderly United States citizens, and the Department of Health and Human Services estimates the number of such caregivers to reach 37,000,000 by 2050, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as ''National Work and Family Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Work and Family Month'';

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideals of ''National Work and Family Month'', and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Work and Family Month'' with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. SABLAN and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 14, 2009.

¶125.18 STUDENTS TO LEARN ABOUT CHRISTOPHER COLUMBUS

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 822):

Whereas Columbus Day is celebrated the second Monday in October every year to honor Christopher Columbus;

Whereas Christopher Columbus arrived in the Americas on October 12, 1492, and is credited with initiating the European colonization of the Americas;

Whereas tributes and memorials to Christopher Columbus exist today in almost every State in the Nation;

Whereas the discovery and colonization of the Americas is an integral part of the history and heritage of the United States;

Whereas according to the National Assessment of Educational Progress in 2006, less than half of the country's high school seniors had a basic knowledge of United States history;

Whereas 29 States require high school students to take a class in civics or government;

Whereas a proficient knowledge of the history and heritage of the United States is important to promoting additional civic involvement; and

Whereas educating today's young people about the history and heritage of the United States is essential to creating an informed generation of citizens: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the recognition of Christopher Columbus and his role in the discovery and history of the United States;

(2) recognizes that it is important for young people to learn about Christopher Columbus and the discovery, heritage, and history of the Nation; and

(3) encourages all people to take advantage of educational opportunities in high schools and institutions of higher education to learn about Christopher Columbus' discovery of the Americas and United States history.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. SABLAN and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶125.19 IRAN SANCTIONS ENABLING ACT

Mr. FRANK of Massachusetts, moved to suspend the rules and pass the bill (H.R. 1327) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. FRANK of Massachusetts, and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRANK of Massachusetts, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 14, 2009.

¶125.20 SUBMISSION OF CONFERENCE REPORT—H.R. 2892

Mr. PRICE of North Carolina, submitted a conference report (Rept. No. 111–298) on the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for

other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶125.21 CREDIT CARD TECHNICAL CORRECTIONS

Mr. FRANK of Massachusetts, moved to suspend the rules and pass the bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. FRANK of Massachusetts, and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.22 RECESS—4:01 P.M.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 1 minute p.m., until approximately 6:30 p.m.

¶125.23 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, called the House to order.

¶125.24 H.R. 3689—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays ..... 0 }

¶125.25 [Roll No. 772]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Abercrombie
Austria
Barrett (SC)
Bean
Blunt
Bonner
Brown-Waite, Ginny
Camp
Capuano
Carney
Clarke
Conyers
Costello
Cuellar
Davis (AL)
Diaz-Balart, L.
Engel
Granger
Griffith
Harman
Hoekstra
Maloney
Matheson
Miller (FL)
Moran (KS)
Neal (MA)
Platts
Pomeroy
Putnam
Radanovich
Rogers (MI)
Rohrabacher
Roskam
Rush
Sánchez, Linda T.
Sanchez, Loretta
Shimkus
Sires
Taylor
Thornberry
Wamp
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.26 H.R. 3476—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3476) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 / Nays ..... 1 }

¶125.27 [Roll No. 773]

YEAS—384

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole

Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—47

Abercrombie
Austria
Barrett (SC)
Bean
Becerra
Blunt
Bonner
Brown-Waite, Ginny
Butterfield
Camp
Capuano
Carney
Conyers
Costello
Cuellar
Davis (AL)
Diaz-Balart, L.
Engel
Gingrey (GA)
Granger
Griffith
Grijalva
Harman
Hoekstra
Mack
Maloney
Miller (FL)
Moran (KS)
Neal (MA)
Olson
Platts
Pomeroy
Putnam
Radanovich
Rohrabacher
Roskam
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schrader
Shimkus
Sires
Taylor
Thornberry
Wamp
Wexler
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.28 H. RES. 659—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 659) congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays 0

¶125.29 [Roll No. 774]

YEAS—392

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield

Wilson (OH)	Wolf	Yarmuth
Wilson (SC)	Woolsey	Young (AK)
Wittman	Wu	Young (FL)

NOT VOTING—40

Abercrombie	Diaz-Balart, L.	Radanovich
Austria	Engel	Rohrabacher
Barrett (SC)	Granger	Roskam
Bean	Green, Gene	Rush
Blunt	Griffith	Sánchez, Linda T.
Bonner	Harman	Sanchez, Loretta
Brown-Waite, Ginny	Hoekstra	Shimkus
Camp	Maloney	Sires
Capuano	Miller (FL)	Taylor
Carney	Moran (KS)	Thornberry
Costello	Neal (MA)	Velázquez
Cuellar	Platts	Wamp
Davis (AL)	Pomeroy	Wexler
	Putnam	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶125.30 GIRL SCOUTS USA CENTENNIAL COMMEMORATIVE COIN

Mr. FOSTER moved to suspend the rules and pass the bill (H.R. 621) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; as amended.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, recognized Mr. FOSTER and Mr. KINGSTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. DAHLKEMPER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶125.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. Ginny BROWN-WAITE of Florida, for today.

And then,

¶125.32 ADJOURNMENT

On motion of Mr. KING of Iowa, at midnight, the House adjourned.

¶125.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of North Carolina: Committee of Conference. Conference report on H.R. 2892. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–298). Ordered to be printed.

¶125.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE (for himself, Mr. AUSTRIA, Mr. BOCCIERI, Mr. DRIEHAUS, Ms. FUDGE, Mr. JORDAN of Ohio, Ms. KAPTUR, Ms. KILROY, Mr. KUCINICH, Mr. LATTA, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, Mr. TIBERI, Mr. TURNER, and Mr. WILSON of Ohio):

H.R. 3788. A bill to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. SHULER, Mr. FRANKS of Arizona, Mr. REHBERG, and Mr. BACHUS):

H.R. 3789. A bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage; to the Committee on Transportation and Infrastructure.

By Mr. MEEK of Florida (for himself, Mr. MAFFEI, Mrs. EMERSON, Mr. FARR, Mr. THOMPSON of Pennsylvania, Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOCCIERI, Mr. KLEIN of Florida, Mr. SHULER, Mr. RYAN of Ohio, Mr. WEXLER, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. TIBERI, and Ms. FUDGE):

H.R. 3790. A bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS) in a budget neutral manner; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself, Mr. PASCRELL, Mr. HOYER, Mr. GORDON of Tennessee, Mr. WU, Mr. ANDREWS, Mr. GRAYSON, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. LIPINSKI, Mr. CARNAHAN, Mr. COSTELLO, Mr. PETERS, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. HIRONO, Mr. HINCHEY, Mr. MICHAUD, Mr. HIGGINS, Mrs. HALVORSON, Mr. ROSS, Mr. FOSTER, Mr. LANGEVIN, Mr. MCINTYRE, Mr. DELAHUNT, Mrs. LOWEY, Mr. KAGEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. SUTTON, Mr. CUELLAR, Mrs. KIRKPATRICK of Arizona, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Mr. LUJÁN, Mr. RYAN of Ohio, Mrs. BLACKBURN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, and Mr. DOYLE):

H.R. 3791. A bill to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

By Mr. PALLONE (for himself, Mr. DEAL of Georgia, Mr. WAXMAN, and Mr. BARTON of Texas):

H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania:

H.R. 3793. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 3794. A bill to amend the Central Valley Project Improvement Act to assist in efforts to avoid losses of juvenile anadromous fish; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 3795. A bill to enact the Over-the-Counter Derivatives Markets Act of 2009; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3796. A bill to amend title 38, United States Code, to improve per diem grant payments for organizations assisting homeless veterans; to the Committee on Veterans' Affairs.

By Ms. FOXX (for herself and Mr. CHAFFETZ):

H.R. 3797. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H.R. 3798. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible entities to train elementary and secondary school nurses on how to respond to a biological or chemical attack or an outbreak of pandemic influenza in a school building or on school grounds; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Ms. KILROY, Mr. CARNAHAN, Mr. RYAN of Ohio, Ms. LEE of California, Mr. ELLISON, Mr. DOGGETT, Ms. FUDGE, and Mr. KENNEDY):

H.R. 3799. A bill to amend title XVIII of the Social Security Act to improve prescription drug coverage under Medicare part D and to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to improve prescription drug coverage under private health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SIRES, Mr. COURTNEY, and Mr. WAXMAN):

H.R. 3800. A bill to establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to extend the increased first-time homebuyer credit and waiver of requirement to repay, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 3802. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from the limitation on depreciation when used for personal purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself and Mr. MOORE of Kansas):

H.R. 3803. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 3805. A bill to amend the Electronic Duck Stamp Act of 2005 to extend by 2 years the period for the conduct of the electronic duck stamp pilot program under that Act; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. KENNEDY, Mr. MASSA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. PAYNE, Ms. BALDWIN, Mr. LANCE, Mr. COHEN, Mr. LOEBSACK, Mr. CARNAHAN, Mr. MICHAUD, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Mr. MOORE of Kansas, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. HOLT, Ms. HIRONO, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY, Mr. WALZ, Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. MCGOVERN, Mr. MURTHA, Mr. TIM MURPHY of Pennsylvania, Mr. SALAZAR, Mr. SCHRADER, Mr. COURTNEY, Mr. LYNCH, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mrs. BLACKBURN, Ms. FUDGE, Mr. SNYDER, Mr. BISHOP of Georgia, Mr. WATT, Mr. AL GREEN of Texas, and Mr. CLEAVER):

H. Con. Res. 198. Concurrent resolution recognizing Pediatric Acquired Brain Injury as the leading cause of death and disability in the United States for children and young adults from birth until 25 years of age and endorsing the National Pediatric Acquired Brain Injury Plan to develop a seamless, standardized, evidence-based system of care universally accessible for all of these children, young adults, and their families, regardless of where they live in the country; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H. Con. Res. 199. Concurrent resolution recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States; to the Committee on Armed Services.

By Mr. THOMPSON of Pennsylvania:

H. Res. 822. A resolution expressing support for students to learn about Christopher Columbus; to the Committee on Education and Labor. considered and agreed to.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Mrs. EMERSON, Mr. GEORGE MILLER of California, Mr. DELAHUNT, Mr. CAPUANO, Mr. HONDA, Ms. MCCOLLUM, Mr. CONNOLLY of Virginia, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. ELLISON, Mr. GUTIERREZ, Ms. ESHOO, Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. AL GREEN of Texas):

H. Res. 823. A resolution expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H. Res. 824. A resolution congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence; to the Committee on Education and Labor.

By Mr. OLSON:

H. Res. 825. A resolution recognizing the P-3 Orion naval aircraft for 50 years of service; to the Committee on Armed Services.

By Mr. PALLONE (for himself and Mr. MCDERMOTT):

H. Res. 826. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Oversight and Government Reform.

¶125.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. MURPHY of New York.
H.R. 236: Mr. COHEN.
H.R. 503: Mr. HEINRICH, Ms. CHU, and Mr. SPRATT.
H.R. 515: Mrs. CHRISTENSEN.
H.R. 571: Mr. CARTER, Mr. MEEKS of New York, and Ms. GIFFORDS.
H.R. 610: Mr. MASSA.
H.R. 621: Mr. NYE and Mr. SARBANES.
H.R. 636: Mr. LATTA.
H.R. 658: Ms. SUTTON and Mr. WALZ.
H.R. 678: Mr. OLVER, Mr. COHEN, and Mr. BERRY.
H.R. 690: Mr. COURTNEY.
H.R. 847: Mr. THOMPSON of Mississippi and Mr. RUSH.
H.R. 930: Mr. BRALEY of Iowa.
H.R. 980: Mr. ISRAEL and Mr. PIERLUISI.
H.R. 1079: Ms. KOSMAS.
H.R. 1083: Ms. ZOE LOFGREN of California.
H.R. 1101: Mr. FORTENBERRY.
H.R. 1173: Mr. JOHNSON of Georgia and Mr. AUSTRIA.
H.R. 1207: Mr. SPRATT and Mr. HIGGINS.
H.R. 1210: Ms. ROYBAL-ALLARD.
H.R. 1278: Ms. DEGETTE.
H.R. 1283: Mr. MURPHY of New York and Mr. RANGEL.
H.R. 1310: Mrs. NAPOLITANO.
H.R. 1326: Ms. CHU, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, and Mr. ABERCROMBIE.
H.R. 1327: Ms. RICHARDSON, Mr. BACHUS, Mr. LYNCH, and Mr. BROWN of South Carolina.
H.R. 1340: Mr. DOGGETT and Mr. HOLT.
H.R. 1428: Ms. MARKEY of Colorado.
H.R. 1490: Mr. GORDON of Tennessee and Mr. EDWARDS of Texas.
H.R. 1547: Mr. ADERHOLT.
H.R. 1549: Mrs. CAPPS, Mr. SERRANO, Mr. PAYNE, Mr. NADLER of New York, and Mr. MEEKS of New York.
H.R. 1552: Mr. CROWLEY.
H.R. 1597: Mr. BARTLETT.
H.R. 1623: Mr. DAVIS of Tennessee.
H.R. 1690: Mr. ABERCROMBIE.
H.R. 1766: Mr. ELLISON and Mr. TONKO.
H.R. 1770: Mr. MICHAUD.
H.R. 1818: Mr. PETERSON.
H.R. 1927: Mr. KING of New York.
H.R. 1964: Mr. CONYERS.
H.R. 1970: Mr. POSEY.
H.R. 1981: Mr. GOODLATTE.
H.R. 1993: Ms. ZOE LOFGREN of California, Mr. QUIGLEY, and Mr. ROTHMAN of New Jersey.
H.R. 2017: Mr. DEAL of Georgia and Mr. CARSON of Indiana.
H.R. 2067: Mr. HIGGINS.
H.R. 2068: Ms. SCHWARTZ and Mr. ROTHMAN of New Jersey.
H.R. 2089: Mr. SESTAK.
H.R. 2132: Mr. GRIJALVA and Mr. CUMMINGS.
H.R. 2149: Mr. WESTMORELAND, Mr. BRALEY of Iowa, and Mr. BUTTERFIELD.
H.R. 2190: Mr. HODES and Mr. LIPINSKI.
H.R. 2243: Mr. PETERSON.
H.R. 2254: Ms. LEE of California, Mr. LUETKEMEYER, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Mr. RAHALL.
H.R. 2280: Mr. FILNER.
H.R. 2289: Ms. RICHARDSON.
H.R. 2296: Mr. TURNER and Mr. BARTON of Texas.
H.R. 2324: Mr. ROTHMAN of New Jersey, Mr. ENGEL, Mr. WEINER, and Mr. GEORGE MILLER of California.
H.R. 2329: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2365: Mr. TERRY.
H.R. 2408: Mr. SCHAUER, Mr. MCCARTHY of California, Mr. NUNES, Mr. CALVERT, Mr. CULBERSON, and Mr. WEINER.
H.R. 2502: Mr. BUTTERFIELD, Mr. TOWNS, Mr. BRIGHT, Mr. NYE, and Mr. BARROW.
H.R. 2506: Mr. PETERSON.
H.R. 2517: Ms. JACKSON-LEE of Texas.
H.R. 2563: Mr. GRIFFITH and Mr. BRIGHT.
H.R. 2570: Mr. STARK.
H.R. 2597: Mr. MOORE of Kansas.
H.R. 2698: Ms. FUDGE.
H.R. 2699: Ms. FUDGE.
H.R. 2776: Mr. RANGEL, Mr. HARE, Mr. NADLER of New York, and Ms. ZOE LOFGREN of California.
H.R. 2777: Ms. BALDWIN.
H.R. 2866: Mr. WELCH.
H.R. 2882: Mr. CLAY.
H.R. 2891: Mr. ROTHMAN of New Jersey and Mr. DOGGETT.
H.R. 2897: Mr. PETERSON.
H. R. 2901: Mr. STUPAK.
H.R. 2931: Mrs. KIRKPATRICK of Arizona.
H.R. 2964: Ms. MARKEY of Colorado and Ms. FALLIN.
H.R. 2978: Mr. WOLF.
H.R. 3001: Mr. WU.
H.R. 3035: Mrs. SCHMIDT and Mr. NADLER of New York.
H.R. 3077: Mr. CARSON of Indiana, Ms. WATERS, and Mr. JOHNSON of Georgia.
H.R. 3131: Mr. BOOZMAN and Mr. PETERSON.
H.R. 3200: Mr. BACA.
H.R. 3240: Mr. SHIMKUS and Mr. GUTIERREZ.
H.R. 3286: Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. TIERNEY, Mr. SHULER, Ms. HARMAN, and Mr. DEFAZIO.
H.R. 3328: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. COHEN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. TOWNS, and Mr. RUSH.
H.R. 3336: Mr. GORDON of Tennessee.
H.R. 3365: Mr. GUTIERREZ.
H.R. 3381: Ms. WATERS.
H.R. 3407: Mr. PUTNAM.
H.R. 3487: Ms. DELAURO.
H.R. 3511: Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Mr. PIERLUISI, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. ANDREWS, Mr. DRIEHAUS, Mr. HEINRICH, Ms. FUDGE, Mr. MCMAHON, Mr. MASSA, Mr. TONKO, Ms. TITUS, Mr. HIMES, Mrs. CHRISTENSEN, Mr. AL GREEN

of Texas, Ms. HIRONO, Mrs. NAPOLITANO, Mr. BOREN, Mr. RODRIGUEZ, Mr. COSTA, Mr. KILDEE, Mrs. CAPPS, and Mr. CARSON of Indiana.
H.R. 3522: Mr. PETERSON.
H.R. 3554: Mr. ETHERIDGE, and Mr. HOLT.
H.R. 3567: Mr. ARCURI, Mr. CROWLEY, Mr. PAYNE, and Mr. LYNCH.
H.R. 3578: Mr. WELCH and Mr. BOSWELL.
H.R. 3585: Mr. PETERS.
H.R. 3587: Mr. CONYERS.
H.R. 3589: Mr. COURTNEY.
H.R. 3596: Mr. SESTAK.
H.R. 3597: Mr. FILNER and Mr. SCOTT of Virginia.
H.R. 3644: Mr. THOMPSON of California.
H.R. 3648: Mr. PERLMUTTER.
H.R. 3676: Mr. BARRETT of South Carolina.
H.R. 3696: Mr. HOEKSTRA and Mr. SAM JOHNSON of Texas.
H.R. 3711: Mr. MCMAHON.
H.R. 3717: Ms. WATSON and Ms. JENKINS.
H.R. 3756: Ms. SHEA-PORTER.
H.R. 3771: Mr. CONYERS and Mr. STARK.
H.R. 3786: Ms. SUTTON.
H.J. Res. 11: Mr. JORDAN of Ohio.
H.J. Res. 61: Ms. PINGREE of Maine, Ms. SCHWARTZ, and Mr. MCNERNEY.
H. Con. Res. 42: Mr. SERRANO.
H. Con. Res. 43: Mr. SERRANO.
H. Con. Res. 57: Mr. MARCHANT, Mr. RODRIGUEZ, Mr. GALLEGLY, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. TURNER, and Mr. KIRK.
H. Con. Res. 129: Mr. MURPHY of New York.
H. Con. Res. 170: Mr. FORTENBERRY and Mr. PETERSON.
H. Con. Res. 175: Mr. LEVIN, Mr. COURTNEY, and Ms. KAPTUR.
H. Res. 111: Mr. BOCCIERI and Mr. BILIRAKIS.
H. Res. 150: Ms. DEGETTE and Mr. PAYNE.
H. Res. 197: Mr. DELAHUNT.
H. Res. 209: Mr. LEWIS of Georgia.
H. Res. 267: Mr. FORBES.
H. Res. 445: Mr. GINGREY of Georgia.
H. Res. 516: Ms. NORTON.
H. Res. 531: Mr. JACKSON of Illinois, Mr. HARE, and Mr. JOHNSON of Illinois.
H. Res. 554: Mr. MCHENRY, Mr. AKIN, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. HUNTER, Mr. SCALISE, and Mr. BARRETT of South Carolina.
H. Res. 603: Mr. MCCOTTER and Mr. CONYERS.
H. Res. 627: Mr. BLUMENAUER.
H. Res. 633: Mr. HONDA.
H. Res. 648: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, and Mr. THOMPSON of California.
H. Res. 660: Mr. DAVIS of Alabama.
H. Res. 700: Mr. CONYERS.
H. Res. 727: Mr. FRANK of Massachusetts and Mr. PAUL.
H. Res. 729: Mr. WAMP and Ms. ROS-LEHTINEN.
H. Res. 752: Mr. PLATTS.
H. Res. 771: Ms. SHEA-PORTER.
H. Res. 782: Mr. LAMBORN.
H. Res. 783: Mr. MCKEON, Mr. SIRES, Mr. WILSON of South Carolina, Ms. FOXX, Mr. PAYNE, Mr. BECERRA, and Mr. FORBES.
H. Res. 787: Mr. PLATTS, Ms. BORDALLO, Mr. COURTNEY, Mr. MURPHY of New York, Mr. LIPINSKI, Ms. TSONGAS, Mr. YOUNG of Alaska, and Mr. HOLT.
H. Res. 796: Mr. BROWN of South Carolina.
H. Res. 797: Ms. ZOE LOFGREN of California.
H. Res. 800: Mr. AL GREEN of Texas, Mr. PITTS, Ms. SCHAKOWSKY, Mr. BARROW, Mr. BERMAN, and Mr. MCGOVERN.
H. Res. 809: Mr. BROWN of South Carolina and Mr. BROUN of Georgia.
H. Res. 810: Ms. HIRONO, Mr. ENGEL, Mr. MCCAUL, Mr. PIERLUISI, Mr. DELAHUNT, Ms. SCHWARTZ, Ms. LEE of California, Mr. ROSS, Mr. CAO, Mr. MACK, Mr. AL GREEN of Texas, Mr. BERMAN, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.
H. Res. 812: Mr. PETERSON and Mr. JOHNSON of Georgia.
H. Res. 816: Mr. YOUNG of Alaska and Ms. SCHAKOWSKY.

WEDNESDAY, OCTOBER 14, 2009 (126)

The House was called to order by the SPEAKER.

¶126.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, October 13, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶126.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4095. A letter from the Acting Under Secretary, Department of Defense, transmitting Inventory Lists for the Department of Defense Agency and Activities pursuant to section 2330a Title 10 of the U.S. Code as amended by section 807 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

4096. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

4097. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4098. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 527(f) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), a report listing outstanding expropriation cases; to the Committee on Foreign Affairs.

4099. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Managing for Engagement — Communication, Connection, and Courage'', pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

4100. A letter from the Secretary, Department of Health and Human Services, transmitting copy of the Annual Report to Congress on the Refugee Resettlement Program for the period October 1, 2006 through September 30, 2007 as required by section 413(a) of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

4101. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD [Docket No.: USCG-2009-0251] (RIN: 1625-AA08) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V Patriot, Massachusetts Bay, MA [Docket No.: USCG-2009-0707] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2006-26234; Directorate Identifier 2006-CE-064-AD; Amendment 39-15983; AD 2007-03-17 R1] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2009-0463; Directorate Identifier 2008-NM-065-AD; Amendment 39-15984; AD 2009-16-01] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No.: FAA-2009-0691; Directorate Identifier 2009-NM-061-AD; Amendment 39-15988; AD 2009-16-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1213; Directorate Identifier 2007-NM-092-AD; Amendment 39-15987; AD 2009-16-14] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No.: FAA-2007-29173; Directorate Identifier 2006-NM-283-AD; Amendment 39-15989; AD 2009-16-06] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2009-0570; Directorate Identifier 2009-CE-033-AD; Amendment 39-15949; AD 2009-13-10] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2009-0817; Directorate Identifier 2009-CE-046-AD; Amendment 39-16020; AD 2009-19-03] (RIN: 2120-AA64) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30683 Amdt. No 3336] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference

[Docket No.: 29334; Amendment No. 71-41] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Secretary, Department of Labor, transmitting the 2008 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor, pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

4113. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting a report entitled, ''Risk Assessment Methodologies at Defense Nuclear Facilities''; jointly to the Committees on Armed Services and Energy and Commerce.

4114. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the eleventh Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

4115. A letter from the Board Members, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year ending September 30, 2008, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

4116. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2011, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

4117. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''The Department of Labor's List of Goods Produced by Child Labor or Forced Labor''; jointly to the Committees on Education and Labor, Oversight and Government Reform, and Ways and Means.

¶126.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 846. An Act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1510. An Act to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 1016) ''An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.''.

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Chairman of the United States-China Interparliamentary Group conference during the One hundred Eleventh Congress: the Senator from Washington [Mrs. MURRAY].

The message also announced that pursuant to Executive Order 12131, renewed by Executive Order 13446, the Chair reappoints and appoints the following Members to the President's Export Council: Reappointment: the Senator from Texas [Mr. CORNYN]; Appointment: the Senator from Idaho [Mr. CRAPO] vice the Senator from Wyoming [Mr. ENZI].

¶126.4 FAMILY READINESS VOLUNTEERS

Mrs. DAVIS of California, moved to suspend the rules and agree to the following resolution (H. Res. 408):

Whereas since 2001, nearly 2,000,000 active duty and reserve sailors, soldiers, airmen, Marines, and Coast Guard personnel have deployed in support of Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas the more than 1,800,000 family members of regular component members of the Armed Forces and an additional 1,100,000 family members of reserve component members make significant sacrifices on behalf of the United States in support of their loved ones deployed overseas;

Whereas the readiness of the United States Armed Forces is predicated on the ability of each member of the Army, Navy, Air Force, Marines, and Coast Guard to focus on their mission during deployments;

Whereas the military necessity of long and often unpredictable deployments, frequent relocations, and infrequent family contact for members of the Armed Forces can be extremely challenging for members and their families;

Whereas, in response to these sacrifices and challenges, family readiness volunteers from each branch of the Armed Forces have stepped forward to provide critical support during deployments to service members and their families;

Whereas the family readiness volunteer programs in each service help commanding officers have a better understanding of the welfare of the families within his or her command during a deployment and allow families to be informed about the status of their loved ones' unit overseas;

Whereas family readiness volunteers consist of Army Family Readiness Volunteers, Navy Ombudsmen, Coast Guard Ombudsmen, Air Force Key Spouse Volunteers, and Marine Corps Key Volunteers;

Whereas the thousands of family readiness volunteers are generally spouses of members of the Armed Forces who provide assistance to military families while also enduring the challenges of military life;

Whereas these volunteers are motivated by the desire to improve the lives of other military families and to assist future generations;

Whereas family readiness volunteers also connect the community with military families and local military installations, often leveraging donations and resources for military families;

Whereas family readiness volunteers provide their services on a voluntary basis, with little public recognition and financial assistance, and often contribute their own resources to help other military families; and

Whereas the outstanding performance of our service members is a testament to the great success of family readiness volunteers: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the family readiness volunteers of each branch of the Armed Forces who selflessly devote their time, talent, energy, and resources in service to the United States and commends family readiness volunteers for their dedicated contributions to the quality of life of members of the Armed Forces and their families.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mrs. DAVIS of California, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶126.5 NATIONAL GUARD OF THE STATE OF PENNSYLVANIA

Mr. SMITH of Washington, moved to suspend the rules and agree to the following resolution (H. Res. 754):

Whereas the members of the Army National Guard and Air National Guard of the State of Pennsylvania reside throughout the State and come from various communities, backgrounds, and professions;

Whereas units and members of the Pennsylvania National Guard have been deployed, and are continuously being deployed, in support of United States military operations at home and overseas in Iraq, Afghanistan, and dozens of other countries;

Whereas one such unit, the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard, is composed of approximately 4,000 citizen-soldiers from throughout the State of Pennsylvania;

Whereas the 56th Brigade Combat Team (Stryker), following a mobilization and deployment to Kosovo in 2003, was placed on Federal active duty for a second overseas mobilization on September 19, 2008, and deployed to Iraq on January 15, 2009;

Whereas during the deployment of the 56th Brigade Combat Team (Stryker) in Iraq, the brigade was primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions; and

Whereas the 56th Brigade Combat Team (Stryker) returned to the United States and demobilized in September 2009, upon completion of one year of service in support of military operations in Iraq: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Pennsylvania and their families for their service and sacrifice on behalf of the United States;

(2) commends the members of the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on the completion of their most-recent deployment to Iraq; and

(3) recognizes the achievements of the members of the 56th Brigade Combat Team (Stryker), and all other formerly and presently deployed Pennsylvania Army National Guard and Air National Guard units and members, for their exemplary service.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SMITH of Washington, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶126.6 MILITARY AVIATION

Mr. SMITH of Washington, moved to suspend the rules and agree to the following resolution (H. Res. 445); as amended:

Whereas Orville and Wilbur Wright secured the patent for their powered airplane in 1906, affording them the opportunity to compete for contracts with the Army;

Whereas the United States Army Signal Corps made its first purchase of an airplane, the Wright Military Flyer, in 1909 at a cost of $30,000;

Whereas the Wright Military Flyer carried a passenger over a distance of 125 miles;

Whereas today's military aircraft can travel around the world without landing;

Whereas the importance of military aviation and air superiority in battle was first demonstrated in World War I;

Whereas, during World War II, United States Naval aviation was decisive in reversing the Japanese advance and winning the war in the Pacific;

Whereas United States Army Air Corps played a crucial role in executing strategic bombing campaigns in both the European and Pacific theaters;

Whereas the National Security Act of 1947 established the United States Army Air Corps as a separate military branch, the United States Air Force;

Whereas the Vietnam War brought about new, more modern fighter jets and bombers, including the F–105 Thunderchief and the F–4 Phantom;

Whereas military aviators continue to provide invaluable offensive, defensive, logistical, and intelligence support to the Armed Forces;

Whereas military aviators have been on the front lines of combat and humanitarian missions in Iraq and Afghanistan;

Whereas the increase in technology over the last century has made military aircraft an essential component in the safety and security of the United States homeland; and

Whereas the National Air and Space Museum of the Smithsonian Institution will commemorate the centennial of military aviation with programs and exhibits throughout 2009: Now, therefore, be it

Resolved, That the House of Representatives recognizes 100 years of military aviation and expresses its continued support for military aviators of the United States Armed Forces.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SMITH of Washington, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.7 NATIONAL GUARD OF THE STATE OF WASHINGTON

Mr. SMITH of Washington, moved to suspend the rules and agree to the following resolution (H. Res. 627); as amended:

Whereas the members of the Army National Guard and Air National Guard of the State of Washington reside throughout the State and come from various communities, backgrounds, and professions;

Whereas units and members of the Washington National Guard have been deployed, and are continuously being deployed, in support of United States military operations at home and overseas in Iraq, Afghanistan, and dozens of other countries;

Whereas one such unit, the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard, is composed of approximately 2,478 citizen-soldiers from throughout the State of Washington, 843 soldiers from the California Army National Guard, 80 soldiers from the Texas Army National Guard, 38 soldiers from the Indiana Army National Guard, 23 soldiers from the Arkansas Army National Guard, 20 soldiers from the United States Army Reserve, 13 soldiers from the Montana Army National Guard, 2 soldiers from the Kentucky Army National Guard, 2 soldiers from the Maryland Army National Guard, and 1 soldier from each of the Alabama Army National Guard, New Mexico Army National Guard, Virgin Island Army National Guard, Wisconsin Army National Guard, Hawaii Army National Guard, New York Army National Guard, Utah Army National Guard, Minnesota Army National Guard, Massachusetts Army National Guard, Illinois Army National Guard, and Michigan Army National Guard;

Whereas the 81st Brigade Combat Team was placed on Federal active duty for a second overseas mobilization on August 18, 2008, and deployed to Iraq in October 2008;

Whereas, during the deployment of the 81st Brigade Combat Team in Iraq, the brigade was primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions; and

Whereas the 81st Brigade Combat Team returned to the United States and demobilized in August 2009, upon completion of one year of service in support of military operations in Iraq: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Washington and their families for their service and sacrifice on behalf of the United States;

(2) commends the members of the 81st Brigade Combat Team (Heavy) from the Washington Army National Guard, the Army Reserve, and the other State National Guards specified in the preamble on the completion of their most-recent deployment in Iraq; and

(3) recognizes the achievements of the members of the 81st Brigade Combat Team, and all other formerly and presently deployed Washington Army and Air National Guard units and members, for their exemplary service.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SMITH of Washington, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.8 AMERICAN SAMOA AND SAMOA EARTHQUAKES AND TSUNAMIS

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 816); as amended:

Whereas, on September 29, 2009, at 1748 UTC, a powerful earthquake struck below the ocean about 140 miles southwest of Pago Pago, American Samoa, and 125 miles south of Samoa, centered only 11 miles below the seabed;

Whereas the earthquake registered 8.3 on the Richter scale and is recognized as the world's largest earthquake of 2009;

Whereas a second earthquake with a magnitude of 5.6 occurred at 1808 UTC in the vicinity of the first one;

Whereas the first undersea earthquake created a massive tsunami that crashed into American Samoa, Samoa, and neighboring Tonga, sweeping cars and people out to sea as survivors fled to high ground;

Whereas the tsunami, with towering waves that reached up to 20 feet in height and penetrated one mile inland, caused death and destruction on a nearly unprecedented scale;

Whereas the death toll, as of October 7, 2009, is estimated at 32 in American Samoa and 135 in the Independent State of Samoa;

Whereas many individuals and families affected in this region are now lacking basic survival necessities and there remains the risk of numerous additional deaths due to shortages of clean water, adequate shelter, food, sanitation, and basic healthcare;

Whereas the human cost of this disaster transcends mere statistics and has resulted in deeply personal tragedies for numerous families and communities in the region and throughout the world;

Whereas children in the United States Territory of American Samoa running for home unknowingly ran in the direction of the tsunami;

Whereas the villages of Fagamalo, Poloa, Amanave, Fai'lolo, Nua, Se'etaga, Afao, Asili, Amaluia, Leone, Fagasa, Fagatogo, Pago Pago, Aua, Afono, Vatia, Masefau, Faga'itua, Pagai, Utusia, Alofau, Auto, Alao, and Tula in American Samoa were devastated by the disaster;

Whereas in response to this disaster and call for assistance, the people of the United States have responded with a generous and heartfelt outpouring of aid;

Whereas a team of more than 300 responders from the Federal Emergency Management Agency (FEMA), the American Red Cross, the U.S. Army Corps of Engineers, the Department of Health and Human Services (HHS) and other Federal agencies is on the ground in American Samoa coordinating relief and recovery operations;

Whereas the United States Navy (USN), the United States Coast Guard (USCG), the

Hawaii Air National Guard, and the U.S. Army Reserve American Samoa, under the leadership of Admiral Timothy J. Keating, Commander, U.S. Pacific Command (PACOM), and Command Sergeant Major (CSM) Iuniasolua T. Savusa, Senior Enlisted Leader, PACOM, with the support of Major General Robert G.F. Lee, the Adjutant General, State of Hawaii, provided critical transport of the life-saving and life-sustaining supplies and equipment to meet the immediate needs of the survivors, including more than 26,000 meals, 14,000 liters of water, 1,800 blankets, 800 tents, more than 800 cots, and 9 pallets of medical supplies and medical equipment in support of American Samoa's mass care operations;

Whereas foreign governments, including Kazakhstan, the People's Republic of China, the Republic of Korea, Palau, Thailand, Samoa, Fiji, Grenada, Hungary, Uzbekistan, Republic of China (Taiwan), Indonesia, Nauru, Australia, Cambodia, Vietnam, Japan, Pacific Islands Forum members, and the Alliance of Small Island States (AOSIS) sent messages of support and offers of aid to the people of American Samoa;

Whereas organizations including the Li Ka Shing Foundation, the Hanwha Group, Save the Children, the American Red Cross, Habitat for Humanity, Latter-day Saint Charities, Catholic Charities, the American Jewish Joint Distribution Committee (JDC), National Voluntary Organizations Active in Disaster, StarKist, Bumble Bee, the National Football League (NFL), and many others are providing assistance;

Whereas the Samoan community in areas such as California, Utah, Washington, and Hawaii have been instrumental in helping their ''aiga'' abroad;

Whereas President Barack H. Obama telephoned the Governor of American Samoa and American Samoa's Delegate to the United States House of Representatives to personally extend his and the First Lady's condolences to the families and loved ones of those who lost their lives in the earthquake and tsunami in American Samoa and the region, and to assure the Governor and the Delegate that he would speed the deployment of resources and provide the tools necessary for a full, swift, and aggressive response;

Whereas Secretary of State Hillary Rodham Clinton also telephoned American Samoa's Delegate in his capacity as Chairman of the House Foreign Affairs' Subcommittee on Asia, the Pacific and the Global Environment to convey her sympathy and offer her full support which subsequently included the authorization to airlift emergency supplies to Samoa;

Whereas Speaker of the House Nancy Pelosi issued a press statement on behalf of the entire Congress promising to quickly address the needs of American Samoa and the Americans who live there; and

Whereas Senate Majority Leader Harry Reid, House Majority Leader Steny H. Hoyer, Chairman John F. Kerry of the Senate Committee on Foreign Relations, Chairman Howard L. Berman of the House Committee on Foreign Affairs, Chairman Nick J. Rahall, II, of the House Committee on Natural Resources, as well as many other Members of Congress also offered expressions of support in the aftermath of the devastating tsunami: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, Samoa, and Tonga;

(2) offers its deepest sympathy and condolences to the families of the many earthquake and tsunami victims, and to Head of State His Highness Tui Atua Tupua Tamasese and Prime Minister Tuilaepa Lupesoliai Sailele Malielegaoi of Samoa, as well as to His Majesty King George Tupou V and Prime Minister Feleti Vaka'uta Sevele of Tonga;

(3) pledges its full support to the people of American Samoa and the villages of Fagamalo, Poloa, Amanave, Fai'lolo, Nua, Se'etaga, Afao, Asili, Amaluia, Leone, Fagasa, Fagatogo, Pago Pago, Aua, Afono, Vatia, Masefau, Faga'itua, Pagai, Utusia, Alofau, Auto, Alao, and Tula as they begin the long and difficult process of rebuilding their homes and lives;

(4) recognizes the humanitarian response that is currently underway and commends the efforts of all persons and relief organizations who continue to alleviate the suffering by providing financial and material support;

(5) urges continued attention by donors and relief agencies to the needs of vulnerable populations in the stricken areas, particularly the children and elderly who have been devastatingly affected by this disaster;

(6) expresses gratitude and appreciation to the foreign governments from around the world that are lending their support to the United States Territory of American Samoa;

(7) commends the over 100,000 Samoans residing in the United States from American Samoa and Samoa for coming to the aid of their ''aiga'' in the affected islands; and

(8) pays tribute to the people of American Samoa and Samoa for their strength of spirit and their deep and abiding faith in God which brings hope to all of us.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. FALEOMAVAEGA and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.9 INDONESIAN EARTHQUAKE

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 810):

Whereas, on September 30, 2009, a 7.6 magnitude earthquake originated northwest of the city of Padang in West Sumatra, Indonesia;

Whereas over 700 lives have been lost, many are missing and injured, and thousands have been displaced as a result of collapsed homes and buildings;

Whereas the area of the earthquake is along the same fault line that caused the 2004 Indian Ocean tsunami that killed more than 230,000 people and caused many panicked residents to flee to higher ground in fear of another tsunami;

Whereas strong aftershocks continue to rock the region and create hazardous conditions for both residents and rescue workers;

Whereas the Indonesian Government sent relief teams Thursday from the capital, Jakarta, including army units to look for survivors and deliver food and medicine;

Whereas international aid agencies said they were sending rapid assessment teams to the area and preparing to rush in supplies;

Whereas the Indonesian Government stated that the earthquake destroyed more than 83,700 houses, approximately 200 public buildings, a total of 285 schools, and also caused extensive damage to an additional 100,000 buildings including hotels, mosques and shops, and approximately 20 miles of roads;

Whereas a damaged building in the main public hospital had to be evacuated, and patients are being treated outside and without electricity;

Whereas humanitarian aid agencies in the United States and around the world are mobilizing to provide much needed assistance to the relief and recovery efforts;

Whereas the United States offered assistance and immediately released $300,000 to help provide for the most immediate and pressing needs and an additional $3,000,000 has been set aside once greater need is determined;

Whereas the United States Government deployed a Disaster Assistance Response Team to provide assistance and is sending a field hospital, three United States Navy ships with helicopters and lift capability, and 45 metric tons of emergency relief commodities; and

Whereas President Susilo Bambang Yudhoyono and the Indonesian Government responded quickly to the disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured in the earthquake;

(2) recognizes the deep ties between the United States and Indonesia and expresses continued solidarity with the people of Indonesia during this time of crisis;

(3) applauds the courageous response of Indonesian and international rescue workers;

(4) supports President Obama's offer of United States assistance to Indonesia in response to this catastrophic event;

(5) urges the people of the United States to generously support those humanitarian aid agencies working to assist the people of Indonesia in this time of need; and

(6) expresses gratitude to the people of the United States who have generously supported those humanitarian aid agencies working to assist the people of Indonesia in this time of need.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶126.10 FATHER DAMIEN DE VEUSTER, SS.CC.

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 786); as amended:

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age

19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with leprosy, now also known as Hansen's disease, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for the individuals afflicted with Hansen's disease;

Whereas working together, Father Damien and the people isolated on the Kalaupapa peninsula accomplished remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas in April 1965, the Legislature of the State of Hawaii selected Father Damien as the first of its two selections for the National Statuary Hall Collection in the U.S. Capitol;

Whereas, on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas, on July 7, 1977, Pope Paul VI declared Father Damien ''venerable'', the first of 3 steps that lead to sainthood;

Whereas, on June 4, 1995, Pope John Paul II declared Father Damien ''Blessed Damien'', and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

Resolved, That the House of Representatives honors and praises Father Damien for his legacy, work, service, and his insistence on recognizing the human rights and dignity of every individual, particularly those who lived alongside him at the Hansen's disease settlement on the island of Molokai.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.11 90 YEARS OF UNITED STATES-POLISH DIPLOMATIC RELATIONS

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 266); as amended:

Whereas the United States established diplomatic relations with the newly independent Second Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of the fall of communism in Poland, as well as the restoration of democracy and market economy in that country;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 5th anniversary of Poland's accession to the European Union (EU);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland is a valued partner in the fight against global terrorism and has contributed troops to the stabilization and reconstruction efforts in Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear nonproliferation, human rights, regional cooperation in Central and Eastern Europe, and reform of the United Nations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 90th anniversary of United States-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.12 MAHATMA GANDHI

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 603):

Whereas October 2, 2009, marks the 140th anniversary of the birth of Mahatma Gandhi;

Whereas Mahatma Gandhi was a great political leader, devout and spiritual Hindu, and leader of India's nationalist movement;

Whereas all his life Gandhi courageously supported, and in fact gave his life for, the cause of Hindu Muslim amity;

Whereas Gandhi helped to make India the largest democracy in the world;

Whereas his philosophy of nonviolent civil disobedience has influenced people around the world for the betterment of mankind;

Whereas Gandhi developed the term Satyagraha, meaning vindication of truth, not by inflicting suffering on others but through nonviolent and patient self-suffering;

Whereas his autobiography ''My Experiments with Truth'' reveals the inner voice of one of history's most spiritual leaders;

Whereas Gandhi counseled humankind to ''Hate the sin, and love the sinner'', urged people everywhere to ''be the change you want to see in the world'', and reminded the world that ''Freedom is not worth having if it does not connote the freedom to err''; and

Whereas as a result of his timeless legacy, Gandhi's name has come to symbolize freedom and justice around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 140th anniversary of the birth of Mahatma Gandhi;

(2) acknowledges and commends Mahatma Gandhi's unique and lasting role in the establishment of the state of India and its democratic institutions, which will be revered for generations to come; and

(3) congratulates the visionary leadership of Mahatma Gandhi, which enhanced the rapidly deepening friendship between the United States and India, the world's oldest and largest democracy, respectively.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶126.13 TROPICAL STORM KETSANA AND TYPHOON PARMA

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 800); as amended:

Whereas, on September 26, 2009, Tropical Storm Ketsana made landfall on the Philippines with the heaviest rainfall in 40 years equivalent to a typical month of rain during monsoon season;

Whereas 80 percent of the capital, Manila, was submerged under water as a result;

Whereas at least 3,000,000 persons have been affected by Tropical Storm Ketsana;

Whereas more than 135,470 families or 686,000 persons have been forced into evacuation centers;

Whereas the casualties, as of October 9, 2009, include at least 237 dead, 308 injured, and 37 missing;

Whereas more than 4,640 houses were damaged or destroyed;

Whereas Tropical Storm Ketsana has caused at least $4,800,000,000 in damages;

Whereas following the devastation caused by Tropical Storm Ketsana, Typhoon Parma hit land October 2, 2009, bringing with it more torrential rain causing further flooding, landslides, crop damaged, and killing at least 193 more people;

Whereas the United States and the Philippines have a unique and enduring relationship that is based on shared history and commitment to democratic principles, as well as on strong economic ties;

Whereas the historical and cultural links between the Philippines and the United States remain important; and

Whereas the Filipino American community is the second largest Asian-American group in the United States with a population of approximately 3,100,000: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the terrible loss of life caused by Tropical Storm Ketsana and Typhoon Parma that occurred on September 26, 2009, and October 1, 2009;

(2) expresses its deepest condolences to the families of the many victims;

(3) urges President Obama to continue to support the Philippines with emergency relief supplies, logistical, transportation assistance, and financial support; and

(4) works closely with the Government of the Philippines to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 15, 2009.

The point of no quorum was considered as withdrawn.

¶126.14 AIRLINE SAFETY AND PILOT TRAINING IMPROVEMENT

Mr. COSTELLO moved to suspend the rules and pass the bill (H.R. 3371) to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COSTELLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶126.15 GEORGE BUSH INTERCONTINENTAL AIRPORT

Mr. COSTELLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 138):

Whereas the George Bush Intercontinental Airport in the City of Houston, Texas (referred to in this resolution as ''IAH''), was first opened for operation on June 8, 1969;

Whereas in 1997, IAH was named in honor of the Nation's 41st President, George Herbert Walker Bush, a longtime resident of Houston who, as a Member of the Houston congressional delegation, was present at the 1969 opening of the airport;

Whereas IAH is the largest airport in Houston, serving over 43,000,000 passengers in 2008, is the 8th-largest airport in the United States and the 16th-largest in the world for total passengers served;

Whereas more than 700,000,000 people have passed through IAH's gates since its opening;

Whereas IAH has grown to become a world-class international gateway offering service to more than 109 domestic and 65 nonstop international destinations in over 32 countries;

Whereas in 1990, the City of Houston named the IAH international arrivals building, now the IAH Terminal D, in honor of the distinguished Congressman for the 18th District of Texas, George Thomas ''Mickey'' Leland, a renowned antipoverty activist who died tragically in 1989 while on a humanitarian visit to Ethiopia;

Whereas IAH operates the largest passenger international arrivals facility in the Nation and was selected by the Department of State and the Department of Homeland Security as the first ''Model Port'' for its efficiency in welcoming international passengers arriving in the United States;

Whereas IAH is a regional and world leader in air cargo processing, consolidation, and distribution;

Whereas IAH is a critical component of the Houston economy, supporting more than 151,000 jobs and contributing over $24,000,000,000 in economic benefits to the Houston region; and

Whereas IAH serves 30 airlines and is the headquarters and major hub for award-winning Continental Airlines, which is celebrating its 75th anniversary in 2009: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 40th anniversary of the founding of the George Bush Intercontinental Airport; and

(2) congratulates officials of the George Bush Intercontinental Airport, the Houston Airport System, and the City of Houston, Texas, for the airport's record of excellent service to the citizens of Houston and the national air transportation system.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶126.16 RUSS MEYER INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

Mr. COSTELLO moved to suspend the rules and agree to the following resolution (H. Res. 719); as amended:

Whereas the leadership of Russell (Russ) W. Meyer, Jr., former chairman and chief executive officer of Cessna Aircraft Company and a leading proponent of general aviation, has had a dramatic impact on the continued growth of the aviation industry in Kansas and throughout the United States;

Whereas Russ Meyer was one of the principal advocates for the General Aviation Revitalization Act of 1994 (Public Law 103–298; 108 Stat. 1552);

Whereas Russ Meyer was instrumental in the development of the ''Be A Pilot Program'', which has resulted in tens of thousands of new pilots and contributed more than $200,000,000 to the United States economy through general aviation operations;

Whereas Russ Meyer was the originator of the Citation Special Olympics Airlift, in which hundreds of owners of Citation aircraft transport athletes from around the country to the Special Olympics National Games; and

Whereas Russ Meyer will join fellow residents of Kansas Olive Beech and Walter Beech, Lloyd Stearman, Clyde Cessna, Amelia Earhart, and Joe Engle in the National Aviation Hall of Fame: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Russ Meyer for being inducted into the National Aviation Hall of Fame;

(2) recognizes the achievements of Russ Meyer during his lifetime of service to the aviation industry; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Russ Meyer.

The SPEAKER pro tempore, Mr. SCHIFF, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHIFF, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.17 MARITIME WORKFORCE DEVELOPMENT

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 2651) to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SCHIFF, recognized Mr. CUMMINGS and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHIFF, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.18 GEORGE P. KAZEN FEDERAL BUILDING AND COURTHOUSE

Ms. HIRONO moved to suspend the rules and pass the bill (H.R. 2423) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'', and to designate the jury room in that Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room''; as amended.

The SPEAKER pro tempore, Mr. SCHIFF, recognized Ms. HIRONO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHIFF, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 15, 2009.

¶126.19 NATIONAL WOMEN'S HISTORY MUSEUM ACT

Ms. HIRONO moved to suspend the rules and pass the bill (H.R. 1700) to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; as amended.

The SPEAKER pro tempore, Mr. SCHIFF, recognized Ms. HIRONO and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHIFF, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.20 H. RES. 768—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 768) expressing support for the designation of the month of October as ''National Work and Family Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶126.21 [Roll No. 775]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Adler (NJ)
Andrews
Bilirakis
Bishop (UT)
Cao
Carney
Cole
Conyers
Hirono

Holt
Kilroy
Mollohan
Schock
Serrano
Shuster
Wasserman Schultz
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.22 H.R. 1327—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1327) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 6

¶126.23 [Roll No. 776]

YEAS—414

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Flake
Hinchey
Jones
Kucinich
McDermott
Paul

NOT VOTING—12

Boren
Cao
Carney
Conyers
Herseth Sandlin
Hirono
Honda
Mollohan
Shuster
Walz
Wasserman Schultz
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.24 H. RES. 816—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 816) mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶126.25 [Roll No. 777]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra

Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Cao
Carney
Conyers
Hirono
Honda
Mollohan
Shuster
Wasserman Schultz
Watt
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa, Samoa, and Tonga.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶126.26 H.R. 3371—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3371) to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 11

¶126.27 [Roll No. 778]

YEAS—409

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Bishop (UT)
Blackburn
Broun (GA)
Flake
Graves
Inglis
Paul
Price (GA)
Sensenbrenner
Westmoreland
Whitfield

NOT VOTING—12

Cao
Carney
Conyers
Hall (TX)
Hirono
Honda
Johnson, E. B.
Mollohan
Schrader
Shuster
Wasserman Schultz
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶126.28 H. RES. 786—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 786) commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶126.29 [Roll No. 779]

YEAS—418

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Boswell
Brown-Waite, Ginny
Cao
Capps
Carney
Conyers
Hall (TX)
Hirono
Hodes
Honda
Mollohan
Shuster
Wasserman Schultz
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.30 ATLANTIC INTRACOASTAL WATERWAY ASSOCIATION

Ms. NORTON moved to suspend the rules and agree to the following resolution (H. Res. 465); as amended:

Whereas the Atlantic Intracoastal Waterway (AIWW) was authorized by the Rivers and Harbors Act of 1937 to provide a safe inside navigation channel for commercial shipping, support for and encouragement of interstate commerce, and safe harbor and protection for shipping from inclement weather and wartime enemy attack;

Whereas the AIWW, completed in 1940, runs along the southeast coast of the United States from Norfolk, Virginia, to Key West, Florida, and measures 1,088 miles long;

Whereas segments of the intracoastal waterway on the Atlantic Coast received their initial congressional authorization through Rivers and Harbors Acts beginning in 1880;

Whereas the AIWW is a vital transportation system providing safe, reliable, and efficient navigation for commercial, recreational, and military vessels;

Whereas the Corps of Engineers is currently engaged in flood control, hydropower production, environmental restoration, maintenance dredging, lock maintenance, recreation, and navigation projects along the AIWW;

Whereas, according to the Corps of Engineers, in 2007 the AIWW supported the transportation of 2,543,000 tons of freight traffic, including commodities such as wheat, corn, soybeans, electrical machinery, iron, coal, gasoline, fabricated metal products, and electrical machinery;

Whereas, according to the Corps of Engineers, in 2007 the AIWW supported a total of 34,184 trips made by recreational, commercial, and military vessels;

Whereas the AIWW is an integral transportation network supporting the Armed Forces through the shipment of military equipment, fuel, and generators between Norfolk, Virginia, and Kings Bay, Georgia;

Whereas the Dismal Swamp Canal, on the AIWW, is the oldest operating artificial waterway in the United States and has been placed on the National Register of Historical Places, was registered as an engineering landmark in 1988, and was included in the National Park Service's Underground Railroad Network to Freedom Program in 2004;

Whereas the AIWW has enhanced the lives of the residents of Virginia, North Carolina, South Carolina, Georgia, and Florida, as well as the greater southeastern United States, for more than 6 decades;

Whereas the wildlife, flora, and fauna along the AIWW provide ample recreational opportunities for birdwatchers, photographers, and boaters;

Whereas the Atlantic Intracoastal Waterway Association was organized in 1999 to address the navigation challenges of the AIWW and to encourage the continuation and further development of waterborne commerce and recreation on the AIWW;

Whereas the Association has voiced the interests of commercial and recreational users of the AIWW, earning the title of ''Voice of the Waterway'';

Whereas the Association has been an advocate for maintenance of the AIWW to promote safe, cost-effective navigation; and

Whereas the Association promotes the AIWW as a vital marine highway along the Atlantic coast, providing safe navigation for commercial and recreational vessels: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the Atlantic Intracoastal Waterway to recreational, commercial, and military vessels and to the history and quality of life of the citizens of the United States; and

(2) acknowledges the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary.

The SPEAKER pro tempore, Mr. PETERS, recognized Ms. NORTON and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. KISSELL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶126.31 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2892

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–300) the resolution (H. Res. 829) providing for consideration of the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶126.32 PROVIDING FOR CONSIDERATION OF H.R. 2442

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–301) the resolution (H. Res. 830) providing for consideration of the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶126.33 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 846. An Act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty, the Committee on Financial Services.

S. 1510. An Act to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, the Committee on Oversight and Government Reform.

¶126.34 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1016. An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

¶126.35 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1717. An Act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

¶126.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for October 13 until 3:30 p.m. today; and

To Mr. CARNEY, for today and October 15.

And then,

¶126.37 ADJOURNMENT

On motion of Mr. BURGESS, at 7 o'clock and 28 minutes p.m., the House adjourned.

¶126.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111–299 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111–299 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; with an amendment (Rept. 111–299 Pt. 3). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 829. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–300). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 830. Resolution providing for consideration of the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes (Rept. 111–301). Referred to the House Calendar.

¶126.39 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committees on Oversight and Government Reform and the Budget discharged from further consideration. H.R. 3200 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶126.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MORAN of Kansas:

H.R. 3806. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend and expand the Medicare rural community hospital demonstration program; to the Committee on Ways and Means.

By Mr. ROE of Tennessee:

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. DAVIS of Alabama, Mr. BRALEY of Iowa, and Mr. CASTLE):

H.R. 3808. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.R. 3809. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for unreimbursed funeral expenses with respect to a deceased indigent individual; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SLAUGHTER, Ms. KAPTUR, Mr. COSTELLO, Mr. DELAHUNT, Mr. OBERSTAR, Mr. FILNER, Mr. TIERNEY, Mr. CAPUANO, and Mr. GUTIERREZ):

H.R. 3810. A bill to extend certain economic recovery payments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KOSMAS:

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary, for a period of 2 years, to allocate a new markets tax credit limitation to entities that serve or provide investment capital for distressed communities; to the Committee on Ways and Means.

By Ms. KOSMAS:

H.R. 3812. A bill to amend the Internal Revenue Code of 1986 to encourage businesses to purchase commercial and residential property in distressed communities by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3813. A bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. FLEMING (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. CASSIDY, Mr. MELANCON, and Mr. SCALISE):

H. Res. 827. A resolution honoring the life and service of Dewey Lee Fletcher, Jr; to the Committee on House Administration.

By Mr. CAO (for himself, Mr. CASSIDY, Mr. ALEXANDER, Mr. BOUSTANY, Mr.

MELANCON, Mr. SCALISE, and Mr. FLEMING):

H. Res. 828. A resolution to recognize October 24, 2009, the 20th chartered flight of World War II veterans through Louisiana HonorAir, as ''Louisiana HonorAir Day,'' and to honor the invaluable service and dedication of the World War II veterans to our Nation; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. TIBERI, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PLATTS, Mrs. SCHMIDT, Mr. MEEK of Florida, Mr. DEAL of Georgia, and Mr. LINDER):

H. Res. 831. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. KING of Iowa, and Mr. BRALEY of Iowa):

H. Res. 832. A resolution recognizing and congratulating ACT, Inc. on 50 years of service to the Nation; to the Committee on Education and Labor.

By Mr. SCHIFF:

H. Res. 833. A resolution honoring the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan, the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein, and for other purposes; to the Committee on Foreign Affairs.

¶126.41 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR of Arizona introduced a bill (H.R. 3814) for the relief of Martha Quintana Bonilla; which was referred to the Committee on the Judiciary.

¶126.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Ms. MARKEY of Colorado and Mr. PETERSON.

H.R. 211: Ms. ROYBAL-ALLARD.

H.R. 272: Mr. LANCE.

H.R. 391: Mr. MANZULLO.

H.R. 406: Ms. TSONGAS.

H.R. 525: Mr. BURGESS.

H.R. 610: Mr. HARE.

H.R. 615: Mr. MCMAHON.

H.R. 761: Ms. HERSETH SANDLIN.

H.R. 868: Mr. HODES and Mr. WALZ.

H.R. 986: Mr. REYES.

H.R. 1024: Ms. CHU.

H.R. 1103: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1177: Mrs. MCMORRIS RODGERS.

H.R. 1182: Mrs. DAHLKEMPER, Ms. SUTTON, Mr. BISHOP of Georgia, and Ms. DEGETTE.

H.R. 1191: Mr. KENNEDY.

H.R. 1193: Mr. SCHAUER.

H.R. 1194: Mr. SIRES, Mr. MELANCON, Mr. THOMPSON of Pennsylvania, Mr. LEE of New York, Mr. NYE, Mr. PRICE of North Carolina, and Mr. ISRAEL.

H.R. 1215: Mrs. NAPOLITANO.

H.R. 1283: Mr. FOSTER.

H.R. 1310: Mrs. MCCARTHY of New York.

H.R. 1326: Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. RUPPERSBERGER, Mr. ANDREWS, and Mr. CASTLE.

H.R. 1392: Ms. DELAURO.

H.R. 1478: Ms. SUTTON.

H.R. 1521: Mr. BOUCHER and Mr. WEINER.

H.R. 1545: Mr. TURNER and Ms. TSONGAS.

H.R. 1549: Mr. MEEK of Florida.

H.R. 1570: Mr. BLUNT.

H.R. 1583: Mr. VISCLOSKY and Mr. WELCH.

H.R. 1588: Mr. DAVIS of Tennessee.

H.R. 1596: Mr. EHLERS.

H.R. 1623: Mr. KILDEE.

H.R. 1708: Ms. BERKLEY and Mrs. MCCARTHY of New York.

H.R. 1770: Mr. CARNAHAN.

H.R. 1826: Mr. BRALEY of Iowa, Mr. KILDEE, Ms. NORTON, and Mr. SCOTT of Virginia.

H.R. 1831: Ms. HERSETH SANDLIN, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, and Mr. SPRATT.

H.R. 1835: Mr. WU.

H.R. 1944: Mr. PASCRELL.

H.R. 1964: Mr. BUTTERFIELD.

H.R. 1977: Ms. KILPATRICK of Michigan.

H.R. 1987: Mr. MORAN of Virginia, Mr. CARNAHAN, and Mr. RUSH.

H.R. 1993: Ms. SUTTON and Mr. SCHAUER.

H.R. 2024: Mr. ROE of Tennessee.

H.R. 2031: Mr. CHAFFETZ and Mr. YOUNG of Alaska.

H.R. 2138: Mr. PETERSON, Ms. CORRINE BROWN of Florida, and Mr. SCHAUER.

H.R. 2156: Mr. SHUSTER.

H.R. 2160: Mr. OLVER.

H.R. 2161: Ms. ZOE LOFGREN of California.

H.R. 2177: Mr. GUTIERREZ.

H.R. 2214: Mr. MICHAUD.

H.R. 2227: Ms. HERSETH SANDLIN and Mr. TURNER.

H.R. 2279: Mr. CONYERS and Ms. DELAURO.

H.R. 2299: Ms. WATSON.

H.R. 2305: Mr. ISSA.

H.R. 2408: Mr. SESTAK, Mr. LUETKEMEYER, and Mr. REYES.

H.R. 2452: Mr. ROTHMAN of New Jersey, Ms. FOXX, and Mr. MITCHELL.

H.R. 2480: Ms. MOORE of Wisconsin, Mr. HOLT, Ms. HIRONO, Mr. CONYERS, Mr. MASSA, Mr. GERLACH, Mr. SCOTT of Virginia, Mr. PASTOR of Arizona, Ms. CHU, Mr. SPRATT, Mr. WEINER, Ms. GIFFORDS, Mr. MEEK of Florida, Mrs. MCCARTHY of New York, Mr. SHULER, Mr. MURPHY of Connecticut, and Mr. RUPPERSBERGER.

H.R. 2493: Mr. KING of New York.

H.R. 2502: Mr. THOMPSON of Mississippi, Mr. WALDEN, Mr. UPTON, Mr. PETERS, Mr. MINNICK, Mr. SHULER, Mr. JOHNSON of Georgia, and Ms. KILPATRICK of Michigan.

H.R. 2547: Mr. PAUL and Mr. PETERSON.

H.R. 2556: Mr. SAM JOHNSON of Texas and Mr. SOUDER.

H.R. 2560: Mr. CUMMINGS.

H.R. 2563: Ms. BERKLEY.

H.R. 2567: Ms. ESHOO, Mr. PAYNE, and Mr. KILDEE.

H.R. 2608: Mr. BROWN of South Carolina, Mr. MCKEON, Mr. GINGREY of Georgia, and Mr. SMITH of New Jersey.

H.R. 2617: Mr. HINCHEY.

H.R. 2628: Mr. DAVIS of Alabama.

H.R. 2743: Mr. CONYERS, Mr. MINNICK, and Mr. MCNERNEY.

H.R. 2746: Mr. MASSA and Mr. HARE.

H.R. 2807: Mr. HOLT.

H.R. 2817: Mr. MCDERMOTT and Mr. FATTAH.

H.R. 2866: Mrs. MYRICK, Mr. INSLEE, Ms. TSONGAS, and Mr. ELLSWORTH.

H.R. 2941: Ms. KOSMAS.

H.R. 2954: Mr. PASCRELL.

H.R. 3006: Mr. POLIS of Colorado.

H.R. 3017: Mr. BECERRA.

H.R. 3048: Mr. CARSON of Indiana.

H.R. 3077: Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.

H.R. 3092: Ms. DEGETTE.

H.R. 3185: Mr. MARSHALL.

H.R. 3206: Ms. RICHARDSON.

H.R. 3225: Mr. CARNAHAN.

H.R. 3238: Mr. POLIS of Colorado.

H.R. 3263: Mr. ROTHMAN of New Jersey.

H.R. 3350: Mr. POSEY.

H.R. 3355: Mr. THOMPSON of Pennsylvania, Mr. BONNER, and Mr. LEWIS of Georgia.

H.R. 3356: Mr. OLSON, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mrs. LUMMIS, and Mr. MCCAUL.

H.R. 3375: Mr. LAMBORN.

H.R. 3380: Mr. FILNER, Mr. BACA, Ms. WATERS, Mr. CARSON of Indiana, and Mr. BAIRD.

H.R. 3400: Mrs. MYRICK, Mr. SESSIONS, Mr. SMITH of Texas, and Mr. POSEY.

H.R. 3426: Mr. GENE GREEN of Texas, Mr. FILNER, Mr. KUCINICH, and Mr. DELAHUNT.

H.R. 3454: Mrs. BLACKBURN.

H.R. 3495: Ms. TSONGAS.

H.R. 3524: Mr. MICHAUD, Mr. OLSON, and Mr. BISHOP of Utah.

H.R. 3553: Mr. HARE.

H.R. 3554: Mr. ARCURI and Mr. BRIGHT.

H.R. 3577: Mr. MCGOVERN, Mr. NYE, and Mr. RAHALL.

H.R. 3586: Mr. OBERSTAR.

H.R. 3608: Ms. SPEIER.

H.R. 3612: Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. CAMPBELL, Mr. MCCLINTOCK, Mr. POSEY, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. PAULSEN, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. BARTLETT, and Mr. GINGREY of Georgia.

H.R. 3633: Mr. RUSH, Ms. SUTTON, and Mr. TIM MURPHY of Pennsylvania.

H.R. 3636: Mr. CONYERS, Mr. CARSON of Indiana, and Mr. JOHNSON of Georgia.

H.R. 3644: Mr. SABLAN and Ms. LEE of California.

H.R. 3664: Mr. WELCH, Mr. SARBANES, and Mr. CARNAHAN.

H.R. 3670: Mr. BARROW, Mr. PAYNE, and Mr. SCHAUER.

H.R. 3679: Mr. FATTAH.

H.R. 3691: Mr. BUCHANAN and Mr. ROONEY.

H.R. 3712: Mr. HALL of New York, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. WELCH, Mr. CAO, Mr. HOLT, Mr. BURTON of Indiana, and Mr. MASSA.

H.R. 3721: Mr. BRALEY of Iowa.

H.R. 3728: Ms. LEE of California and Mr. RUPPERSBERGER.

H.R. 3731: Ms. CHU, Mr. MASSA, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. PASCRELL, Ms. EDWARDS of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, Mr. PASTOR of Arizona, Mr. HASTINGS of Florida, Ms. VELÁZQUEZ, Mr. SALAZAR, Mr. DINGELL, Mr. CARDOZA, Mr. WAXMAN, Mr. GUTIERREZ, Mr. RODRIGUEZ, and Mr. INSLEE.

H.R. 3742: Mr. QUIGLEY, Mr. COLE, Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. HERSETH SANDLIN, and Mr. POMEROY.

H.R. 3749: Mr. COFFMAN of Colorado, Mr. PUTNAM, Mr. FLEMING, Mr. HOLDEN, Mr. MCHENRY, and Mr. COBLE.

H.R. 3772: Ms. LEE of California.

H.R. 3778: Mr. MEEK of Florida.

H.R. 3789: Mr. ROSS and Mr. GARY G. MILLER of California.

H.R. 3791: Mr. SPRATT, Mr. LEVIN, Mr. DEFAZIO, Mr. MURPHY of New York, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, and Mr. HALL of New York.

H.R. 3797: Mr. JONES, Mr. MCCLINTOCK, Mr. COLE, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, Mr. HARPER, Mr. DAVIS of Kentucky, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. LAMBORN, and Mr. BURTON of Indiana.

H.R. 3802: Mr. CHAFFETZ, Mr. BONNER, Mr. POSEY, Mr. BROWN of South Carolina, Mr. BISHOP of Utah, Mr. FLEMING, Mr. ISSA, Mr. AKIN, Mr. LAMBORN, Ms. FALLIN, Mrs. BACHMANN, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. MARCHANT, Mrs. BLACKBURN, Mr. CULBERSON, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, and Mr. COLE.

H. Con. Res. 42: Mr. GRIJALVA.
H. Con. Res. 43: Mr. GRIJALVA.
H. Con. Res. 58: Mr. HONDA and Mr. FORTENBERRY.
H. Con. Res. 108: Mr. MICHAUD.
H. Con. Res. 139: Mr. INGLIS, Mr. SHULER, and Mr. STEARNS.
H. Con. Res. 158: Mr. MILLER of North Carolina.
H. Con. Res. 185: Mr. LATOURETTE.
H. Res. 266: Mr. DUNCAN.
H. Res. 523: Mr. PENCE.
H. Res. 561: Mrs. MALONEY.
H. Res. 563: Mrs. MALONEY.
H. Res. 613: Mr. GERLACH, Mr. HASTINGS of Washington, Mr. REICHERT, Mr. EHLERS, and Mr. HINCHEY.
H. Res. 630: Mr. GEORGE MILLER of California.
H. Res. 660: Mr. FATTAH.
H. Res. 708: Mr. HARE, Mr. KLEIN of Florida, Mr. BLUNT, Mr. GONZALEZ, Mr. SOUDER, and Ms. MATSUI.
H. Res. 709: Mr. CARSON of Indiana.
H. Res. 736: Mr. HALL of New York, Mr. JACKSON of Illinois, Mr. STEARNS, Mr. CAO, and Mr. PITTS.
H. Res. 747: Mr. WALZ, Mr. BACA, Mr. SALAZAR, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. KLEIN of Florida, Mr. YARMUTH, Mr. ROGERS of Alabama, Mr. BONNER, Mr. REICHERT, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. BROWN of South Carolina, Mr. KIND, Mr. DRIEHAUS, Mr. SKELTON, Mr. SARBANES, Mr. DICKS, Mr. TAYLOR, Mr. DONNELLY of Indiana, Mr. COURTNEY, and Mr. MICHAUD.
H. Res. 749: Mr. FORTENBERRY.
H. Res. 759: Mr. RYAN of Wisconsin.
H. Res. 783: Mr. SMITH of Nebraska, Mr. FARR, Mr. OLSON, Mr. CANTOR, and Mr. RUSH.
H. Res. 786: Mr. ALTMIRE and Mr. SABLAN.
H. Res. 796: Mr. GINGREY of Georgia and Mr. SOUDER.
H. Res. 798: Mr. FALEOMAVAEGA, Mr. CONYERS, Mr. SESTAK, Mr. RYAN of Ohio, Mr. SCHIFF, Mr. HONDA, Mr. MEEK of Florida, Ms. BERKLEY, Mr. PETERS, Mr. FILNER, Mr. SHULER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, and Mr. CARSON of Indiana.
H. Res. 800: Mr. AUSTRIA.
H. Res. 801: Ms. WATERS, Ms. RICHARDSON, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. SNYDER, Mrs. CHRISTENSEN, and Mr. WEXLER.
H. Res. 816: Mr. BACA, Ms. MATSUI, and Mr. HASTINGS of Florida.
H. Res. 824: Mr. MANZULLO, Ms. SLAUGHTER, Ms. HIRONO, Mrs. CAPPS, Mrs. DAVIS of California, Ms. SPEIER, Ms. MARKEY of Colorado, Ms. DEGETTE, Ms. MOORE of Wisconsin, Mr. FOSTER, Ms. BERKLEY, Ms. TITUS, Ms. TSONGAS, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Ms. SUTTON, Ms. KILROY, Ms. CASTOR of Florida, Ms. BEAN, Mrs. BIGGERT, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. HARE, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. KILDEE, Mr. KIRK, Mr. LIPINSKI, Mr. QUIGLEY, Mr. RUSH, and Mr. SCHOCK.

THURSDAY, OCTOBER 15, 2009 (127)

¶127.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
October 15, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House Representatives.

¶127.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Wednesday, October 14, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶127.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4118. A letter from the Vice Chairman, Defense Nuclear Facilities Safety Board, transmitting Certification Report on the design of the Chemistry and Metallurgy Research Replacement (CMRR) Project, pursuant to Public Law 110-417, section 3112; to the Committee on Armed Services.

4119. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects for Fiscal Year 2007''; to the Committee on Education and Labor.

4120. A letter from the Secretary, Department of Energy, transmitting a report on the Strategic Petroleum Reserve 2008 Emergency Test Exchanges; to the Committee on Energy and Commerce.

4121. A letter from the Acting Director, Office of Civilian Waste Management, Department of Energy, transmitting the Office's report entitled, ''2008 Annual Financial Report for Years ending September 30, 2008 and 2007''; to the Committee on Energy and Commerce.

4122. A letter from the Chairman, Pension Benefit Gauranty Corporation, Department of Labor, transmitting the Inspector General's semiannual report to Congress for the reporting period Octber 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4123. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Strategic Plan for Fiscal Years (FYs) 2009 to 2014, as required by The Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4124. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ironwood, MI [Docket No.: FAA-2009-0052; Airspace Docket No. 09-AGL-1] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Monee, IL [Docket No.: FAA-2008-1314; Airspace Docket No. 08-AGL-21] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Iowa Falls, IA [Docket No.: FAA-2008-1272; Airspace Docket No. 08-ACE-4] received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clayton, GA [Docket No.: FAA-2009-0605; Airspace Docket No. 09-ASO-19] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Secretary, Department of Transportation, transmitting the second of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

4129. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sarasota, FL [Docket No.: FAA-2009-0652; Airspace Docket 09-ASO-21] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Saluda, SC [Docket No.: FAA-2009-0603; Airspace Docket No. 09-ASO-16] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hertford, NC [Docket No.: FAA-2009-0705; Airspace Docket No. 09-ASO-25] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tompkinsville, KY [Docket No.: FAA-2009-0604; Airspace Docket No. 09-ASO-18] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisport, KY [Docket No.: FAA-2009-0706; Airspace Docket No. 09-ASO-26] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY [Docket No.: FAA-2009-0202; Airspace Docket 09-AEA-11] received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of prospectuses that support the General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

4136. A letter from the Chairman, Social Security Advisory Board, transmitting a report titled, ''The Social Security Statement: How It Can Be Improved''; to the Committee on Ways and Means.

4137. A letter from the Chairman, United States International Trade Commission, transmitting the nineteenth report in a series on The Impact of the Caribbean Basin Economic Recovery Act (CBERA), pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

4138. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2008, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Oversight and Government Reform and Education and Labor.

¶127.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 692. An Act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

S. 1694. An Act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. Con. Res. 46. A concurrent resolution recognizing the benefits of service-learning and expressing support for the goals of the National Learn and Serve Challenge.

¶127.5 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2892

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 829):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 173

¶127.6 [Roll No. 780]

YEAS—243

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Boyd
Cao
Carney
Emerson
Hall (TX)
Honda
McCollum
Melancon
Mollohan
Platts
Radanovich
Rogers (AL)
Ryan (OH)
Scalise
Schock
Stark

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 174

¶127.7 [Roll No. 781]

YEAS—239

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Abercrombie
Boyd
Cao
Carney
Emerson
Hall (TX)
Hirono
McCollum
McMorris Rodgers
Melancon
Mollohan
Murphy (NY)
Platts
Radanovich
Rangel
Scalise
Stark
Towns
Weiner

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶127.8 H. RES. 800—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 800) expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶127.9 [Roll No. 782]

AYES—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson

Watt	Whitfield	Wu
Waxman	Wilson (OH)	Yarmuth
Weiner	Wilson (SC)	Young (AK)
Welch	Wittman	Young (FL)
Westmoreland	Wolf	
Wexler	Woolsey	

NOT VOTING—17

Boehner	Gordon (TN)	Platts
Boyd	Hall (TX)	Radanovich
Bright	Marshall	Scalise
Cao	McCollum	Serrano
Carney	Melancon	Stark
Emerson	Mollohan	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶127.10 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House the following communication, which was read as follows:

OCTOBER 14, 2009.

HON. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Judiciary Committee, effective October 14, 2009. It was an honor to serve you and Chairman Conyers as a member of this prestigious committee.

I look forward to continuing to serve on the Foreign Affairs and Financial Services Committees in the 111th Congress.

Sincerely,

BRAD SHERMAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶127.11 COMMITTEE ELECTION—MAJORITY

Mr. LARSON of Connecticut, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 834):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE JUDICIARY.—Ms. Chu (to rank immediately after Mr. Quigley).

(2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Ms. Chu.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶127.12 HOMELAND SECURITY APPROPRIATIONS FY 2010

Mr. PRICE of North Carolina, pursuant to House Resolution 829, called up the following conference report (Rept. No. 111–298):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,818,000: Provided, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: Provided further, That $15,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $254,190,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $5,500,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $60,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts: Provided, That of the total amount made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report OIG–09–72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $338,393,000; of which $86,912,000 shall be available for salaries and expenses; and of which $251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That of the total amount appropriated, not less than $82,788,000 shall be available for data center development, of which not less than $38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $335,030,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $190,862,000 shall remain available until September 30, 2011: Provided, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $113,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,064,713,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee

pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems: Provided, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, $1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $422,445,000, to remain available until expended, of which not less than $227,960,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $800,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life-cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders, as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations, at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: Provided further, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $519,826,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $319,570,000, to remain available until expended; of which

$39,700,000 shall be for constructing and equipping the Advanced Training Center; and of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas: Provided, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,342,134,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: Provided further, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: Provided further, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: Provided further, That of the total amount provided, not less than $2,545,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $7,300,000 shall remain available until September 30, 2011, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigation and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: Provided further, That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of immigration and customs enforcement automated systems, $90,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security: Provided further, That of the total amount provided under this heading, up to $10,000,000 may be transferred to U.S. Immigration and Customs Enforcement ''Salaries and Expenses'' account for data center migration.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $4,818,000, to remain available until expended: Provided, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,214,040,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,358,076,000 shall be for screening operations, of which $1,116,406,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $778,300,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,114,040,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $110,516,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,001,780,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total

cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,805,391,000, of which $581,503,000 shall be for defense-related activities, of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, $50,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2010 second quarter acquisition report required by Public Law 108–7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110–161; (2) the Revised Deepwater Implementation Plan; and (3) the future-years capital investment plan for fiscal years 2011–2015 are received by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,537,080,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $121,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $129,500,000 shall be available until September 30, 2012, for other equipment; of which $27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than $300,000 for the Coast Guard Academy Pier and not less than $16,800,000 for Coast Guard Station Cleveland Harbor; of which $105,200,000 shall be available for personnel compensation and benefits and related costs; and of which $1,154,280,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $730,680,000 is for surface ships: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: Provided, That of the amounts made available under this heading, $4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $24,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,478,669,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 for protective travel shall remain available until September 30, 2011: Provided further, That up to $1,000,000 for National Special Security Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided

further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, $33,960,000, to remain available until expended, is for information technology modernization: Provided further, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such modernization are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $899,416,000, of which $760,155,000 shall remain available until September 30, 2011: Provided, That of the amount made available under this heading, $161,815,000 may not be obligated for the National Cyber Security Division program and $12,500,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated to achieving each of those goals and milestones: Provided further, That of the total amount provided, no less than: $20,000,000 is for the National Infrastructure Simulation and Analysis Center; $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance, and outreach programs.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $373,762,000, to remain available until expended: Provided, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110–329: Provided further, That not less than $28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $139,250,000, of which $30,411,000 is for salaries and expenses: Provided, That $108,839,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $797,650,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, not to exceed $36,300,000 shall remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,015,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: Provided further, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $13,000,000 shall be for the Citizen Corps Program.

(6) $300,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $20,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) $300,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

(8) $12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

(9) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(10) $50,000,000 shall be for the Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(11) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(12) $60,000,000 shall be for grants for Emergency Operations Centers under section 614 of

the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which no less than the amount specified for each Emergency Operations Center shall be provided as follows: $500,000, Benton County Emergency Management Commission, Iowa; $100,000, Brazoria County Emergency Management, Texas; $800,000, Butte-Silver Bow, Montana; $338,000, Calvert County Department of Public Safety, Maryland; $425,000, City of Alamosa Fire Department, Colorado; $600,000, City of Ames, Iowa; $250,000, City of Boerne, Texas; $500,000, City of Brawley, California; $300,000, City of Brigantine, New Jersey; $350,000, City of Brookings, Oregon; $1,000,000, City of Chicago, Illinois; $1,000,000, City of Commerce, California; $300,000, City of Cupertino, California; $1,000,000, City of Detroit, Michigan; $750,000, City of Elk Grove, California; $400,000, City of Green Cove Springs, Florida; $600,000, City of Greenville, North Carolina; $300,000, City of Hackensack, New Jersey; $800,000, City of Hartford, Connecticut; $250,000, City of Hopewell, Virginia; $254,500, City of La Habra, California; $600,000, City of Las Vegas, Nevada; $750,000, City of Lauderdale Lakes, Florida; $750,000, City of Minneapolis, Minnesota; $375,000, City of Monterey Park, California; $400,000, City of Moreno Valley, California; $1,000,000, City of Mount Vernon, New York; $1,000,000, City of Newark, New Jersey; $900,000, City of North Little Rock, Arkansas; $350,000, City of Palm Coast, Florida; $750,000, City of Port Gibson, Mississippi; $500,000, City of Scottsdale, Arizona; $750,000, City of Sunrise, Florida; $500,000, City of Tavares, Florida; $400,000, City of Torrington, Connecticut; $900,000, City of Whitefish, Montana; $500,000, City of Whittier, California; $500,000, City of Wichita, Kansas; $500,000, Columbia County, Oregon; $500,000, County of Union, New Jersey; $400,000, Dorchester County, South Carolina; $200,000, Fulton County (Atlanta) Emergency Management Agency, Georgia; $250,000, Howell County Emergency Preparedness, Missouri; $500,000, Jackson County Sheriff's Office, Missouri; $750,000, Johnson County, Texas; $500,000, Kentucky Emergency Management, Kentucky; $800,000, Lake County, Florida; $600,000, Lea County, New Mexico; $1,000,000, Lincoln County, Washington; $250,000, Lycoming County, Pennsylvania; $250,000, Macomb County Emergency Management and Communications, Michigan; $300,000, Mercer County Emergency Management Agency, Kentucky; $1,000,000, Middle Rio Grande Development Council, Texas; $250,000, Minooka Fire Protection District, Illinois; $800,000, Mobile County Commission, Alabama; $200,000, Monroe County, Florida; $1,000,000, Morris County, New Jersey Office of Emergency Management, New Jersey; $750,000, New Orleans Emergency Medical Services, Louisiana; $1,000,000, North Carolina Office of Emergency Management, North Carolina; $500,000, North Hudson Regional Fire and Rescue, New Jersey; $980,000, North Louisiana Regional, Lincoln Parish, Louisiana; $1,500,000, Ohio Emergency Management Agency, Columbus, Ohio; $250,000, Passaic County Prosecutor's Office, New Jersey; $980,000, City of Providence, Rhode Island; $800,000, San Francisco Department of Emergency Management, California; $300,000, Sarasota County, Florida; $650,000, Scotland County, North Carolina; $500,000, Somerset County, Maine; $1,500,000, State of Maryland, Maryland; $158,000, City of Maitland, Florida; $500,000, Tohono O'odham Nation; $75,000, Towamencin Township, Pennsylvania; $275,000, Town of Harrison, New York; $500,000, Town of Shorter, Alabama; $750,000, Township of Irvington, New Jersey; $500,000, Township of Old Bridge, New Jersey; $247,000, Township of South Orange Village, South Orange, New Jersey; $500,000, Upper Darby Township Police Department, Pennsylvania; $165,000, Village of Elmsford, New York; $350,000, Washington Parish Government, Louisiana; $900,000, Westmoreland County Department of Public Safety, Pennsylvania; $1,000,000, Williamsburg County, South Carolina; and $20,000, Winston County Commission, Alabama.

(13) $267,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 shall be for surface transportation emergency preparedness and response training to be awarded under full and open competition;

(B) $1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont; and

(C) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University:

Provided, That 4 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $810,000,000, of which $390,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $340,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,600,000,000, to remain available until expended: Provided, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: Provided further, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section

503 of this Act: Provided further, That $105,600,000 shall be transferred to Federal Emergency Management Agency ''Management and Administration'' for management and administration functions: Provided further, That the amount provided in the previous proviso shall not be available for transfer to ''Management and Administration'' until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $146,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $38,680,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and to be obligated as detailed in the joint explanatory statement accompanying this Act: Provided, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $224,000,000, of which $50,000,000 is for processing applications for asylum or refugee status; of which $5,000,000 is for the processing of military naturalization applications; and of which $137,000,000 is for the basic pilot program (E-Verify Program), as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That of the amounts made available for the basic pilot program (E-Verify Program), $30,000,000 shall remain available until September 30, 2011: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: Provided further, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: Provided further, That none of the funds made available under this heading may be obligated for development of the ''REAL ID hub'' until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones: Provided further, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'': Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $143,200,000: Provided, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $863,271,000, of which $713,083,000, to remain available until September 30, 2012; and of which $150,188,000, to remain available until September 30, 2014, solely for Laboratory Facilities: Provided, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: Provided further, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: Provided further, That not less than $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: Provided further, That not less than $2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: Provided further, That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: Provided further, That not less than $2,000,000 shall be available for the Naval Postgraduate School: Provided further, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: Provided further, That not less than $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: Provided further, That not less than $4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: Provided further, That $32,000,000 shall be for the National Bio- and Agro-defense Facility, of which up to $2,000,000 may be obligated for the National Academy of Sciences to complete the Letter Report required in section 560 (b) of this Act.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $38,500,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $324,537,000, to remain available until September 30, 2012.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $20,000,000, to remain available until September 30, 2012: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or

lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 is met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

(c) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 518. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 519. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2009'' and inserting ''2010''.

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 521. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 522. Except as provided in paragraphs (1) and (2) of this section, none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or any successor position, for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies—

(1) The Secretary of Homeland Security may waive the application of this section provided that any field position appointed pursuant to this waiver shall not hold the title of Principal Federal Official, shall functionally report through the Federal Coordinating Officer appointed under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143), and shall be subject to the provisions of subsection (c) of section 319 of title 6, United States Code. The Secretary may not delegate the authority to grant such a waiver.

(2) Not later than 10 business days after the date on which the Secretary of Homeland Security issues a waiver under this section, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate explaining the circumstances necessitating the waiver, describing the specific role of any officials appointed pursuant to the waiver, and outlining measures taken to ensure compliance with subsection (c) of section 319 and subsections (c)(3) and (c)(4)(A) of section 313 of title 6, United States Code.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to

the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2009'' and inserting ''Until September 30, 2010,''; and

(2) in subsection (d)(1), by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''.

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program (E-Verify Program) under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program (E-Verify Program) under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or $5,000,000, whichever is greater: Provided further, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. The explanatory statement referenced in section 4 of Public Law 110–161 for ''National Predisaster Mitigation Fund'' under Federal Emergency Management Agency is deemed to be amended—

(1) by striking ''Dalton Fire District'' and all that follows through ''750,000'' and inserting the following:

''Franklin Regional Council of Governments, MA	*250,000*
Town of Lanesborough, MA	*175,000*
University of Massachusetts, MA	*175,000'';*

(2) by striking ''Santee and'';

(3) by striking ''3,000,000'' and inserting ''1,500,000'';

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

Town of Branchville, SC	*1,500,000'';*

and

(5) by striking ''Public Works Department of the City of Santa Cruz, CA'' and inserting ''Monterey County Water Resources Agency, CA''.

SEC. 542. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 543. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 544. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aircraft systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for ''Acquisition, Construction, and Improvements'' for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 546. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 547. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect.'' and inserting ''on September 30, 2012.''.

SEC. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''for 15 years'' and inserting ''until September 30, 2012''.

SEC. 549. (a) In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

SEC. 550. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''on October 4, 2010''.

SEC. 551. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''Basic Pilot'' and inserting ''E-Verify''.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''under a pilot program'' and inserting ''under this subtitle''.

SEC. 5. 552. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 553. Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

''(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

SEC. 554. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: Provided, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 555. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 556. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 557. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 558. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if:

(1) the Commandant of the Coast Guard certifies that the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Secretary of Homeland Security certifies that the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or to meet any other Federal navigation requirement.

(c) If the certifications described in subsection (b) are made, the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the certifications described in subsection (b) are made, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the

Coast Guard: Provided, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard ''Environmental Compliance and Restoration'' account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran-C system, for the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: Provided further, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

SEC. 560. (a) None of the funds made available by this Act may be obligated for construction of the National Bio- and Agro-defense Facility on the United States mainland until 30 days after the later of:

(1) the date on which the Secretary of Homeland Security submits to the Committee on Appropriations of the Senate and the House of Representatives a site-specific bio-safety and bio-security mitigation risk assessment, which includes an integrated set of analyses using plume modeling and epidemiologic impact modeling, to determine the requirements necessary to ensure safe operation of the National Bio- and Agro-defense Facility at the approved Manhattan, Kansas, site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 11, and the results of the National Academy of Sciences' review of the risk assessment as described in paragraph (b): Provided, That the integrated set of analyses is to determine the extent of the dispersion of the foot-and-mouth virus following a potential laboratory spill, the potential spread of foot-and-mouth disease in the surrounding susceptible animal population, and its economic impact: Provided further, That the integrated set of analyses should also take into account specific local, State, and national risk mitigation strategies; or

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committees on Appropriations of the Senate and the House of Representatives a report that:

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

(b) With regard to the integrated set of analyses included in the mitigation risk assessment required under paragraph (a)(1), the Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the mitigation risk assessment required by subsection (a)(1) of this section and to submit a Letter Report: Provided, That such contract shall be entered into within 90 days from the date of enactment of this Act, and the National Academy of Sciences shall complete its assessment and submit its Letter Report within four months after the date the Department of Homeland Security concludes the risk assessment.

SEC. 561. (a) SHORT TITLE.—This section may be cited as the ''American Communities' Right to Public Information Act''.

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

''(d) NONDISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

''(A) facility security plans, vessel security plans, and port vulnerability assessments; and

''(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

''(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

''(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

SEC. 562. Section 4 of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or'' and

(3) by adding at the end the following:

''(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.''.

SEC. 563. (a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or in the case of a governmental entity located in such State, paid)'' after ''received, or reserved''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''nondepository institution operating in such State'' and inserting ''governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State'';

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding ''and'' at the end;

(II) in item (bb), by striking '', to facilitate'' and all that follows through ''2009''; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

''(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;''; and

(D) by inserting after clause (i) the following:

''(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and''.

(b) RULE OF CONSTRUCTION.—Section 44(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking ''No provision'' and inserting the following:

''(A) IN GENERAL.—No provision''; and

(3) by adding at the end the following:

''(B) APPLICABILITY.—This subsection shall be construed to apply to any loan or discount made, or note, bill of exchange, financing transaction, or other evidence of debt, originated by an insured depository institution, a governmental entity located in such State, or a person that is not a depository institution described in subparagraph (A) doing business in such State.''.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SEC. 564. (a) SHORT TITLE.—This section may be cited as the ''OPEN FOIA Act of 2009''.

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the ''Protected National Security Documents Act of 2009''.

(b) Notwithstanding any other provision of the law to the contrary, no protected document, as defined in subsection (c), shall be subject to disclosure under section 552 of title 5, United States Code or any proceeding under that section.

(c) DEFINITIONS.—In this section:

(1) PROTECTED DOCUMENT.—The term ''protected document'' means any record—

(A) for which the Secretary of Defense has issued a certification, as described in subsection (d), stating that disclosure of that record would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States; and

(B) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(d) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (c)(1), the Secretary of Defense shall issue a certification if the Secretary of Defense determines that disclosure of that photograph would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification and a renewal of a certification issued pursuant to subsection (d)(3) shall expire 3 years after the date on which the certification or renewal, is issued by the Secretary of Defense.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(A) a renewal of a certification at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—The Secretary of Defense shall provide Congress a timely notice of the Secretary's issuance of a certification and of a renewal of a certification.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a protected document.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any protected document.

SEC. 566. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 567. (a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems''; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,'';

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the ''Assistant Secretary'').

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

SEC. 568. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM AND OTHER IMMIGRATION PROGRAMS.—

(1) EXTENSION.—Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking ''September 30, 2009,'' each place such term appears and inserting ''September 30, 2012,''.

(2) STUDY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by United States Citizenship and Immigration Services to improve the integrity of the program.

(3) PROGRESS REPORT.—Not later than 240 days after the submission of the report under paragraph (2), the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in implementing the plan described in clause (a)(2)(B) of this section.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''for at least 2 years at the time of the citizen's death''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

''(1) IN GENERAL.—An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

''(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 201(b)(2)(A)(i));

''(B) the beneficiary of a pending or approved petition for classification under section 203 (a) or (d);

''(C) a derivative beneficiary of a pending or approved petition for classification under section 203(b) (as described in section 203(d));

''(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 207 or 208;

''(E) an alien admitted in 'T' nonimmigrant status as described in section 101(a)(15)(T)(ii) or in 'U' nonimmigrant status as described in section 101(a)(15)(U)(ii); or

''(F) an asylee (as described in section 208(b)(3)).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

(e) CONFORMING AMENDMENT TO AFFIDAVIT OF SUPPORT REQUIREMENT.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(5)) is amended by striking clauses (i) and (ii) and inserting:

''(i) the individual petitioning under section 204 of this Act for the classification of such alien died after the approval of such petition, and the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate; or

''(ii) the alien's petition is being adjudicated pursuant to section 204(l) (surviving relative consideration).''.

SEC. 569. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 571. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

SEC. 572. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–157) that are considered congressional earmarks for purposes of clause 9 of rule

XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 573. From unobligated balances for fiscal year 2009 made available for Federal Emergency Management Agency ''Trucking Industry Security Grants'', $5,572,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $2,358,000 are rescinded.

SEC. 575. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate ''Infrastructure Protection and Information Security'', $8,000,000 are rescinded.

SEC. 576. From the unobligated balances of prior year appropriations made available for Science and Technology ''Research, Development, Acquisition, and Operations'', $6,944,148 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office ''Research, Development, and Operations'', $8,000,000 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration ''Research and Development'', $4,000,000 are rescinded.

SEC. 579. From the unobligated balances of prior year appropriations made available for Coast Guard ''Acquisition, Construction, and Improvements'', $800,000 are rescinded: Provided, That these rescissions shall be taken from completed projects.

SEC. 580. Of the amounts available under the heading ''Counterterrorism Fund'', $5,600,000 are rescinded.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
DAVID E. PRICE,
JOSÉ E. SERRANO,
CIRO D. RODRIGUEZ,
C.A. DUTCH RUPPERSBERGER,
ALAN B. MOLLOHAN,
NITA M. LOWEY,
LUCILLE ROYBAL-ALLARD,
SAM FARR,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY (with a reservation on the EB–5 agreement),
BARBARA A. MIKULSKI,
PATTY MURRAY,
MARY L. LANDRIEU,
FRANK R. LAUTENBERG,
JON TESTER,
ARLEN SPECTER,
GEORGE V. VOINOVICH,
THAD COCHRAN,
JUDD GREGG,
RICHARD C. SHELBY,
SAM BROWNBACK,
LISA MURKOWSKI,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 829, the previous question was ordered on the conference report to its adoption or rejection.

Mr. ROGERS of Kentucky, moved to recommit the conference report on H.R. 2892 to the committee of conference with instructions for the managers on the part of the House to not agree to any language allowing a detainee held at Guantanamo Bay, Cuba to be brought to the United States for prosecution or incarceration.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. ROGERS of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 193 / Nays 224

¶127.13 [Roll No. 783]

YEAS—193

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (NY)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—224

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—15

Blunt
Boyd
Cao
Carney
Carter
Emerson
Hall (TX)
McCollum
Melancon
Minnick
Mollohan
Radanovich
Ryan (OH)
Scalise
Schock

So the motion to recommit the conference report with instructions was not agreed to.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Ms. DEGETTE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 307 / Nays 114

¶127.14 [Roll No. 784]

YEAS—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—114

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Delahunt
Dreier
Duncan
Ehlers
Fallin
Flake
Foxx
Franks (AZ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Gutierrez
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
Mica
Miller (FL)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rooney
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Souder
Stark
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Turner
Velázquez
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—11

Blunt
Boyd
Cao
Carney
Emerson
Hall (TX)
McCollum
Melancon
Mollohan
Radanovich
Scalise

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶127.15 H.R. 2423—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2423) to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse'', and to designate the jury room in that Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room''; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶127.16 [Roll No. 785]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Boyd
Cao
Carney
Emerson
Hall (TX)
McCollum
Melancon
Miller (FL)
Mollohan
Radanovich
Scalise

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the 'George P. Kazen Federal Building and United States Courthouse'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.17 PROVIDING FOR CONSIDERATION OF H.R. 2442

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 830):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 178

¶127.18 [Roll No. 786]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Boyd
Cao
Carney
Cleaver
Deal (GA)
Emerson
Hall (TX)
Johnson (GA)
Kind
McCollum
Melancon
Mollohan
Radanovich
Scalise
Smith (WA)
Wasserman Schultz
Waters

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 193

¶127.19 [Roll No. 787]

YEAS—221

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boyd
Cao
Carney
Cleaver
Deal (GA)
Emerson
Hall (TX)
Herger
Johnson (GA)
McCollum
Melancon
Mollohan
Olver
Radanovich
Scalise
Smith (WA)
Wasserman Schultz
Waters

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶127.20 BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to 10 United States Code 4355(a), and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the Board of Visitors to the United States Military Academy: Messrs. LEWIS of California, and SHIMKUS.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶127.21 NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to 20 United States Code 955(b), and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the National Council on the Arts: Ms. MCCOLLUM and Mr. CARNAHAN.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶127.22 BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION

Mr. George MILLER of California, pursuant to House Resolution 830, called up for consideration the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 830, the following amendment, printed in House Report 111-301, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bay Area Regional Water Recycling Program Expansion Act of 2009''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

''SEC. 16. CCCSD-CONCORD RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,800,000.

''SEC. 16. CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,150,000.

''SEC. 16. PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section

shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000.

''SEC. 16. CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000.

''SEC. 16. PALO ALTO RECYCLED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.

''SEC. 16. IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.''.

(b) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act, and the sections added to such Act by subsection (a), the Secretary shall enter into individual agreements with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act, subject to appropriations made available for the Federal share of the project under sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by subsection (a).

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

''Sec. 1649. CCCSD-Concord recycled water project.

''Sec. 1650. Central Dublin recycled water distribution and retrofit project.

''Sec. 1651. Petaluma recycled water project, phases 2a, 2b, and 3.

''Sec. 1652. Central Redwood City recycled water project.

''Sec. 1653. Palo Alto recycled water pipeline project.

''Sec. 1654. Ironhouse Sanitary District (ISD) Antioch recycled water project.''.

SEC. 3. MODIFICATION TO AUTHORIZED PROJECTS.

(a) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$2,250,000'' and inserting ''$3,125,000''.

(b) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$8,250,000'' and inserting ''$13,250,000''.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 830, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. NUNES moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 4. CENTRAL VALLEY PROJECT.

(a) NO RESTRICTION, REDUCTION, OR REALLOCATION OF WATER.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not use discretion to restrict, reduce or reallocate any water stored in Central Valley Project Reservoirs or delivered pursuant to Central Valley Project contracts, including execution of said contracts facilitated by the W.C. ''Bill'' Jones Pumping Plant, to meet the requirements of the Endangered Species Act of 1973, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of California, including but not limited to, permitting requirements.

(b) BIOLOGICAL OPINIONS.—For the 2 years immediately after the date of the enactment of this Act, complying with the reasonable and prudent alternatives or reasonable and prudent measures and the incidental take limits defined in the biological opinions that immediately preceded the biological opinions issued by on December 15, 2008, by the United States Fish and Wildlife Service on the effects of the Proposed Coordinated Operations of the Federal Central Valley Project and the California State Water Project on the threatened delta smelt (*Hypomesus transpacificus*) and the biological opinion issued on June 4, 2009, by the United States National Marine Fisheries Service Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan shall constitute compliance with all requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) APPLICABILITY.—This section applies only to those Federal agency and non-Federal actions related to the coordinated operations of the Central Valley Project and the California State Water Project.

¶127.23 POINT OF ORDER

Mr. George MILLER of California, made a point of order against consideration of the motion to recommit, and said:

''Mr. Speaker, I raise a point of order that the motion to recommit contains a nongermane instruction in violation of clause 7 of rule XVI.''.

Mr. NUNES was recognized to speak to the point of order and said:

''Mr. Speaker, the motion to recommit I have is pretty simple. In fact, what we have before us is legislation that is identical to legislation that this Congress passed in 2003 with overwhelming bipartisan support, so I would hope that you would make it germane.''.

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, I insist upon my point of order. That action by the previous Congress does not make it germane to this legislation.''.

The SPEAKER pro tempore, Mr. DRIEHAUS, sustained the point of order, and said:

''The gentleman from California [Mr. GEORGE MILLER] makes a point of order that the amendment offered by the gentleman from California [Mr. NUNES] is not germane.

''The bill, H.R. 2442, amends the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program. The bill authorizes six new water recycling partnerships and modifies two existing partnerships.

''The amendment offered by the gentleman from California seeks to address water availability related to the Central Valley Project.

''Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a 'subject different from that under consideration shall be admitted under color of amendment.'

''One of the central tenets of the germaneness rule is that an amendment should relate to the subject matter of the underlying measure.

''The bill is confined to water recycling projects within a specific geographic area. The amendment addresses water availability related to the Central Valley Project. By addressing this topic, the amendment falls outside the ambit of the underlying measure and is not germane.''.

Mr. NUNES appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. George MILLER of California, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Mr. NUNES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 237 / Nays ..... 176 }

¶127.24 [Roll No. 788]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Boswell
Boyd
Cao
Carney
Conyers
Deal (GA)
DeFazio
Emerson
Fleming
Foxx
Hall (TX)
Linder
Lofgren, Zoe
McCollum
Melancon
Mollohan
Radanovich
Scalise
Smith (WA)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Mr. NUNES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 241 / Nays ..... 173 }

¶127.25 [Roll No. 789]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)

Brown-Waite, Ginny	Hoekstra	Pence
Buchanan	Hunter	Peterson
Burgess	Inglis	Petri
Burton (IN)	Issa	Pitts
Buyer	Jenkins	Platts
Calvert	Johnson, Sam	Poe (TX)
Camp	Jones	Posey
Campbell	Jordan (OH)	Price (GA)
Cantor	King (IA)	Putnam
Capito	King (NY)	Rehberg
Cardoza	Kingston	Reichert
Carter	Kirk	Roe (TN)
Cassidy	Kline (MN)	Rogers (AL)
Castle	Lamborn	Rogers (KY)
Childers	Lance	Rogers (MI)
Coble	Latham	Rohrabacher
Coffman (CO)	LaTourette	Rooney
Cole	Latta	Ros-Lehtinen
Conaway	Lee (NY)	Roskam
Costa	Lewis (CA)	Royce
Crenshaw	LoBiondo	Ryan (WI)
Culberson	Lucas	Schmidt
Davis (KY)	Luetkemeyer	Schock
Dent	Lummis	Sensenbrenner
Diaz-Balart, L.	Lungren, Daniel E.	Sessions
Diaz-Balart, M.	Mack	Shadegg
Dreier	Manzullo	Shimkus
Duncan	Marchant	Shuster
Fallin	McCarthy (CA)	Simpson
Flake	McCaul	Skelton
Fleming	McClintock	Smith (NE)
Forbes	McCotter	Smith (TX)
Fortenberry	McHenry	Souder
Foxx	McKeon	Stearns
Franks (AZ)	McMorris Rodgers	Sullivan
Frelinghuysen	Mica	Tanner
Gallegly	Miller (FL)	Terry
Garrett (NJ)	Miller (MI)	Thompson (PA)
Gerlach	Miller, Gary	Thornberry
Gingrey (GA)	Minnick	Tiahrt
Gohmert	Moran (KS)	Tiberi
Goodlatte	Murphy, Tim	Turner
Granger	Myrick	Upton
Graves	Neugebauer	Wamp
Guthrie	Nunes	Westmoreland
Hastings (WA)	Olson	Whitfield
Heller	Paul	Wilson (SC)
Hensarling	Paulsen	Wolf
Herger		Young (AK)
		Young (FL)

NOT VOTING—18

Boswell	DeFazio	McCollum
Boyd	Emerson	Melancon
Cao	Hall (TX)	Mollohan
Carney	Harper	Radanovich
Conyers	Linder	Scalise
Deal (GA)	Lofgren, Zoe	Smith (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.26 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) ''An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

¶127.27 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, October 16, 2009, at 11 a.m.; and further, when the House adjourns on Friday, October 16, 2009, it adjourn to meet at 12:30 p.m. on Tuesday, October 20, 2009, for morning-hour debate.

¶127.28 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 1694. An Act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

¶127.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. EMERSON, for today and balance of the week; and

To Ms. McCOLLUM, for today.

And then,

¶127.30 ADJOURNMENT

On motion of Mr. ROHRABACHER, pursuant to the previous order of the House, at 8 o'clock and 30 minutes p.m., the House adjourned until 11 a.m. on Friday, October 16, 2009.

¶127.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3585. A bill to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; with an amendment (Rept. 111–302). Referred to the Committee of the Whole House on the state of the Union.

¶127.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADERHOLT:

H.R. 3815. A bill to extend temporarily the reduction of duty on polyethylene HE1878; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 3816. A bill to suspend temporarily the duty on man-made shells used in the manufacture of sleeping bags; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 3817. A bill to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. KANJORSKI:

H.R. 3818. A bill to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Ms. GIFFORDS, and Mr. OLSON):

H.R. 3819. A bill to extend the commercial space transportation liability regime; to the Committee on Science and Technology.

By Mr. WU (for himself, Mr. SMITH of Nebraska, Mr. GRAYSON, and Mr. MOORE of Kansas):

H.R. 3820. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, and Mr. BUYER):

H.R. 3821. A bill to prevent States from limiting employers from using auto-enrollment for employee health insurance coverage; to the Committee on Education and Labor.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3822. A bill to permit employers to provide contributions and assistance to certain employees who purchase individual health insurance; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3823. A bill to amend titles XIX and XXI of the Social Security Act to make certain changes to the State Children's Health Insurance Program and the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. PITTS, Mr. BLUNT, Mr. BARTON of Texas, and Mr. BUYER):

H.R. 3824. A bill to allow States to establish interstate compacts for the purpose of expanding health insurance options; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 3825. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mrs. CAPPS):

H.R. 3826. A bill to amend title XVIII of the Social Security Act to provide payments under the Medicare Program to licensed health care practitioners for unscheduled telephone consultation services in the case that such payments are determined to be cost and quality effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3827. A bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identification, or marital status of any prospective adoptive or foster parent; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. KIRK, Mr. LEE of New York, Mr. GERLACH, Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. PAUL, Mrs. CAPITO, Mr. MANZULLO, Mr. SESSIONS, Mr. PUTNAM, Mr. MCCOTTER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. ROE of Tennessee, Mr. EHLERS, Mr. UPTON, Mr. KING of New York, Mr. JONES, Mr. LAMBORN, Mr. CHAFFETZ, Mr. BACHUS, Mrs. BACHMANN, Mr. BARRETT of South Carolina, and Mr. MCHENRY):

H.R. 3828. A bill to temporarily suspend the approval or certification of any housing counseling agencies of ACORN or its affiliates and require the Inspector General of the Department of Housing and Urban Development to conduct an audit of any assistance provided by the Department to ACORN and its affiliates, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 3829. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting the use of certain communication devices while operating a motor vehicle, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 3830. A bill to direct the Secretary of Health and Human Services to develop an individual chronic disease prevention and wellness achievement matrix; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 3831. A bill to amend the American Recovery and Reinvestment Act of 2009 to eliminate the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona:

H.R. 3832. A bill to enhance the effectiveness of United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran to include refined petroleum, require the Secretary of Defense to develop and maintain viable military options to prevent the successful development or deployment of a nuclear weapons capability by the Government of Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Armed Services, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 3833. A bill to amend chapters 81, 83, and 84 of title 5, United States Code, to provide for enhanced benefits for survivors of Federal public safety officers killed in the line of duty; to the Committee on Oversight and Government Reform.

By Mr. HIGGINS (for himself, Mr. HINCHEY, Mr. MASSA, Ms. MOORE of Wisconsin, Mr. MAFFEI, Mr. LEE of New York, and Mr. HOLT):

H.R. 3834. A bill to amend the Internal Revenue Code of 1986 to enhance incentives for renewable energy development in high job-loss zones in metropolitan and micropolitan statistical areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 3835. A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to strengthen protections against the wrongful removal of individuals from the official list of eligible voters and the wrongful denial of applications for voter registration, and for other purposes; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 3836. A bill to authorize the Secretary of Energy to provide credit support to enhance the availability of private financing for clean energy technology deployment; to the Committee on Energy and Commerce.

By Ms. KILROY (for herself, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Ms. CLARKE, Mr. DEFAZIO, Ms. RICHARDSON, Ms. NORTON, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, and Ms. TITUS):

H.R. 3837. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; to the Committee on Homeland Security.

By Mr. MURPHY of Connecticut (for himself and Mr. PLATTS):

H.R. 3838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide incentive grants to promote alternatives to incarcerating delinquent juveniles; to the Committee on Education and Labor.

By Mr. ROONEY (for himself and Mr. MCMAHON):

H.R. 3839. A bill to amend title 10, United States Code, to authorize the reimbursement of mental health counselors under TRICARE, and for other purposes; to the Committee on Armed Services.

By Mr. RUPPERSBERGER (for himself and Mr. THORNBERRY):

H.R. 3840. A bill to strengthen certain provisions relating to arms export licenses, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHRADER:

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to repeal carryover basis for decedents dying in 2009, to increase the estate tax exemption to $5,000,000, and to reduce the maximum estate and gift tax rate to 45 percent; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself and Mr. DRIEHAUS):

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3843. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to publish redacted medical quality-assurance records of the Department of Veterans Affairs on the Internet website of the Department; to the Committee on Veterans' Affairs.

By Mr. TIAHRT:

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance and recovery period for noncommercial aircraft property; to the Committee on Ways and Means.

By Mr. ANDREWS:

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress regarding the freedom, security, and stability of Taiwan; to the Committee on Foreign Affairs.

By Mr. TIAHRT (for himself, Mr. WAMP, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. CHAFFETZ, Mr. EHLERS, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. GRAVES, Mr. HELLER, Mr. HERGER, Mr. INGLIS, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LUCAS, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. ROE of Tennessee, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. TERRY, Mr. WESTMORELAND, and Mr. WOLF):

H. Con. Res. 201. Concurrent resolution to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 834. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. JENKINS (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. PAULSEN, Mr. MCCLINTOCK, Mrs. SCHMIDT, Mr. LEE of New York, Mr. HENSARLING, Mr. LATTA, Mr. ROE of Tennessee, Mr. REICHERT, Mr. MANZULLO, Mr. SCHOCK, Mr. DENT, Mrs. CAPITO, Mr. KLINE of Minnesota, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Ms. FOXX, Mr. TERRY, Mr. GRAVES, Mr. BARTON of Texas, Mr. CULBERSON, Mr. MICA, Mr. SMITH of Texas, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. LUCAS, Mr. MORAN of Kansas, Mr. SCALISE, Mr. SMITH of Nebraska, Mr. KINGSTON, Mr. COBLE, Mrs. LUMMIS, Mr. GOHMERT, Mr. CARTER, Mr. POE of Texas, Ms. GRANGER, Mr. THORNBERRY, Mr. DREIER, Mr. BUYER, Mr. CAMP, Mr. POSEY, Mr. SESSIONS, Mr. BARTLETT, Mr. BACHUS, Mr. HASTINGS of Washington, Mr. MCCARTHY of California, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. CAMPBELL, Mr. GARRETT of New Jersey, Mr. LANCE, Mr. BUCHANAN, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BOUSTANY, Mr. GOODLATTE, Mr. RYAN of Wisconsin, Mr. KIRK, Mr. LATHAM, Mr. GALLEGLY, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. ADERHOLT, Mr. GUTHRIE, Mr. CALVERT, Mr. MARCHANT, Mr. CHAFFETZ, Mr. ISSA, Mrs. BLACKBURN, Mr. OLSON, Mr. ALEXANDER, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. FRELINGHUYSEN, Mr. MCCAUL, Mr. HARPER, Ms. GINNY BROWN-WAITE of Florida, Mr. FLEMING, Mr. WALDEN, Mr. UPTON, Mr. PRICE of Georgia, Mr. EHLERS, Mrs. BONO MACK, Mr. MACK, Mr. FORBES, Mr. JONES, Mr. PITTS, Mr. SENSENBRENNER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BARRETT of South Carolina):

H. Res. 835. A resolution amending the rules of the House of Representatives to provide for transparency in the committee amendment process; to the Committee on Rules.

By Mr. ROE of Tennessee:

H. Res. 836. A resolution expressing support for Teen Read Week; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H. Res. 837. A resolution recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education; to the Committee on Education and Labor.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Mr. SARBANES, Ms. TSONGAS, Ms. TITUS, Mr. ROSKAM, Mr. SPACE, and Mr. GALLEGLY):

H. Res. 838. A resolution welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. PAYNE, and Mr. FALEOMAVAEGA):

H. Res. 839. A resolution condemning the illegal extraction of Madagascar's natural resources; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Ms. ROS-LEHTINEN, and Mr. FRANKS of Arizona):

H. Res. 840. A resolution condemning continuing violations of religious freedom in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GERLACH (for himself, Mr. DENT, Mr. UPTON, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. CASTLE, Mr. CAO, Mrs. BIGGERT, and Mr. BISHOP of New York):

H. Res. 841. A resolution expressing support for designation of November 29, 2009, as ''Drive Safer Sunday''; to the Committee on Transportation and Infrastructure.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H. Res. 842. A resolution expressing the sense of the House of Representatives that The MacDowell Colony in Peterborough, New Hampshire, should be recognized for its contribution to the arts around the world, and the cultural heritage of the United States; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California:

H. Res. 843. A resolution supporting the goals and ideals of Toastmasters International and celebrating its 85th anniversary; to the Committee on Oversight and Government Reform.

¶127.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BERMAN and Mr. MITCHELL.
H.R. 205: Mr. POE of Texas.
H.R. 213: Ms. SHEA-PORTER.
H.R. 391: Mr. ROE of Tennessee and Mr. MCCOTTER.
H.R. 436: Mr. ETHERIDGE.
H.R. 463: Ms. CHU.
H.R. 471: Mr. BOCCIERI.
H.R. 501: Ms. EDWARDS of Maryland.
H.R. 560: Mr. CONNOLLY of Virginia.
H.R. 644: Mr. BLUMENAUER.
H.R. 678: Mr. ELLSWORTH.
H.R. 734: Mr. SESTAK.
H.R. 795: Mr. BERMAN.
H.R. 836: Mr. MELANCON.
H.R. 930: Mr. SMITH of New Jersey.
H.R. 1064: Mr. HALL of New York and Mr. MASSA.
H.R. 1074: Mr. LINDER.
H.R. 1101: Mr. HEINRICH.
H.R. 1132: Mr. RUSH, Mr. CAMP, and Mr. GRIJALVA.
H.R. 1147: Ms. HIRONO.
H.R. 1173: Mr. PUTNAM.
H.R. 1177: Mr. GUTHRIE and Ms. ROS-LEHTINEN.
H.R. 1194: Mr. HOLDEN.
H.R. 1245: Mr. YOUNG of Florida.
H.R. 1283: Mr. SCHRADER.
H.R. 1322: Mr. CONNOLLY of Virginia.
H.R. 1361: Mr. ETHERIDGE.
H.R. 1402: Mr. ALTMIRE.
H.R. 1408: Mr. ELLISON and Mr. LEWIS of Georgia.
H.R. 1427: Mr. YOUNG of Alaska.
H.R. 1468: Mr. MCCAUL.
H.R. 1469: Mr. MCCOTTER and Ms. WASSERMAN SCHULTZ.
H.R. 1470: Mr. MURPHY of New York.
H.R. 1570: Mr. MILLER of Florida and Mr. ALTMIRE.
H.R. 1578: Ms. HIRONO and Mr. POLIS.
H.R. 1690: Mrs. CHRISTENSEN and Mr. OLVER.
H.R. 1718: Mr. WOLF and Mr. CONNOLLY of Virginia.
H.R. 1740: Mr. TIM MURPHY of Pennsylvania.
H.R. 1770: Mr. ARCURI and Ms. SHEA-PORTER.
H.R. 1820: Mr. THOMPSON of California.
H.R. 1826: Mr. LOEBSACK and Mr. ANDREWS.
H.R. 1829: Mr. THOMPSON of Pennsylvania and Mr. MITCHELL.
H.R. 1849: Ms. SCHAKOWSKY, Ms. MARKEY of Colorado, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHWARTZ, Mr. PERLMUTTER, Mr. RUSH, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, Ms. BEAN, Mr. KENNEDY, Mr. MASSA, Mr. FOSTER, Mr. FATTAH, Mr. NEAL of Massachusetts, Ms. MOORE of Wisconsin, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. ALTMIRE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. DREIER, Mr. HENSARLING, Mr. SERRANO, Mr. BARROW, Mr. BISHOP of Georgia, Ms. EDWARDS of Maryland, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. SCOTT of Virginia, Ms. CHU, Mr. PAUL, Mr. BARTLETT, Ms. KOSMAS, and Mr. KISSELL.
H.R. 1875: Mr. MICHAUD and Ms. SUTTON.
H.R. 1941: Mr. BROWN of South Carolina.
H.R. 1977: Mrs. DAHLKEMPER.
H.R. 1987: Mr. MCMAHON.
H.R. 1993: Mr. MCNERNEY.
H.R. 2017: Mr. BARRETT of South Carolina.
H.R. 2024: Mr. DONNELLY of Indiana.
H.R. 2055: Mr. MCNERNEY.
H.R. 2057: Mr. MEEKS of New York.
H.R. 2124: Mr. COLE.
H.R. 2139: Ms. EDWARDS of Maryland and Mr. KILDEE.
H.R. 2194: Mr. LEWIS of Georgia, Mr. RUPPERSBERGER, and Mr. BARTON of Texas.
H.R. 2254: Mr. PAULSEN, Mr. CHILDERS, Ms. NORTON, and Mr. POE of Texas.
H.R. 2266: Mr. WELCH and Mr. DELAHUNT.
H.R. 2267: Mr. WELCH.
H.R. 2275: Mr. MCMAHON, Mr. CONAWAY, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. ABERCROMBIE, Mr. GENE GREEN of Texas, Ms. FUDGE, Mr. DRIEHAUS, Mr. HINOJOSA, Ms. WATERS, and Mrs. CAPPS.
H.R. 2279: Mr. MEEKS of New York, Ms. MATSUI, Mr. SPACE, Mr. BUTTERFIELD, Mr. ROSS, Mr. INSLEE, Mr. GONZALEZ, Mr. SARBANES, and Ms. FUDGE.
H.R. 2296: Mr. ARCURI.
H.R. 2329: Mr. TAYLOR.
H.R. 2345: Mr. GARY G. MILLER of California and Mr. FORTENBERRY.
H.R. 2360: Mr. MITCHELL, Mr. CUMMINGS, Mr. STEARNS, and Mr. SCALISE.
H.R. 2413: Mr. TIERNEY and Mr. MICHAUD.
H.R. 2443: Mr. ROTHMAN of New Jersey and Mr. SIRES.
H.R. 2446: Mr. MINNICK.
H.R. 2452: Mr. ADLER of New Jersey, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. BILIRAKIS, Mr. VISCLOSKY, Mr. MAFFEI, Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mr. ORTIZ.
H.R. 2478: Mr. THOMPSON of California and Mr. MICHAUD.
H.R. 2480: Mr. ROTHMAN of New Jersey and Ms. FUDGE.
H.R. 2502: Mr. MCGOVERN and Mr. PAYNE.
H.R. 2548: Mr. CAPUANO.
H.R. 2567: Mr. RANGEL and Mr. VAN HOLLEN.
H.R. 2625: Mr. GRIJALVA, Ms. BERKLEY, Ms. CHU, and Ms. JACKSON-LEE of Texas.
H.R. 2672: Mr. SHUSTER.
H.R. 2730: Ms. FUDGE.
H.R. 2777: Mr. BOSWELL.
H.R. 2785: Mr. POE of Texas.
H.R. 2788: Mr. BOCCIERI, Mr. LATTA, and Ms. ROS-LEHTINEN.
H.R. 2807: Mr. MORAN of Virginia.
H.R. 2817: Mr. CONNOLLY of Virginia.
H.R. 2844: Mr. LARSEN of Washington.
H.R. 2894: Mr. WATT.
H.R. 2905: Mr. BURTON of Indiana.
H.R. 2946: Mr. ROTHMAN of New Jersey and Mr. LOBIONDO.
H.R. 2964: Mr. CHAFFETZ.
H.R. 3012: Mr. MEEK of Florida.
H.R. 3024: Mr. MARSHALL, Mr. HOLT, Mr. CUMMINGS, and Mr. OLVER.
H.R. 3044: Mr. FATTAH and Mr. BONNER.
H.R. 3116: Mr. GUTHRIE.
H.R. 3202: Mr. HOLT.
H.R. 3218: Mr. BLUNT.
H.R. 3264: Mr. PIERLUISI.
H.R. 3265: Mr. SARBANES.
H.R. 3276: Mr. BLUNT.
H.R. 3337: Mr. WU and Ms. SUTTON.
H.R. 3375: Mr. SHULER.
H.R. 3401: Mr. NADLER of New York.
H.R. 3407: Mr. BUCHANAN and Mr. ELLISON.
H.R. 3408: Mr. KILDEE.
H.R. 3501: Mr. POLIS of Colorado.
H.R. 3519: Mr. HASTINGS of Washington, Mr. THOMPSON of Pennsylvania, and Mr. PUTNAM.
H.R. 3554: Mr. MCMAHON and Mr. MCGOVERN.
H.R. 3569: Mr. BROUN of Georgia.
H.R. 3572: Mr. WEINER.
H.R. 3578: Mr. GERLACH.
H.R. 3585: Mr. KLEIN of Florida, Mr. HALL of New York, Mr. RODRIGUEZ, Mr. CARNAHAN, Ms. SLAUGHTER, Mrs. HALVORSON, Mr. BISHOP of New York, Mr. WELCH, Mrs. MILLER of Michigan, Mr. MORAN of Virginia, Mrs. DAVIS of California, Mr. HIGGINS, Mr. POLIS of Colorado, Mr. WAMP, Mr. BARTLETT, Mr. ROTHMAN of New Jersey, Mr. HIMES, Mr. YOUNG of Florida, and Mr. THOMPSON of California.
H.R. 3597: Mr. WELCH, Ms. FUDGE, and Mr. KILDEE.
H.R. 3608: Mr. BACHUS.
H.R. 3615: Mr. SMITH of Nebraska.
H.R. 3630: Mr. SCHIFF.
H.R. 3633: Mr. DOYLE and Mr. MCNERNEY.
H.R. 3636: Mr. PAYNE.
H.R. 3639: Mr. HODES, Mr. BACA, Mr. SHERMAN, Mr. KISSELL, Mr. HALL of New York, and Ms. ZOE LOFGREN of California.
H.R. 3644: Mr. PIERLUISI and Ms. PINGREE of Maine.
H.R. 3651: Mr. REYES.
H.R. 3654: Mrs. CHRISTENSEN.
H.R. 3666: Mr. BISHOP of New York and Mr. CUELLAR.
H.R. 3667: Ms. GINNY BROWN-WAITE of Florida and Mr. KLEIN of Florida.
H.R. 3669: Mr. FILNER.
H.R. 3672: Mr. HARE, Mr. MICHAUD, Mr. FILNER, and Mr. MASSA.
H.R. 3676: Mr. ALEXANDER.
H.R. 3677: Mr. OLSON, Mr. BONNER, Mr. SCHOCK, Mr. WILSON of South Carolina, and Mr. KIRK.
H.R. 3691: Mr. DENT, Mr. GERLACH, Mr. LOBIONDO, and Mr. YOUNG of Florida.
H.R. 3693: Mr. LATOURETTE, Mr. BURTON of Indiana, and Mr. EHLERS.
H.R. 3696: Mr. ALEXANDER.
H.R. 3700: Mr. BARTLETT, Ms. FALLIN, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. FLEMING, Mr. BONNER, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. POSEY, Mr. WAMP, Mr. ROONEY, Mr. KING of Iowa, Mr. FRANKS of Arizona, and Mr. GOHMERT.
H.R. 3710: Mr. DEFAZIO and Mr. WAXMAN.
H.R. 3712: Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, and Mr. WESTMORELAND.
H.R. 3715: Mr. AUSTRIA.
H.R. 3756: Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. HEINRICH, Mr. TEAGUE, Mr. COURTNEY, and Mr. WALZ.
H.R. 3760: Mr. JOHNSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, and Ms. GRANGER.
H.R. 3761: Mr. JOHNSON of Illinois, Mrs. LUMMIS, Mr. EHLERS, Mr. MCCOTTER, Mr. SMITH of Nebraska, and Ms. GRANGER.
H.R. 3762: Mr. POLIS of Colorado.
H.R. 3763: Mr. LEE of New York and Mr. PAUL.
H.R. 3765: Mr. WILSON of South Carolina.
H.R. 3771: Ms. LEE of California.
H.R. 3781: Mr. TEAGUE.
H.R. 3790: Mr. BRALEY of Iowa and Mr. AUSTRIA.
H.R. 3791: Mr. ETHERIDGE, Mr. MASSA, and Mr. NYE.
H.R. 3792: Mrs. CHRISTENSEN, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. GENE GREEN of Texas, Mr. MARKEY of Massachusetts, Ms. SUTTON, Ms. MATSUI, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. GONZALEZ, Mr. BRALEY of Iowa, Mrs. BONO MACK, Mr. MURPHY of Connecticut, Ms. BALDWIN, Ms. ESHOO, and Mr. ROGERS of Michigan.
H.R. 3797: Mr. BARTLETT, Mr. ALEXANDER, and Mr. SAM JOHNSON of Texas.
H.R. 3802: Mr. PITTS.
H.R. 3810: Mr. WELCH, Ms. SCHAKOWSKY, Mr. KILDEE, and Ms. BORDALLO.

H. Con. Res. 16: Mr. WOLF.
H. Con. Res. 102: Mr. BERMAN.
H. Con. Res. 139: Mr. BARRETT of South Carolina, Mr. CAO, and Mr. JOHNSON of Georgia.
H. Con. Res. 198: Mr. HALL of Texas, Mr. CUELLAR, and Mr. CAMP.
H. Res. 274: Mr. POSEY.
H. Res. 395: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 510: Mr. LOBIONDO and Mr. MCMAHON.
H. Res. 583: Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. COSTA, Mr. CARDOZA, Mr. MARSHALL, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. DONNELLY of Indiana, Mr. SPACE, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MELANCON, Mr. BOREN, Mr. HILL, Ms. HERSETH SANDLIN, Mr. MATHESON, Mr. BOYD, Mr. PETERSON, Mr. THOMPSON of California, Mr. KRATOVIL, Mr. NYE, Mr. GORDON of Tennessee, Mr. MCINTYRE, and Mr. CHANDLER.
H. Res. 604: Mr. CONNOLLY of Virginia.
H. Res. 605: Mr. ENGEL.
H. Res. 613: Mr. BRADY of Pennsylvania.
H. Res. 615: Mr. KINGSTON.
H. Res. 666: Mr. ARCURI.
H. Res. 704: Mr. DEAL of Georgia, Mr. RUSH, Ms. SCHWARTZ, and Mr. BUTTERFIELD.
H. Res. 709: Ms. WASSERMAN SCHULTZ.
H. Res. 711: Ms. TSONGAS and Mr. HIMES.
H. Res. 747: Mr. NYE.
H. Res. 749: Mr. PUTNAM, Mr. BROUN of Georgia, and Mr. GARRETT of New Jersey.
H. Res. 759: Mr. PITTS, Ms. FALLIN, Mr. COFFMAN of Colorado, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mr. PRICE of Georgia, Mr. AKIN, Mr. ISSA, Mr. BROWN of South Carolina, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. LUETKEMEYER, Mr. POSEY, Mr. HUNTER, Mr. ROONEY, Mr. KING of Iowa, Mr. GOHMERT, Mr. COLE, Mr. KLEIN of Minnesota, and Mr. DAVIS of Kentucky.
H. Res. 773: Mr. FORTENBERRY, Mr. DAVIS of Tennessee, Mr. DICKS, and Mr. LATHAM.
H. Res. 780: Mr. GRIJALVA, Mr. MCCAUL, Mr. SCOTT of Virginia, Mr. FRANKS of Arizona, Mr. CONNOLLY of Virginia, and Ms. EDWARDS of Maryland.
H. Res. 783: Mr. MCCARTHY of California, Mr. MASSA, Mr. MCNERNEY, and Mrs. CHRISTENSEN.
H. Res. 787: Mr. RUSH, Ms. MATSUI, Ms. ESHOO, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mrs. CAPPS, Mr. SARBANES, Ms. DEGETTE, Mr. WEINER, Mr. INSLEE, Mr. COOPER, Mr. DENT, Mr. SCHOCK, Mr. WELCH, Mr. BRALEY of Iowa, Mr. GORDON of Tennessee, Ms. SUTTON, Mr. BISHOP of New York, Ms. KOSMAS, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. FUDGE, Mr. HARE, and Ms. SLAUGHTER.
H. Res. 796: Mr. MARCHANT.
H. Res. 798: Mr. HOLT, Mr. MCNERNEY, Mr. LEWIS of Georgia, and Mr. MCMAHON.
H. Res. 801: Mr. COHEN, Mr. MEEK of Florida, Mr. CONYERS, Mr. OBERSTAR, and Mr. SERRANO.
H. Res. 811: Mr. VAN HOLLEN and Ms. GIFFORDS.
H. Res. 812: Mr. CONNOLLY of Virginia and Mr. MCCOTTER.
H. Res. 819: Mr. SHADEGG, Mr. ISSA, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. COLE, Mr. AKIN, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mrs. BACHMANN, Mr. BROWN of South Carolina, Ms. FALLIN, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AUSTRIA, Mr. FLEMING, Mr. LUETKEMEYER, and Mr. MCCLINTOCK.
H. Res. 823: Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. CARNAHAN, Mr. CASTLE, Mr. WEXLER, Mr. MEEKS of New York, Mr. INGLIS, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, and Mr. SIRES.
H. Res. 831: Mr. CAMP, Mr. FRANKS of Arizona, and Mr. COBLE.

¶127.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1989: Mr. BARTLETT, Mr. LATTA, Mr. BILBRAY, and Mr. SOUDER.
H.R. 3413: Mr. AL GREEN of Texas and Ms. JENKINS.
H.R. 3612: Mr. SAM JOHNSON of Texas.

FRIDAY, OCTOBER 16, 2009 (128)

¶128.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
October 16, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶128.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, October 15, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶128.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4139. A letter from the Acting Assistant Secretary, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2006; to the Committee on Education and Labor.

4140. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, ''Implementation Report: Energy Conservation Standards Activities'', pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4141. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Flagstaff, Arizona) [MB Docket No.: 08-110] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4142. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Boston, Massachusetts) [MB Docket No.: 09-142] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4143. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Chicago, Illinois) [MB Docket No.: 09-146] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4144. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Fort Worth, Texas) [MB Docket No.: 09-132] received September 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4145. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands [IB Docket No.: 02-10] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4146. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report pursuant to U.S. Policy in Iraq Act, Section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109-163), as amended by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181); to the Committee on Foreign Affairs.

4147. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting presidential certification and a memorandum of justification to permit U.S. contributions to the International Fund for Ireland with FY 2008 and 2009 Funds; to the Committee on Foreign Affairs.

4148. A letter from the Senior Advisor and Executive Secretary, Export-Import Bank, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4149. A letter from the Chairman, International Trade Commission, transmitting the seventh edition of the United States International Trade Commission's Strategic Plan, which covers the period from fiscal year 2009 through fiscal year 2014; to the Committee on Oversight and Government Reform.

4150. A letter from the Director, Administrative Office of the United States Courts, transmitting the 2008 report on statistics mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary.

4151. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''Report of the Proceedings of the Judicial Conference of the United States'' for the March 2009 session; to the Committee on the Judiciary.

4152. A letter from the Chairman, Commission on Civil Rights, transmitting a report entitled ''Department of Justice Voting Rights Enforcement for the 2008 Presidential Election''; to the Committee on the Judiciary.

4153. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: USCG Barque Eagle transits of Rockland Harbor, ME, Portland Harbor, ME and Portsmouth Harbor, NH [Docket No.: USCG-2009-0685] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festivus, Lower Colorado River, Bullhead City, AZ [Docket No.: USCG-2009-0454] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Attorney, Department of Homeland Security, transmitting

the Department's final rule — Safety Zone; Hornblower Cruises Fleet Week Fireworks Display, San Francisco Bay, CA [Docket No.: USCG-2009-0631] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [Docket No.: USCG-2008-0047] (RIN: 1625-AA01) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Reduction Act [USCG-2007-0164] (RIN: 0648-AV68; 1625-AB24) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, ''Privacy Office Annual Report to Congress''; to the Committee on Homeland Security.

4159. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's budget request for the Office of the Inspector General of the Railroad Retirement Board for fiscal year 2011, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); to the Committee on Oversight and Government Reform.

¶128.4 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent and pursuant to the special order of the House agreed to on October 15, 2009, declared the House adjourned at 11 o'clock and 3 minutes a.m., until 12:30 p.m. on Tuesday, October 20, 2009.

¶128.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; with an amendment (Rept. 111–303 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶128.6 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than November 13, 2009.

¶128.7 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; with an amendment; referred to the Committee on Homeland Security for a period ending not later than October 16, 2009.

¶128.8 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Homeland Security discharged from further consideration. H.R. 3619 referred to the Committee of the Whole House on the state of the Union.

¶128.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3258: Mr. BERMAN.

H.R. 3801: Mr. ANDREWS.

H. Res. 828: Mr. WITTMAN, Mr. CONAWAY, Mr. PLATTS, Mr. WOLF, Mr. ROE of Tennessee, Mr. MICA, Mr. ABERCROMBIE, Mr. BUYER, Mr. HARPER, Mr. YOUNG of Alaska, Mr. OLSON, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. WU, Mr. LAMBORN, Mr. ISSA, Mr. SESSIONS, Mr. HONDA, and Mr. KINGSTON.

TUESDAY, OCTOBER 20, 2009 (129)

The House was called to order at 12:30 p.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶129.1 RECESS—12:51 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 51 minutes p.m., until 2 p.m.

¶129.2 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. SALAZAR, called the House to order.

¶129.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SALAZAR, announced he had examined and approved the Journal of the proceedings of Friday, October 16, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶129.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4160. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — C10-C18-Alkyl dimethyl amine oxides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0690; FRL-8437-3] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4161. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2008-0713; FRL-8793-2] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4162. A letter from the Director, Office of National Drug Control Policy, transmitting a letter on how the office will obligate the Fiscal Year (FY) 2009 HIDTA discretionary funds; to the Committee on Appropriations.

4163. A letter from the Assistant Secretary, Department of the Navy, transmitting a letter notifying Congress of a performance decision by the Department of the Navy to convert to contract the training and administrative support functions performed by 78 military personnel at various locations; to the Committee on Armed Services.

4164. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits [EPA-R05-OAR-2008-0031; FRL-8963-4] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4165. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Operating Permit Programs; Flexible Air Permitting Rule [EPA-HQ-OAR-2004-0087; FRL-8964-8] (RIN: 2060-AM45) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4166. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Coal Preparation and Processing Plants [EPA-HQ-OAR-2008-0260; FRL-8965-3] (RIN: 2060-AO57) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4167. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 102-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4168. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 097-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4169. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 070-09, certification of a proposed agreement for the export of defense services or defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4170. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 079-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4171. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 101-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4172. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 126-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4173. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 107-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4174. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 100-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4175. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 106-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4176. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 026-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4177. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 116-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4178. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 096-09, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 114-09, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4180. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4181. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4182. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4183. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4184. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2009 through September 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—68); to the Committee on House Administration and ordered to be printed.

4185. A letter from the Assistant Attorney General, Department of Justice, transmitting first annual report entitled, ''Prioritizing Resources and Organization for Intellectual Property Act of 2008'', pursuant to Public Law 110-403; to the Committee on the Judiciary.

4186. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operaton Regulations; Raritan River, Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No.: USCG-2009-0202] (RIN: 1625-AA09) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4187. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parker US Open Nationals; Parker, AZ [Docket No.: USCG-2009-0474] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4188. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0884] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4189. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Areas; Henderson Harbor, NY [Docket No.: USGC-2009-0854] (RIN: 1625-AA01) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4190. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1852-DR for the State of Maine; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

4191. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1853-DR for the State of Nebraska; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

¶129.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. SALAZAR, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he makes a determination and certification of Haiti's compliance with HOPE II requirements under PL 110–246.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶129.6 HAITIAN HEMISPHERIC OPPORTUNITY

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) (the ''Act'') (Public Law 110–246), amended the Caribbean Basin Economic Recovery Act (CBERA) to make certain additional products from Haiti eligible for preferential tariff treatment. Under HOPE II, these imports from Haiti will continue to be eligible for preferential treatment after October 18, 2009, if I determine and certify that Haiti has met certain eligibility criteria set out in the Act.

Since enactment of HOPE II, Haiti has issued a decree establishing an independent labor ombudsman's office, and the President of Haiti has selected a labor ombudsman following consultation with unions and industry representatives. In addition, Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program. Haiti has also implemented an electronic visa system that acts as a registry of Haitian producers of articles eligible for duty-free treatment and has made participation in the TAICNAR Program a condition of using this visa system.

In light of these actions and in accordance with section 213A of CBERA, as amended, I have determined and hereby certify that Haiti: (i) has implemented the requirements set forth in sections 213A(e)(2) and (e)(3); and (ii) is requiring producers of articles for which duty-free treatment may be requested under section 213A(b) to participate in the TAICNAR Program and has developed a system to ensure participation in such program by such producers, including by developing and maintaining a registry of producers.

BARACK OBAMA.

THE WHITE HOUSE, *October 16, 2009.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 111–69).

¶129.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. SALAZAR, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to significant narcotics traffickers centered in Colombia first declared in Executive Order 12978 of October 21, 1995.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

¶129.8 NATIONAL EMERGENCY REGARDING DRUG TRAFFICKERS IN COLOMBIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.

THE WHITE HOUSE, *October 16, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–70).

¶129.9 RED FLAG GUIDELINES

Mr. ADLER moved to suspend the rules and pass the bill (H.R. 3763) to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. ADLER and Mr. LEE of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ADLER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶129.10 JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶129.11 COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME

Mr. GORDON of Tennessee, moved to suspend the rules and pass the bill (H.R. 3819) to extend the commercial space transportation liability regime.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. GORDON of Tennessee, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶129.12 NATIONAL CHEMISTRY WEEK

Mr. GORDON of Tennessee, moved to suspend the rules and agree to the resolution (H. Res. 793):

Whereas chemistry is a vitally important field of science and technology that has transformed the world and improved the quality of life around the globe;

Whereas the chemical sciences have created an infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace industries, and these contributions boost economic growth, create new jobs, and improve health and standards of living;

Whereas, in order to foster the innovation that will ensure the Nation's global competitiveness, schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood, with a particular focus on increasing access to science, technology, engineering, and math education for Latinos, African-Americans, women, and other underrepresented students in these fields;

Whereas National Chemistry Week was established in 1987 by the American Chemical Society, the world's largest scientific society, to enhance public appreciation of the chemical sciences and to educate the public, particularly school-age children, about the important role of chemistry in everyday life;

Whereas 2009 marks the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements;

Whereas the theme of National Chemistry Week in 2009, ''Chemistry—It's Elemental'', was chosen to raise public awareness about the importance of chemistry and the chemical sciences by emphasizing that the elements, forming the basis of the universe, play an integral role in daily life;

Whereas many common elements, such as copper in electrical wires, neon in lights, sodium in table salt, and aluminum in soda cans, are tangibly present in everyday life;

Whereas more than 10,000 volunteers from industry, government, and academia will observe National Chemistry Week during the week of October 18, 2009, by conducting hands-on science activities with millions of children in local schools, libraries, and museums; and

Whereas National Chemistry Week volunteers will help provide resources to science educators across the country, promote community events for recycling common elemental items such as aluminum cans, encourage students to explore creative representations of the elements in the Periodic Table, and generally act as ''chemistry ambassadors'' who emphasize the importance and contributions of chemistry to daily life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the contributions of chemical scientists and engineers have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, activities, and programs to demonstrate the importance of chemistry to everyday life.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. GORDON of Tennessee, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GRIFFITH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶129.13 NATIONAL COMPUTER SCIENCE EDUCATION WEEK

Mr. GORDON of Tennessee, moved to suspend the rules and agree to the resolution (H. Res. 558); as amended:

Whereas computing technology has become an integral part of culture and is transforming how people interact with each other and the world around them;

Whereas computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors;

Whereas the field of computer science underpins the information technology sector of our economy, which is a significant contributor to United States economic output;

Whereas the information technology sector is uniquely positioned to help with economic recovery through the research and development of new innovations;

Whereas National Computer Science Education Week can inform students, teachers, parents, and the general public about the crucial role that computer science plays in transforming our society and how computer science enables innovation in all science, technology, engineering, and mathematics disciplines and creates economic opportunities;

Whereas providing students the chance to participate in high-quality computer science activities, including through science scholarships, exposes them to the rich opportunities the field offers and provides critical thinking skills that will serve them throughout their lives;

Whereas all students deserve a thorough preparation in science, technology, engineering, and mathematics education, including access to the qualified teachers, technology, and age-appropriate curriculum needed to learn computer science at the elementary and secondary levels of education;

Whereas these subjects provide the critical foundation to master the skills demanded by our 21st century workforce;

Whereas computer science education has challenges to address, including distinguishing computer science from technology literacy and providing adequate professional development for computer science teachers;

Whereas the field of computer science has significant equity barriers to address, including attracting more participation by females and underrepresented minorities to all levels and branches;

Whereas Grace Murray Hopper, one of the first females in the field of computer science, engineered new programming languages and pioneered standards for computer systems which laid the foundation for many advancements in computer science; and

Whereas the week of December 7, in honor of Grace Hopper's birthday, is designated as "National Computer Science Education Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Computer Science Education Week;

(2) encourages schools, teachers, researchers, universities, and policymakers to identify mechanisms for teachers to receive cutting edge professional development to provide sustainable learning experiences in computer science at all educational levels and encourage students to be exposed to computer science concepts;

(3) encourages opportunities, including through existing programs, for females and underrepresented minorities in computer science; and

(4) supports research in computer science to address what would motivate increased participation in this field.

The SPEAKER pro tempore, Mr. GRIFFITH, recognized Mr. GORDON of Tennessee, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. GRIFFITH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GRIFFITH, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶129.14 NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. GORDON of Tennessee, moved to suspend the rules and agree to the resolution (H. Res. 797):

Whereas more than 220,000,000 American adults use the Internet in the United States, 80 percent of whom connect through broadband connections, to conduct business, communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas nearly all United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas approximately 93 percent of all teenagers use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of Americans, providing access to a range of valuable services, but exposing them to potential threats like cyber bullies, predators, and identity thieves;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures and economy rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and critical infrastructure owners and operators face an increasing threat of criminal activity and malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, can cause extensive economic harm, and can disable entire systems;

Whereas coordination among the Federal Government, State, local, and tribal governments, and the private sector is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas now more than ever before, consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cyber security and the need for enhanced cyber security in the United States;

Whereas the Cyberspace Policy Review, published by the White House in May 2009, recommends that the Federal Government initiate a national public awareness and education campaign to promote cyber security;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and the Department of Homeland Security have designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about cyber security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future cyber security consensus standards, practices, and technologies in order to enhance the state of cyber security in the United States.

The SPEAKER pro tempore, Mr. GRIFFITH, recognized Mr. GORDON of Tennessee, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GRIFFITH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GORDON of Tennessee, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. GRIFFITH, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 21, 2009.

The point of no quorum was considered as withdrawn.

¶129.15 RECESS—3:41 P.M.

The SPEAKER pro tempore, Mr. GRIFFITH, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 41 minutes p.m., until approximately 6:30 p.m.

¶129.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶129.17 PROVIDING FOR CONSIDERATION OF H.R. 3585

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–304) the resolution (H. Res. 846) providing for the consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶129.18 H.R. 3763—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3763) to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 0

¶129.19 [Roll No. 790]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—32

Abercrombie
Andrews
Barrett (SC)
Bean
Boehner
Capuano
Carter
Crenshaw
Crowley
Deal (GA)
Etheridge
Gerlach
Grijalva
Gutierrez
Israel
Langevin
Lofgren, Zoe
Lowey
Maloney
Murtha
Price (GA)
Rohrabacher
Schwartz
Shadegg
Shuler
Sires
Spratt
Walden
Wasserman Schultz
Weiner
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶129.20 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE BOB DAVIS

The SPEAKER pro tempore, Mrs. HALVORSON, announced that all Members stand and observe a moment of silence in memory of the late Honorable Bob Davis.

¶129.21 H.R. 3319—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 / Nays 0

¶129.22 [Roll No. 791]

YEAS—401

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper

Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—31

Andrews
Barrett (SC)
Bean
Capuano
Carter
Crenshaw
Crowley
Deal (GA)
Diaz-Balart, M.
Ellison
Etheridge
Gerlach
Gutierrez
Israel
Kanjorski
Lofgren, Zoe
Lowey
Maloney
Murtha
Price (GA)
Rohrabacher
Schock
Shadegg
Shuler
Sires
Walden
Wasserman Schultz
Weiner
Wexler
Wilson (OH)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶129.23 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE JAY JOHNSON

The SPEAKER pro tempore, Mrs. HALVORSON, announced that all Members stand and observe a moment of silence in memory of the late Honorable Jay Johnson.

¶129.24 H. RES. 558—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 558) supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶129.25 [Roll No.792]

YEAS—405

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuster

Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—27

Barrett (SC)
Bean
Capuano
Carter
Crenshaw
Crowley
Deal (GA)
Etheridge
Gerlach
Gutierrez
Israel
Kirk
Lofgren, Zoe
Lowey
Maloney
Murtha
Price (GA)
Rohrabacher
Shadegg
Shuler
Sires
Velázquez
Walden
Wasserman Schultz
Weiner
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶129.26 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2009, at 5:23 p.m.:

That the Senate agreed to the Conference Report accompanying the bill H.R. 2892.

That the Senate passed without amendment H.R. 621.

That the Senate passed S. 1793.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶129.27 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, October 20, 2009 at 4:28 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, first declared by Executive Order 13413 of October 27, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶129.28 NATIONAL EMERGENCY WITH RESPECT TO THE CONGO

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.

THE WHITE HOUSE, *October 20, 2009.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–71).

¶129.29 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3183. An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶129.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARTER, for today;

To Mr. SHADEGG, for today and balance of the week;

To Mr. WALDEN, for today; and

To Mr. YOUNG of Alaska, for today and balance of the week.

And then,

¶129.31 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 48 minutes p.m., the House adjourned.

¶129.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 846. Resolution providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes (Rept. 111–304). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS (Rept. 111–305). Referred to the Committee of the Whole House on the state of the Union.

¶129.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. HARMAN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3845. A bill to extend and modify authorities needed to combat terrorism and protect civil liberties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3846. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional civil liberties protections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 3847. A bill to provide appropriate authority to the Department of Justice Inspector General to investigate attorney misconduct, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3848. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena former agency employees, agency contractors, and employees of contractors for testimony, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3849. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. KRATOVIL (for himself and Mr. BOUSTANY):

H.R. 3850. A bill to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States; to the Committee on Natural Resources.

By Mr. GORDON of Tennessee (for himself, Mr. WAMP, Mrs. BONO MACK, and Mr. KIND):

H.R. 3851. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, Mr. SARBANES, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. SCOTT of Virginia, Mr. HOYER, Mr. OBERSTAR, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3852. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Ms. KOSMAS (for herself and Mr. POSEY):

H.R. 3853. A bill to provide for the establishment of Commercial Space Transportation Cooperative Research and Development Centers of Excellence, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. VELÁZQUEZ, Mrs. HALVORSON, and Mrs. KIRKPATRICK of Arizona):

H.R. 3854. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes; to the Committee on Small Business.

By Mr. BACA:

H.R. 3855. A bill to amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mrs. DAVIS of California, Mr. HIGGINS, Ms. LEE of California, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Ms. TITUS, Ms. TSONGAS, Ms. DEGETTE, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. DONNELLY of Indiana, Ms. SCHWARTZ, Mr. DOGGETT, Ms. MATSUI, Ms. HIRONO, Mrs. NAPOLITANO, Mr. FARR, Mr. PASCRELL, Mr. CAPUANO, Mr. GENE GREEN of Texas, Ms. WATSON, Mr. KENNEDY, Mr. HARE, Mr. CLEAVER, Mrs. HALVORSON, Ms. PINGREE of Maine, Ms. JACKSON-LEE of Texas, Mr. SIRES, Mr. ORTIZ, Mr. DAVIS of Illinois, Mr. NADLER of New York, Mr. MATHESON, Ms. BALDWIN, Mr. KAGEN, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Ms. ESHOO, Mr. MCDERMOTT, Mr. THOMPSON of California, Mr. COHEN, Ms. SHEA-PORTER, Mr. ENGEL, Mr. WEXLER, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. CROWLEY, Mr. WEINER, Mr. YARMUTH, Ms. MARKEY of Colorado, Mrs. MALONEY, Ms. FUDGE, Mr. PAYNE, Mrs. LOWEY, Ms. ZOE LOFGREN of California, and Mr. BILIRAKIS):

H.R. 3856. A bill to amend the Public Health Service Act to provide for osteoporosis and related bone disease education, research, and surveillance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONNOLLY of Virginia (for himself, Mr. WOLF, Ms. NORTON, and Mr. REYES):

H.R. 3857. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H.R. 3858. A bill to amend the Federal Reserve Act to alter the terms and conditions applicable to members of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 3859. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT:

H.R. 3860. A bill to suspend temporarily the duty on Propanenitrile, 3-[[4-[(substituted)azo]phenyl] (substituted)amino]-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3861. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,1'-[(6-phenyl-1,3,5- triazine-2,4-diyl)diimino]bis[3-acetyl-4-amino-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3862. A bill to suspend temporarily the duty on Benz[cd]indolium, 1-ethyl-2-[1,2,3,4-tetrahydro-1- (2-hydroxyethyl)-2,2,4-trimethyl-6-quinolinyl]-,chloride; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3863. A bill to suspend temporarily the duty on Chromate(3-), bis[3-(hydroxy-kO)-4-[[2- (hydroxy-kO)-1-naphthalenyl]azo-kN1]-7-nitro-1-naphthalenesu fonato(3-)]-, trisodium; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3864. A bill to suspend temporarily the duty on (Alkylamino-hydroxyphenyl)azo-hydroxysubstituted benzene, substituted [(hydroxy-naphthalenyl) hydroxybenzene], chromium complex, sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3865. A bill to suspend temporarily the duty on 1-Propanaminium, 3,3'-[(9,10-dihydro-9,10-dioxo- 1,4-anthracenediyl)diimino]bis[N,N,N-triethyl-, bis(ethyl sulfate); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3866. A bill to suspend temporarily the duty on 1H-Pyrazole-3-carboxylic acid, 4-[[4-[[(2,3-dichloro- 6-quinoxalinyl)carbonyl]amino]-2-sulfophenyl]azo]-4,5-dihydr -5-oxo-1-(4-sulfophenyl)-, trisodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3867. A bill to suspend temporarily the duty on Cuprate(4-), [2-[[3-[[substituted]-1,3,5-triazin- 2-yl]amino]-2-hydroxy-5-sulfophenyl](substituted)azo], sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3868. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5(or 1,8)-diamino-2-bromo- 4,8(or 4,5)-dihydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3869. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[6,13-dichloro-3,10-bis[[2- (sulfooxy)ethyl] amino]triphenodioxazinediyl]bis(sulfonyl)] bis-, bis(hydrogen sulfate) (ester), potassium sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3870. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4- hydroxyphenyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3871. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 5-[[4-(acetylamino)-2-(trifluoromethyl)phenyl]azo]-6-amino-4-hydroxy-, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3872. A bill to suspend temporarily the duty on Substituted cyan acetic acid pentyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3873. A bill to suspend temporarily the duty on 2-Anthracenesulfonic acid, 1-amino-9, 10-dihydro-4-[[4-[[methyl[(4-methylphenyl) sulfony]amino]methyl]pheny] amino]-9, 10-dioxo-, sodium salt (1:1); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3874. A bill to suspend temporarily the duty on 2-Anilino-5-cyano-(3-(substituted)-6-(substituted))-4-methylpyridine; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3875. A bill to suspend temporarily the duty on 100 percent cotton woven color wall fabric, dyed; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3876. A bill to suspend temporarily the duty on 100 percent cotton narrow woven fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3877. A bill to suspend temporarily the duty on 100 percent cotton dyed knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3878. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1-amino-2-[4-[(hexahydro-2-oxo-1H-azepin-1-yl)methyl]phenoxy]-4-hydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3879. A bill to suspend temporarily the duty on 100 percent dyed cotton single knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3880. A bill to suspend temporarily the duty on b-Alanine, N-[3-(acetylamino)-4-[(2,4-dinitrophenyl)azo]phenyl]-N-(3-methoxy-3-oxopropyl)-, methyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3881. A bill to suspend temporarily the duty on 7H-Benzimidazo[2,1-a]benz[de]isoquinolin-7- one, 9(or 10)-methoxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3882. A bill to suspend temporarily the duty on 1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2- quinolinyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3883. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[4-[(3,5-dinitro-2-thienyl)azo] phenyl]imino]bis-, diacetate (ester); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3884. A bill to suspend temporarily the duty on 9, 10-Anthracenedione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Ways and Means.

By Ms. WATERS:

H. Res. 844. A resolution honoring Dr. Earnestine Thomas-Robertson for 31 years of service in Academia at Los Angeles Southwest College (LASC), in the Los Angeles Community College District, the largest community college district in the Nation; to the Committee on Education and Labor.

By Mr. NEUGEBAUER:

H. Res. 845. A resolution recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. LANCE, Mr. ROE of Tennessee, Mr. LEE of New York, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, Mr. MCCARTHY of California, Mr. BOOZMAN, Ms. ROS-LEHTINEN, Mr. MACK, Mrs. BONO MACK, Mr. CULBERSON, Mr. DUNCAN, Mr. LUCAS, Mr. COLE, Mr. LATOURETTE, Mr. GOHMERT, Mr. BUYER, Mr. WESTMORELAND, Mr. MARIO DIAZ-BALART of Florida, Mr. RYAN of Wisconsin, Mr. TURNER, Mr. CALVERT, Mr. GINGREY of Georgia, Mr. CANTOR, Mr. WITTMAN, Mr. ISSA, Mr. KINGSTON, Mr. BROWN of South Carolina, Mr. JONES, Mr. PAUL, Mr. LATTA, Ms. FALLIN, Mr. BLUNT, Mrs. SCHMIDT, Mr. HENSARLING, Mr. ROSKAM, Mr. JORDAN of Ohio, Mr. STEARNS, Mr. DREIER, Mr. SHUSTER, Mrs. EMERSON, Mr. CAMPBELL, Mr. SESSIONS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. WHITFIELD, Mr. PETRI, Mr. LAMBORN, Mr. BOEHNER, Mr. HERGER, Mr. TERRY, Mr. CAMP, and Mr. HOEKSTRA):

H. Res. 847. A resolution expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States; to the Committee on Rules.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mr. CLEAVER, Mrs. EMERSON, Mr. SCHOCK, and Mr. BLUNT):

H. Res. 848. A resolution expressing the sense of the House of Representatives that Congress should support repairing and rehabilitating United States national transportation infrastructure, including bridges not located on a Federal-aid highway; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR:

H. Res. 849. A resolution recognizing the 16th anniversary of the Future Leaders Exchange (FLEX) program, a program funded by the Government of the United States to provide an opportunity for high school students from the countries of the former Soviet Union to study and live in the United States in order to promote democratic values and institutions in Eurasia, and supporting the mission, goals, and accomplishments of the FLEX program; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H. Res. 850. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Ms. MATSUI:

H. Res. 851. A resolution recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California; to the Committee on the Judiciary.

¶129.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. DELAHUNT.
H.R. 275: Mr. PASTOR of Arizona and Mr. ROGERS of Kentucky.
H.R. 333: Mr. JONES and Mr. CLEAVER.
H.R. 422: Mr. WITTMAN, Mr. SOUDER, and Ms. DEGETTE.
H.R. 460: Mr. BERMAN.
H.R. 471: Mrs. DAHLKEMPER.
H.R. 482: Mr. FRANKS of Arizona.
H.R. 503: Mr. ROSKAM and Mr. COFFMAN of Colorado.
H.R. 504: Mr. BOUCHER.
H.R. 510: Mr. ARCURI and Mrs. KIRKPATRICK of Arizona.
H.R. 558: Mr. JOHNSON of Georgia.
H.R. 571: Mr. BRADY of Pennsylvania, Mr. GUTHRIE, Mr. LANGEVIN, Mr. ALEXANDER, and Mr. CUMMINGS.
H.R. 616: Mr. POSEY.
H.R. 635: Mr. FILNER.
H.R. 644: Ms. HIRONO.
H.R. 678: Mr. ARCURI, Mr. MICHAUD, and Ms. BERKLEY.
H.R. 739: Ms. JACKSON-LEE of Texas.
H.R. 745: Mr. LUETKEMEYER and Mr. MELANCON.
H.R. 776: Ms. LEE of California.
H.R. 847: Ms. BALDWIN and Mr. ELLSWORTH.
H.R. 855: Ms. ESHOO.
H.R. 932: Mr. HOLT and Mr. HOLDEN.
H.R. 950: Mr. FRANK of Massachusetts and Ms. BALDWIN.
H.R. 953: Mr. ADERHOLT.
H.R. 988: Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. KILDEE, Mr. MITCHELL, and Mr. HARE.
H.R. 1017: Mr. RODRIGUEZ.
H.R. 1019: Mr. FRANKS of Arizona.
H.R. 1030: Mr. MCHENRY, Mr. DEFAZIO, Mr. CONNOLLY of Virginia, and Ms. DEGETTE.
H.R. 1168: Mr. BUCHANAN.
H.R. 1175: Ms. MATSUI.
H.R. 1177: Mr. ETHERIDGE.
H.R. 1189: Ms. DEGETTE and Mr. SIRES.
H.R. 1207: Mr. RUPPERSBERGER.
H.R. 1215: Mr. KENNEDY.
H.R. 1245: Mrs. CHRISTENSEN.
H.R. 1255: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1298: Ms. WOOLSEY, Mr. PAUL, Mr. DUNCAN, Mr. LATOURETTE, Mr. ALEXANDER, and Mr. MITCHELL.
H.R. 1324: Mr. TOWNS.
H.R. 1326: Mr. KENNEDY, Ms. DELAURO, and Mr. CONNOLLY of Virginia.
H.R. 1428: Mr. JONES.
H.R. 1458: Mr. SMITH of Washington.
H.R. 1523: Mr. TIERNEY, Mr. KAGEN, and Ms. SPEIER.
H.R. 1526: Mr. PETERSON and Mr. LATHAM.
H.R. 1549: Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Ms. FUDGE, Mr. KILDEE, Ms. CHU, and Ms. WATERS.
H.R. 1552: Mr. SKELTON.
H.R. 1677: Mr. COHEN, Mr. CARSON of Indiana, Mr. CUELLAR, and Mr. MEEK of Florida.
H.R. 1681: Mr. LEVIN.
H.R. 1685: Mr. CARSON of Indiana, Mr. DELAHUNT, and Mr. MICHAUD.
H.R. 1690: Mr. PRICE of North Carolina.
H.R. 1719: Mr. LARSON of Connecticut.
H.R. 1721: Mr. LATOURETTE.
H.R. 1751: Mr. RUSH.
H.R. 1766: Mrs. CHRISTENSEN.
H.R. 1792: Ms. SHEA-PORTER.
H.R. 1835: Mr. LUJÁN.
H.R. 1846: Mr. RODRIGUEZ.
H.R. 1849: Mr. FRANKS of Arizona, Mr. WILSON of Ohio, Mr. TAYLOR, Mr. BISHOP of New York, Mr. MCMAHON, and Mrs. CHRISTENSEN.
H.R. 1908: Ms. FALLIN, Mr. GINGREY of Georgia, and Mr. MARCHANT.
H.R. 1916: Mr. CHILDERS.
H.R. 1925: Mr. FATTAH.
H.R. 1927: Mr. FARR.
H.R. 2002: Mr. CUMMINGS.
H.R. 2017: Mr. BUCHANAN.
H.R. 2024: Mr. RYAN of Ohio.
H.R. 2030: Mr. FRANK of Massachusetts.
H.R. 2046: Mr. BLUMENAUER, Mr. OLVER, and Mr. GRIJALVA.
H.R. 2057: Mr. CONAWAY and Mr. MILLER of North Carolina.
H.R. 2084: Mr. LATOURETTE.
H.R. 2106: Mr. DELAHUNT.
H.R. 2107: Mr. DANIEL E. LUNGREN of California.
H.R. 2109: Mr. GENE GREEN of Texas, Mr. SPRATT, Mr. BERMAN, Mr. HINCHEY, Ms. MARKEY of Colorado, and Mrs. NAPOLITANO.
H.R. 2138: Mr. CLEAVER.
H.R. 2177: Mr. BISHOP of Utah.
H.R. 2205: Mr. KENNEDY.
H.R. 2214: Mr. ROTHMAN of New Jersey.
H.R. 2246: Mr. MCGOVERN.
H.R. 2251: Mr. VAN HOLLEN.
H.R. 2254: Mr. BARROW, Ms. MARKEY of Colorado, Mr. MEEKS of New York, Mr. UPTON, and Mr. CLAY.
H.R. 2256: Mr. MARSHALL and Ms. BALDWIN.
H.R. 2266: Mr. PASCRELL.
H.R. 2269: Mr. MOORE of Kansas and Mr. JOHNSON of Georgia.
H.R. 2329: Mr. MOORE of Kansas and Mr. SHUSTER.
H.R. 2339: Mr. ROTHMAN of New Jersey.
H.R. 2361: Mr. BILBRAY.
H.R. 2381: Mr. PAYNE and Mr. OLVER.
H.R. 2452: Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, and Mr. COBLE.
H.R. 2478: Mr. FORTENBERRY.
H.R. 2480: Mr. PIERLUISI, Ms. SCHAKOWSKY, and Mr. MURTHA.
H.R. 2490: Mr. CARSON of Indiana.
H.R. 2502: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOUCHER, Mr. GRIFFITH, Mr. MURPHY of Connecticut, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON of Tennessee, Mr. HILL, and Mr. SPACE.
H.R. 2541: Mrs. BIGGERT.
H.R. 2548: Mrs. CHRISTENSEN.
H.R. 2567: Mrs. CAPPS.
H.R. 2573: Mr. CAO.
H.R. 2672: Mr. SKELTON and Mr. MCKEON.
H.R. 2736: Mr. PRICE of North Carolina.
H.R. 2753: Mr. SMITH of Nebraska.
H.R. 2777: Ms. BERKLEY.
H.R. 2807: Ms. DEGETTE, Mr. LANCE, and Mr. ELLISON.
H.R. 2866: Mr. GRAVES and Ms. ZOE LOFGREN of California.
H.R. 2874: Mr. NYE and Mr. PERRIELLO.
H.R. 2894: Ms. DEGETTE.
H.R. 2906: Mr. MURPHY of Connecticut and Mrs. NAPOLITANO.
H.R. 2937: Mr. ROTHMAN of New Jersey.
H.R. 2964: Ms. ROS-LEHTINEN.
H.R. 2995: Mr. KIND.
H.R. 3010: Mrs. MCCARTHY of New York and Mr. CONYERS.
H.R. 3069: Mr. MICHAUD.
H.R. 3075: Mr. FILNER.
H.R. 3100: Mr. SESTAK.
H.R. 3126: Ms. JACKSON-LEE of Texas.
H.R. 3202: Mr. YOUNG of Alaska and Mr. SABLAN.
H.R. 3226: Mrs. BLACKBURN, Mr. GERLACH, and Mr. OLSON.
H.R. 3227: Mr. PETERS.
H.R. 3238: Mr. CAPUANO.
H.R. 3245: Mr. BERMAN.
H.R. 3264: Mr. HOLDEN.
H.R. 3276: Mr. INSLEE.
H.R. 3286: Mr. KENNEDY, Mr. CAO, and Ms. WASSERMAN SCHULTZ.
H.R. 3328: Ms. WATERS and Mr. HOLT.
H.R. 3355: Mr. SHUSTER and Mr. COHEN.
H.R. 3359: Ms. LEE of California and Mr. KUCINICH.
H.R. 3365: Mr. TAYLOR, Ms. MARKEY of Colorado, Mr. CARNEY, and Mr. CONNOLLY of Virginia.

H.R. 3375: Mr. FRANKS of Arizona.
H.R. 3421: Mr. DEFAZIO, Mr. BILBRAY, Mr. HOLT, and Mr. REYES.
H.R. 3457: Ms. MARKEY of Colorado.
H.R. 3458: Mr. DOGGETT.
H.R. 3463: Mr. NYE.
H.R. 3485: Mr. MCGOVERN and Mr. HOLT.
H.R. 3545: Mr. DELAHUNT and Ms. SUTTON.
H.R. 3554: Mr. HODES, Mrs. KIRKPATRICK of Arizona, and Mr. ROSS.
H.R. 3560: Mr. GENE GREEN of Texas.
H.R. 3564: Mr. JACKSON of Illinois.
H.R. 3569: Mr. CALVERT.
H.R. 3586: Mr. DRIEHAUS and Mr. TERRY.
H.R. 3589: Ms. JACKSON-LEE of Texas, Mr. HODES, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. DELAHUNT, and Mr. HINCHEY.
H.R. 3596: Ms. SCHAKOWSKY, Mr. WELCH, Mr. NADLER of New York, Mr. VAN HOLLEN, and Mr. SHULER.
H.R. 3602: Ms. RICHARDSON.
H.R. 3611: Mr. CALVERT.
H.R. 3613: Mr. CONAWAY, Mr. ALEXANDER, Mr. MCCAUL, Ms. JENKINS, Mrs. BLACKBURN, and Mr. BROWN of South Carolina.
H.R. 3633: Mr. WEINER and Mr. ROGERS of Michigan.
H.R. 3636: Mr. SCHIFF.
H.R. 3644: Mr. CONNOLLY of Virginia.
H.R. 3654: Mr. CAO.
H.R. 3677: Mr. SMITH of Texas.
H.R. 3683: Mr. BOEHNER, Mrs. MCMORRIS RODGERS, and Mr. WESTMORELAND.
H.R. 3691: Mr. CASTLE.
H.R. 3700: Mr. PRICE of Georgia and Mr. HUNTER.
H.R. 3712: Mr. CARNEY, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY.
H.R. 3723: Mr. SKELTON.
H.R. 3724: Ms. LINDA T. SÁNCHEZ of California and Mr. GERLACH.
H.R. 3728: Mr. MEEKS of New York, Mr. TOWNS, Mr. RUSH, Ms. NORTON, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. FATTAH, and Mr. CLEAVER.
H.R. 3731: Mr. HOLT, Mr. CARNAHAN, Mr. COSTELLO, and Mr. CARSON of Indiana.
H.R. 3734: Ms. LEE of California.
H.R. 3749: Mr. SPACE, Mr. PETERSON, and Mrs. MILLER of Michigan.
H.R. 3766: Ms. MOORE of Wisconsin and Mr. BRADY of Pennsylvania.
H.R. 3772: Ms. MATSUI and Mr. FILNER.
H.R. 3789: Mr. ISSA, Mr. BROWN of South Carolina, Mr. BONNER, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. LUETKEMEYER, Mr. POSEY, Mr. WAMP, Mr. HUNTER, Mr. CHAFFETZ, Mr. JORDAN of Ohio, Mr. MCCLINTOCK, Mr. CAMPBELL, Mr. KING of Iowa, Mr. COLE, Mr. HARPER, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. MARCHANT, Mrs. BIGGERT, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, and Mrs. LUMMIS.
H.R. 3790: Mr. POSEY, Mr. FRANK of Massachusetts, Mr. TURNER, Mr. BARROW, Ms. MARKEY of Colorado, and Mr. LOBIONDO.
H.R. 3791: Mr. KENNEDY, Mr. SNYDER, Mr. COURTNEY, and Mr. PIERLUISI.
H.R. 3792: Mr. MATHESON, Mr. AL GREEN of Texas, and Ms. HARMAN.
H.R. 3797: Mrs. BLACKBURN, Mr. LEE of New York, and Mr. JORDAN of Ohio.
H.R. 3800: Mr. FILNER.
H.R. 3820: Mr. GORDON of Tennessee.
H.R. 3837: Mr. BISHOP of New York, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, and Mr. REYES.
H.J. Res. 11: Mr. FORBES, Mr. KING of Iowa, Mrs. EMERSON, and Mr. UPTON.
H.J. Res. 47: Mr. ALEXANDER and Mr. MINNICK.
H. Con. Res. 97: Mr. DELAHUNT.
H. Con. Res. 161: Mrs. BACHMANN, Mr. COFFMAN of Colorado, Ms. FALLIN, Mr. BARTLETT, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. HARPER, Mr. KLINE of Minnesota, Mr. COLE, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. ROONEY, Mr. HUNTER, Mr. WAMP, Mr. BILBRAY, Mr. POSEY, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. BROWN of South Carolina, Mr. AKIN, and Mr. SAM JOHNSON of Texas.
H. Con. Res. 177: Mr. CALVERT and Mr. COHEN.
H. Con. Res. 198: Mr. SULLIVAN.
H. Res. 22: Ms. SPEIER.
H. Res. 89: Mr. BERMAN and Mr. COURTNEY.
H. Res. 159: Ms. HIRONO.
H. Res. 213: Mr. CUELLAR.
H. Res. 236: Mr. MINNICK.
H. Res. 255: Mr. ROTHMAN of New Jersey.
H. Res. 558: Ms. CLARKE.
H. Res. 615: Mr. FORBES.
H. Res. 619: Mr. MANZULLO.
H. Res. 648: Mr. GRAYSON, Mr. REYES, Ms. VELÁZQUEZ, and Ms. SHEA-PORTER.
H. Res. 656: Mr. WOLF and Mr. ROONEY.
H. Res. 660: Mr. CLYBURN.
H. Res. 672: Mr. PITTS, Mr. LAMBORN, and Ms. CHU.
H. Res. 699: Mr. BLUNT and Mr. MCKEON.
H. Res. 700: Mr. MCGOVERN.
H. Res. 704: Mr. HALL of Texas, Mr. ORTIZ, Mr. HUNTER, and Mr. HINCHEY.
H. Res. 711: Mr. BLUNT, Mr. TIBERI, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. HOLT, Ms. KILROY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Ms. FOXX, and Mr. MCCAUL.
H. Res. 716: Mr. PERRIELLO.
H. Res. 727: Mr. MCMAHON, Mr. KLINE of Minnesota, and Mr. COHEN.
H. Res. 729: Mr. WITTMAN.
H. Res. 736: Mr. GUTIERREZ, Mr. SHIMKUS, Mr. LUETKEMEYER, Mr. CALVERT, Mr. SKELTON, Mrs. LOWEY, Mr. DUNCAN, Mr. THOMPSON of Pennsylvania, and Mrs. DAHLKEMPER.
H. Res. 740: Mr. ADERHOLT.
H. Res. 749: Mr. MANZULLO.
H. Res. 752: Mr. BRALEY of Iowa.
H. Res. 756: Mr. REYES and Mrs. MCMORRIS RODGERS.
H. Res. 761: Mr. ENGEL.
H. Res. 764: Ms. SPEIER.
H. Res. 773: Mr. CONAWAY, Mr. ARCURI, Mr. SMITH of New Jersey, Mr. CARNEY, and Mr. COBLE.
H. Res. 780: Mr. CONYERS, Mr. WOLF, Mrs. CHRISTENSEN, Mr. MCDERMOTT, and Ms. TITUS.
H. Res. 783: Mr. PASTOR of Arizona, Ms. BORDALLO, and Mr. ROGERS of Michigan.
H. Res. 787: Mr. BARROW, Mr. PALLONE, and Mr. ACKERMAN.
H. Res. 796: Mr. WITTMAN.
H. Res. 797: Mr. CARNEY, Mr. SMITH of Washington, Mr. EHLERS, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. MASSA, Mr. COBLE, and Mrs. KIRKPATRICK of Arizona.
H. Res. 801: Mr. FILNER, Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, and Mr. HONDA.
H. Res. 811: Mr. FOSTER.
H. Res. 817: Ms. CHU, Mr. FATTAH, Mrs. NAPOLITANO, Mr. PETERSON, Mr. POSEY, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY.
H. Res. 819: Mr. LEE of New York.
H. Res. 823: Mr. SCOTT of Georgia.
H. Res. 831: Mr. THOMPSON of Pennsylvania, Mr. HOEKSTRA, Ms. BERKLEY, and Mr. CAO.
H. Res. 838: Mr. BROWN of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY, Ms. ESHOO, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Ms. ROS-LEHTINEN, Mr. COURTNEY, Mr. LANGEVIN, Mr. ROYCE, Ms. BERKLEY, Mr. MCGOVERN, Mr. MCMAHON, Mrs. LOWEY, Mr. BLUNT, Mr. WEXLER, Mr. MCCOTTER, Ms. LORETTA SANCHEZ of California, and Mr. CARNAHAN.
H. Res. 840: Mr. CAO and Mr. SMITH of New Jersey.

¶129.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. SCHRADER.

WEDNESDAY, OCTOBER 21, 2009 (130)

¶130.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC
October 21, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶130.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Tuesday, October 20, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶130.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4192. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of response to the Special Inspector General for the Troubled Asset Relief Program's (SIGTARP) July 21, 2009 recommendations; to the Committee on Financial Services.

4193. A letter from the Under Secretary of Defense, Department of Defense, transmitting the description of the reorganization of the Department of Defense Education Activity (DoDEA) that affects the defense dependents' education system, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4194. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''High Risk Pool Grant Program for Federal Fiscal Years (FFYs) 2006 and 2007''; to the Committee on Energy and Commerce.

4195. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's strategic plan for fiscal years 2009 through 2014; to the Committee on Energy and Commerce.

4196. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nations and the Specialized Agencies to employ an adequate number of Americans during 2008, pursuant to 22 U.S.C. 276c-4; to the Committee on Foreign Affairs.

4197. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-09 informing of an intent to sign a Project Agreement with Italy; to the Committee on Foreign Affairs.

4198. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

4199. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the

Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Kingdom of the Netherlands (Transmittal No. RSAT 09-1864); to the Committee on Foreign Affairs.

4200. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995; to the Committee on Foreign Affairs.

4201. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-206, ''Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4202. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-205, ''Unemployment Compensation Administrative Modernization Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4203. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-204, ''Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4204. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-203, ''District Residency RIF Protection Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4205. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-202, ''National Guard Morale, Welfare and Recreation Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4206. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-201, ''Pension Vesting Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4207. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-192, ''Residential Aid Discount Subsidy Stabilization Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4208. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-191, ''Heat Wave Safety Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4209. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-190, ''Loree H. Murray Way Designation Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4210. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Norton Company Worcester, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4211. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Lake Ontario Ordnance Works in Niagara Falls, NY, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4212. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Enforcement of Sex Offender Registration Requirements 2008-2009, pursuant to Public Law 109-248, section 635; to the Committee on the Judiciary.

4213. A letter from the Director, Bureau of Prisons, Department of Justice, transmitting report on post-release mentoring for ex-offenders, pursuant to Public Law 110-199, section 213; to the Committee on the Judiciary.

4214. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended; Requirements for Aliens in Religious Occupations; to the Committee on the Judiciary.

4215. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Large Passenger Vessel Crew Requirements [USCG-2007-27761] (RIN: 1625-AB16) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Robert Moses Causeway Bridge State Boat Channel, Captree, New York [Docket No.: USCG-2009-0755] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA [Docket No.: USCG-2009-0529] (RIN: 1625-0529] received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Clemente Island Northwest Harbor October and November Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0747] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training October and November; San Clemente Island, CA [Docket No.: USCG-2009-0748] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled the ''Multilateral Child Support Convention Implemetation Act of 2009''; jointly to the Committees on Ways and Means and the Judiciary.

4221. A letter from the Director, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1855-DR for the Commonwealth of Kentucky; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶130.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1818. An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that pursuant to Public Law 110–315, the Chair announces, on behalf of the President pro tempore, the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity: Daniel Klaich of Nevada, Cameron Staples of Connecticut, and Larry Vanderhoef of California.

¶130.5 RYAN WHITE HIV/AIDS TREATMENT EXTENSION

Mr. PALLONE moved to suspend the rules and pass the bill of the Senate (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PALLONE and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROE of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.6 NATIONAL PRINCIPALS MONTH

Mrs. DAVIS of California, moved to suspend the rules and agree to the resolution (H. Res. 811); as amended:

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as ''National Principals Month'';

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively

with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort;

Whereas leadership is second only to classroom instruction among all school-related factors that contribute to what students learn at school, according to research conducted by the Wallace Foundation;

Whereas the U.S. Bureau of Labor Statistics estimates that approximately 1 in 3 education administrators works more than 40 hours a week and often works an additional 15–20 hours each week supervising school activities at night and on weekends;

Whereas the NAESP National Distinguished Principals program honors exemplary elementary and middle level public, private, and independent school leaders as well as leaders from the U.S. Department of Defense Schools and the U.S. Department of State Overseas Schools, for outstanding leadership for student learning and the profession;

Whereas the MetLife-NASSP Principal of the Year program began in 1993 as a means to recognize outstanding middle level and high school principals who have succeeded in providing high-quality learning opportunities for students as well as their exemplary contributions to the profession;

Whereas the celebration of ''National Principals Month'' would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education; and

Whereas the month of October 2009 would be an appropriate month to designate as ''National Principals Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the contribution of school principals to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe ''National Principals Month'' with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mrs. DAVIS of California, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.7 KENTUCKY WESLEYAN COLLEGE

Mrs. DAVIS of California, moved to suspend the rules and agree to the resolution (H. Res. 837):

Whereas Kentucky Wesleyan College was founded in 1858;

Whereas the first commencement held at Kentucky Wesleyan College was in 1868;

Whereas Kentucky Wesleyan College is a private, liberal arts Methodist college located in Owensboro, Kentucky;

Whereas 956 students from 27 States and 6 foreign countries were enrolled at Kentucky Wesleyan College in the fall of 2008;

Whereas Kentucky Wesleyan College's mission statement is to foster a liberal arts education that nourishes, stimulates, and prepares future leaders intellectually, spiritually, and physically to achieve success in life;

Whereas Kentucky Wesleyan College has a number of notable alumni, including a United States Supreme Court justice, a Major League Baseball pitcher, and the founder of another Kentucky institution of higher education;

Whereas the Kentucky Wesleyan Panthers compete in National Collegiate Athletic Association Division II athletics; and

Whereas from overseas mission trips to numerous local projects, Kentucky Wesleyan students meet the needs of others and positively impact the world around them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Kentucky Wesleyan College for over 150 years of service as an institution of higher education; and

(2) thanks Kentucky Wesleyan College for the valuable education it has provided to students.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mrs. DAVIS of California, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.8 LAURINBURG NORMAL INDUSTRIAL INSTITUTE

Mrs. DAVIS of California, moved to suspend the rules and agree to the resolution (H. Res. 660); as amended:

Whereas the Laurinburg Normal Industrial Institute (referred to as the ''Laurinburg Institute'') was founded on September 15, 1904, in Laurinburg, North Carolina, by Emmanuel McDuffie and his wife Tinny Etheridge McDuffie at the request of Booker T. Washington of the Tuskegee Institute and William Edwards of the Snow Hill Institute;

Whereas the Laurinburg Institute is the oldest of only four historically African-American boarding schools still remaining in the United States;

Whereas the Laurinburg Institute was founded to help provide suitable education and training in the common pursuits of life for African-Americans in the area of Laurinburg, North Carolina;

Whereas, on September 15, 1906, Emmanuel McDuffie, J.H. Davis, and Robert Leach incorporated the Laurinburg Institute at Laurinburg, North Carolina, for the instruction of African-American teachers and youth in various academic branches of study and in the best methods of theoretical and practical industry applicable to agriculture and the mechanical arts;

Whereas in 1956, the Laurinburg Institute began to build a new campus, integrated its faculty and student body, expanded its foreign student program, which consisted of students from Russia, Africa, South America, Brazil, Portugal, the Caribbean, and other countries, and further solidified its nationally and internationally recognized athletic and music programs;

Whereas since 1904, the Laurinburg Institute has graduated students of color, and since 1954 many graduates have finished college or other post-secondary training;

Whereas the Laurinburg Institute's distinguished alumni include Sir John Swann, the former Premiere of Bermuda and one of the first blacks to be a head of state in the Western Hemisphere, Joy Johnson, one of the first African-Americans elected to the North Carolina General Assembly after the Reconstruction era, John Birks ''Dizzy'' Gillespie, an internationally renowned jazz trumpeter, and Charles ''Charlie'' Scott, the first African-American scholarship athlete at the University of North Carolina at Chapel Hill, who later became a National Basketball Association (NBA) All-Star where he played for such teams as the Boston Celtics, Denver Nuggets, Los Angeles Lakers, and Phoenix Suns, winning an NBA championship with the Boston Celtics and a gold medal in the 1968 Summer Olympics;

Whereas in 2005, the North Carolina General Assembly passed Senate Joint Resolution 1178 which honored the lives of Frank and Sammie McDuffie, who were the second generation of McDuffie's to serve as administrators of the Institute, and the work of the Laurinburg Institute in producing educators, humanitarians, athletes, and civil rights and leaders;

Whereas in 2009, the Laurinburg Institute's President and Chief Executive Officer is Frank ''Bishop'' McDuffie, Jr., and his daughter, Frances McDuffie, serves as the Institute's Vice President and President; and

Whereas Frank ''Bishop'' McDuffie and Fraces McDuffie are the third generation of McDuffie administrators of the Laurinburg Institute: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the distinguished history of the Laurinburg Normal Industrial Institute;

(2) acknowledges the Laurinburg Institute's remarkable contribution to the education of African-Americans and other people in the State of North Carolina and the Nation; and

(3) commends the enterprise and dedication of the McDuffie family in creating and sustaining the Laurinburg Institute.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mrs. DAVIS of California, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause

8, rule XX, announced that further proceedings on the question were postponed.

¶130.9 TEEN READ WEEK

Mrs. DAVIS of California moved to suspend the rules and agree to the resolution (H. Res. 836):

Whereas 70 percent of 8th graders and 65 percent of 12th graders do not read at grade level;

Whereas for many adolescent students, ongoing difficulties with reading and writing figure prominently into the decision to drop out of school;

Whereas available data shows 85 percent of all juvenile offenders have reading problems and approximately one-third of all juvenile offenders read below the fourth-grade level;

Whereas advanced literacy across content areas is the best available predictor of the ability of students to succeed in introductory college courses;

Whereas research shows that teens who read for fun have better test scores and are more likely to succeed in the workforce;

Whereas Teen Read Week encourages teens to read a book for leisure purposes;

Whereas Teen Read Week recognizes that it is important for adolescents to read proficiently; and

Whereas October 18 to October 24, 2009, is Teen Read Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Teen Read Week;

(2) recognizes that it is important for teens to be taught to read proficiently; and

(3) encourages teens to read for leisure and academic purposes.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mrs. DAVIS of California, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 22, 2009.

The point of no quorum was considered as withdrawn.

¶130.10 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENT POLICY

Mrs. DAVIS of California, moved to suspend the rules and pass the bill of the Senate (S. 1818) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The SPEAKER pro tempore, Mr. PASTOR, of Arizona, recognized Mrs. DAVIS of California, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.11 FORMER SENATOR EDWARD BROOKE

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 43):

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 cosponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110–260: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. BRADY of Pennsylvania, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUNGREN of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶130.12 COMMEMORATING JESUIT FATHERS

Ms. WATSON moved to suspend the rules and agree to the resolution (H. Res. 761); as amended:

Whereas in the early morning hours of November 16, 1989, six Jesuit priests and faculty members of the Universidad Centroamericana José Simeon Cañas (UCA) located in San Salvador, El Salvador—Father Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, and Joaquín López y López—and housekeeper Julia Elba Ramos and her daughter, Celina Mariset Ramos, were executed by members of the Salvadoran Army;

Whereas Father Ignacio Ellacuría, 59, was since 1979 rector of the UCA, and an internationally-respected intellectual and advocate for human rights and a negotiated solution to the Salvadoran civil conflict;

Whereas Father Ignacio Martin-Baró, 44, was the vice rector of the UCA, a leading analyst of national and regional affairs, the founder and director of the respected polling organization, the Public Opinion Institute, former Dean of Students, Dean of the Psychology Department, an internationally renowned pioneer in the field of social psychology and pastor of the rural community of Jayaque;

Whereas Father Segundo Montes, 56, was Dean of the Department of Social Sciences and a sociology professor at the UCA, and the founder and director of the Human Rights Institute at the UCA (IDHUCA), who did extensive work on Salvadoran refugees in the United States during the period of the Salvadoran conflict, including providing documentation and advice to United States Members of Congress on refugee issues;

Whereas Father Amando López, 53, was a philosophy and theology professor at the UCA, former director of the Jesuit seminary in San Salvador, and served as pastor of the Tierra Virgen community in Soyapango, a poor neighborhood in the periphery of San Salvador;

Whereas Farther Juan Ramon Moreno, 56, was a professor of theology at the UCA, former novice-master for the Jesuits, and a tireless pastoral worker and spiritual guide;

Whereas Father Joaquín López y López, 71, was one of the creators of the UCA and the founder, organizer, and director of Fe y Alegría (Faith and Joy) to address the lack of education in El Salvador, which opened 30 educational centers in marginalized communities throughout the country where 48,000 people received vocational training and education;

Whereas Julia Elba Ramos, 42, was the cook and housekeeper for the Jesuit seminarians at the UCA and wife of Obdulio Lozano, the UCA gardener and groundskeeper;

Whereas Celina Mariset, 16, had finished her first year of high school at the José Damian Villacorta Institute in Santa Tecla, El Salvador, and was staying with her mother the night of November 15, 1989;

Whereas the six Jesuit priests dedicated their lives to advancing education in El Salvador, protecting and promoting human rights and the end of conflict, and identifying and addressing the economic and social problems that affected the majority of the Salvadoran population;

Whereas the six Jesuit priests, as faculty and administrators at the UCA, educated many students throughout the 1970s and 1980s, students who subsequently became Salvadoran government, political, and civil society leaders, and thus helped facilitate communication, dialogue, and negotiations even during the turbulent years of the armed conflict;

Whereas these six priests and two women joined the more than 75,000 noncombatants who perished during the Salvadoran civil war;

Whereas on December 6, 1989, United States Speaker of the House of Representatives Thomas Foley appointed a Special

Task Force on El Salvador consisting of 19 Members of the House of Representatives, chaired by Representative John Joseph Moakley of Boston, Massachusetts, to monitor the Salvadoran government's investigation into the murders of the Jesuit priests and two women and to look into related issues involving respect for human rights and judicial reform in El Salvador;

Whereas the Speaker's Task Force on El Salvador found that members of the High Command of the Salvadoran military were responsible for ordering the murder of the Jesuits and two women and for obstructing the subsequent investigation into the crimes;

Whereas the United Nations Commission on the Truth for El Salvador (Truth Commission) was established under terms of the January 1992 Peace Accords that ended El Salvador's 12 years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas on March 15, 1993, the Truth Commission confirmed the findings of the Speaker's Special Task Force;

Whereas on September 28, 1991, a Salvadoran jury found guilty of these murders two Salvadoran military officers, including Salvadoran Army Colonel Guillermo Alfredo Benavides Moreno, the first time in Salvadoran history where high-ranking military officers were convicted in a Salvadoran court of law of human rights crimes;

Whereas the University of Central America José Simeon Cañas in San Salvador remains dedicated to advancing and expanding educational opportunity, providing the highest quality of academic excellence in its studies and courses, and the commitment to human rights and social justice;

Whereas the 28 Jesuit colleges and universities in the United States, which represent many of the highest quality academic communities in the nation, have maintained a sense of solidarity with the UCA and the people of El Salvador and have annually observed the November 16th anniversary of those murders;

Whereas in the United States, El Salvador, and around the world university programs, academic and scholarly institutes, libraries, research centers, pastoral programs, spiritual centers, and programs dedicated to educational achievement, social justice, human rights, and alleviating poverty have been dedicated in the names of the murdered Jesuits;

Whereas the international and Salvadoran outcry in response to the deaths of the six Jesuits and two women and the subsequent investigations into this crime served as a catalyst for negotiations that led to the signing of the 1992 Peace Accords, which have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas November 16, 2009, marks the 20th anniversary of the deaths of these eight spiritual, courageous, and generous priests, educators, and laywomen: Now, therefore, be it

Resolved, That the House of Representatives—

(1) remembers and commemorates the lives and work of Father Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, Joaquín López y López, Julia Elba Ramos, and Celina Mariset Ramos;

(2) extends sympathy to the families, friends, colleagues, and religious communities of the six Jesuit priests and two laywomen;

(3) recognizes the continuing academic, spiritual, and social contributions of the University of Central America José Simeon Cañas (UCA) in San Salvador, El Salvador;

(4) further recognizes the 28 Jesuit colleges and universities in the United States for their solidarity with the UCA and annual remembrance of those killed twenty years ago;

(5) remembers the seminal reports by Chairman John Joseph Moakley and the Speaker's Special Task Force on El Salvador in investigating the murders of the six priests and two laywomen;

(6) acknowledges the role played by the Speaker's Special Task Force, Congressman John Joseph Moakley, the Jesuit leadership of the UCA, and the Salvadoran judicial investigation and convictions in advancing negotiations to end the war in El Salvador;

(7) highlights the solidarity demonstrated by the people of the United States, academic institutions, and religious congregations through their participation in local, national, and international events commemorating the 20th anniversary of the murders of the six Jesuit priests and two laywomen;

(8) recognizes that the murdered individuals dedicated their lives to addressing and alleviating El Salvador's social and economic inequities, and that while significant progress has been made during the post-war period, social and economic hardships persist among many sectors of Salvadoran society; and

(9) supports public, private, nongovernmental, and religious organizations in efforts to fulfill the legacy of the murdered Jesuits to reduce poverty and hunger and promote educational opportunity, human rights, the rule of law, and social equity for the people of El Salvador.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. WATSON and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶130.13 SOCIALIST REPUBLIC OF VIETNAM

Ms. WATSON moved to suspend the rules and agree to the resolution (H. Res. 672):

Whereas the Internet is a tool to exercise freedom of expression and association, both of which are basic human rights;

Whereas the Internet is a medium to share information freely, promote social and economic development, and connect Vietnamese citizens domestically and internationally;

Whereas the Government of Vietnam created the Administration Agency for Radio, Television and Electronics Information in October 2008 and issued Circular 07 in December 2008 to restrict Internet freedom, censor private blogs, and compel information technology companies to cooperate with government efforts to monitor personal information of Internet users;

Whereas the Government of Vietnam has imprisoned bloggers and numerous democracy activists who have distributed their peaceful views over the Internet;

Whereas the Government of Vietnam continues to firewall external websites promoting democracy and human rights; and

Whereas these actions violate individuals' right to freedom of speech and expression: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the right of Vietnamese citizens to access websites of their choosing and to have the freedom to share and publish information over the Internet;

(2) calls on the Government of Vietnam to repeal Circular 07, Article 88, and similar statutes that restrict the Internet, so as to be in line with the International Covenant on Civil and Political Rights, to which the Socialist Republic of Vietnam is a signatory;

(3) calls on the Government of Vietnam to become a responsible member state of the international community by respecting individuals' freedom of speech, freedom of press, and freedom of political association; and

(4) calls on the Government of Vietnam to release all political prisoners, including but not limited to the following bloggers and cyber activists—

(A) Le Cong Dinh;
(B) Le Nguyen Sang;
(C) Le Thi Cong Nhan;
(D) Nguyen Van Hai (Dieu Cay);
(E) Nguyen Xuan Nghia;
(F) Ngo Quynh;
(G) Nguyen Ngoc Quang;
(H) Nguyen Thi Hong;
(I) Nguyen Van Dai;
(J) Pham Ba Hai;
(K) Pham Thanh Nghien;
(L) Pham Van Troi;
(M) Tran Huynh Duy Thuc;
(N) Truong Minh Duc;
(O) Truong Quoc Huy;
(P) Vu Hoang Hai;
(Q) Nguyen Tien Trung; and
(R) Vu Hung.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. WATSON and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶130.14 GOVERNMENT OF IRAN

Ms. WATSON moved to suspend the rules and agree to the resolution (H. Res. 175); as amended:

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, and 2008, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas in November 2007, the Iranian Ministry of Information in Shiraz jailed Baha'is Ms. Raha Sabet, 33, Mr. Sasan Taqva, 32, and Ms. Haleh Roohi, 29 for ostensibly ''indirectly teaching the Baha'i Faith'' and ''engaging in anti-government propaganda'' while educating underprivileged children and

gave them 4-year prison terms, which they are serving;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Rooshi were targeted solely on the basis of their religion;

Whereas, on January 23, 2008, the United States Department of State released a statement urging the Iranian regime to release all individuals held without due process and a fair trial, including the 3 young Baha'is being held in an Iranian Ministry of Intelligence detention center in Shiraz;

Whereas in March and May of 2008, Iranian intelligence officials in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas these seven leaders have been imprisoned for well over a year and are yet to stand trial, the trial having been delayed multiple times;

Whereas official Iranian media has announced they will face charges of ''espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic'';

Whereas these seven Baha'i leaders were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi; and

(3) calls on the President and Secretary of State, in cooperation with responsible nations, to immediately condemn Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. WATSON and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KIRK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 22, 2009.

¶130.15 UNITED NATIONS WORLD FOOD PROGRAM

Ms. WATSON moved to suspend the rules and agree to the resolution (H. Res. 823):

Whereas the United Nations World Food Program (WFP) was established in 1962 with the goal of providing every man, woman, and child with access at all times to the food needed for an active and healthy life;

Whereas the WFP seeks to save lives and protect livelihoods in emergencies, prepare for emergencies, restore and rebuild lives after emergencies, reduce chronic hunger and under-nutrition everywhere, and strengthen the capacity of countries to reduce hunger;

Whereas WFP operations in 2008 reached just over 102,000,000 hungry and poor people in 78 countries with 3,900,000 tons of food;

Whereas 84.6 percent of the population of Pakistan earns less than $2 per day, which is an indication of poor human development, especially among women and children;

Whereas since 1968, the WFP has invested more than $1,500,000,000 in assistance to the most food-insecure people in Pakistan, including those in remote areas and those affected by conflict;

Whereas WFP operations in Pakistan include school feeding, mother and child nutrition, and socio-economic development programs that improve school enrollment rates for girls, access to health care services, and economic opportunities for rural women;

Whereas the WFP is providing vital food assistance to as many as 10,000,000 people across Pakistan, including emergency relief to as many as 2,000,000 Pakistani civilians who were displaced by conflict in the Swat Valley region earlier this year;

Whereas, on October 5, 2009, a suicide bomber attacked the WFP office in Islamabad, Pakistan, killing five employees, Botan Ahmed Ali Al-Hayawi, Farzana Barkat, Abid Rehman, Gulrukh Tahir, and Mohamed Wahab;

Whereas the Executive Director of the WFP, Josette Sheeran, called the attack ''a tragedy—not just for WFP—but for the whole humanitarian community and for the hungry''; and

Whereas support for food aid and other forms of humanitarian assistance in Pakistan is in the moral and national security interests of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009;

(2) recognizes the critical role the WFP plays in helping alleviate poverty, which can be exploited by extremists to create instability, in Pakistan and the greater South Asian region;

(3) reaffirms its support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; and

(4) commends the approximately 10,000 people of the WFP directly serving the hungry and poor across the world for their invaluable contribution to bringing relief to those most in need.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. WATSON and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶130.16 S. 1793—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 9

¶130.17 [Roll No. 793]

YEAS—408

Abercrombie	Cao	Ellison
Aderholt	Capito	Ellsworth
Adler (NJ)	Capps	Emerson
Akin	Capuano	Engel
Alexander	Cardoza	Eshoo
Altmire	Carnahan	Fallin
Andrews	Carney	Farr
Arcuri	Carson (IN)	Fattah
Austria	Cassidy	Filner
Baca	Castle	Fleming
Bachmann	Castor (FL)	Forbes
Bachus	Chaffetz	Fortenberry
Baird	Chandler	Foster
Baldwin	Childers	Frank (MA)
Barrett (SC)	Chu	Franks (AZ)
Barrow	Clarke	Frelinghuysen
Bartlett	Clay	Fudge
Barton (TX)	Cleaver	Gallegly
Becerra	Clyburn	Garrett (NJ)
Berkley	Coble	Gerlach
Berman	Coffman (CO)	Giffords
Berry	Cohen	Gingrey (GA)
Biggert	Cole	Gonzalez
Bilbray	Conaway	Goodlatte
Bilirakis	Connolly (VA)	Gordon (TN)
Bishop (GA)	Conyers	Granger
Bishop (NY)	Cooper	Graves
Bishop (UT)	Costa	Grayson
Blackburn	Costello	Green, Al
Blumenauer	Courtney	Green, Gene
Blunt	Crowley	Griffith
Boccieri	Cuellar	Grijalva
Boehner	Culberson	Guthrie
Bonner	Cummings	Gutierrez
Bono Mack	Dahlkemper	Hall (NY)
Boozman	Davis (AL)	Hall (TX)
Boren	Davis (CA)	Halvorson
Boswell	Davis (IL)	Hare
Boucher	Davis (KY)	Harman
Boustany	Davis (TN)	Harper
Boyd	Deal (GA)	Hastings (FL)
Brady (PA)	DeFazio	Hastings (WA)
Braley (IA)	DeGette	Heinrich
Bright	Delahunt	Heller
Brown (SC)	DeLauro	Hensarling
Brown, Corrine	Dent	Herger
Brown-Waite, Ginny	Diaz-Balart, L.	Herseth Sandlin
	Diaz-Balart, M.	Higgins
Buchanan	Dicks	Hill
Burgess	Dingell	Himes
Burton (IN)	Doggett	Hinchey
Butterfield	Donnelly (IN)	Hinojosa
Buyer	Doyle	Hirono
Calvert	Dreier	Hodes
Camp	Driehaus	Hoekstra
Campbell	Edwards (TX)	Holden
Cantor	Ehlers	Holt

Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—9

Brady (TX)
Broun (GA)
Duncan
Flake
Foxx
Gohmert
Lummis
Paul
Poe (TX)

NOT VOTING—15

Ackerman
Bean
Carter
Crenshaw
Edwards (MD)
Etheridge
Hoyer
Lofgren, Zoe
Price (GA)
Richardson
Rothman (NJ)
Shadegg
Van Hollen
Walden
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.18 H. RES. 811—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 811) expressing support for designation of October 2009 as ''National Principals Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶130.19 [Roll No. 794]

YEAS—411

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—21

Ackerman
Bean
Becerra
Boren
Carter
Crenshaw
Edwards (MD)
Etheridge
Hoyer
Lofgren, Zoe
McCollum
Price (GA)
Richardson
Rogers (AL)
Rothman (NJ)
Rush
Shadegg
Van Hollen
Walden
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶130.20 H. RES. 837—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 837) recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶130.21 [Roll No. 795]

YEAS—415

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—17

Ackerman
Bean
Carter
Edwards (MD)
Etheridge
Hirono
Hoyer
Israel
Lofgren, Zoe
Miller, Gary
Price (GA)
Richardson
Rothman (NJ)
Shadegg
Van Hollen
Walden
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶130.22 H. RES. 660—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 660) recognizing the distinguished history of the Laurinburg Normal Industrial Institute; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶130.23 [Roll No. 796]

YEAS—418

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul

McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—14

Ackerman
Bean
Carter
Edwards (MD)
Etheridge
Hoyer
Lofgren, Zoe
Price (GA)
Richardson
Rothman (NJ)
Shadegg
Van Hollen
Walden
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶130.24 S. CON. RES. 43—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶130.25 [Roll No. 797]

YEAS—417

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—15

Ackerman
Bean
Carnahan
Carter
Edwards (MD)
Etheridge
Hoyer
Lofgren, Zoe
Price (GA)
Richardson
Rothman (NJ)
Shadegg
Van Hollen
Walden
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶130.26 PROVIDING FOR CONSIDERATION OF H.R. 3619

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–311) the resolution (H. Res. 853) providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶130.27 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 621. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

¶130.28 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1818. An Act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

¶130.29 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 16, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 1016. An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House also reported that on October 21, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3183. An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶130.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARTER, for today;

To Mr. WALDEN, for today; and

To Ms. RICHARDSON, for today.

And then,

¶130.31 ADJOURNMENT

On motion of Mr. BROUN of Georgia, at 5 o'clock and 36 minutes p.m., the House adjourned.

¶130.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1061. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; with an amendment (Rept. 111–306). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1471. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; with an amendment (Rept. 111–307). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2008. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; with an amendment (Rept. 111–308). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2489. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; with amendments (Rept. 111–309). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 715. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes (Rept. 111–310). Referred to the Committee of the Whole House on the state of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 853. Resolution providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes (Rept. 111–311). Referred to the House Calendar.

¶130.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina:

H.R. 3885. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 3886. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. BLUNT (for himself, Mr. BARTON of Texas, Mr. CAMP, Mr. KLINE of Minnesota, Mr. UPTON, and Mr. WITTMAN):

H.R. 3887. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to improve health insurance coverage of dependents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DICKS, Mr. DOGGETT, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. MATSUI, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. STARK, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3888. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Transportation and Infrastructure.

By Mr. BROUN of Georgia:

H.R. 3889. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage floor on medical expense deductions, expand the use of tax-preferred health care accounts, and establish a charity care credit, to amend the Social Security Act to create a Medicare voucher program and reform EMTALA requirements, and to amend Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. CAPUANO, Ms. KILROY, Mr. CLEAVER, and Ms. KOSMAS):

H.R. 3890. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 3891. A bill to improve research on health hazards in housing, to enhance the capacity of programs to reduce such hazards, to require outreach, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Ms. FOXX, Mr. SHULER, Mr. COBLE, Mr. WATT, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. KISSELL, Mrs. MYRICK, Mr. JONES, Mr. MILLER of North Carolina, Mr. MCINTYRE, and Mr. MCHENRY):

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CASTLE:

H.R. 3893. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3894. A bill to amend the Public Health Service Act to authorize a community-based overweight and obesity prevention program; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER:

H.R. 3895. A bill to authorize the Secretary of Health and Human Services to conduct or support research and demonstration projects on the use of financial and in-kind subsidies and rewards to encourage individuals and communities to promote wellness, adopt healthy behaviors, and use evidence-based preventive health services, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. EMERSON:

H.R. 3896. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. LAMBORN):

H.R. 3897. A bill to amend section 12 of the United States Housing Act of 1937 to treat income changes resulting from welfare program requirements for families residing in

housing receiving project-based subsidies under section 8 of such Act similarly to such changes for families residing in public housing or receiving tenant-based assistance under such section; to the Committee on Financial Services.

By Mr. LAMBORN (for himself, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. FORBES, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. GINGREY of Georgia, Mr. HARPER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MARCHANT, Mr. POSEY, and Mr. WAMP):

H. Res. 852. A resolution recognizing and commending Biblica for contributions made to the United States, and for other purposes; to the Committee on Oversight and Government Reform.

¶130.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. LATOURETTE and Mrs. NAPOLITANO.
H.R. 235: Ms. VELÁZQUEZ.
H.R. 303: Mr. HALL of Texas, Mr. SIRES, and Mr. TIM MURPHY of Pennsylvania.
H.R. 444: Mr. SHULER.
H.R. 618: Mrs. NAPOLITANO.
H.R. 690: Ms. LINDA T. SÁNCHEZ of California and Mr. FRELINGHUYSEN.
H.R. 745: Ms. PINGREE of Maine.
H.R. 795: Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, and Mr. DAVIS of Illinois.
H.R. 868: Mr. GRIJALVA, Mr. LANCE, and Ms. SHEA-PORTER.
H.R. 916: Ms. SCHWARTZ and Mr. TONKO.
H.R. 930: Mr. RANGEL and Mrs. CAPPS.
H.R. 1086: Mr. BLUNT.
H.R. 1175: Mr. BUCHANAN.
H.R. 1182: Mr. GOHMERT, Mr. MCGOVERN, Mr. ANDREWS, Mr. SMITH of WASHINGTON, Mr. HALL of New York, and Mr. WALZ.
H.R. 1210: Ms. SLAUGHTER.
H.R. 1237: Mr. KILDEE.
H.R. 1255: Mr. ROONEY and Ms. SLAUGHTER.
H.R. 1278: Ms. FUDGE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. THOMPSON of Mississippi.
H.R. 1283: Mr. SALAZAR.
H.R. 1308: Ms. SCHAKOWSKY.
H.R. 1326: Mr. HALL of New York and Mr. COURTNEY.
H.R. 1378: Mr. TURNER, Ms. SHEA-PORTER, and Mr. WITTMAN.
H.R. 1402: Mr. SNYDER.
H.R. 1430: Mr. SHIMKUS.
H.R. 1479: Mr. DRIEHAUS and Ms. PINGREE of Maine.
H.R. 1549: Mr. HALL of New York.
H.R. 1583: Mr. VAN HOLLEN and Mr. BARROW.
H.R. 1670: Mr. THOMPSON of Pennsylvania.
H.R. 1751: Mr. BECERRA.
H.R. 1766: Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. DOGGETT, and Mr. SALAZAR.
H.R. 1816: Ms. SLAUGHTER.
H.R. 1831: Ms. DEGETTE, Mr. BARRETT of South Carolina, Mr. CONYERS, Mr. SOUDER, and Mr. SNYDER.
H.R. 1835: Ms. SLAUGHTER.
H.R. 1849: Mr. LINDER, Mr. WATT, Ms. DEGETTE, Mr. MCHENRY, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ELLISON, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Mr. GONZALEZ.
H.R. 1894: Ms. SLAUGHTER.
H.R. 1977: Mr. CARNEY.
H.R. 1978: Mr. HOLT.
H.R. 1992: Mr. HONDA.
H.R. 2138: Mr. COURTNEY.
H.R. 2139: Mr. MOORE of Kansas.
H.R. 2149: Mr. GORDON of Tennessee.
H.R. 2246: Mr. DRIEHAUS and Mr. CAPUANO.
H.R. 2254: Mr. KISSELL.
H.R. 2256: Mr. TURNER.
H.R. 2261: Mr. COHEN.
H.R. 2262: Mr. BAIRD.
H.R. 2279: Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SIRES, and Mr. LEWIS of Georgia.
H.R. 2377: Mr. FRANK of Massachusetts.
H.R. 2408: Ms. SUTTON and Mr. MCKEON.
H.R. 2452: Mrs. DAHLKEMPER, Mrs. HALVORSON, Mr. BARROW, Ms. GIFFORDS, and Mr. COSTELLO.
H.R. 2459: Mrs. MALONEY.
H.R. 2477: Mr. SHADEGG, Mr. BILIRAKIS, and Mr. OLSON.
H.R. 2478: Mr. LATHAM.
H.R. 2480: Mr. CUMMINGS and Mr. HALL of New York.
H.R. 2517: Mr. PRICE of North Carolina, Mr. RYAN of Ohio, and Mr. COURTNEY.
H.R. 2546: Mr. MCCLINTOCK, Mr. TEAGUE, Mr. LANCE, Mr. CALVERT, Mr. CARNEY, Mr. MOORE of Kansas, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. MINNICK, Mr. JONES, Mrs. EMERSON, and Ms. JENKINS.
H.R. 2547: Mr. ROGERS of Kentucky.
H.R. 2548: Mr. KRATOVIL.
H.R. 2567: Mr. MCNERNEY and Ms. SLAUGHTER.
H.R. 2607: Mr. BLUNT.
H.R. 2628: Mr. HIGGINS, Mr. SPACE, and Mr. BOREN.
H.R. 2681: Mr. FILNER.
H.R. 2739: Mr. HERGER.
H.R. 2819: Mr. PRICE of North Carolina.
H.R. 2866: Mr. PRICE of North Carolina and Ms. BERKLEY.
H.R. 3006: Ms. SUTTON.
H.R. 3012: Ms. WATSON.
H.R. 3017: Mr. DRIEHAUS.
H.R. 3043: Mr. WELCH, Mr. BERRY, and Mr. GRIJALVA.
H.R. 3093: Mr. WOLF.
H.R. 3156: Mr. CONYERS and Mr. MCGOVERN.
H.R. 3217: Mr. KIRK.
H.R. 3310: Mr. AUSTRIA.
H.R. 3380: Mr. BARTLETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Mr. HONDA, and Mr. BURTON of Indiana.
H.R. 3400: Mr. HUNTER.
H.R. 3401: Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Ms. MATSUI, Ms. DELAURO, and Ms. BERKLEY.
H.R. 3430: Mr. JACKSON of Illinois.
H.R. 3472: Mr. MICHAUD, Mrs. DAVIS of California, and Mr. MAFFEI.
H.R. 3486: Mr. TIBERI.
H.R. 3487: Mr. PAYNE, Mr. BURTON of Indiana, and Ms. WOOLSEY.
H.R. 3502: Ms. SUTTON and Mr. LARSEN of Washington.
H.R. 3503: Ms. WOOLSEY and Mr. FILNER.
H.R. 3524: Mr. COLE, Mr. POE of Texas, Mr. UPTON, Mr. ALEXANDER, Ms. MARKEY of Colorado, and Mr. WITTMAN.
H.R. 3531: Mr. DELAHUNT.
H.R. 3587: Mr. PETERS.
H.R. 3596: Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. OLVER.
H.R. 3639: Mr. GRIJALVA, Ms. CHU, Ms. MATSUI, Mr. MCGOVERN, Mr. WAXMAN, Mr. LANGEVIN, and Mr. OLVER.
H.R. 3652: Mrs. BLACKBURN, Mr. CASTLE, Mr. MORAN of Virginia, and Mr. ETHERIDGE.
H.R. 3667: Mr. ROONEY, Mr. BOYD, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. WEXLER, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Ms. ROS-LEHTINEN, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, and Mr. YOUNG of Florida.
H.R. 3669: Mr. HARE.
H.R. 3670: Mr. WITTMAN.
H.R. 3672: Mr. MCMAHON.
H.R. 3691: Mr. GUTHRIE, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. GINGREY of Georgia, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. LINDER, Mr. NUNES, and Mr. DAVIS of Kentucky.
H.R. 3696: Mr. ADERHOLT.
H.R. 3699: Ms. VELÁZQUEZ.
H.R. 3703: Mr. LEE of New York, Mrs. MALONEY, and Mr. COURTNEY.
H.R. 3706: Mr. SAM JOHNSON of Texas, Mr. CULBERSON, and Mr. PITTS.
H.R. 3710: Ms. DEGETTE.
H.R. 3712: Mr. TONKO, Mr. WITTMAN, and Mr. RUPPERSBERGER.
H.R. 3715: Mr. DAVIS of Alabama, Mr. EHLERS, and Mr. RYAN of Ohio.
H.R. 3721: Mr. MASSA and Mr. GENE GREEN of Texas.
H.R. 3723: Mr. LARSEN of Washington.
H.R. 3728: Ms. WATSON.
H.R. 3731: Ms. LEE of California and Mr. DAVIS of Illinois.
H.R. 3734: Mr. BACA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. REYES, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PASCRELL, Mr. RANGEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. MAFFEI, Ms. ROYBAL-ALLARD, Mr. GRAYSON, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. ARCURI, Ms. WATERS, Ms. CASTOR of Florida, Mr. WAXMAN, Ms. CHU, and Mr. CROWLEY.
H.R. 3745: Mr. HONDA and Mr. LARSON of Connecticut.
H.R. 3749: Mr. WITTMAN.
H.R. 3775: Mr. PRICE of Georgia and Mr. HENSARLING.
H.R. 3778: Mr. ACKERMAN.
H.R. 3790: Mrs. MILLER of Michigan, Mr. HALL of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WITTMAN, Mr. PUTNAM, and Mr. MICHAUD.
H.R. 3791: Ms. PINGREE of Maine.
H.R. 3799: Mr. PAYNE.
H.R. 3810: Ms. SUTTON, Mr. REYES, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. KANJORSKI, and Mr. FATTAH.
H.R. 3827: Mr. GRIJALVA.
H.R. 3855: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. CLAY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PIERLUISI, Mr. REYES, Mr. RODRIGUEZ, Mr. SIRES, and Ms. VELÁZQUEZ.
H. Con. Res. 42: Mr. SCOTT of Virginia, Mr. FATTAH, Mr. BISHOP of Georgia, Mr. HINOJOSA, and Mrs. CHRISTENSEN.
H. Con. Res. 43: Mr. BISHOP of Georgia, Mr. FATTAH, Mr. HINOJOSA, Mrs. CHRISTENSEN, and Mr. SCOTT of Virginia.
H. Con. Res. 67: Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. NORTON, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, and Mr. DAVIS of Illinois.
H. Con. Res. 73: Mr. FALEOMAVAEGA.
H. Con. Res. 168: Mr. CONNOLLY of Virginia.
H. Res. 89: Mr. ROONEY and Mr. PETERS.
H. Res. 150: Ms. FUDGE, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. COOPER.
H. Res. 577: Mr. EHLERS, Mr. LIPINSKI, Mr. BOOZMAN, Mr. OBERSTAR, Mr. WOLF, Mr. SMITH of New Jersey, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CASSIDY, Mr. SENSENBRENNER, Mr. CAO, Mr. LATTA, Mr. GARRETT of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. WHITFIELD, Mr. BLUNT, Mrs. MYRICK, Mrs. BONO MACK, and Mr. SULLIVAN.
H. Res. 613: Mr. HALL of New York.

H. Res. 648: Mr. MCNERNEY and Mr. FALEOMAVAEGA.

H. Res. 672: Mr. VAN HOLLEN.

H. Res. 700: Mr. BISHOP of New York and Mr. GRIJALVA.

H. Res. 709: Mr. BUTTERFIELD.

H. Res. 736: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. GUTHRIE, and Mr. CHANDLER.

H. Res. 747: Mr. MORAN of Virginia, Mr. ISRAEL, Mr. REYES, and Mr. ROONEY.

H. Res. 758: Ms. WATERS.

H. Res. 777: Ms. TSONGAS.

H. Res. 796: Mr. PAUL.

H. Res. 801: Mr. LEWIS of Georgia and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 840: Mrs. BACHMANN and Mr. LAMBORN.

H. Res. 841: Mr. PLATTS, Mr. WHITFIELD, and Mr. MORAN of Virginia.

H. Res. 847: Mr. MCKEON, Mrs. BLACKBURN, Mr. ROONEY, Mr. BISHOP of Utah, Mr. INGLIS, Mr. DENT, Mr. BOUSTANY, Mr. CONAWAY, Mr. BARTLETT, Mr. ALEXANDER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Mr. ADERHOLT, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. SCHOCK, Mr. COFFMAN of Colorado, Mr. HELLER, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GRAVES, Mr. BILIRAKIS, Mr. EHLERS, Mr. SHULER, Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. TAYLOR, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Mr. BROUN of Georgia, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. REICHERT, Mr. POSEY, Mr. AUSTRIA, Mr. GUTHRIE, Mr. GERLACH, Mr. CRENSHAW, Mr. HARPER, Mr. MCHENRY, Mr. BRADY of Texas, Mr. MCCAUL, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. UPTON, Mr. FLAKE, Mr. KUCINICH, Mr. MCCOTTER, and Mr. KING of Iowa.

H. Res. 848: Mr. ALEXANDER.

¶130.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 676: Mr. MEEK of Florida.

H.R. 3012: Mr. MEEK of Florida.

THURSDAY, OCTOBER 22, 2009 (131)

¶131.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
October 22, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶131.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, October 21, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶131.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4222. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Internal Control Over Financial Reporting In Exchange Act Periodic Reports of Non-Accelerated Filers (RIN: 3235-AK48) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4223. A letter from the Acting Assistant Secretary Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD79) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4224. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, WA [Docket No.: USCG-2009-0496] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [Docket No.: USCG-2009-0359] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4226. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington [Docket No.: USCG-2009-0331] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4227. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, AZ [Docket No.: USCG-2009-0194] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4228. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA [Docket No.: USCG-2009-0460] (RIN: 1625-AA08) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4229. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0789] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4230. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0767] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4231. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Calcasieu River, Hackberry, LA [Docket No.: USCG-2009-0317] (RIN: 1625-AA87) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4232. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays within the Captain of the Port Puget Sound Zone [Docket No.: USCG-2009-0752] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4233. A letter from the Senior Import Policy Analyst, Import Administration, Department of Commerce, transmitting the Department's final rule — Changes in Procedures for Florence Agreement Program [Docket No.: 080102004-9266-02; FDMS Docket No. ITA-2009-0002] (RIN: 0625-AA75) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4234. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Part A Premium for Calendar Year 2010 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AP43) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4235. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2010 [CMS-8037-N] (RIN: 0938-AP42) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4236. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2010 [CMS-8039-N] (RIN: 0938-AP48) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶131.4 PROVIDING FOR CONSIDERATION OF H.R. 3585

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 846):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a

Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Mr. POLIS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 176

¶131.5 [Roll No. 798]

YEAS—239

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—17

Abercrombie
Barrett (SC)
Bean
Carney
Cole
Davis (AL)
Gingrey (GA)
Gohmert
Hinojosa
Lofgren, Zoe
Obey
Radanovich
Richardson
Smith (TX)
Walden
Wamp
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 178

¶131.6 [Roll No. 799]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—13

Abercrombie
Barrett (SC)
Bean
Carney
Davis (AL)
Gohmert
Hinojosa
Lofgren, Zoe
Radanovich
Richardson
Walden
Wamp
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.7 H. RES. 797—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 797) expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶131.8 [Roll No. 800]

AYES—415

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—17

Abercrombie
Barrett (SC)
Bean
Davis (AL)
Gohmert
Hinojosa
Lofgren, Zoe
McKeon
Pingree (ME)
Radanovich
Richardson
Schauer
Walden
Wamp
Watson
Weiner
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.9 SOLAR TECHNOLOGY ROADMAP

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 846 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, by unanimous consent, designated Mr. SABLAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MURPHY of New York, assumed the Chair.

When Mr. WEINER, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶131.10 RECESS—2:05 P.M.

The SPEAKER pro tempore, Mr. MURPHY of New York, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 5 minutes p.m., subject to the call of the Chair.

¶131.11 AFTER RECESS—3 P.M.

The SPEAKER pro tempore, Mr. BACA, called the House to order.

¶131.12 SOLAR TECHNOLOGY ROADMAP

The SPEAKER pro tempore, Mr. BACA, pursuant to House Resolution 846 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes.

Mr. SERRANO, Acting Chairman, assumed the chair; and after some time spent therein,

¶131.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-304, submitted by Mr. BROUN of Georgia:

Page 18, lines 7 through 12, strike ''section 101(a)'' and all that follows through ''2015'' and insert ''section 101(a) $250,000,000 for each of the fiscal years 2011 through 2013''.

It was decided in the negative ..... { Yeas ..... 162 / Nays ..... 256 }

¶131.14 [Roll No. 801]

AYES—162

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fattah
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—256

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Camp
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—20

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Coffman (CO)
Davis (AL)
Doyle
Engel
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Payne
Price (GA)
Richardson
Walden
Wamp
Young (AK)

So the amendment was not agreed to.

¶131.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-304, submitted by Ms. KAPTUR:

Page 9, line 14, strike ''and''.

Page 9, line 15, redesignate paragraph (5) as paragraph (7).

Page 9, after line 14, insert the following new paragraphs:

(5) provide recommendations on the necessary steps required to strengthen the link between solar technology research and the commercialization of those technologies into full scale manufacturing, including the retooling and reworking of the Nation's existing technological and manufacturing base, as well as coordinating the national strategy in regions where solar technology clusters currently exist;

(6) provide recommendations to Federal agencies on corresponding strategies to accelerate domestic commercialization of newly developed solar technologies; and

It was decided in the affirmative ..... { Yeas ..... 395 / Nays ..... 24 }

¶131.16 [Roll No. 802]

AYES—395

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy

Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—24

Barton (TX)
Bishop (UT)
Blunt
Broun (GA)
Burgess
Coble
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lewis (CA)
McClintock
Miller (FL)
Paul
Petri
Poe (TX)
Price (GA)
Reichert
Rooney
Sensenbrenner
Shadegg
Westmoreland
Wilson (SC)

NOT VOTING—19

Abercrombie
Barrett (SC)
Bean
Berry
Buyer
Cantor
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Pierluisi
Richardson
Walden
Wamp
Young (AK)

So the amendment was agreed to.

¶131.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-304, submitted by Mr. KLEIN of Florida:

Page 5, line 9, strike ''and''.

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of storage technologies that can be used to increase the usefulness and value of solar technologies; and

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 5

¶131.18 [Roll No. 803]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Broun (GA)
Flake
Franks (AZ)
McClintock
Paul

NOT VOTING—19

Abercrombie
Barrett (SC)
Bean
Braley (IA)
Buyer
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Richardson
Towns
Walden
Wamp
Waters
Young (AK)

So the amendment was agreed to.

¶131.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 111-304, submitted by Ms. TITUS:

Page 5, line 9, strike ''and''.

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of solar technology products that are water efficient; and

Page 8, line 21, strike ''and''.

Page 8, line 22, redesignate subparagraph (H) as subparagraph (I).

Page 8, after line 21, insert the following new subparagraph:

(H) the development of solar technology products that are water efficient; and

It was decided in the affirmative { Yeas ..... 407 / Nays ..... 9 }

¶131.20 [Roll No. 804]

AYES—407

Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—9

Altmire
Broun (GA)
Flake
Franks (AZ)
McClintock
Paul
Petri
Sensenbrenner
Westmoreland

NOT VOTING—22

Abercrombie
Ackerman
Barrett (SC)
Bean
Becerra
Buyer
Cardoza
Davis (AL)
Dreier
Edwards (TX)
Ellison
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Richardson
Rodriguez
Sullivan
Walden
Wamp
Young (AK)

So the amendment was agreed to.

¶131.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 111-304, submitted by Mr. HEINRICH:

Page 9, line 18, redesignate subsection (c) as subsection (d).

Page 9, after line 17, insert the following new subsection:

(c) PUBLIC INPUT.—The Committee shall release a draft Roadmap to the public at least one month prior to publication in order to receive input from the public.

It was decided in the affirmative { Yeas ..... 420 / Nays ..... 0 }

¶131.22 [Roll No. 805]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin

Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Gordon (TN)
Hinojosa
Lofgren, Zoe
Richardson
Walden
Wamp
Woolsey
Young (AK)

So the amendment was agreed to.

¶131.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 111-304, submitted by Mr. HIMES:

Page 4, line 24, insert ‘‘, including both solar thermal and concentrating solar photovoltaic technologies’’ after ‘‘solar power’’.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 6

¶131.24 [Roll No. 806]

AYES—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—6

Broun (GA)
Flake
Franks (AZ)
McClintock
Paul
Sensenbrenner

NOT VOTING—22

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Davis (CA)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Murphy (CT)
Richardson
Rothman (NJ)
Walden
Wamp
Waters
Waxman
Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Solar Technology Roadmap Act’’.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Energy.

(2) SOLAR TECHNOLOGY.—The term ‘‘solar technology’’ means—

(A) photovoltaic technologies, including technologies utilizing—

(i) crystalline silicon;

(ii) cadmium telluride;

(iii) semiconductor materials containing copper, indium, and selenium;

(iv) thin film silicon;

(v) gallium arsenide alloy and multijunctions;

(vi) dye-sensitized and organic solar cell technologies;

(vii) concentrating photovoltaics; and

(viii) other photovoltaic methods identified by the Secretary;

(B) solar thermal power technology, including linear concentrator systems, dish/engine systems, power tower systems, and other means;

(C) solar thermal water heating technology;

(D) solar heating and air conditioning technologies;

(E) passive solar design in architecture, including both heating and lighting applications; and

(F) related or enabling technologies, including thin films, semiconducting materials, transparent conductors, optics, and technologies that increase durability or decrease cost or weight.

TITLE I—SOLAR TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 101. PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, and demonstration for solar technology, including—

(1) photovoltaics and related electronic components, including inverters, charge controllers, and energy monitors;

(2) solar hot water and solar space heating and cooling;

(3) concentrating solar power, including both solar thermal and concentrating solar photovoltaic technologies;

(4) lighting systems that integrate sunlight and electrical lighting in complement to each other in common lighting fixtures for the purpose of improving energy efficiency;

(5) manufacturability of low cost, high-quality solar energy systems;

(6) development of solar technology products that can be easily integrated into new and existing buildings;

(7) development of solar technology products that are water efficient;

(8) development of storage technologies that can be used to increase the usefulness and value of solar technologies; and

(9) other areas as the Secretary considers appropriate.

(b) AWARDS.—The Secretary shall provide awards under this section to promote a diversity of research, development, and demonstration activities for solar technology on a merit-reviewed, competitive basis to—

(1) academic institutions, national laboratories, Federally-Funded Research and Development Centers, Federal research agencies, State research agencies, nonprofit research organizations, industrial entities, or consortia thereof for research, development, and demonstration activities; and

(2) industry-led consortia for research, development, and demonstration of advanced techniques for manufacturing a variety of solar energy products.

(c) SENSE OF CONGRESS.—It is the sense of Congress that at least 75 percent of funding for solar technology research, development, and demonstration activities conducted by the Department of Energy after fiscal year 2014 support a diversity of activities identified by and recommended under the Solar Technology Roadmap as described in section 102.

(d) SPECIAL CONSIDERATION.—As a criteria for providing awards under this Act, the Secretary shall consider areas with high unemployment.

(e) LIMITATION.—The Department of Energy shall provide awards to projects for research, development, and demonstration of solar technologies and solar manufacturing in the United States.

SEC. 102. SOLAR TECHNOLOGY ROADMAP.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Solar Technology Roadmap Committee established under section 103 shall develop and transmit to the Secretary of Energy and the Congress a Solar Technology Roadmap that—

(1) presents the best current estimate of the near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) research, development, and demonstration needs in solar technology; and

(2) provides guidance to the solar technology research, development, and demonstration activities supported by the Federal Government for the purposes of meeting national priorities in energy security, United States competitiveness, mitigation of adverse environmental impacts, and energy diversification.

(b) CONTENTS.—The Solar Technology Roadmap shall—

(1) identify research, development, and demonstration needs for a diversity of solar technologies to address—

(A) the key solar energy production challenges of intermittency, transience, storage, and scaling, including determining—

(i) which solar-related technological solutions are appropriate for various applications, locations, and seasons;

(ii) how to store excess solar energy in batteries, supercapacitors, compressed air, flywheels, hydrogen, synthetic fuels, thermal storage, or superconductors, or through other means;

(iii) how and when to integrate solar energy into the electricity grid effectively, including—

(I) the integration of solar technologies with a Smart Grid;

(II) electrical power smoothing;

(III) microgrid integration;

(IV) solar resource forecasting;

(V) long distance transmission options, including direct current and superconducting transmission; and

(VI) ways to address arbitrage over minutes, hours, days, weeks, and seasons with respect to the full range of project scales;

(iv) how best to integrate solar technologies into buildings; and

(v) the technologies used to condition solar energy, including inverters, DC/DC converters, and battery chargers;

(B) modeling and simulation;

(C) the design, materials, and manufacture of solar technologies, as well as related factory sciences;

(D) the development of standards;

(E) the need for demonstration facilities;

(F) optimized packaging methods;

(G) environmental, safety, and health concerns including reuse, recycling, hazardous materials disposal, and photovoltaic waste issues;

(H) the development of solar technology products that are water efficient;

(I) ways to reduce regional disparity in the use of solar technologies; and

(J) other areas identified by the Secretary;

(2) identify opportunities for coordination with partner industries such as those for semiconductors, lighting, energy storage, Smart Grid, and wind that can benefit from similar advances;

(3) establish research, development, and demonstration goals with recommended timeframes with respect to solar technologies for—

(A) improving performance;

(B) decreasing cost of electricity generated;

(C) improving reliability;

(D) decreasing potential negative environmental impacts and maximizing the environmental benefits of solar technologies; and

(E) improving the cost effectiveness and quality control of domestic manufacturing of implements and devices used in the production of solar energy;

(4) identify best practices for Department of Energy national laboratories in their collaborations with institutions of higher education and private industry to more efficiently and effectively bring new solar technologies to the marketplace;

(5) include recommendations, as appropriate, to guide solar technology research, development, and demonstration activities;

(6) provide recommendations on the necessary steps required to strengthen the link between solar technology research and the commercialization of those technologies into full scale manufacturing, including the retooling and reworking of the Nation's existing technological and manufacturing base, as well as coordinating the national strategy in regions where solar technology clusters currently exist;

(7) provide recommendations to Federal agencies on corresponding strategies to accelerate domestic commercialization of newly developed solar technologies; and

(8) outline the various technologies and practices considered by the Committee and the benefits and shortcomings of each, as appropriate.

(c) PUBLIC INPUT.—The Committee shall release a draft Roadmap to the public at least one month prior to publication in order to receive input from the public.

(d) REVISIONS AND UPDATES.—

(1) REVISIONS.—Once every 3 years after completion of the first Solar Technology Roadmap under this Act, the Solar Technology Roadmap Committee shall conduct a comprehensive review and revision of the Solar Technology Roadmap.

(2) UPDATES.—The Solar Technology Roadmap Committee shall update the Solar Technology Roadmap annually as necessary.

(e) CONSULTATION.—The Solar Roadmap Committee shall consult with the Department of the Interior, the National Park Service, the Department of Defense, and the General Services Administration on the potential for solar demonstration projects on Federal lands.

SEC. 103. SOLAR TECHNOLOGY ROADMAP COMMITTEE.

(a) ESTABLISHMENT.—Not later than 4 months after the date of enactment of this Act, the Secretary shall establish, and provide support for as necessary, a Solar Technology Roadmap Committee.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Solar Technology Roadmap Committee shall consist of at least 11 members. Each member shall be appointed by the Secretary from among subject matter experts representing—

(A) different sectors of the domestic solar technology industry, including manufacturers, solar applications developers, and equipment suppliers;

(B) national laboratories;

(C) academia;

(D) relevant Federal agencies;

(E) relevant State and local government entities;

(F) private research institutions;

(G) minority-serving institutions; and

(H) other entities or organizations, as appropriate.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a member of the Solar Technology Roadmap Committee shall be 3 years.

(B) ORIGINAL TERMS.—Of the members appointed originally to the Solar Technology Roadmap Committee, approximately ⅓ shall be appointed for a 2-year term, approximately ⅓ shall be appointed for a 3-year

term, and approximately ⅓ shall be appointed for a 4-year term.

(3) LIMIT ON TERMS.—A member of the Solar Technology Roadmap Committee may serve more than 1 term, except that such member may not serve a subsequent term unless 2 years have elapsed since the end of a previous term.

(4) INDUSTRY PARTICIPATION.—At least ⅓ and not more than ½ of the members of the Solar Technology Roadmap Committee shall be individuals described in paragraph (1)(A).

(5) CHAIR.—The Secretary shall select a Chair from among the members of the Committee. The Chair shall not be an employee of the Federal Government.

(6) CONFLICTS OF INTEREST.—The Secretary, in appointing members to the Committee, shall make every effort to ensure that—

(A) no individual appointed to serve on the Committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Secretary determines that a waiver is appropriate;

(B) the Committee membership is fairly balanced as determined by the Secretary to be appropriate for the functions to be performed; and

(C) the final report of the Committee will be the result of the Committee's independent judgment.

The Secretary shall require that individuals that are appointed or intended to be to appointed to serve on the Committee inform the Department of Energy of any individual's conflicts of interest that are relevant to the functions to be performed.

(7) GEOGRAPHIC DISTRIBUTION.—The Secretary shall consider individuals that represent diverse geographic regions of the United States for membership of the Committee.

(c) EXPERT ADVICE.—In developing the Solar Technology Roadmap, the Solar Technology Roadmap Committee may establish subcommittees, working groups comprised of experts outside the membership of the Solar Technology Roadmap Committee, and other means of gathering expert advice on—

(1) particular solar technologies, applications, or technological challenges;

(2) crosscutting issues or activities relating to more than 1 particular solar technology or technological challenge; or

(3) any other area the Solar Technology Roadmap Committee considers appropriate.

(d) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Committee shall submit a report to the Secretary and the Congress on its activities over the prior 12-month period.

(e) COMPENSATION AND EXPENSES.—A member of the Solar Technology Roadmap Committee shall not be compensated for service on the Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) LIMITATION.—The Committee shall provide guidance on technological goals and activities but, consistent with requirements for the selection of recipients of funding on a merit-reviewed, competitive basis under section 101(b), shall not recommend or select specific recipients of funds.

(g) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Solar Technology Roadmap Committee.

SEC. 104. INTERAGENCY COORDINATION.

The Director of the Office of Science and Technology Policy shall review and coordinate Federal interagency activities identified in and related to the Solar Technology Roadmap as appropriate.

SEC. 105. SOLAR TECHNOLOGY DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide grants for demonstration projects to support the development of solar energy production, consistent with the Solar Technology Roadmap as available.

(b) IMPLEMENTATION.—In carrying out the demonstration program under this section, to the extent practicable, the Secretary shall—

(1) include at least 10 photovoltaic technology projects that generate between 1 and 3 megawatts;

(2) include at least 3 but not more than 5 solar technology projects that generate greater than 30 megawatts;

(3) include at least 2 solar thermal technology projects, with thermal storage, that generate between 1 and 3 megawatts continuously for a 24-hour period from energy provided entirely by the sun; and

(4) make awards for projects that—

(A) are located in geographically dispersed regions of the country and are not concentrated in any single geographical region of the country;

(B) are located and can be replicated in a variety of regions and climates;

(C) demonstrate technologies that address intermittency, transience, storage challenges, and independent operational capability;

(D) facilitate identification of optimum techniques among competing alternatives;

(E) include business commercialization plans that have the potential for production of equipment at high volumes;

(F) improve United States competitiveness and lead to development of manufacturing technology;

(G) demonstrate positive environmental performance through life-cycle analysis;

(H) provide the greatest potential to reduce energy costs, as well as promote accessibility and community implementation of demonstrated technologies, for consumers;

(I) promote overall electric infrastructure reliability and sustainability should grid functions be disrupted or damaged; and

(J) satisfy other criteria that the Secretary considers necessary to carry out the program; and

(5) evaluate the potential to establish large photovoltaic facilities that produce at least 100 gigawatts, including an evaluation of the electrical grid, current, voltage, and energy storage requirements associated with large photovoltaic facilities.

(c) GRANT AWARDS.—Funding provided under this section may be used, to the extent that funding is not otherwise available through other Federal programs or power purchase agreements, for—

(1) a necessary and appropriate site engineering study;

(2) a detailed economic assessment of site-specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) installation of equipment, service, and support;

(5) operation for a minimum of 3 years, using a monitoring methodology approved by Secretary; and

(6) validation of technical, economic, and environmental assumptions and documentation of lessons learned.

(d) GRANT SELECTION.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants under this section. Grant recipients shall be selected on a merit-reviewed, competitive basis. The Secretary shall give preference to proposals that address multiple elements described in subsection (b).

(e) LIMITATIONS.—Funding shall not be provided under this section for more than 50 percent of the costs of the project for which assistance is provided. Not more than a total of $300,000,000 shall be provided under this section for the period encompassing fiscal years 2011 through 2015.

(f) ORGANIC PHOTOVOLTAIC CELL TECHNOLOGIES.—At least 1 demonstration project awarded under this section during fiscal year 2011 shall be for the demonstration of organic photovoltaic cell technologies.

SEC. 106. PHOTOVOLTAIC PERFORMANCE STUDY.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress and the Solar Technology Roadmap Committee the results of a study that analyzes the performance of photovoltaic installations in the United States. The study shall assess the current performance of photovoltaic installations and identify opportunities to improve the energy productivity of these systems. Such study shall include—

(1) identification of the average energy productivity of current commercial and residential installations;

(2) assessment of areas where energy productivity is reduced, including wire loss, module mismatch, shading, dust, and other factors;

(3) identification of technology development and technical standards that improve energy productivity;

(4) analysis of the potential cost savings and energy productivity gains to the Federal, State, and local governments, utilities, private enterprise, and consumers available through the adoption, installation, and use of high-performance photovoltaic technologies and practices;

(5) an overview of current government incentives at the Federal, State, and local levels that encourage the adoption of highly efficient photovoltaic systems and practices; and

(6) assessment of current financing models available to consumers used to offset high upfront costs by accounting for the long term economic benefits of solar energy.

(b) PUBLIC INPUT.—The Secretary shall ensure that interested stakeholders, including affected industry stakeholders and energy efficiency advocates, have a meaningful opportunity to provide comments, data, and other information on the scope, contents, and conclusions of the study. All forums for the Department to receive this input from interested stakeholders shall be announced in the Federal Register.

SEC. 107. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a study evaluating potential applications of micro power stations using solar power technology in underserved communities lacking in basic electric or traditional power infrastructure, and make recommendations to Congress for increasing access to and implementation of solar energy technology in such underserved communities.

SEC. 108. SOLAR ENERGY PROGRAM REAUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 101(a)—

(1) $350,000,000 for fiscal year 2011;

(2) $400,000,000 for fiscal year 2012;

(3) $450,000,000 for fiscal year 2013;

(4) $500,000,000 for fiscal year 2014; and

(5) $550,000,000 for fiscal year 2015.

(b) ROADMAP IDENTIFIED ACTIVITIES.—The Secretary shall dedicate a percentage of funding received pursuant to subsection (a)

for research, development, and demonstration activities identified by and recommended under the Solar Technology Roadmap in the following percentages:

(1) For fiscal year 2012, at least 30 percent.

(2) For fiscal year 2013, at least 45 percent.

(3) For fiscal year 2014, at least 60 percent.

(4) For fiscal year 2015, at least 75 percent.

(c) SOLAR TECHNOLOGY ROADMAP.—The Secretary may use up to $2,000,000 of the funds appropriated pursuant to subsection (a) for each fiscal year to support the establishment and maintenance of the Solar Technology Roadmap.

(d) EXTENSION OF AUTHORIZATIONS.—Of funds authorized by subsection (a), there are authorized to be appropriated to the Secretary to carry out—

(1) section 602 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17171) $12,000,000 for each of the fiscal years 2013 through 2015;

(2) section 604 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17172) $10,000,000 for each of the fiscal years 2013 through 2015;

(3) section 605 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173) $3,500,000 for each of the fiscal years 2013 through 2015; and

(4) section 606 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17174) $2,500,000 for each of the fiscal years 2013 through 2015.

SEC. 109. EXISTING PROGRAMS.

Except as otherwise specified in this Act, this Act shall supersede any duplicative solar research, development, and demonstration programs within the Department of Energy.

SEC. 110. REPEALS.

The following are hereby repealed:

(1) The Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5551 et seq.), except for section 10.

(2) The Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5581 et seq.).

(3) Section 4(a)(2) and (3) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12003(a)(2) and (3)).

SEC. 111. SOLAR TECHNOLOGY EQUIPMENT THEFT.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall establish a pilot program to make grants for projects to protect against solar technology equipment theft, including projects for mapping of large-scale solar projects and equipment serial number registries.

(b) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the pilot program under subsection (a), the Secretary of Energy shall transmit to the Congress a report on the effectiveness of projects supported under this section, which shall include recommendations for the continuation or alteration of the program under this section or any other appropriate Federal legislation.

TITLE II—PHOTOVOLTAIC RECYCLING

SEC. 201. PHOTOVOLTAIC DEVICE RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) DEFINITION.—In this section, the term ''photovoltaic device'' includes photovoltaic cells and the electronic and electrical components of such devices.

(b) IN GENERAL.—In order to address the issues described in section 102(b)(1)(G), the Secretary shall award multiyear grants for research, development, and demonstration activities to create innovative and practical approaches to increase reuse and recycling of photovoltaic devices and, through such activities, to contribute to the professional development of scientists, engineers, and technicians in the fields of photovoltaic and electronic device manufacturing, design, refurbishing, and recycling. The activities supported under this section shall address—

(1) technology to increase the efficiency of photovoltaic device recycling and maximize the recovery of valuable raw materials for use in new products while minimizing the life-cycle environmental impacts such as greenhouse gas emissions and water usage;

(2) expanded uses for materials from recycled photovoltaic devices;

(3) development and demonstration of environmentally responsible alternatives to the use of hazardous materials in photovoltaic devices and the production of such devices;

(4) development of methods to separate and remove hazardous materials from photovoltaic devices and to recycle or dispose of those materials in a safe manner;

(5) product design and construction to facilitate disassembly and recycling of photovoltaic devices;

(6) tools and methods to aid in assessing the environmental impacts of the production of photovoltaic devices and photovoltaic device recycling and disposal;

(7) product design and construction and other tools and techniques to extend the life cycle of photovoltaic devices, including methods to promote their safe reuse;

(8) strategies to increase consumer acceptance and practice of recycling of photovoltaic devices; and

(9) processes to reduce the costs and environmental impact of disposal of toxic materials used in photovoltaic devices.

(c) MERIT REVIEW.—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(d) APPLICATIONS.—Each application shall include a description of—

(1) the project that will be undertaken and the contributions of each participating entity;

(2) the applicability of the project to increasing reuse and recycling of photovoltaic devices with the least environmental impacts as measured by life-cycle analyses, and the potential for incorporating the research results into industry practice; and

(3) how the project will promote collaboration among scientists and engineers from different disciplines, such as electrical engineering, materials science, and social science.

(e) DISSEMINATION OF RESULTS.—The results of activities supported under this section shall be made publicly available through—

(1) development of best practices or training materials for use in the photovoltaics manufacturing, design, refurbishing, or recycling industries;

(2) dissemination at industry conferences;

(3) coordination with information dissemination programs relating to recycling of electronic devices in general;

(4) demonstration projects; and

(5) educational materials for the public produced in conjunction with State and local governments or nonprofit research organizations on the problems and solutions related to reuse and recycling of photovoltaic devices.

(f) PHOTOVOLTAIC MATERIALS PHYSICAL PROPERTY DATABASE.—

(1) IN GENERAL.—The Secretary shall establish a comprehensive physical property database of materials for use in photovoltaic devices. This database shall include—

(A) identification of materials used in photovoltaic devices;

(B) a list of commercially available amounts of these materials;

(C) amounts of these materials projected to be available through mining or recycling of photovoltaic and other electronic devices; and

(D) a list of other significant uses for each of these materials.

(2) PRIORITIES.—The Secretary, working with private industry, shall develop a plan to establish priorities and requirements for the database under this subsection, including the protection of proprietary information, trade secrets, and other confidential business information.

(3) COORDINATION.—The Secretary shall coordinate with the Director of the National Institute of Standards and Technology and the Administrator of the Environmental Protection Agency to facilitate the incorporation of the database under this subsection with any existing database for electronic manufacturing and recycling.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 310 / Nays 106

¶131.25 [Roll No. 807]

YEAS—310

Ackerman	Clyburn	Griffith
Aderholt	Cohen	Grijalva
Adler (NJ)	Connolly (VA)	Gutierrez
Altmire	Conyers	Hall (NY)
Andrews	Cooper	Hall (TX)
Arcuri	Costa	Halvorson
Baca	Costello	Hare
Baird	Courtney	Harman
Baldwin	Crenshaw	Hastings (FL)
Barrow	Crowley	Heinrich
Bartlett	Cuellar	Heller
Barton (TX)	Cummings	Herseth Sandlin
Becerra	Dahlkemper	Higgins
Berkley	Davis (CA)	Hill
Berman	Davis (IL)	Himes
Berry	Davis (TN)	Hinchey
Biggert	DeFazio	Hirono
Bilbray	DeGette	Hodes
Bishop (GA)	Delahunt	Holden
Bishop (NY)	DeLauro	Holt
Blumenauer	Dent	Honda
Blunt	Diaz-Balart, L.	Hoyer
Boccieri	Diaz-Balart, M.	Israel
Bono Mack	Dicks	Jackson (IL)
Boren	Dingell	Jackson-Lee (TX)
Boswell	Doggett	Johnson (GA)
Boucher	Donnelly (IN)	Johnson (IL)
Boyd	Doyle	Johnson, E. B.
Brady (PA)	Driehaus	Kagen
Braley (IA)	Edwards (MD)	Kanjorski
Bright	Edwards (TX)	Kaptur
Brown, Corrine	Ehlers	Kennedy
Buchanan	Ellison	Kildee
Butterfield	Ellsworth	Kilpatrick (MI)
Calvert	Engel	Kilroy
Camp	Eshoo	Kind
Cao	Etheridge	King (NY)
Capito	Farr	Kirk
Capps	Fattah	Kirkpatrick (AZ)
Capuano	Filner	Kissell
Carnahan	Fortenberry	Klein (FL)
Carney	Foster	Kosmas
Carson (IN)	Frank (MA)	Kratovil
Cassidy	Frelinghuysen	Kucinich
Castle	Fudge	Lance
Castor (FL)	Gerlach	Langevin
Chandler	Giffords	Larsen (WA)
Childers	Gonzalez	Larson (CT)
Chu	Gordon (TN)	LaTourette
Clarke	Grayson	Latta
Clay	Green, Al	Lee (CA)
Cleaver	Green, Gene	

Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—106

Akin
Alexander
Austria
Bachmann
Bachus
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Rogers (KY)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOT VOTING—16

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Richardson
Walden
Wamp
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶131.26 H. RES. 175—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 175) condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 2

¶131.27 [Roll No. 808]

YEAS—407

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—23

Abercrombie
Bachmann
Barrett (SC)
Bean
Boehner
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Gohmert
Herger
Hinojosa
Inslee
Linder
Lofgren, Zoe
Marshall
McMorris Rodgers
Richardson
Tsongas
Walden
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was

agreed to was, by unanimous consent, laid on the table.

¶131.28 PROVIDING FOR CONSIDERATION OF H.R. 3619

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 853):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 171

¶131.29 [Roll No. 809]

YEAS—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—25

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Lowey
McCaul
Murtha
Obey
Pascrell
Radanovich
Richardson
Rogers (MI)
Walden
Wamp
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 213 / Nays 192

¶131.30 [Roll No. 810]

YEAS—213

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra

Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walz
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—27

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Lowey
McCaul
Murtha
Pascrell
Perlmutter
Radanovich
Rangel
Richardson
Rogers (MI)
Velázquez
Walden
Wamp
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.31 H. RES. 836—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 836) expressing support for Teen Read Week.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of those present had voted in the affirmative.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶131.32 [Roll No. 811]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—27

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Coble
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Gutierrez
Hinojosa
Inslee
Lofgren, Zoe
Lowey
Lungren, Daniel E.
McCaul
Murtha
Pascrell
Radanovich
Richardson
Rogers (MI)
Walden
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶131.33 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 315

In the Senate of the United States, October 21, 2009.

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a ''Great Westerner;''

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963–1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States from 1967–1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) ''An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.''.

¶131.34 COAST GUARD AUTHORIZATION FY 2010

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to House Resolution 853 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; and after some time spent therein,

The SPEAKER pro tempore, Mr. CUELLAR, by unanimous consent, designated Mrs. DAHLKEMPER as Chairman of the Committee of the Whole.

The SPEAKER pro tempore, Mr. HIMES, assumed the Chair.

When Mr. POLIS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶131.35 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1793. An Act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

¶131.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and October 23;

To Mrs. BIGGERT, for today after 4:30 p.m. and balance of the week;

To Mr. BUYER, for today after 12:30 p.m. and balance of the week;

To Mr. DREIER, for today after 3:15 p.m. through October 26;

To Mr. GOHMERT, for today;

To Mr. HINOJOSA, for today and balance of the week; and

To Mr. WALDEN, for today and balance of the week.

And then,

¶131.37 ADJOURNMENT

On motion of Mr. Mario DIAZ-BALART of Florida, at 11 o'clock and 58 minutes p.m., the House adjourned.

¶131.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KRATOVIL:

H.R. 3898. A bill to amend the Internal Revenue Code of 1986 to extend the temporary increase in limitations on expensing of certain depreciable business assets; to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3899. A bill to extend temporarily the duty on 1,3-bis(4-aminophenoxy)benzene (RODA); to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3900. A bill to extend temporarily the duty suspension on 4,4'-Oxydiphthalic anhydride (ODPA); to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. BOUSTANY, Mr. PASCRELL, Mr. CROWLEY, and Ms. TITUS):

H.R. 3901. A bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 3902. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of interest from the gross income of individuals, to increase retirement plan contribution limitations, and to temporarily suspend minimum distribution requirements for certain defined contribution plans; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. MAFFEI, Mr. MILLER of North Carolina, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. HODES, Mr. CAPUANO, Mr. ACKERMAN, Mr. KANJORSKI, Mr. ELLISON, Mr. GUTIERREZ, Ms. SPEIER, Ms. ESHOO, and Mr. JONES):

H.R. 3904. A bill to amend the Truth in Lending Act to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Mr. DAVIS of Alabama, and Mr. NUNES):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to repeal the 1-year termination of the estate tax, to increase the estate and gift tax unified credit, and to coordinate a reduction in the maximum rate of tax with a phaseout of the deduction for State death taxes; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 3906. A bill to amend title 38, United States Code, to authorize appropriations for the Department of Veterans Affairs program to provide financial assistance for supportive services for very low-income veteran families in permanent housing; to the Committee on Veterans' Affairs.

By Mr. DOYLE (for himself, Mr. SHERMAN, Ms. HIRONO, Mr. SMITH of New Jersey, Mrs. LOWEY, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. SHULER, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. MCCOTTER, Mr. BARTLETT, Mr. LATOURETTE, Mr. ACKERMAN, Mr. OLVER, Mrs. CAPPS, Mrs. MALONEY, Mr. LOBIONDO, Mr. RANGEL, Mr. CASTLE, Ms. TSONGAS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. NADLER of New York, Mr. BROWN of South Carolina, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. GALLEGLY, and Mr. YOUNG of Florida):

H.R. 3907. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used

by research facilities are obtained legally; to the Committee on Agriculture.

By Mrs. HALVORSON:

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to provide the work opportunity tax credit with respect to a designated family member of a veteran with a service-connected disability if the veteran is unable to work; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 3909. A bill to enhance the energy security of the United States by encouraging investments in renewable and alternative energy and to authorize appropriations for research in and development of fungible biofuels; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. YOUNG of Alaska, and Mr. HASTINGS of Washington):

H.R. 3910. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself and Mrs. CAPITO):

H.R. 3911. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. WATT, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. COBLE, Mr. ETHERIDGE, Mr. KISSELL, Mr. SHULER, Mr. BUTTERFIELD, and Mr. JONES):

H.R. 3912. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the International Civil Rights Center and Museum; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 3913. A bill to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR:

H.R. 3914. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHOCK:

H.R. 3915. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself and Mr. DOYLE):

H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. PITTS):

H.R. 3917. A bill to amend title XVIII of the Social Security Act to modernize and improve the Medicare payment methodology for radiopharmaceuticals under the hospital outpatient prospective payment system and to ensure equitable payment and patient access to certain low volume, high cost radiopharmaceuticals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. HERGER, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. MICHAUD, and Ms. PINGREE of Maine):

H.R. 3918. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for qualified distributed thermal energy storage property, and for other purposes; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. KIND):

H. Con. Res. 202. Concurrent resolution celebrating the goals and ideals of 20th anniversary of The Society of Thoracic Surgeons National Database; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, Mr. LINDER, Mr. KINGSTON, Mr. SCOTT of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. MARSHALL, Mr. BARROW, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H. Con. Res. 203. Concurrent resolution honoring the life and work of Furman Bisher; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. ROHRABACHER, Mr. CANTOR, Mr. COBLE, Mr. JONES, Mr. ROYCE, and Mr. SOUDER):

H. Con. Res. 204. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. BISHOP of Utah:

H. Res. 854. A resolution recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education; to the Committee on Education and Labor.

By Mr. BLUNT (for himself, Mr. SKELTON, Mr. CLAY, Mr. AKIN, Mrs. EMERSON, Mr. LUETKEMEYER, Mr. GRAVES, Mr. CARNAHAN, Mr. CLEAVER, and Mr. BARTLETT):

H. Res. 855. A resolution expressing support for designation of May 1 as ''Silver Star Service Banner Day''; to the Committee on Oversight and Government Reform.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BARTLETT, Mr. BISHOP of New York, Ms. CLARKE, Mr. COOPER, Mr. COURTNEY, Mr. CROWLEY, Mr. ELLSWORTH, Mr. ENGEL, Mr. FORBES, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. JONES, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. ORTIZ, Mr. RANGEL, Mr. ROONEY, Mr. SERRANO, Ms. SLAUGHTER, Mr. TAYLOR, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. WITTMAN, Mr. WILSON of South Carolina, and Mr. HUNTER):

H. Res. 856. A resolution recognizing the Commissioning of the USS New York LPD 21; to the Committee on Armed Services.

By Mr. MCGOVERN:

H. Res. 857. A resolution expressing support for designation of the week of October 25, 2009, through October 31, 2009, as American Pharmacy Educator Week; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. BURTON of Indiana, Mr. SIRES, Mr. PAYNE, Mr. WEXLER, Mr. MEEK of Florida, Mr. MCGOVERN, Mr. FARR, Mr. HONDA, Mr. MORAN of Virginia, Mr. PIERLUISI, Mr. HINOJOSA, and Mr. SALAZAR):

H. Res. 858. A resolution congratulating the Inter-American Foundation (IAF) on its 40th anniversary and recognizing its significant accomplishments and contributions; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 859. A resolution expressing strong support for lasting peace, democracy, and economic recovery in Somalia; to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Mr. LIPINSKI, and Mr. JACKSON of Illinois):

H. Res. 860. A resolution supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights; to the Committee on Education and Labor.

By Mr. ROONEY:

H. Res. 861. A resolution supporting the goals and ideals of National Military Family Month; to the Committee on Armed Services.

¶131.39 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

199. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 55 memorializing the United States Congress to appropriate funds specifically for the storm-proofing of interior pump stations in the parishes of St. Bernard and Plaquemines; to the Committee on Appropriations.

200. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 12 urging the United States Congress to continue the development, operation, and maintenance of the Ground-based Midcourse Defense System; to the Committee on Armed Services.

201. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States to recognize the benefits of health information technology; to the Committee on Energy and Commerce.

202. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 254 memorializing the President and the Congress of the United States to work with the people of Illinois to guarantee quality, affordable healthcare for everyone in the state and the country; to the Committee on Energy and Commerce.

203. Also, a memorial of the General Assembly of the State of Louisiana, relative to House Concurrent Resolution No. 116 memorializing the United States Congress to require that satellite television providers broadcast local television stations; to the Committee on Energy and Commerce.

204. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 25 urging the United States Congress to classify hydroelectric power as a renewable and alternative energy source; to the Committee on Energy and Commerce.

205. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint

Resolution 16 urging the Congress of the United States to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas developement on the outer continental shelf with all energy-producing states; to the Committee on Natural Resources.

206. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 7 urging the Congress of the United States to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development and production; to the Committee on Natural Resources.

207. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 18 urging the Congress of the United States to preserve Alaska's right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge; to the Committee on Natural Resources.

208. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 17 affirming Michigan's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

209. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint Resolution 10 urging the Congress of the United States to adopt S. 371; to the Committee on the Judiciary.

210. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 27 memorializing the Congress of the United States to recognize the state's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

211. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 17 urging the United States Congress to reject H.R. 45; to the Committee on the Judiciary.

212. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 47 memorializing the United States Congress to maintain the current incentives for the exploration and production of domestic oil and natural gas; to the Committee on Ways and Means.

213. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 73 memorializing the President of the United States and the United States Congress to declassify intelligence information regarding Guantanamo Bay detention camp detainees and provide it to the Governor and Michigan State Legislature; to the Committee on Intelligence (Permanent Select).

214. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress of the United States to repeal the National Saltwater Angler Registry; to the Committee on Natural Resources.

215. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 6 memorializing the President and the Congress of the United States, and the Department of Homeland Security to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses; to the Committee on Homeland Security.

216. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 10 urging the United States Congress to encourage the Veterans Health Administration to improve its electronic claims filing process and its ability to use information contained in military records; jointly to the Committees on Veterans' Affairs and Energy and Commerce.

217. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 77 memorializing the Congress of the United States to oppose the implementation of a cap and trade program; jointly to the Committees on Energy and Commerce, Foreign Affairs, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, Ways and Means, and Financial Services.

¶131.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ARCURI and Mr. FATTAH.
H.R. 32: Mr. BLUMENAUER.
H.R. 43: Mr. HARE, Mr. DELAHUNT, Mr. SCHIFF, Mr. JACKSON of Illinois, and Mr. LOEBSACK.
H.R. 176: Mr. SABLAN.
H.R. 204: Ms. RICHARDSON.
H.R. 208: Mr. MCCOTTER.
H.R. 213: Mr. BISHOP of Utah.
H.R. 294: Mr. MCCOTTER.
H.R. 391: Mr. BOREN.
H.R. 613: Ms. MARKEY of Colorado.
H.R. 615: Mr. FRANK of Massachusetts.
H.R. 635: Mr. CONYERS.
H.R. 644: Mr. ISRAEL.
H.R. 658: Mrs. MALONEY.
H.R. 678: Ms. SHEA-PORTER and Mr. BERMAN.
H.R. 690: Mr. RYAN of Wisconsin and Ms. WATSON.
H.R. 704: Mr. WESTMORELAND.
H.R. 734: Mr. COBLE, Ms. TSONGAS, and Mr. FORBES.
H.R. 767: Mr. MEEKS of New York.
H.R. 836: Mr. BARROW.
H.R. 840: Ms. JACKSON-LEE of Texas.
H.R. 847: Mr. CARNEY.
H.R. 995: Ms. RICHARDSON.
H.R. 1079: Mr. LOEBSACK and Mr. BRALEY of Iowa.
H.R. 1094: Mr. WOLF.
H.R. 1132: Mr. MILLER of Florida, Mr. JACKSON of Illinois, Mr. MCNERNEY, Mr. SALAZAR, and Mr. KAGEN.
H.R. 1137: Mr. ROTHMAN of New Jersey.
H.R. 1175: Mr. TAYLOR and Mr. KAGEN.
H.R. 1191: Mrs. CHRISTENSEN.
H.R. 1204: Ms. SLAUGHTER and Mr. GRIFFITH.
H.R. 1207: Mr. COHEN and Mr. HILL.
H.R. 1215: Mr. RODRIGUEZ, Mr. SIRES, Mr. REYES, Mr. ORTIZ, Ms. Velázquez, Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. COSTA, Mr. BACA, Mr. SALAZAR, Mr. GUTIERREZ, Mr. CARDOZA, and Mr. PIERLUISI.
H.R. 1250: Mr. MCDERMOTT.
H.R. 1255: Mr. FORBES.
H.R. 1308: Mr. RUSH.
H.R. 1346: Mr. SIRES.
H.R. 1351: Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, and Mr. HARPER.
H.R. 1352: Mr. COURTNEY.
H.R. 1454: Mr. HINCHEY.
H.R. 1468: Mr. SAM JOHNSON of Texas.
H.R. 1521: Mr. GRIJALVA, Mr. MOLLOHAN, and Mr. ROHRABACHER.
H.R. 1549: Mr. ACKERMAN.
H.R. 1552: Mr. REHBERG.
H.R. 1558: Ms. DEGETTE.
H.R. 1625: Mr. LOBIONDO and Mrs. CAPITO.
H.R. 1691: Mr. FORBES.
H.R. 1721: Ms. TSONGAS.
H.R. 1829: Ms. FOXX.
H.R. 1836: Mr. ARCURI.
H.R. 1837: Mr. MEEKS of New York.
H.R. 1844: Mr. FARR and Ms. SCHAKOWSKY.
H.R. 1850: Mr. ROTHMAN of New Jersey.
H.R. 1855: Mr. MCNERNEY.
H.R. 1873: Mr. LARSON of Connecticut.
H.R. 1908: Mr. HOLDEN.
H.R. 1928: Mr. SPACE.
H.R. 1995: Mr. LANCE, Mr. HOLT, and Mr. KENNEDY.
H.R. 2017: Mr. TONKO.
H.R. 2024: Mr. GUTHRIE.
H.R. 2046: Mr. HINCHEY and Mr. STARK.
H.R. 2132: Mr. CONNOLLY of Virginia and Ms. LEE of California.
H.R. 2134: Mr. RUSH.
H.R. 2138: Mr. TONKO.
H.R. 2214: Ms. TSONGAS.
H.R. 2246: Ms. BEAN.
H.R. 2279: Mr. MEEK of Florida and Ms. RICHARDSON.
H.R. 2298: Mr. YOUNG of Alaska.
H.R. 2412: Ms. SPEIER.
H.R. 2425: Mr. LANCE, Mr. CHANDLER, and Mr. DELAHUNT.
H.R. 2460: Mr. SESTAK, Mr. BACA, Mr. PASTOR of Arizona, and Ms. SPEIER.
H.R. 2480: Mr. GUTIERREZ.
H.R. 2502: Mr. MELANCON, Mr. HASTINGS of Florida, Mr. ARCURI, Mr. PERLMUTTER, and Ms. CLARKE.
H.R. 2504: Mr. MICHAUD.
H.R. 2517: Mrs. NAPOLITANO.
H.R. 2548: Mr. TIERNEY.
H.R. 2559: Mr. MICHAUD.
H.R. 2573: Mr. TONKO.
H.R. 2578: Mr. BISHOP of Georgia.
H.R. 2584: Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. SESSIONS, and Mr. TERRY.
H.R. 2590: Ms. SCHAKOWSKY.
H.R. 2597: Mr. BERMAN.
H.R. 2628: Mr. COLE, Mr. BLUMENAUER, and Mr. SULLIVAN.
H.R. 2672: Mr. CARTER.
H.R. 2681: Mr. FARR.
H.R. 2733: Mr. ROONEY, Mr. PAULSEN, Mr. BUCHANAN, Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. TIAHRT.
H.R. 2737: Mr. AL GREEN of Texas, Mr. MCCAUL, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. TIBERI, Mrs. MCMORRIS RODGERS, Mr. WAMP, and Mr. DRIEHAUS.
H.R. 2743: Mr. STUPAK, Mr. OBERSTAR, and Mr. LEWIS of California.
H.R. 2785: Mr. FORBES.
H.R. 2807: Mr. MCGOVERN.
H.R. 2866: Mr. BLUNT, Mr. MOORE of Kansas, Mr. HASTINGS of Florida, Mr. CLEAVER, and Mr. KENNEDY.
H.R. 2894: Ms. DELAURO.
H.R. 2906: Mr. MCNERNEY.
H.R. 2914: Mr. FLEMING and Mr. WESTMORELAND.
H.R. 3017: Mr. BOSWELL and Mr. FALEOMAVAEGA.
H.R. 3050: Mr. ETHERIDGE.
H.R. 3070: Mr. FRANKS of Arizona.
H.R. 3077: Mr. COHEN, Mr. CONYERS, Mr. BLUMENAUER, and Mr. KILDEE.
H.R. 3078: Mrs. CAPITO.
H.R. 3110: Mr. FRANKS of Arizona.
H.R. 3156: Mr. MCMAHON and Mr. RODRIGUEZ.
H.R. 3168: Mr. HODES and Mrs. BIGGERT.
H.R. 3217: Mr. GOODLATTE.
H.R. 3225: Mr. CLAY.
H.R. 3286: Mr. PASTOR of Arizona.
H.R. 3320: Mr. COHEN.
H.R. 3328: Ms. WATSON and Mr. GRAYSON.
H.R. 3335: Mr. ELLISON.
H.R. 3356: Mr. FRANKS of Arizona.
H.R. 3367: Mr. ETHERIDGE.
H.R. 3413: Mr. SHULER and Mr. ROGERS of Kentucky.
H.R. 3421: Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, and Mr. PASTOR of Arizona.
H.R. 3429: Mr. GUTHRIE.
H.R. 3439: Mr. HILL, Mr. JOHNSON of Georgia, and Mr. CLAY.
H.R. 3467: Mr. HOLDEN, Ms. SUTTON, and Mrs. KIRKPATRICK of Arizona.
H.R. 3486: Mr. PASTOR of Arizona and Ms. PINGREE of Maine.

H.R. 3511: Mr. HARE, Mr. SIRES, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, and Mr. GEORGE MILLER of California.
H.R. 3554: Mr. BOREN.
H.R. 3567: Mr. VAN HOLLEN and Mr. CONNOLLY of Virginia.
H.R. 3608: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3613: Mr. LATTA.
H.R. 3623: Mr. ROSS.
H.R. 3633: Mr. REYES.
H.R. 3639: Ms. KILROY.
H.R. 3650: Ms. WOOLSEY and Mrs. BONO MACK.
H.R. 3664: Mr. ALTMIRE and Mr. SIRES.
H.R. 3668: Mr. ISRAEL, Mr. PETERS, Mr. YOUNG of Alaska, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TERRY, Mr. TIERNEY, Mr. SIMPSON, and Mr. WALZ.
H.R. 3688: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3692: Mr. FATTAH.
H.R. 3693: Mr. MANZULLO.
H.R. 3695: Mr. WHITFIELD.
H.R. 3700: Mr. GOODLATTE and Mr. LATHAM.
H.R. 3705: Ms. SCHAKOWSKY, Mr. FILNER, Ms. HIRONO, Mr. CAPUANO, Ms. WOOLSEY, Mr. BERMAN, Mr. BACA, Ms. EDWARDS of Maryland, Mr. REYES, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, and Mr. MEEK of Florida.
H.R. 3712: Mr. BUYER.
H.R. 3715: Mr. JOHNSON of Georgia.
H.R. 3721: Mr. TIERNEY.
H.R. 3725: Mr. KIRK.
H.R. 3731: Mr. EHLERS.
H.R. 3734: Mr. DONNELLY of Indiana, Mr. PASTOR of Arizona, Mr. PALLONE, Mr. PERLMUTTER, Mrs. BLACKBURN, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. HALL of New York, Mr. KUCINICH, Mr. ANDREWS, Mr. CUELLAR, Mr. ACKERMAN, Ms. BALDWIN, Mr. JOHNSON of Georgia, Ms. SUTTON, Mr. SESTAK, Mr. LOBIONDO, Mr. WEXLER, and Ms. TSONGAS.
H.R. 3749: Mr. SCALISE and Mr. ALTMIRE.
H.R. 3752: Mr. MASSA.
H.R. 3786: Mr. LEWIS of Georgia and Mr. DEFAZIO.
H.R. 3787: Mr. SPACE.
H.R. 3789: Mr. BOOZMAN and Mr. BOREN.
H.R. 3790: Mr. KISSELL, Mr. LOEBSACK, Mr. PERRIELLO, and Mr. MCINTYRE.
H.R. 3799: Ms. JACKSON-LEE of Texas.
H.R. 3802: Mr. HOEKSTRA.
H.R. 3803: Mr. ROGERS of Michigan.
H.R. 3810: Mr. WEXLER.
H.R. 3813: Mr. PLATTS.
H.R. 3827: Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, and Mr. WEXLER.
H.R. 3838: Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRALEY of Iowa, and Ms. SUTTON.
H.R. 3854: Ms. CLARKE and Mr. SKELTON.
H.R. 3855: Ms. WATSON, Mr. SERRANO, Ms. CHU, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. HONDA, Mr. LYNCH, Mr. MEEKS of New York, Mr. WATT, and Mr. BECERRA.
H.R. 3885: Mr. MICHAUD.
H.R. 3887: Mr. CASSIDY.
H.J. Res. 11: Mr. GINGREY of Georgia, Mr. TURNER, and Mr. HOEKSTRA.
H.J. Res. 42: Mr. UPTON and Mr. LATHAM.
H. Con. Res. 42: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.
H. Con. Res. 43: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.
H. Con. Res. 128: Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. ELLISON, and Mr. JACKSON of Illinois.
H. Con. Res. 160: Mr. MCCOTTER, Mr. CARSON of Indiana, and Mr. KISSELL AND Mr. MORAN of Virginia.
H. Res. 89: Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. TOWNS, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. RANGEL, Mrs. DAHLKEMPER, Mr. SCALISE, and Mr. LAMBORN.
H. Res. 185: Mr. FORBES and Ms. BORDALLO.
H. Res. 458: Mr. ISRAEL.
H. Res. 542: Mr. POSEY.
H. Res. 554: Mr. BROUN of Georgia, Mr. CANTOR, Mr. SMITH of Nebraska, Mr. NUNES, Mr. LINDER, Mrs. EMERSON, Mrs. CAPITO, Mr. LATTA, Mr. BISHOP of Georgia, Mr. SHUSTER, Mr. DANIEL E. LUNGREN of California, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. MCCLINTOCK, Mr. PERRIELLO, Mr. CAMP, Mr. CASTLE, Mr. POE of Texas, Mr. HASTINGS of Washington, and Mr. PRICE of Georgia.
H. Res. 656: Mr. FORBES.
H. Res. 666: Mr. DAVIS of Illinois.
H. Res. 700: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 704: Ms. ROS-LEHTINEN.
H. Res. 716: Mr. MARKEY of Massachusetts.
H. Res. 736: Mr. TIM MURPHY of Pennsylvania.
H. Res. 749: Mrs. SCHMIDT.
H. Res. 763: Mr. SMITH of New Jersey.
H. Res. 773: Mr. KINGSTON, Mr. BOREN, and Mr. ROSS.
H. Res. 787: Mr. SIRES.
H. Res. 796: Mr. WESTMORELand.
H. Res. 801: Mr. CAPUANO.
H. Res. 819: Mr. ROONEY.
H. Res. 828: Mr. ADERHOLT.
H. Res. 831: Mr. BOOZMAN, Mr. EHLERS, Mr. COOPER, and Mr. JACKSON of Illinois.
H. Res. 835: Mrs. BACHMANN, Mr. HELLER, and Mr. KING of New York.
H. Res. 838: Mr. CANTOR, Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, Ms. CLARKE, Mr. CARNEY, Mr. SMITH of New Jersey, Mr. PUTNAM, Mr. CAO, Mr. YOUNG of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. LOBIONDO, Mr. WOLF, Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ISSA, Mr. MILLER of Florida, Mr. BUCHANAN, Mr. WAMP, Mr. POSEY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. SIRES, Mr. TIM MURPHY of Pennsylvania, and Ms. KOSMAS.
H. Res. 840: Mr. HOEKSTRA and Mr. FORBES.
H. Res. 845: Mr. SMITH of Texas, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. THORNBERRY, Mr. HENSARLING, Mr. CULBERSON, Mr. BURGESS, Ms. GRANGER, Mr. CONAWAY, Mr. MARCHANT, Mr. PAUL, Mr. BRADY of Texas, Mr. SESSIONS, Mr. POE of Texas, Mr. OLSON, and Mr. BARTON of Texas.
H. Res. 847: Ms. JENKINS, Mr. DAVIS of Kentucky, and Mr. CASSIDY.

¶131.41 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

72. The SPEAKER presented a petition of City and County of San Francisco, California, relative to petitioning the Congress of the United States to approve the three-year Ryan White HIV/AIDS Treatment Modernization Act Reauthorization; to the Committee on Energy and Commerce.

73. Also, a petition of Dos Palos — Oro Loma Joint Unified School District, California, relative to petioning the Congress of the United States relief from drought and regulatory decisions severely reducing the amount of state and federal water supply deliveries to Fresno/Merced County agriculture; to the Committee on Natural Resources.

74. Also, a petition of Wetzel County Chamber of Comerce, West Virginia, relative to petitioning Congress to intervene in the loss of jobs from the Bayer and Ormet Corporations and possible closing of the Ormet Corporation in Monroe County, Ohio; jointly to the Committees on Ways and Means, Financial Services, Energy and Commerce, Transportation and Infrastructure, and Education and Labor.

¶131.42 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 704: Mr. DEAL of Georgia.

FRIDAY, OCTOBER 23, 2009 (132)

The House was called to order by the SPEAKER.

¶132.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, October 22, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶132.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4237. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; and the Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC19) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4238. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Reimbursement of Critical Access Hospitals (CAHs) [DoD-2008-HA-0007] (RIN: 0720-AB21) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4239. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Final Rule Regarding Limited Amendment of the Temporary Liquidity Guarantee Program To Extend the Transaction Account Guarantee Program With Modified Fee Structure (RIN: 3064-AD37) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Boards of Directors: Eligibility and Elections (RIN: 2590-AA03) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Post-Employment Restriction for Senior Examiners (RIN: 2590-AA19) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4242. A letter from the Acting Deputy General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Operating Fees (RIN: 3133-AD60) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4243. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agriculture, transmitting the Department's final rule — WIC Farmers' Market Nutrition Program (FMNP): Nondiscretionary Provisions of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 [FNS-

2007-0008] (RIN: 0584-AD74) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4244. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assests in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4245. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 090206144-9697-02] (RIN: 0648-XQ95) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4246. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XR30) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4247. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XR20) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4248. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 09100090344-9056-02] (RIN: 0648-XR40) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4249. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XR40) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4250. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Notification of Inseason Orders; Correction [Docket No.: 0907301169-91204-01] (RIN: 0648-AY02) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4251. A letter from the Acting Director, Office of Sustanable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure (RIN: 0648-XN78) received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4252. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 0809251266-81485-02] (RIN: 0648-XR11) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4253. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR33) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4254. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category [Docket No.: 010319075-1217-02] (RIN: 0648-XP75) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4255. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 [Docket No.: 090206149-91081-03] (RIN: 0648-AX39) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4256. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries [Docket No.: 080206127-91246-03] (RIN: 0648-AS71) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4257. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XR43) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4258. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter regarding the efforts to create a ''National Strategy for Child Exploitation and Interdiction'', pursuant to Public Law 110-401; to the Committee on the Judiciary.

4259. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions [Docket No.: USCG-2001-8661] (RIN: 1625-AA26) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4260. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Direct Final Rule; Safety and Security Zones: Pilgrim Nuclear Power Plant, Plymouth, MA [Docket No.: USCG-2009-0311] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4261. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director Directive #5 Tier I Mixed Service Costs received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4262. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on 2009 Required Minimum Distributions [Notice 2009-82] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4263. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-47) received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4264. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Final Rules for Sections 101 through 103 of the Genetic Information Nondiscrimination Act of 2008 (RIN: 0938-AP37) received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4265. A letter from the Senior Advisor, Social Security Administration, transmitting the Administration's final rule — Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes [Docket No.: SSA-2008-0047] (RIN: 0960-AG62) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4266. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

¶132.3 COAST GUARD AUTHORIZATION FY 2010

The SPEAKER pro tempore, Ms. CHU, pursuant to House Resolution 853 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

Mr. PASTOR of Arizona, Acting Chairman, assumed the chair; and after some time spent therein,

¶132.4 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 111-311, submitted by Mr. KRATOVIL:

Page 312, after line 22, add the following new section:

SEC. _____. REPORT ON THE EFFECT OF FACILITIES INFRASTRUCTURE ON MISSION FULFILLMENT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a national study on the facility infrastructure requirements needed to fulfill the Coast Guard's prescribed missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate. The report shall include—

(1) an assessment of any current shortfalls in facility infrastructure, including the extent of the use of temporary trailers and an inventory of the number and type of new facilities needed to meet the Coast Guards's mission needs; and

(2) a plan for how the Commandant will develop the appropriate facility infrastructure, including timelines, budgets, and any additional legislative authority the Commandant determines is required to implement such plan.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 0

¶132.5 [Roll No. 812]

AYES—398

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Camp
Campbell
Cantor
Cao
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—40

Abercrombie
Baca
Barrett (SC)
Bean
Biggert
Bishop (GA)
Bishop (UT)
Braley (IA)
Buyer
Calvert
Capuano
Cardoza
Culberson
Davis (AL)
Davis (TN)
Dreier
Engel
Faleomavaega
Forbes
Gohmert
Higgins
Hinojosa
Honda
Inslee
Jones
Lofgren, Zoe
Maffei
Maloney
McCaul
Melancon
Nadler (NY)
Price (NC)
Richardson
Rogers (MI)
Rush
Thornberry
Walden
Wamp
Wexler
Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. PASTOR of Arizona, Acting Chairman, reported the bill back to the House with sundry further amendments adopted by the Committee.

Pursuant to House Resolution 853, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 10, line 14, strike ''Department'' and insert ''department''.

Page 11, line 5, after ''Department of Defense'' insert ''and the Department of Homeland Security''.

Page 17, line 1, strike ''**EMERGENCY**''.

Page 24, line 12, after ''Coast Guard'' insert ''is operating''.

Page 38, before line 7, insert the following new subsection:

(d) REPORT.—Within 12 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on the Coast Guard's efforts to recruit minority candidates to the Coast Guard Academy. The report shall include the following:

(1) The status of implementation of the Coast Guard's minority recruitment program.

(2) An assessment of the effectiveness of the program, including the number of minority applicants contacted by the Coast Guard Academy, the number of minority candidates who completed applications to the Academy, the number of minority candidates offered appointments to the Academy, and the number of candidates who accepted such appointments.

(3) A comparison of the Coast Guard's minority recruitment program with similar programs at other United States service academies.

(4) Recommendations for enhancing the Coast Guard's minority recruitment program.

(5) An assessment of the current geographic diversity of cadets currently enrolled at the Coast Guard Academy including information on the number of candidates from each State and region of the United States who were contacted by the Academy, the number of candidates from each State and region of the United States who completed applications to the Academy, the number of candidates from each State and region of the country offered appointments to the Academy, and the number of candidates from each State and region of the country who accepted such appointments.

(6) Recommendations for increasing the geographic diversity of the student population at the Coast Guard Academy.

Page 38, line 13, after ''ture'' insert ''and the Committee on Homeland Security''.

Page 44, line 11, strike ''or''.

Page 44, line 12, before the period insert '', or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)''.

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

(a) STUDY.—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that surveys new technology and new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

Page 57, line 25, strike ''safe, secure, and reliable'' and insert ''safe and secure''.

Page 58, line 7, strike ''shall work'' and insert ''is encouraged to enter into negotiations''.

Page 58, line 8, strike ''establish'' and insert ''conclude and execute''.

Page 58, line 14, strike ''icebreaking escort'' and insert ''marine safety''.

Page 59, line 13, strike ''assure the reasonable demands of commerce'' and insert ''carry out the purposes of this section''.

Page 59, line 17, after ''emissions'' insert ''(including black carbon and other emissions that could contribute to climate change)''.

Page 62, strike line 12 and all that follows through page 64, line 22, and insert the following:

SEC. 559. LORAN-C SIGNAL.

(a) Subject to subsection (b), the Secretary of Homeland Security may not operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certifications described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications made pursuant to subsection (b), the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the Commandant makes the certifications described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

Page 65, strike lines 12 and 13 and insert the following:

''(2) PRINCE WILLIAM SOUND, ALASKA.—The requirement in

Page 66, strike lines 1 through 6 and insert close quotation marks and a following period.

Page 66, after line 9, insert the following new subsection:

(c) RULEMAKING.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

Page 77, line 1, insert ''or more'' after ''10''.

Page 79, line 6, insert ''or more'' after ''10''.

Page 98, line 19, strike ''10'' and insert ''15''.

Page 109, line 5, strike ''or Level 2''.

Page 139, line 24, strike ''and''.

Page 140, line 12, strike ''and''.

Page 151, line 17, before the period insert ''or marine safety engineer''.

Page 158, beginning at line 3, strike ''and the Assistant Commandant for Marine Safety''.

Page 158, line 4, strike ''jointly''.

Page 158, beginning at line 6, strike ''and the Assistant Commandant''.

Page 158, line 7, strike ''jointly convey their'' and insert ''convey the Commandant's''.

Page 158, line 8, strike ''Assistant Commandant'' and insert ''marine safety workforce''.

Page 176, line 4, strike ''established'' and insert ''establish''.

Page 180, line 19, strike ''major conversion'' and insert ''substantial change to the dimension of or type of the vessel''.

Page 181, line 10, strike ''major conversion'' and insert ''substantial change to the dimension of or type of the vessel''.

Page 193, line 15, strike ''Department'' and insert ''department''.

Page 210, after line 25, insert the following new sections:

SEC. ___. PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ''and Buzzards Bay, Massachusetts'' before '', if any,''; and

(2) by adding at the end the following:

''(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a Federal first class pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

''(A) by the State of Massachusetts who is operating under a Federal first class pilot's license; or

''(B) under section 7101 of this title as a Federal first class pilot who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

''(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

''(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.''.

SEC. ___. DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

''(B) conduct inspections and examinations.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

''(A) the foreign society has offices and maintains records in the United States; and

''(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

''(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

''(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

''(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

''(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

''(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

''(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

''(i) as a marine inspector and serving in a position as a marine inspector; or

''(ii) in writing by the Secretary to have access to those files.

''(4) For purposes of this subsection—

''(A) the term 'offshore facility' means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

''(B) the term 'United States offshore facility' means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).''.

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

''(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).''.

Page 215, line 11, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 215, beginning at line 15, strike ''U.S. Coast Guard'' and insert ''Coast Guard''.

Page 218, line 17, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 221, beginning at line 12, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 226, beginning at line 5, strike ''this section or a regulation under this section'' and insert ''the log book or reporting requirements required under subsection (g)''.

Page 230, line 22, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 231, strike lines 17 through 21 and insert the following:

''A person who uses force at sea to defend a vessel against an act of piracy shall not be liable for monetary damages in any action brought with respect to harm caused by such use of force to anyone engaging in such act of piracy, unless the person using such force knew at the time that it was substantially in excess of what was reasonable in defending the vessel against such act of piracy.''.

Page 235, line 5, after ''local'' insert a comma.

Page 235, line 13, strike ''and''.

Page 235, line 15, strike the period and insert ''; and''.

Page 235, after line 15, insert the following new subparagraph:

(C) architecture for integrated interagency targeting.

Page 237, strike lines 21 and 22 and insert the following: ''Department of Homeland Security; and''.

Page 238, line 9, strike ''2008'' and insert ''2010''.

Page 242, line 5, before the period insert ''and facial and iris scan technology''.

Page 242, after line 5, add the following new subsection:

(e) STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall carry out a study on the use by the Coast Guard of the combination of facial and iris recognition to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology; and

(C) establishment of integrated face and iris features for accurate identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics (face image, iris) in an accurate and expeditious manner to assist the Coast Guard in fulfilling its mission to protect and support national security.

Page 243, line 4, strike ''Card'' and insert ''Credential''.

Page 243, line 23, strike ''(3)'' and insert ''(4)''.

Page 244, line 1, strike ''(4)'' and insert ''(5)''.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

SEC. ___. WATERSIDE SECURITY OF CERTAIN DANGEROUS CARGO.

(a) NATIONAL STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of certain dangerous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo.

(2) MATTERS TO BE INCLUDED.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Assessment Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary, acting through the Commandant, shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF CERTAIN DANGEROUS CARGO.—

(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing certain dangerous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

(2) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved after the date of enactment of this Act to assist in the enforcement of any security zone established by the Coast Guard around a vessel carrying a certain dangerous cargo or around a waterfront facility handling a certain dangerous cargo may not be based upon the provision of security by a State or local government unless the Secretary, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, and experience necessary to carry out the security responsibilities that they have been engaged to perform in order, to the maximum extent practicable, to deter and respond to a transportation security incident.

(3) DETERMINATION REQUIRED FOR NEW FACILITIES.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new facility the construction of which is begun after the date

of enactment of this Act, that receives or ships through maritime commerce certain dangerous cargo unless the Secretary determines that there are sufficient resources available to ensure compliance with the facility security plan.

(4) RESOURCE DEFICIENCY REPORTING.—The Secretary, acting through the Commandant of the Coast Guard, shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate 90 days after the end of each fiscal year a report indicating—

(A) the number of security zones established for certain dangerous cargo shipments;

(B) the number of certain dangerous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(C) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those certain dangerous cargo shipments for which a security zone is established.

(d) DEFINITIONS.—For the purposes of this section, the follow definitions apply:

(1) CERTAIN DANGEROUS CARGO.—The term ''certain dangerous cargo'' means a material, or a group or class of material, in a particular amount and form that the Secretary, though the Commandant, determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—The term ''Area Maritime Security Committee'' means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—The term ''transportation security incident'' has the same meaning as that term has in section 70101 of title 46, United States Code.

Page 250, line 14, strike ''DETERMINATION'' and insert ''RECOMMENDATION''.

Page 250, lines 17 and 23, strike ''determination'' each place it appears and insert ''recommendation''.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike ''September 23, 2009'' and insert ''the date of enactment of this Act''.

Page 255, after line 6, insert the following new section:

SEC. ____. ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.

The Secretary of the department in which the Coast Guard is operating shall assess and report to Congress on the feasibility of efforts to mitigate the threat of small boat attack in security zones of major ports, including specifically the use of transponders or radio frequency identification devices to track small boats.

Page 255, line 25, strike ''United States Coast Guard'' and insert ''Coast Guard''.

At the end of title XI (page 255, after line 6), add the following new sections:

SEC. _____. REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. _____. ANIMAL-PROPELLED VESSELS.

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner's document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

SEC. _____. REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE; REDUNDANT BACKGROUND CHECKS.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(n) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another individual who holds a transportation security card.

''(o) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant's appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

''(p) RECEIPT OF CARDS.—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual's place of residence.

''(q) FINGERPRINTING.—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.

''(r) REDUNDANT BACKGROUND CHECKS.—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.''.

SEC. _____. HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.''.

SEC. ____. ADMINISTRATION OF MARITIME SECURITY.

(a) ESTABLISH MARITIME SECURITY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

''§ 103. Maritime security

''To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime security as follows:

''(1) By taking actions necessary in the public interest to protect such life, property, and the environment.

''(2) Based on priorities established by the Commandant including—

''(A) protecting maritime borders from all intrusions, reducing the risk from terrorism to United States passengers at foreign and domestic ports and in designated waterfront facilities, and preventing and responding to terrorist attacks and other homeland security threats;

''(B) protecting critical maritime infrastructure and other key resources; and

''(C) preventing, to the maximum extent practicable, a transportation security incident as defined in section 70101 of title 46.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

''103. Maritime security.''.

(c) MARITIME SECURITY STAFF.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

''§ 60. Maritime security workforce

''(a) DESIGNATION OF MARITIME SECURITY WORKFORCE.—

''(1) IN GENERAL.—The Secretary, acting through the Commandant, shall ensure appropriate coverage of maritime security missions within the workforce in each sector.

''(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include the following maritime security-related positions:

''(A) Program oversight.

''(B) Counterterrorism functions.

''(C) Counterintelligence functions.

''(D) Criminal investigations related to maritime security.

''(E) Port security enforcement.

''(F) Any other activities that the Commandant deems as necessary.

''(3) MARITIME SECURITY MANAGEMENT ACTIVITIES.—The Secretary shall also designate under paragraph (1) those maritime security-related management positions located at Coast Guard headquarters, Coast Guard Readiness Command, Coast Guard Operations Command, the Deployable Operations Group, and the Intelligence Coordination Center.

''(b) CAREER PATHS.—The Secretary, acting through the Commandant, may establish appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in maritime security are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and member of the Armed Forces to the most senior maritime security positions. The Secretary shall make available published information on such career paths.

''(c) BALANCED WORKFORCE POLICY.—In the development of maritime security workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balance workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

''(d) SECTOR CHIEF OF MARITIME SECURITY.—

''(1) IN GENERAL.—The Commandant may assign, as appropriate, a Chief of Maritime Security who shall be at least a Lieutenant Commander or civilian employee within the grade GS–13 of the General Schedule in each Coast Guard sector.

''(2) FUNCTIONS.—The Chief of Maritime Security for a sector—

''(A) is responsible for all individuals who, on behalf of the Coast Guard, conduct port security operations, counterterrorism operations, intelligence and counterintelligence operations, and support national defense operations; and

''(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding maritime security matters in that sector.

''(f) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of qualification for maritime security personnel must hold a letter of qualification for the type being certified.

''§ 61. Centers of expertise for maritime security

''(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of Maritime Security (in this section referred to as a 'Center').

''(b) MISSIONS.—The Centers shall—

''(1) be used to facility education, training, and research in maritime security including maritime domain awareness, counterterrorism policy and operations, and intelligence collection, fusion, and dissemination;

''(2) develop a repository on information on maritime security; and

''(3) perform any other function as the Commandant may specify.

''(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

''(1) provide for joint operation of a Center; and

''(2) provide necessary administrative service for a Center, including administration and allocation of funds.

''(d) ACCEPTANCE OF DONATIONS.—

''(1) IN GENERAL.—The Commandant may accept, on behalf of a center, donations to be used to defray the costs of the Center or to enhance the operation of the Center.

''(2) GUIDANCE.—The Commandant shall prescribe written guidance setting forth the criteria to be used in determining if the acceptance of a donation is appropriate.''.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new items:

''60. Maritime security workforce.
''61. Centers of expertise for maritime security.''.

(d) POWERS AND DUTIES.—Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(e) In exercising the Commandant's duties and responsibilities with regard to maritime security, the Commandant shall designate a flag officer to serve as the principal advisor to the Commandant for maritime security. The designee shall have at least 10 years combined experience in operations, intelligence, counterterrorism, counterintelligence, port security, criminal investigations (except maritime casualty investigations), and port security or other maritime security functions, and at least four years of leadership experience at a staff or unit carrying out maritime security functions.''.

Page 268, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 268, after line 23, insert the following:

(6) St. Mary's Cement (United States official number 699114).

(b) DRYDOCK WAIVER.—Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation the appropriate endorsement for engaging in the coastwise trade in Ketchikan, Alaska, for the Dry Dock #2, State of Alaska registration AIDEA FDD–2.

Page 269, after line 22, insert the following new subparagraph (and make appropriate conforming changes):

''(L) evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age;

Page 290, strike line 13 and all that follows through page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

(2) COSTS OF CONVEYANCE.—The City shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

Page 310, line 16, add at the end the following new sentence: ''In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.''.

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

(e) COSTS OF CONVEYANCE.—The purchaser shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

At the end of title XIII (page 312, after line 22), add the following new sections:

SEC. ___. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Public Law 110–299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking ''during the 2-year period beginning on the date of enactment of this Act'' and inserting ''during the period beginning on the date of enactment of this Act and ending December 18, 2013''.

SEC. ___. TALL SHIP CHALLENGE RACE.

(a) FINDINGS.—The Congress finds that—

(1) The Tall Ship Challenge race will occur on the Great Lakes in 2010;

(2) the ships will race through all five Great Lakes, two Canadian provinces, and five American States for the first time;

(3) the ships will also promote water conservation education and training of youth; and

(4) thousands of Americans will visit the ships when they are in United States ports.

(b) ENSURING PARTICIPATION.—The Congress urges the Commandant of the Coast Guard to take all initiative necessary to ensure that tall ships can participate in the Tall Ship Challenge race in a safe manner including modifications to the pilotage requirements under the authority of section 2113 of title 46, United States Code.

SEC. ___. HAITIAN MARITIME CADETS.

Section 51304 of title 46, United States Code, is amended by adding at the end the following:

''(e) HAITI.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Haiti to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.''.

SEC. ___. ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) IN GENERAL.—Upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, for the preceding year, the State issued;

(C) the number of license investigations that, for the preceding year, the State conducted;

(D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.

(b) ADMINISTRATION.—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor's designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(3) At the request of the Secretary, the Governor of the State (or the Governor's designee) shall grant, on a biennial basis, the Secretary access to State records and State personnel for the purpose of auditing State execution and enforcement of the State plan.

(c) APPLICATION.—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under to this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code,

then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) TERMINATION.—

(1) If—

(A) the Secretary finds that the State plan for the licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b),

the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) EXISTING AUTHORITY.—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) DEFINITIONS.—For the purposes of this section, the term ''uninspected passenger vessel'' has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

SEC. ___. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oils spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills caused by human error.

SEC. ___. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109–347 (120 Stat. 1946)) is amended—

(1) in subsection (c)(1), by striking ''December 31, 2009'' and inserting ''December 31, 2011'';

(2) in subsection (d)(1), by striking ''its proposed public aquarium'' and inserting ''a new building in compliance with the waterfront provisions of the City of Portland Code of Ordinances adjacent to the pier and bulkhead''; and

(3) in subsection (i), by adding at the end the following new paragraph

''(3) PUBLIC AQUARIUM.—For purposes of this section, the term 'aquarium' or 'public aquarium' as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.''.

SEC. ___. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant of the Coast Guard, is encouraged to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

At the end of title II, add the following:

SEC. ___. SUPPLEMENTAL POSITIONING SYSTEM.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Secretary of Transportation and other heads of appropriate Federal departments, shall conduct a study to determine whether there is a continued need for a supplemental air and maritime navigation system as a backup to the Global Positioning System.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of the termination of a supplemental system may have on maritime and aviation safety, including general aviation;

(2) review national navigational capabilities available in the event of a loss of the Global Positioning System;

(3) investigate the capabilities of currently available radionavigational technologies and systems, including the LORAN-C program currently operated by the Coast Guard as well as modernized LORAN systems, and costs and infrastructure requirements necessary to establish a supplemental system nationwide; and

(4) include recommendations for future courses of action.

(c) PUBLIC COMMENT.—The Secretary shall—

(1) publish in the Federal Register a draft report containing findings, conclusions, and recommendations from the study required by subsection (a);

(2) accept public comments regarding such draft report for a period of not less than 60 days after the date the draft report is published in the Federal Register; and

(3) consider any such public comments in the preparation of a final report under subsection (d).

(d) FINAL REPORT.—The Secretary shall submit a final report, including the findings and recommendations, of the study required under subsection (a) and responses to comments gathered under subsection (c) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the enactment of this Act.

(e) SECRETARY DEFINED.—As used in this section, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

Page 182, after line 14, insert the following:

(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety Training Grants Program pursuant to section 4502(i) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

Page 182, after line 14, insert the following:

(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety Research Grant Program pursuant to section 4502(j) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

Page 232, beginning at line 13, strike section 1101 and insert the following:

SEC. ___. AMERICA'S WATERWAY WATCH PROGRAM.

(a) SHORT TITLE.— This section may be cited as the ''America's Waterway Watch Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should establish, within the Department of Homeland Security, citizen watch programs that promote voluntary reporting of suspected terrorist activity and suspicious behavior.

(c) AMERICA'S WATERWAY WATCH PROGRAM.—

(1) IN GENERAL.—There is hereby established, within the Coast Guard, the America's Waterway Watch Program (hereinafter in this section referred to as the ''Program'').

(2) PURPOSE.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway.

(3) INFORMATION; TRAINING.—

(A) INFORMATION.—The Secretary, acting through the Commandant, may establish, as an element of the Program, a network of individuals and community-based organizations that enhance the situational awareness within the Nation's ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(B) TRAINING.—The Secretary, acting through the Commandant, may provide training in—

(i) observing and reporting on covered activities; and

(ii) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(4) INSTRUCTIONAL MATERIALS.—

(A) IN GENERAL.—The Secretary of Homeland Security, acting throgh the Commandant of the Coast Guard, may—

(i) develop instructional materials that—

(I) provide information on inland waterways, ports and harbors, and coastal regions for a specific region, as well as specific vulnerabilities and threats common to a specific region; and

(II) promote voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway; and

(ii) distribute such materials to States, political subdivisions of the States, or non-governmental organization that provide instruction on boating or vessel operation in conjunction with any other instruction provided.

(B) DISSEMINATION.—The Secretary, acting throgh the Commandant —

(i) shall ensure that such materials are made available to any person or persons; and

(ii) is authorized to require, as a condition of receipt of funding or materials, pursuant to subparagraph (A), that the recipient of such funding or materials develops a program to reach the widest possible audience.

(C) ELIGIBILITY, FEDERAL ASSISTANCE.—The receipt, use, and dissemination of such materials shall not diminish the eligibility of any State, political subdivision of such State, or non-governmental organization to receive Federal assistance or reduce the amount of Federal assistance that such State, political subdivision of such State, or non-governmental organization that otherwise receive.

(5) VOLUNTARY PARTICIPATION.—Participation in the Program—

(A) shall be wholly voluntary;

(B) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(C) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(6) DEFINITIONS.—In this subsection:

(A) The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a vessel or facility (as that term is defined in section 70101(2) of title 46, United States Code) indicating that an individual or individuals may be preparing to engage, or engaging, in a violation of law relating to—

(i) a threat to a vessel, facility, port, or waterway; or

(ii) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) The term ''facility'' has the same meaning such term has in section 70101(2) of title 46, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the purposes of this section $3,000,000 for fiscal years 2010 through 2015. Such funds shall remain available until expended.

(d) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President's budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

At the end of title 11, add the following new section:

SEC. ____. The Commandant of the Coast Guard shall conduct a study and analysis of the feasibility of the restoring the Fresnel Lens in the Presque Isle Light House in Presque Isle, Michigan to operating condition to meet the safety needs of commerce and submit within 180 days the report to the Transportation & Infrastructure Committee after the date of enactment of this Act.

Page 312, after line 22, add the following new title:

TITLE ____—SERVICEMEMBER BENEFITS IMPROVEMENT

SEC. _01. SHORT TITLE.

This title may be cited as the ''United States Coast Guard Servicemember Benefits Improvements Act''.

SEC. _02. COAST GUARD HOUSING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a study of military family housing and military unaccompanied housing available to members and officers of the Coast Guard.

(b) COMPONENTS OF THE STUDY.—The study required in subsection (a) shall include—

(1) an inventory of all military family housing and military unaccompanied housing units administered by the Coast Guard and their locations;

(2) a review of the physical condition of such units;

(3) a review of the availability of housing units administered by the Coast Guard to members and officers assigned to field units of the Coast Guard;

(4) a review of the availability of housing units administered by the other armed services to members and officers assigned to field units of the Coast Guard; and

(5) recommendations on statutory authorities that are necessary to improve availability of military housing to members and officers of the Coast Guard.

(c) REPORT.—The Secretary shall submit a report including the findings and recommendations of the study required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. _03. CHILD DEVELOPMENT SERVICES.

Section 515 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

''(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

''(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

''(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

''(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed servicemembers and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.'';

(2) by repealing subsections (d) and (e); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

SEC. _04. CHAPLAIN ACTIVITY EXPENSE.

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.''; and

(2) by adding at the end the following new subsection:

''(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

''(2) In this subsection, the term 'support services' include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph

(1), including participation at retreats and conferences.

''(3) In this subsection, the term 'dependents' has the same meaning as defined in section 1072(2) of title 10.''.

SEC. __05. COAST GUARD CROSS; SILVER STAR MEDAL.

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 491 the following new section:

''§ 491a. Coast Guard cross

''The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

''(1) while engaged in an action against an enemy of the United States;

''(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

''(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.''.

(b) SILVER STAR MEDAL.—Such chapter is further amended—

(1) by striking the heading of section 492a and inserting the following:

''§ 492b. Distinguished flying cross'';

and

(2) by inserting after section 492 the following new section:

''§ 492a. Silver star medal

''The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

''(1) while engaged in an action against an enemy of the United States;

''(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

''(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.''.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,'' in both places it appears;

(2) in section 496—

(A) in the matter preceding paragraph (1) of subsection (a), by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''; and

(B) in subsection (b)(2), by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''; and

(3) in section 497, by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''.

(d) CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 491 the following new item:

''491a. Coast Guard cross.''.

(2) by striking the item relating to section 492a and inserting the following new items:

''492a. Silver star medal.

''492b. Distinguished flying cross.''.

Page 312, after line 22, add the following new section:

SEC. ___. STUDY AND REPORT REGARDING EFFECTS RESULTING FROM CHANGES IN UNITED STATES IMMIGRATION POLICY TOWARD HAITI.

The Secretary of the department in which the Coast Guard is operating shall conduct a study and submit a report to Congress within 180 days after the date of the enacment of this Act examining the Coast Guard's current ability to respond to any possible short- and long-term effects resulting from changes in United States immigration policy toward Haiti. The study and report shall examine several likely scenarios and draw upon past experiences with changes to immigration policy with regards to Haiti.

Page 312, after line 22, add the following new section:

SEC. ___. STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the strategy shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) An explanation of the Coast Guard's plan, working with other Federal agencies as appropriate, to detect and interdict such vessels.

(4) An assessment of additional personnel, technology, or other resources necessary to address such vessels.

Page 312, after line 22, insert the following new section:

SEC. ___. AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS.

The provisions of this Act that relate to the Coast Guard's marine safety mission shall not impair the authority of the Coast Guard to carry out its homeland security missions, including—

(1) protecting ports, waterways, and marine transportation systems in the United States from acts of terrorism;

(2) safeguarding the United States' international borders from maritime intrusions by aliens seeking unlawful entry into the United States, and from individuals who aim to traffic in illegal drugs, firearms, and weapons of mass destruction in the United States;

(3) maintaining defense readiness, as one of the armed forces, to rapidly mobilize and deploy defensive security personnel during a national emergency;

(4) coordinating efforts with Federal, State, and local intelligence agencies to deter, detect, and take action against acts of terrorism;

(5) preventing human smuggling operations at ports, on waterways, and throughout the marine transportation system; and

(6) enhancing stability in the United States in support of the national security strategy of the United States as referred to in section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

Page 312, after line 22, add the following new section:

SEC. ___. USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Notwithstanding title X of this Act, chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 8107. Use of force against piracy

''(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, or mariner who uses force, or authorizes the use of force, to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force to any person participating in the act of piracy.

''(b) PROMOTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag-and port-states to deter, protect against, and rapidly respond to acts of piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

''8107. Use of force against piracy''.

Page 312, after line 22, add the following new section:

SEC. _____. REPORT ON THE EFFECT OF FACILITIES INFRASTRUCTURE ON MISSION FULFILLMENT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a national study on the facility infrastructure requirements needed to fulfill the Coast Guard's prescribed missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) an assessment of any current shortfalls in facility infrastructure, including the extent of the use of temporary trailers and an inventory of the number and type of new facilities needed to meet the Coast Guards's mission needs; and

(2) a plan for how the Commandant will develop the appropriate facility infrastructure, including timelines, budgets, and any additional legislative authority the Commandant determines is required to implement such plan.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 11

¶132.6 [Roll No. 813]

YEAS—385

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Camp
Campbell
Cantor
Cao
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—11

Broun (GA)
Courtney
Flake
Franks (AZ)
King (IA)
Paul
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Tiahrt

NOT VOTING—36

Abercrombie
Baca
Barrett (SC)
Bean
Biggert
Bishop (GA)
Bishop (UT)
Boyd
Braley (IA)
Buyer
Calvert
Capuano
Cardoza
Culberson
Davis (AL)
Davis (TN)
Dreier
Forbes
Gohmert
Higgins
Hinojosa
Inslee
Jones
Lofgren, Zoe
Maffei
Maloney
McCaul
Melancon
Richardson
Rogers (MI)
Rush
Thornberry
Walden
Wamp
Wexler
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶132.7 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections to include corrections in spelling, punctuation, section numbering and cross-referencing and the insertion of appropriate headings.

¶132.8 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, October 26, 2009 at 12:30 p.m. for morning-hour debate; and further, when the House adjourns on Monday, October 26, 2009, it adjourn to meet at 10:30 a.m. on Tuesday, October 27, 2009, for morning-hour debate.

¶132.9 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today;

To Mr. JONES of North Carolina, for today;

To Mr. MAFFEI, for today; and

To Mr. McCAUL, for today.

¶132.10 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 22, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 621. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

And then,

¶132.11 ADJOURNMENT

On motion of Mr. HOEKSTRA, pursuant to the previous order of the House, at 12 o'clock and 47 minutes p.m., the House adjourned until 12:30 p.m. on Monday, October 26, 2009.

¶132.12 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2868. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; with an amendment (Rept. 111–205, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1612. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of pubic land managers and enthusiasts, and promote the value of public service; with amendments (Rept. 111–312, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN. Committee on Energy and Commerce. H.R. 3258. A bill to amend the Safe Drinking Water Act to enhance the security of the public water systems of the United States; with an amendment (Rept. 111–313). Referred to the Committee of the Whole House on the state of the Union.

¶132.13 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

The Committees on Agriculture and Education and Labor discharged from further consideration. H.R. 1612 referred to the Committee of the Whole House on the state of the Union.

The Committee on the Judiciary discharged from further consideration. H.R. 2868 referred to the Committee of

the Whole House on the state of the Union and ordered to be printed.

¶132.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MAFFEI (for himself, Mr. MCMAHON, Mr. BARTLETT, and Mr. THOMPSON of California):

H.R. 3919. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of Clean Energy Business Zones and for tax incentives for the construction of, and employment at, energy-efficient buildings and clean energy facilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 3920. A bill to amend the Internal Revenue Code of 1986 to provide for a waiver of minimum required distribution rules applicable to pension plans for 2010; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. GARY G. MILLER of California):

H.R. 3921. A bill to amend the Internal Revenue Code of 1986 to extend for 90 days the first-time homebuyer credit for taxpayers who have entered into a binding contract before the termination of such credit; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself, Mr. MICA, Ms. HARMAN, Mr. PENCE, Mr. PETERS, Mr. KIRK, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. SCHOCK, Ms. BERKLEY, Mr. BILIRAKIS, Mr. LINDER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HALL of New York, Mr. MACK, Mr. CROWLEY, Mr. WAXMAN, Mr. LEVIN, Mr. BRALEY of Iowa, Mr. INGLIS, Mr. KAGEN, Mr. LARSEN of Washington, Mr. SHULER, Mr. CARNEY, Mr. LANCE, Mr. ISRAEL, Ms. KILROY, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. HIMES, Mr. WEINER, and Mr. GUTIERREZ):

H.R. 3922. A bill to ensure that companies operating in the United States that receive United States Government funds are not conducting business in Iran, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS:

H.R. 3923. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. FOSTER:

H. Res. 862. A resolution congratulating the staff, students, and faculty at the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction competition; to the Committee on Education and Labor.

By Ms. SHEA-PORTER (for herself, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. PAYNE, Mr. COURTNEY, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. NADLER of New York, Mr. MASSA, Ms. SCHWARTZ, Ms. CASTOR of Florida, Mr. BRALEY of Iowa, Mr. RODRIGUEZ, Mr. CARNEY, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HIMES, Ms. WASSERMAN SCHULTZ, Mr. VISCLOSKY, Mr. SNYDER, Ms. HIRONO, Ms. WATERS, Mr. PERLMUTTER, Mr. WALZ, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Ms. TSONGAS, Mr. MURTHA, Ms. DEGETTE, Ms. LEE of California, Mr. YARMUTH, Ms. WOOLSEY, Mrs. CAPPS, Mr. HODES, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. HALL of New York, Mrs. NAPOLITANO, Ms. TITUS, Ms. KILROY, Ms. EDWARDS of Maryland, and Mr. SHERMAN):

H. Res. 863. A resolution recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and prioritize resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day; to the Committee on Foreign Affairs.

By Mr. GRAYSON:

H. Res. 864. A resolution congratulating President Obama for winning of the 2009 Nobel Peace Prize; to the Committee on Foreign Affairs.

By Mr. KUCINICH (for himself and Mr. FILNER):

H. Res. 865. A resolution expressing the sense of the House of Representatives that the United States should adopt a target of 350 parts per million of atmospheric carbon dioxide by which to evaluate domestic and international climate change policies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. WAMP):

H. Res. 866. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. BURTON of Indiana, and Mr. ACKERMAN):

H. Res. 867. A resolution calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict" in multilateral fora; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Ms. FALLIN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. FUDGE, Ms. CHU, Ms. SHEA-PORTER, Mr. SESTAK, Mr. BARTLETT, Ms. BORDALLO, Mr. ABERCROMBIE, Ms. TSONGAS, Mr. WILSON of South Carolina, Ms. CASTOR of Florida, Mr. MASSA, Ms. SLAUGHTER, Mr. REYES, Ms. SPEIER, Ms. PINGREE of Maine, Ms. HARMAN, Ms. GIFFORDS, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Ms. KAPTUR, Mr. ORTIZ, Mrs. CHRISTENSEN, Mrs. MALONEY, Ms. NORTON, Ms. SCHWARTZ, Mr. TURNER, Mr. ROGERS of Alabama, Mr. COURTNEY, Mrs. NAPOLITANO, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Mr. HARE, Mr. FILNER, Mr. TAYLOR, Ms. MATSUI, Mr. MICHAUD, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. BOREN, Ms. SUTTON, Ms. BALDWIN, and Mr. SKELTON):

H. Res. 868. A resolution honoring and recognizing the service and achievements of current and former female members of the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. FOXX, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. CASTLE, Mr. DANIEL E. LUNGREN of California, Mr. BUCHANAN, Mr. WALDEN, Ms. JENKINS, Mr. PLATTS, Mrs. CAPITO, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. GINGREY of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. FLAKE, Mr. SHUSTER, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. LEE of New York, Mr. LANCE, Mr. KIRK, Mr. COFFMAN of Colorado, Mr. ROGERS of Alabama, Mrs. SCHMIDT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. CAMP, Mr. MCCAUL, Mr. SULLIVAN, Mr. WITTMAN, Mr. HARPER, Mr. HELLER, Mr. EHLERS, Mr. BACHUS, Mr. SMITH of Texas, Mr. ROGERS of Michigan, Mr. BONNER, Mr. BOUSTANY, Mr. CASSIDY, Mr. DAVIS of Kentucky, Mr. HENSARLING, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. SCALISE, Mr. PITTS, Mr. WOLF, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania, Mr. FORTENBERRY, and Mr. GERLACH):

H. Res. 869. A resolution directing the Chief Administrative Officer to install cameras in the hearing room of the Committee on Rules; to the Committee on House Administration.

¶132.15 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. CARTER and Mr. MCCLINTOCK.

H.R. 571: Mr. COURTNEY, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of New York, and Mrs. DAVIS of California.

H.R. 644: Mrs. CAPPS and Mrs. MALONEY.

H.R. 775: Mr. BROUN of Georgia, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, and Mr. CUELLAR.

H.R. 929: Mr. KING of New York.

H.R. 1132: Ms. SCHAKOWSKY and Mrs. HALVORSON.

H.R. 1207: Mr. RYAN of Ohio.

H.R. 1250: Mrs. CAPPS.

H.R. 1352: Mr. SHUSTER.

H.R. 1362: Mrs. DAVIS of California, Mr. TIBERI, Mr. THOMPSON of California, and Mr. HINCHEY.

H.R. 1616: Mr. COURTNEY, Mr. BOSWELL, and Ms. Chu.

H.R. 1831: Mr. PERLMUTTER and Mr. REYES.

H.R. 1884: Mr. BISHOP of New York, Mr. FOSTER, Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, Ms. HERSETH SANDLIN, and Mr. TERRY.

H.R. 1974: Mr. GORDON of Tennessee, Mr. BURGESS, Mr. WITTMAN, Ms. WASSERMAN SCHULTZ, Mr. POSEY, Mr. HOEKSTRA, Mr. LEE of New York, and Mr. UPTON.

H.R. 1987: Mr. FORTENBERRY.

H.R. 1990: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2024: Mr. SPACE.

H.R. 2102: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. FATTAH, Mr. BOSWELL, Ms. HIRONO, Mr. ELLISON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, and Mr. FILNER.

H.R. 2275: Mr. RANGEL, Mr. KAGEN, Mr. CUMMINGS, Mr. CARNAHAN, Mr. COSTELLO, Mr. PASCRELL, Mr. MARKEY of Massachusetts, and Mr. CONYERS.

H.R. 2279: Mr. RANGEL and Mr. HASTINGS of Florida.
H.R. 2377: Mr. KRATOVIL.
H.R. 2382: Mr. HARE.
H.R. 2406: Mr. CALVERT.
H.R. 2413: Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. HARE, and Ms. GIFFORDS.
H.R. 2452: Mr. GINGREY of Georgia.
H.R. 2534: Mr. SNYDER.
H.R. 2547: Mr. SCALISE.
H.R. 2548: Mr. FILNER.
H.R. 2567: Mr. PASTOR of Arizona.
H.R. 2642: Mrs. KIRKPATRICK of Arizona.
H.R. 2756: Mr. SCHRADER.
H.R. 2807: Mr. SESTAK and Mr. COHEN.
H.R. 2880: Mr. CONNOLLY of Virginia.
H.R. 3024: Mr. WAMP and Ms. TSONGAS.
H.R. 3044: Mr. ROGERS of Alabama, Mr. SKELTON, Mr. ROSKAM, Mr. FORBES, Mr. BUCHANAN, and Ms. PINGREE of Maine.
H.R. 3245: Mr. GEORGE MILLER of California.
H.R. 3286: Mr. BERMAN.
H.R. 3355: Ms. SCHWARTZ, Mr. LARSON of Connecticut, and Ms. PINGREE of Maine.
H.R. 3467: Mr. KRATOVIL.
H.R. 3519: Mr. GRAVES, Mr. CARNEY, Mr. FARR, Mr. ELLSWORTH, and Mr. BROWN of South Carolina.
H.R. 3524: Mr. AUSTRIA, Mr. SCHOCK, and Mr. KINGSTON.
H.R. 3669: Mr. GRIJALVA.
H.R. 3677: Mr. CALVERT.
H.R. 3702: Mr. BERRY.
H.R. 3711: Mr. BLUMENAUER.
H.R. 3715: Mr. FILNER.
H.R. 3731: Mr. HARE.
H.R. 3734: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3790: Mr. BUTTERFIELD, Mr. ARCURI, Mr. JOHNSON of Georgia, and Mr. HINCHEY.
H.R. 3799: Mrs. CHRISTENSEN.
H.R. 3827: Mr. JACKSON of Illinois.
H.R. 3906: Mr. MICHAUD.
H. Con. Res. 168: Mr. FRANK of Massachusetts, and Mr. SCALISE.
H. Res. 22: Mr. WELCH.
H. Res. 333: Mr. FILNER and Mr. OLVER.
H. Res. 704: Mr. HASTINGS of Florida, Mr. MCCOTTER, and Ms. SUTTON.
H. Res. 729: Mr. CALVERT.
H. Res. 736: Mr. DAVIS of Kentucky, Mr. MCCOTTER, and Mr. HOLT.
H. Res. 747: Mr. GUTHRIE and Mr. LAMBORN.
H. Res. 749: Mr. GALLEGLY.
H. Res. 763: Mr. WOLF.
H. Res. 780: Mr. ROYCE, Mr. ROHRABACHER, Mr. KANJORSKI, Mr. RODRIGUEZ, Mr. EDWARDS of Texas, Mr. DICKS, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mr. SALAZAR, Mr. LUJÁN, Mr. SIRES, Mr. HASTINGS of Florida, Mr. PERLMUTTER, Mr. KISSELL, Mr. SHERMAN, Ms. KAPTUR, Mr. COHEN, Mr. ELLISON, Mr. DELAHUNT, Mr. ADLER of New Jersey, and Mr. TEAGUE.
H. Res. 787: Mr. MARKEY of Massachusetts.
H. Res. 798: Mr. ADLER of New Jersey, Mr. STARK, Ms. HIRONO, Mr. FARR, Mr. LEVIN, Mr. PASCRELL, Mr. PAYNE, Mr. WU, Mrs. MALONEY, Mr. SCOTT of Virginia, Mr. ISRAEL, Mr. SIRES, Mr. LINDER, Ms. CORRINE BROWN of Florida, Mr. HIGGINS, Mr. KUCINICH, Ms. MCCOLLUM, Mr. INSLEE, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 839: Mr. MORAN of Virginia, Ms. SCHWARTZ, Mr. SMITH of Washington, Ms. LEE of California, Ms. HIRONO, Mr. BAIRD, Mr. HIMES, Mr. ADLER of New Jersey, Mr. PERLMUTTER, Ms. DELAURO, Mr. TIERNEY, Mr. SNYDER, Mr. FARR, Mr. DELAHUNT, Mr. WAXMAN, Mr. MCDERMOTT, Ms. PINGREE of Maine, Mr. DRIEHAUS, Mr. ELLISON, Mr. CLEAVER, Mr. DANIEL E. LUNGREN of California, Mr. JONES, Mr. SCHRADER, Mr. YARMUTH, Mr. WU, Mr. MITCHELL, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. ACKERMAN, Ms. WATSON, Ms. MCCOLLUM, Mr. MILLER of North Carolina, Mr. SIRES, Mr. MEEKS of New York, Mrs. LOWEY, Mr. GALLEGLY, Mr. COSTA, Ms. BERKLEY, and Mr. HINCHEY.
H. Res. 848: Mr. HOLDEN.

MONDAY, OCTOBER 26, 2009 (133)

¶133.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. RAHALL, who laid before the House the following communication:

WASHINGTON, DC,
October 26, 2009.

I hereby appoint the Honorable NICK J. RAHALL II to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶133.2 RECESS—12:37 P.M.

The SPEAKER pro tempore, Mr. RAHALL, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 37 minutes p.m., until 2 p.m.

¶133.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶133.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Friday, October 23, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶133.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4267. A letter from the Co-Chair, Commission on War Time Funding, transmitting a report entitled ''Defense agencies must improve their oversight of contractor business systems to reduce waste, fraud, and abuse''; to the Committee on Armed Services.

4268. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting lists of procurment priorities provided by the Chiefs of the Reserve and National Guard components; to the Committee on Armed Services.

4269. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8091] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4270. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8085] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4271. A letter from the Assistant Secretary for Financial Stability, Department of Treasury, transmitting the Department's monthly report on its activities and expenditures under section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

4272. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the sixth major report entitled ''Trouble Asset Relief Program: Treasury Actions Needed to Make the Home Affordable Modification Program More Transparent and Accountable''; to the Committee on Financial Services.

4273. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Reference to Ratings of Nationally Recognized Statistical Rating Organizations [Release Nos. 34-60789, IC-28939; File Nos. S7-17-08, S7-19-08] (RIN: 3235-AK17, 3235-AK19) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4274. A letter from the Acting Assistant Secretary ESA, Director of OWCP, Department of Labor, transmitting the Department's final rule — Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act (RIN: 1215-AB66) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4275. A letter from the Department Director, Regulations Policy and Management Staff, Deputy of Health and Human Services, transmitting the Department's final rule — Expanded Access to Investigational Drugs for Treatment Use [Docket No.: FDA-2006-N-0238] (RIN: 0910-AF14) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4276. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2009-0729; FRL-8430-3] (RIN: 2070-AB27) Recevied October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4277. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4278. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

4279. A letter from the Chief, Listing Branch, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Taxonomic Change of Sclerocactus glaucus (Uinta Basin Hookless Cactus), a Threatened Species, to Three Separate Species, Sclerocactus brevispinus (Pariette Cactus), Sclerocactus glaucus (Colorado Hookless Cactus), and Sclerocactus wetlandicus (Uinta Basin Hookless Cactus) [FWS-R6-ES-2009-0035, M09221050083-B2] (RIN: 1018-AW24) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4280. A letter from the Chief, Listing Branch, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Lipidium papilliferum (Slickspot Peppergrass) as a Threatened Species Throughout Its Range [FWS-R1-ES-2008-0096, MO 922105-0008-B2] (RIN: 1018-AW34) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4281. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter [FWS-R7-ES-2008-0105] (RIN: 1018-AV92) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4282. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Final rule; approval of amendment with certain exceptions [SATS No. WY-035-FOR; Docket ID: OSM-2009-0003] received October 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4283. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan [Docket No.: 071106669-81372-03] (RIN: 0648-AU26) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4284. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 080410547-9274-02] (RIN: 0648-AW70) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4285. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action [Docket No.: 080521698-91087-03] (RIN: 0648-AW87) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4286. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ18) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4287. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XQ36) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4288. A letter from the Regulations Officer/Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule — Interoperability Requirements, Standards, or Performance Specifications for Automated Toll Collection Systems [FHWA Docket No.: FHWA-06-23597] (RIN: 2125-AF07) received October 13, 209, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4289. A letter from the National Adjutant, Chief Executive Officer, Disabled American Veterans, transmitting the 2009 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 111—72); to the Committee on Veterans' Affairs and ordered to be printed.

4290. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Correction to Remove Obsolete Compliance Date Provisions from Electronic Cargo Information Regulations received October 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4291. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs Broker License Examination Appeals received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4292. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Happy Canyon of Santa Barbara Viticultural Area [Docket No.: TTB-2008-0008; T.D. TTB-82; Re: Notice No. 89] (RIN: 1513-AB52) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4293. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on the Planning and Examination of IRC Sec. 263A issues in the Auto Dealership Industry [LMSB-4-0909-035] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4294. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-29) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-76] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-77] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4297. A letter from the Deputy Secretary of Veterans Affairs, Department of Defense, transmitting recommendations concerning the extension of the Senior Oversight Committee; jointly to the Committees on Armed Services and Veterans' Affairs.

4298. A communication from the President of the United States, transmitting notification of his declaration of a national emergency with respect to the 2009 H1N1 Influenza Pandemic in the United States, pursuant to 50 U.S.C. 1621(a); (H. Doc. No. 111—73); jointly to the Committees on Energy and Commerce and Ways and Means, and ordered to be printed.

¶133.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 23, 2009, at 1:21 p.m.:

That the Senate passed without amendment H.R. 1209.

That the Senate agreed to without amendment H.J. Res. 26.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶133.7 GEOSPATIAL IMAGERY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2489) to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, October 27, 2009.

¶133.8 JIMMY CARTER NATIONAL HISTORIC SITE

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1471) to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶133.9 NORTH CASCADES NATIONAL PARK

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2806) to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶133.10 CASCADIA MARINE TRAIL

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1641) to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶133.11 WEBER STATE UNIVERSITY

Mr. PIERLUISI moved to suspend the rules and agree to the resolution (H. Res. 854):

Whereas Weber State University (WSU) was founded in 1889 as Weber State Academy;

Whereas WSU celebrates its 120th anniversary this year;

Whereas WSU is a public university that offers associate's, bachelor's, and master's degrees, as well as professional, liberal arts, and technical certificates;

Whereas WSU is located in Ogden, Utah, and has an additional campus in Layton, Utah;

Whereas WSU serves more than 23,000 full-time and part-time students;

Whereas the WSU Wildcats have 14 intercollegiate programs that participate in the National Collegiate Athletic Association Division I athletics;

Whereas Weber State University promotes community involvement and community-based learning experiences for its students; and

Whereas Weber State University prides itself in its excellent teaching, commitment to meeting the needs of students, and ongoing service to the community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Weber State University on the 120th anniversary of its founding as an institution of higher education; and

(2) recognizes the contributions of Weber State University to its students and community.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. PIERLUISI and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PIERLUISI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, October 27, 2009.

¶133.12 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶133.13 UNIVERSITY OF IOWA HAWKEYES

Mr. PIERLUISI moved to suspend the rules and agree to the resolution (H. Res. 368); as amended:

Whereas the University of Iowa Hawkeyes wrestling team Head Coach Tom Brands was named the Big Ten Coach of the Year and led the team to its 22nd national title and his 2nd national title, and also led the team to its 33rd Big Ten Conference title and his 2nd conference title;

Whereas the Hawkeyes wrestling team was represented proudly by 9 NCAA Division I National Wrestling Championship qualifiers, including Chad Beatty, Jay Borschel, Daniel Dennis, Dan Erekson, Charlie Falck, Phillip Keddy, Brent Metcalf, Ryan Morningstar, and Alex Tsirtsis;

Whereas the Hawkeyes wrestling team was also represented proudly by NCAA Division I National Wrestling Championship finalist Brent Metcalf, who also won his second straight Big Ten title and earned Outstanding Wrestler honors at the Big Ten Championships;

Whereas the Hawkeyes wrestling team was also represented proudly by Dan Erekson, who won his first Big Ten title at the Big Ten Championships;

Whereas the Hawkeyes wrestling team was honored by having 5 All-Americans with Daniel Dennis, Dan Erekson, Phillip Keddy, Brent Metcalf, and Ryan Morningstar being named;

Whereas the Hawkeyes wrestling team had a final team score of 96.5 to place them 1st in the NCAA Division I standings;

Whereas the hard work and dedication of the Hawkeyes wrestling team's Brodie Ambrose, Mark Ballweg, Matt Ballweg, Chad Beatty, Jay Borschel, Jeret Chiri, Derek Coorough, Colby Covington, Daniel Dennis, Dan Erekson, Michael Fahrer, Charlie Falck, Grant Gambrall, Stew Gillmor, Tyler Halverson, Aaron Janssen, Jordan Johnson, Phillip Keddy, Jake Kerr, Nick Kolegraff, Brooks Kopsa, J.J. Krutsinger, Ryan Kurovski, Dan LeClere, Nick LeClere, T.H. Leet, Rick Loera, Luke Lofthouse, Montell Marion, Weston Marling, Matt McDonough, Brent Metcalf, Joe Moore, Nate Moore, Ryan Morningstar, Blake Rasing, Ethan Sebert, Joe Slaton, Alex Tsirtsis, Head Coach Tom Brands, Assistant Coach Terry Brands, Assistant Coach Doug Schwab, Strength and Conditioning Coach Jared Frayer, Volunteer Assistant Coach Mike Zadick, and Administrative Assistant Luke Eustice all contributed to an outstanding season culminating in the 2009 national title;

Whereas the current Hawkeyes wrestling team has continued the team's winning history, which includes 33 Big Ten Conference Championships and 22 NCAA Division I National Wrestling Championships;

Whereas the Hawkeyes wrestling team set the national collegiate dual meet attendance record of 15,955 when it hosted Iowa State December 6, 2008, at Carver-Hawkeye Arena and led the Nation with an average home dual meet attendance figure of 8,008 for the 2008–09 season;

Whereas the Hawkeyes wrestling team has a rich tradition and history of producing champions and outstanding collegiate athletes and coaches since the program began in 1911;

Whereas former Hawkeyes wrestling Head Coach and Olympic Gold Medalist, Dan Gable, helped establish one of the most successful wrestling programs in the Nation and is commended for his past leadership and guidance; and

Whereas the Hawkeyes wrestling team has brought honor to the team, the University of Iowa, the City of Iowa City, and the State of Iowa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Iowa Hawkeyes wrestling team for winning the 2009 NCAA Division I National Wrestling Championship; and

(2) congratulates the team on winning its 22nd national title since 1975 and finishing the season with a perfect 24–0 overall record and a perfect 8–0 conference record, ending the season on a 38-match winning streak.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. PIERLUISI and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PIERLUISI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶133.14 SYRACUSE UNIVERSITY

Mr. PIERLUISI moved to suspend the rules and agree to the resolution (H. Res. 562):

Whereas, on May 25, 2009, the Syracuse University Orange defeated the Cornell Big Red 10–9 in overtime, in the finals of the National Collegiate Athletic Association (NCAA) Division I Men's Lacrosse Tournament in Foxboro, Massachusetts;

Whereas the Orange now hold 11 men's lacrosse national titles, the most in NCAA History;

Whereas Orange head coach John Desko won his fifth NCAA title;

Whereas the Orange players, coaches, and staff are excellent representatives of Syracuse University;

Whereas the Orange showed tremendous spirit in the championship game, coming back from what appeared to be an insurmountable three-goal deficit with less than four minutes to go, only to win the game in overtime; and

Whereas the residents of Syracuse and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives congratulates Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. PIERLUISI and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PIERLUISI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶133.15 NORTHWESTERN UNIVERSITY

Mr. PIERLUISI moved to suspend the rules and agree to the resolution (H. Res. 824):

Whereas the Northwestern women's lacrosse team serves as important role models to young athletes, demonstrating excellence on the athletic field and in the classroom;

Whereas Northwestern defeated North Carolina 21–7 to win the national championship on May 24, 2009;

Whereas Northwestern finished the season with a 23–0 record to win their fifth straight national championship; and

Whereas senior Hannah Nielsen won the Tewaaraton Trophy, given to the Nation's top player, and played a vital role in helping Northwestern to a 23–0 record in 2009, finishing her distinguished career as the Wildcats' all-time leader in points (398) after becoming the NCAA Division I all-time assist leader with 224: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Northwestern University and its athletes, coaches, faculty, students, administration, and alumni on the winning of the 2009 NCAA women's lacrosse championship;

(2) recognizes and commends Northwestern University for its pursuit of athletic as well as academic excellence; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Northwestern University President Henry S. Bienen, Athletic Director James Phillips, and Head Coach Kelly Amonte Hiller for appropriate display.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. PIERLUISI and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PIERLUISI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, October 27, 2009.

The point of no quorum was considered as withdrawn.

¶133.16 DOMESTIC VIOLENCE AWARENESS MONTH

Mr. PIERLUISI moved to suspend the rules and agree to the resolution (H. Res. 817); as amended:

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims and one in four women will experience domestic violence at some point in her life;

Whereas on average, more than three women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds $5,800,000,000 each year, $4,100,000 of which is for direct medical and mental health care services;

Whereas one-quarter to one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at $727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost four times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in 2003;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and one in four teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas an additional 8,927 people requested help that day, but due to lack of resources, they were unable to be served;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. PIERLUISI and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶133.17 RECESS—3:19 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 19 minutes p.m., subject to the call of the Chair.

¶133.18 AFTER RECESS—5:30 P.M.

The SPEAKER pro tempore, Mr. PETERS, called the House to order.

¶133.19 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO H1N1 PANDEMIC

The SPEAKER pro tempore, Mr. PETERS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency in order to be prepared in the event of a rapid increase in illness across the Nation that may overburden health care resources. This declaration will allow the Secretary of Health and Human Services, if necessary, to temporarily waive certain standard Federal requirements in order to enable U.S. health care facilities to implement emergency operations plans to deal with the 2009 H1N1 influenza pandemic in the United States. A copy of my proclamation is attached.

Further, I have authorized the Secretary of Health and Human Services to exercise the authority under section 1135 of the Social Security Act to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule as necessary to respond to the pandemic throughout the duration of the public health emergency declared in response to the 2009 H1N1 influenza pandemic.

BARACK OBAMA.

THE WHITE HOUSE, *October 23, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Energy and Commerce and the Committee on Ways and Means, and ordered to be printed (H. Doc. 111– 73).

¶133.20 AMENDMENT OF THE SENATE TO H.R. 2996

On motion of Mr. DICKS, by direction of the Committee on Appropriations and pursuant to clause 1 of rule XXII, the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. DICKS, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶133.21 MOTION TO INSTRUCT CONFEREES—H.R. 2996

Mr. SIMPSON moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2996, be instructed as follows: (1) Insist on section 425 of the House bill (regarding a prohibition on funds to implement any rule requiring mandatory reporting of greenhouse gas emissions from manure management systems); and (2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. PETERS, announced that the nays had it.

Mr. SIMPSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, October 27, 2009.

¶133.22 RECESS—6:10 P.M.

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶133.23 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, called the House to order.

¶133.24 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1929. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶133.25 H. RES. 368—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 368) congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championships; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 / Nays 1

¶133.26 [Roll No. 814]

YEAS—367

Ackerman	Clay	Guthrie
Aderholt	Cleaver	Hall (NY)
Adler (NJ)	Clyburn	Hall (TX)
Akin	Coble	Halvorson
Alexander	Coffman (CO)	Hare
Altmire	Cohen	Harman
Andrews	Cole	Harper
Arcuri	Conaway	Hastings (FL)
Austria	Connolly (VA)	Hastings (WA)
Baca	Conyers	Heinrich
Bachmann	Cooper	Heller
Bachus	Costello	Hensarling
Baird	Courtney	Herger
Baldwin	Crowley	Herseth Sandlin
Barrow	Cuellar	Higgins
Bartlett	Dahlkemper	Hill
Barton (TX)	Davis (CA)	Himes
Bean	Davis (KY)	Hinojosa
Becerra	Davis (TN)	Hirono
Berkley	DeFazio	Hodes
Berman	DeGette	Holt
Biggert	DeLauro	Honda
Bilbray	Dent	Hoyer
Bilirakis	Diaz-Balart, M.	Hunter
Bishop (GA)	Dicks	Inglis
Bishop (NY)	Dingell	Inslee
Bishop (UT)	Doggett	Israel
Blackburn	Donnelly (IN)	Issa
Blumenauer	Doyle	Jackson (IL)
Blunt	Driehaus	Jackson-Lee (TX)
Boccieri	Duncan	Jenkins
Boehner	Edwards (MD)	Johnson (GA)
Bonner	Edwards (TX)	Johnson, E. B.
Bono Mack	Ehlers	Jones
Boozman	Ellison	Jordan (OH)
Boren	Ellsworth	Kagen
Boswell	Emerson	Kanjorski
Boucher	Engel	Kaptur
Boustany	Eshoo	Kennedy
Brady (PA)	Etheridge	Kildee
Brady (TX)	Fallin	Kilpatrick (MI)
Braley (IA)	Farr	Kilroy
Bright	Fattah	Kind
Broun (GA)	Filner	King (IA)
Brown (SC)	Flake	Kingston
Buchanan	Fleming	Kirkpatrick (AZ)
Burgess	Forbes	Kissell
Burton (IN)	Fortenberry	Kline (MN)
Butterfield	Foster	Kosmas
Buyer	Foxx	Kratovil
Calvert	Frank (MA)	Kucinich
Camp	Franks (AZ)	Lamborn
Campbell	Frelinghuysen	Lance
Cantor	Fudge	Langevin
Capito	Gallegly	Larson (CT)
Capps	Garrett (NJ)	Latham
Cardoza	Giffords	LaTourette
Carnahan	Gingrey (GA)	Latta
Carney	Gohmert	Lee (NY)
Carson (IN)	Gonzalez	Levin
Cassidy	Goodlatte	Lewis (CA)
Castle	Gordon (TN)	Lewis (GA)
Chaffetz	Granger	Linder
Chandler	Graves	LoBiondo
Childers	Green, Al	Loebsack
Chu	Green, Gene	Lofgren, Zoe
Clarke	Griffith	

Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Berry

NOT VOTING—64

Abercrombie
Barrett (SC)
Boyd
Brown, Corrine
Brown-Waite, Ginny
Cao
Capuano
Carter
Castor (FL)
Costa
Crenshaw
Culberson
Cummings
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Dreier
Gerlach
Grayson
Grijalva
Gutierrez
Hinchey
Hoekstra
Holden
Johnson (IL)
Johnson, Sam
King (NY)
Kirk
Klein (FL)
Larsen (WA)
Lee (CA)
Lipinski
Maloney
Matsui
McCarthy (CA)
McCollum
Meek (FL)
Melancon
Miller, Gary
Moore (WI)
Neal (MA)
Ortiz
Paul
Payne
Putnam
Richardson
Roe (TN)
Rohrabacher
Roskam
Shadegg
Smith (WA)
Souder
Space
Stark
Teague
Thompson (CA)
Towns
Van Hollen
Wamp
Wasserman Schultz
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championship.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶133.27 H. RES. 562—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 562) congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. DAHLKEMPER, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 359 / Nays 1

¶133.28 [Roll No. 815]

AYES—359

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)

NOES—1

Berry

NOT VOTING—72

Abercrombie
Barrett (SC)
Bilirakis
Boyd
Brown, Corrine
Brown-Waite, Ginny
Cao
Capuano
Carter
Castor (FL)
Clarke
Coffman (CO)
Cole
Costa
Crenshaw
Culberson
Cummings
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Dicks
Dreier
Emerson
Gerlach
Grayson
Grijalva
Gutierrez
Hinchey
Hoekstra
Holden
Johnson (IL)
Johnson, Sam
King (NY)
Kirk
Klein (FL)
Larsen (WA)
Lee (CA)
Lipinski
Maloney
Matsui
McCarthy (CA)
McCollum
McKeon
Meek (FL)
Melancon
Miller, Gary
Moore (WI)
Neal (MA)
Ortiz
Paul
Payne
Putnam
Richardson
Roe (TN)
Rohrabacher
Roskam
Shadegg
Smith (WA)
Souder
Space
Stark
Teague
Thompson (CA)
Towns
Van Hollen
Wamp
Wasserman Schultz
Wexler
Wu
Young (FL)

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶133.29 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Friday, October 23, 2009:

H.R. 2647. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

¶133.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and until 3:30 p.m. on October 28;

To Mr. BACA, for October 23;

To Mr. BOYD, for today;

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Mr. CARTER, for today;

To Mr. CULBERSON, for today;

To Ms. McCOLLUM, for today and until 3 p.m. on October 27;

To Mr. Gary G. MILLER of California, for today; and

To Mr. ORTIZ, for today.

And then,

¶133.31 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the special order of the House agreed to on October 23, 2009, at 10 o'clock and 55 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, October 27, 2009.

¶133.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3639. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; with an amendment (Rept. 111–314). Referred to the Committee of the Whole House on the state of the Union.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 3854. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes (Rept. 111–315). Referred to the Committee of the Whole House on the state of the Union.

¶133.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BLACKBURN:

H.R. 3924. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Energy and Commerce.

By Mr. McDERMOTT:

H.R. 3925. A bill to amend the Employee Retirement Income Security Act of 1974 to preclude preemption of a State cause of action relating to a denial of a claim for benefits under a health care plan; to the Committee on Education and Labor.

By Mr. BOSWELL (for himself, Mr. WALZ, Mr. HALL of New York, Mr. LoBIONDO, Mrs. DAHLKEMPER, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 3926. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among members of the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FILNER, Mr. BUYER, Mr. RANGEL, Mr. JONES, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. SNYDER, and Mr. MICHAUD):

H.R. 3927. A bill to grant the Congressional Gold Medal to the Montford Point Marines; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Mr. EHLERS):

H.R. 3928. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 3929. A bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3930. A bill to extend for 6 months the maximum COBRA continuation coverage period for individuals who were involuntarily terminated between April 1, 2009, and December 31, 2009, and to amend the American Reinvestment and Recovery Act of 2009 to extend the eligibility period and maximum assistance period for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself, Mrs. NAPOLITANO, Ms. CHU, Mr. FILNER, Mrs. CAPPS, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. BONO MACK, Mr. FARR, Mr. HONDA, Mr. ISSA, Mr. SHERMAN, Ms. WOOLSEY, and Mrs. DAVIS of California):

H.R. 3931. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the election to treat the cost of a qualified film or television production as an expense which is not chargeable to a capital account; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. LoBIONDO, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. FATTAH, Mr. GRAYSON, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINOJOSA, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KILDEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MASSA, Ms. McCOLLUM, Mr. McDERMOTT, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SERRANO, Mr. SHERMAN, Mr. STARK, Ms. SUTTON, Mr. WILSON of Ohio, and Ms. WOOLSEY):

H. Con. Res. 205. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Georgia (for himself, Mr. PENCE, Mrs. BLACKBURN, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BONNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CAMPBELL, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CULBERSON, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. FORBES, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. McCAUL, Mr. McCLINTOCK, Mr. McHENRY, Mr. McKEON, Mr. MARCHANT, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAULSEN, Mr. PITTS, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROONEY, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. WAMP, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 870. A resolution expressing gratitude and appreciation to the individuals and families who participated in the Taxpayer March on Washington on September 12, 2009; to the Committee on Oversight and Government Reform.

¶133.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Ms. MARKEY of Colorado.

H.R. 272: Ms. MATSUI and Mr. REHBERG.

H.R. 273: Mr. BROWN of South Carolina.

H.R. 391: Mr. LUETKEMEYER, Mr. SULLIVAN, and Mr. GARRETT of New Jersey.

H.R. 422: Mr. PAUL.

H.R. 600: Mr. CLAY.

H.R. 644: Mr. NADLER of New York.

H.R. 690: Ms. RICHARDSON.
H.R. 930: Mr. ROTHMAN of New Jersey.
H.R. 1126: Mr. FORBES.
H.R. 1159: Mr. LARSON of Connecticut and Mr. CROWLEY.
H.R. 1175: Mr. SPACE.
H.R. 1210: Mr. GOODLATTE.
H.R. 1239: Ms. RICHARDSON and Mr. BLUMENAUER.
H.R. 1255: Mr. BROUN of Georgia.
H.R. 1347: Ms. NORTON, Mr. TOWNS, and Mr. MASSA.
H.R. 1412: Mr. MEEK of Florida.
H.R. 1521: Mr. DOGGETT, Mr. ACKERMAN, and Ms. MCCOLLUM.
H.R. 1547: Mrs. MYRICK.
H.R. 1549: Mr. GUTIERREZ and Mr. PETERS.
H.R. 1551: Mr. SCOTT of Virginia.
H.R. 1691: Ms. RICHARDSON and Mr. DAVIS of Kentucky.
H.R. 1766: Ms. NORTON.
H.R. 1835: Mr. MEEKS of New York.
H.R. 1898: Ms. ZOE LOFGREN of California.
H.R. 2000: Ms. HIRONO and Mr. FRANKS of Arizona.
H.R. 2016: Mr. QUIGLEY.
H.R. 2021: Mr. GOODLATTE.
H.R. 2256: Mr. BISHOP of Georgia.
H.R. 2269: Mr. BERMAN.
H.R. 2279: Ms. SCHWARTZ, Ms. KILPATRICK of Michigan, and Mr. CLEAVER.
H.R. 2296: Mr. MOLLOHAN.
H.R. 2324: Ms. DEGETTE and Mr. HONDA.
H.R. 2373: Mr. HILL.
H.R. 2381: Mr. BOCCIERI.
H.R. 2404: Mr. THOMPSON of Mississippi.
H.R. 2452: Mr. ARCURI, Mr. COURTNEY, and Mr. BACA.
H.R. 2478: Mr. BOREN, Ms. TITUS, and Mr. CAMP.
H.R. 2502: Ms. RICHARDSON and Mr. CLAY.
H.R. 2504: Mr. PETERSON.
H.R. 2578: Mr. KENNEDY.
H.R. 2698: Mr. MOORE of Kansas, Mr. KENNEDY, Mr. FILNER, and Mr. CONNOLLY of Virginia.
H.R. 2735: Mr. MICHAUD.
H.R. 2807: Ms. ZOE LOFGREN of California.
H.R. 2817: Mr. CARSON of Indiana.
H.R. 2819: Mr. DELAHUNT and Mr. KILDEE.
H.R. 2866: Mr. CRENSHAW.
H.R. 2894: Mr. RANGEL.
H.R. 2897: Mr. DRIEHAUS, Mr. PETERS, and Mr. BOREN.
H.R. 3024: Mr. WOLF and Mr. ROGERS of Kentucky.
H.R. 3026: Ms. RICHARDSON.
H.R. 3027: Ms. RICHARDSON.
H.R. 3028: Ms. RICHARDSON.
H.R. 3076: Mr. DEFAZIO.
H.R. 3116: Mr. BRALEY of Iowa.
H.R. 3149: Mrs. CHRISTENSEN.
H.R. 3208: Mr. BOSWELL.
H.R. 3227: Mr. RAHALL.
H.R. 3259: Mr. HARE, Mr. WEXLER, Mr. PERLMUTTER, Mr. SERRANO, Mr. KUCINICH, Ms. KILROY, Mr. KILDEE, Mr. ALTMIRE, Ms. NORTON, Mr. ANDREWS, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. GUTIERREZ, Ms. HIRONO, Ms. CHU, and Mr. SCOTT of Virginia.
H.R. 3277: Mr. JACKSON of Illinois.
H.R. 3321: Mr. LARSEN of Washington, Mr. STARK, and Ms. NORTON.
H.R. 3380: Mr. HINCHEY and Ms. NORTON.
H.R. 3439: Mr. HONDA.
H.R. 3448: Ms. FOXX.
H.R. 3491: Mr. HODES.
H.R. 3554: Mr. DENT.
H.R. 3560: Ms. SHEA-PORTER.
H.R. 3578: Ms. ZOE LOFGREN of California.
H.R. 3609: Mr. BOUSTANY.
H.R. 3633: Mrs. MILLER of Michigan.
H.R. 3639: Mr. ROTHMAN of New Jersey, Mr. MEEK of Florida, Mr. NADLER of New York, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts.
H.R. 3679: Mr. HINCHEY.
H.R. 3682: Mr. KAGEN and Mr. HILL.
H.R. 3691: Mr. KLINE of Minnesota.
H.R. 3721: Mr. ROTHMAN of New Jersey.
H.R. 3734: Mr. WEINER, Mr. CLYBURN, and Mr. MEEK of Florida.
H.R. 3750: Mr. RADANOVICH.
H.R. 3753: Mr. PAYNE.
H.R. 3767: Mr. MATHESON and Mr. CHAFFETZ.
H.R. 3773: Ms. NORTON and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3778: Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mrs. MCCARTHY of New York, Mr. BOUCHER, and Mr. REYES.
H.R. 3790: Mr. DRIEHAUS, Mr. GRIFFITH, and Mr. DELAHUNT.
H.R. 3798: Mrs. CAPPS.
H.R. 3810: Mr. CONYERS and Ms. HIRONO.
H.R. 3813: Mr. THOMPSON of Pennsylvania.
H.R. 3827: Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, and Mr. ROTHMAN of New Jersey.
H.R. 3838: Mr. COURTNEY, Mr. HIMES, Mr. STARK, and Mr. HASTINGS of Florida.
H.R. 3885: Mr. MARKEY of Massachusetts, Mr. KISSELL, and Mr. RODRIGUEZ.
H.R. 3916: Mr. POMEROY.
H.R. 3919: Ms. KOSMAS.
H. J. Res. 11: Mr. AKIN and Mr. CAMP.
H. J. Res. 23: Mr. WITTMAN.
H. Con. Res. 128: Mr. BISHOP of Georgia.
H. Con. Res. 170: Mr. WALZ.
H. Res. 22: Mr. MEEK of Florida.
H. Res. 440: Mr. FLEMING and Mr. HIMES.
H. Res. 711: Mr. HINCHEY.
H. Res. 715: Mr. MCCOTTER.
H. Res. 727: Mr. COURTNEY, Ms. SLAUGHTER, and Mr. SPACE.
H. Res. 759: Mr. NEUGEBAUER, Mr. TIBERI, Mr. SOUDER, Mr. CRENSHAW, Mr. STUPAK, Mr. BRADY of Texas, Mr. BOUSTANY, Mr. SHADEGG, and Mr. BLUNT.
H. Res. 764: Mr. PITTS and Mr. FRANKS of Arizona.
H. Res. 783: Mr. HEINRICH and Ms. SUTTON.
H. Res. 784: Mr. CONNOLLY of Virginia.
H. Res. 787: Mr. JACKSON of Illinois.
H. Res. 790: Mr. SPRATT and Mr. HEINRICH.
H. Res. 812: Mr. SHULER and Mr. MCINTYRE.
H. Res. 817: Ms. BORDALLO, Mr. CARSON of Indiana, Mr. CARNEY, Ms. CLARKE, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. HARE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MAFFEI, Mr. PAULSEN, Ms. RICHARDSON, Ms. SPEIER, Ms. TSONGAS, and Ms. WATSON.
H. Res. 831: Mr. GORDON of Tennessee, Mr. PENCE, Mr. CASSIDY, Mr. FOSTER, Mr. LYNCH, Mr. LEWIS of Georgia, and Mr. MORAN of Kansas.
H. Res. 835: Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. INGLIS, Mr. ROONEY, and Mr. AUSTRIA.
H. Res. 847: Mr. WOLF, Ms. GINNY BROWN-WAITE of Florida, Mr. PENCE, Mr. MICA, Mr. KIRK, Ms. GRANGER, Mr. CHAFFETZ, Mrs. BIGGERT, and Mr. SMITH of Texas.
H. Res. 852: Mr. PENCE.
H. Res. 856: Mr. NYE, Mr. AKIN, Mr. PLATTS, Mr. LOBIONDO, Mr. SHUSTER, Ms. LORETTA SANCHEZ of California, and Mr. ABERCROMBIE.
H. Res. 858: Ms. CLARKE, Mr. DELAHUNT, Ms. GIFFORDS, Ms. LEE of California, Mr. REYES, Ms. FOXX, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, and Mr. HINCHEY.
H. Res. 861: Ms. GIFFORDS, Mr. SPRATT, Mr. SNYDER, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. MCKEON, Ms. SHEA-PORTER, Mr. BRIGHT, and Mr. TURNER.
H. Res. 869: Mr. BURTON of Indiana, Mr. PENCE, Mr. CHAFFETZ, and Mr. PAULSEN.

TUESDAY, OCTOBER 27, 2009 (134)

¶134.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
October 27, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶134.2 RECESS—10:55 A.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 55 minutes a.m., until noon.

¶134.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶134.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Monday, October 26, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶134.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport [Docket No.: FAA-2008-0517; Amendment No. 93-93] (RIN: 2120-AJ48) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Congestion Management Rule for LaGuardia Airport [Docket No.: FAA-2006-25709; Amendment No. 93-92] (RIN: 2120-AJ49) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Litle River, CA [Docket No.: FAA-2009-0617; Airspace Docket No. 09-AWP-5] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Platteville, WI [Docket No.: FAA-2009-0512; Airspace Docket No. 09-AGL-9] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pueblo, CO [Docket No.: FAA-2009-0349; Airspace Docket No. 09-ANM-6] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4304. A letter from the Regulations Officer/Attorney Advisor, FHWA, Department of

Transportation, transmitting the Department's final rule — Interoperability Requirements, Standards, or Performance Specifications for Automated Toll Collection Systems [FHWA Docket No.: FHWA-06-23597] (RIN: 2125-AF07) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4305. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers [RSPA Docket No.: 2006-26322 (HM-206F)] (RIN: 2137-AE21) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO [Docket No.: FAA-2009-0521; Directorate Identifier 2008-NM-187-AD; Amendment 39-16034; AD 2009-20-11] (RIN: 2120-AA64) received October 13, 3009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4307. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Minor Editorial Corrections and Clarifications [Docket No.: PHMSA-2009-0237 (HM-244B)] (RIN: 2137-AE50) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4308. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Bus Testing; Phase-In of Brake Performance and Emissions Testing, and Program Updates [Docket No.: FTA-2007-0011] (RIN: 2132-AA95) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4309. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30686; Amdt. No. 3339] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4310. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30685 Amdt. No 3338] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4311. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area R-2502A; Fort Irwin, CA [Docket No.: FAA-2009-0490; Airspace Docket No. 09-AWP-3] (RIN: 2120-AA66) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders [Docket No.: FAA-2009-0897; Directorate Identifier 2009-CE-048-AD; Amendment 39-16036; AD 2009-20-13] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No.: FAA-2008-0682; Directorate Identifier 2001-NM-237-AD; Amendment 39-16025; AD 2009-20-02] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Franklin, NC [Docket No.: FAA-2008-0986; Airspace Docket No. 08-ASO-15] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4315. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30689; Amdt. No. 483] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, -400, -400D, -400F, and 747SR Series Airplanes [Docket No.: FAA-2009-0293; Directorate Identifier 2008-NM-221-AD; Amendment 39-16035; AD 2009-20-12] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4317. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E Airspace; Bunnell, FL [Docket No.: FAA-2009-0327; Airspace Docket 09-ASO-014] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4318. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR [Docket No.: FAA-2009-0053; Airspace Docket No. 09-ASO-11] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4319. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors O-470, IO-470, TSIO-470, IO-520, TSIO-520, IO-550, and IOF-550 Series Reciprocating Engines [Docket No.: FAA-2009-0367; Directorate Identifier 2009-NE-10-AD; Amendment 39-16023; AD 2009-19-06] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4320. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR [Docket FAA No.: FAA-2008-0006; Airspace Docket No. 08-NM-1] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4321. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203 and -222 Airplanes and Model A300 B4-620 Airplanes [Docket No.: FAA-2009-0431; Directorate Identifier 2007-NM-174-AD; Amendment 39-16029; AD 2009-20-06] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4322. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2007-0390; Directorate Identifier 2007-NM-260-AD; Amendment 39-16028; AD 2009-20-05] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4323. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders [Docket No.: FAA-2009-0881; Directorate Identifier 2009-CE-050-AD; Amendment 39-16027; AD 2009-20-04] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4324. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No.: FAA-2008-1117; Directorate Identifier 2008-NM-106-AD; Amendment 39-16026; AD 2009-20-03] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4325. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, and Dornier 228-202 Airplanes [Docket No.: FAA-2009-0574 Directorate Identifier 2009-CE-028-AD; Amendment 39-16030; AD 2009-20-07] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4326. A letter from the Chief, Trade & Commercial Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — Foreign Repairs to American Vessels [CBP Dec. 09-04] (RIN: 1505-AB71) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶134.6 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶134.7 MOTION TO INSTRUCT CONFEREES TO H.R. 2996—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. SIMPSON, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 267 / Nays 147

¶134.8 [Roll No. 816]

YEAS—267

Aderholt	Altmire	Bachmann
Adler (NJ)	Arcuri	Bachus
Akin	Austria	Barrow
Alexander	Baca	Bartlett

Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Halvorson
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—147

Ackerman
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson (IN)
Chandler
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Hall (NY)
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Klein (FL)
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Stark
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—18

Abercrombie
Barrett (SC)
Cao
Castor (FL)
Deal (GA)
Gerlach
Granger
Hall (TX)
Hoekstra
Israel
Johnson, Sam
Kirkpatrick (AZ)
Pascrell
Payne
Radanovich
Sanchez, Loretta
Scott (VA)
Smith (WA)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶134.9 H.R. 2489—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2489) to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 33

¶134.10 [Roll No. 817]

YEAS—379

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler

Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—33

Akin
Broun (GA)
Burton (IN)
Campbell
Coble
Conaway
Culberson
Duncan
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Herger
Issa
Jordan (OH)
Kingston
Lamborn
Manzullo
Marchant
McClintock
Neugebauer
Paul
Paulsen
Pence
Petri
Poe (TX)
Rooney
Royce
Scalise
Sensenbrenner
Shadegg
Stearns
Tierney

NOT VOTING—20

Abercrombie
Barrett (SC)
Castor (FL)
Deal (GA)
Gerlach
Granger
Grijalva
Hall (TX)
Hoekstra
Israel
Johnson, Sam
Kirkpatrick (AZ)
Olson
Pascrell
Payne
Radanovich
Sanchez, Loretta
Scott (VA)
Smith (WA)
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶134.11 H. RES. 854—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 854) recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶134.12 [Roll No. 818]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Barrett (SC)
Boehner
Castor (FL)
Deal (GA)
Gerlach
Granger
Grijalva
Hall (TX)
Hoekstra
Israel
Johnson, Sam
Kirkpatrick (AZ)
Pascrell
Payne
Posey
Radanovich
Sanchez, Loretta
Scott (VA)
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶134.13 APPOINTMENT OF CONFEREES—H.R. 2996

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes: Messrs. DICKS, MORAN of Virginia, MOLLOHAN, CHANDLER, HINCHEY, OLVER, PASTOR of Arizona, PRICE of North Carolina, OBEY, SIMPSON, CALVERT, LATOURETTE, COLE, AND LEWIS of California.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶134.14 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE SUDAN

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the

President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2009.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *October 27, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–74).

¶134.15 MILITARY OFFICERS ASSOCIATION OF AMERICA

On motion of Mr. VAN HOLLEN, by unanimous consent, the bill of the Senate (S. 832) to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶134.16 HIS ALL HOLINESS BARTHOLOMEW

Mr. CARNAHAN moved to suspend the rules and agree to the following resolution (H. Res. 838); as amended:

Welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009.

Whereas Ecumenical Patriarch Bartholomew is the spiritual leader of nearly 300,000,000 Orthodox Christians around the world and millions of Orthodox Christians in the United States;

Whereas Ecumenical Patriarch Bartholomew is head of the largest Christian denomination headquartered in the Muslim world and convener of an ecumenical meeting which produced the first condemnation by Muslim religious leaders of the 9/11 attack on the United States as an anti-religious act;

Whereas the Ecumenical Patriarchate, located in Istanbul, Turkey, is the spiritual home of the world's oldest and second largest Christian church;

Whereas within the 2,000-year-old Sacred See of the Ecumenical Patriarchate, the New Testament was codified and the Nicene Creed was created;

Whereas the disappearance of the See would mean the end of a crucial link between the Christian and the Muslim world since the continuing presence of the Ecumenical Patriarchate in Turkey is a living testimony of religious co-existence since 1453;

Whereas Ecumenical Patriarch Bartholomew received on his first official visit to the United States in 1997, the Congressional Gold Medal, presented by the United States on behalf of the Congress in recognition of his outstanding and enduring contributions to religious understanding and peace, and was recognized by the United States in a manner reserved for a very small number of world leaders;

Whereas the legislation bestowing the Congressional Gold Medal on Ecumenical Patriarch Bartholomew had one of the highest numbers of Members of the United States House of Representatives cosponsoring it in Congressional history;

Whereas His All Holiness is one of the few living persons to have been awarded the highest Congressional honor, the Congressional Gold Medal, which has been bestowed only on the most eminent individuals, such as George Washington, Winston Churchill, and Pope John Paul II;

Whereas Ecumenical Patriarch Bartholomew is recognized in the United States and abroad as a leader in the quest for world peace, greater religious understanding, and respect for the Earth's environment;

Whereas Ecumenical Patriarchate Bartholomew was selected by Time Magazine as number 11 among 2008's 100 most influential people in the world;

Whereas Ecumenical Patriarch Bartholomew enhanced greater religious understanding by initiating a joint declaration that it is man's duty to protect the earth, signed by himself and Pope John Paul II, the spiritual leaders of nearly 1 out of every 5 people in the world;

Whereas Ecumenical Patriarch Bartholomew is called ''the Green Patriarch'' by leaders of the international environmental community;

Whereas Ecumenical Patriarch Bartholomew received the prestigious Sophie Prize of Norway for his environmental work;

Whereas the prize money was donated by His All Holiness to UNICEF's fund for destitute children and for environmental projects;

Whereas Ecumenical Patriarch Bartholomew has led symposia of international environmental leaders regarding the Adriatic, Aegean, Arctic, Baltic, and Black Seas, as well as the Amazon, Danube, and Mississippi Rivers, and His All Holiness was honored in New York through the Scenic Hudson River Initiative;

Whereas the Religious, Science, and Environmental (RSE) symposia are organized under the auspices of His All Holiness Ecumenical Patriarch Bartholomew, who originally conceived the movement in 1988 at a meeting of environmental and religious leaders for the purpose of establishing common ground on environmental issues between representatives of faith communities, scientists, and environmental nongovernmental organizations;

Whereas patrons of past symposia have included Prince Philip, Duke of Edinburgh; Jacques Santer and Romano Prodi, former Presidents of the European Commission; and Kofi Annan, former United Nations Secretary-General;

Whereas the symposia have also reached out across different faiths and denominations, revealing the wisdom of diverse theological traditions, as well as a common imperative to protect the natural world;

Whereas during the 2002 Adriatic Sea Symposium, Pope John Paul II and Patriarch Bartholomew signed a joint declaration underlining the spiritual duty of caring for God's creation in the interest of future generations; and

Whereas the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental, academic, and other institutions around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch, and recognizes the importance to the United States and the world of the Ecumenical Patriarch's recent environmental seminar conducted on the Mississippi River with some of the world's leading environment experts;

(2) recognizes the importance to the United States and to the world of Ecumenical Patriarch Bartholomew's leadership on matters of environment, peace, and religion, and encourages United States foreign policy makers to continue to urge Turkey to grant religious freedom and property rights to the Ecumenical Patriarchate as well as to reopen the theological school at Halki; and

(3) expresses its support for Ecumenical Patriarch Bartholomew's noble efforts for the betterment of humankind.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. CARNAHAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNAHAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 28, 2009.

¶134.17 JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD

Mr. CARNAHAN moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 45):

Whereas on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran)

to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. CARNAHAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNAHAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 28, 2009.

¶134.18 CONFUCIUS

Mr. CARNAHAN moved to suspend the rules and agree to the following resolution (H. Res. 784):

Whereas September 28, 551 B.C., is recognized as the date on which Confucius was born in the town of Qufu, in what is now the Shandong Province of China;

Whereas Confucius, who is one of the greatest thinkers, teachers, and social philosophers in history, developed a philosophy that has deeply influenced, and continues to influence, the social and political thought of countries around the world, including China, Korea, Japan, Taiwan, and Vietnam;

Whereas Confucius counseled introspection, self-cultivation, sincerity, and the observance of respect within social relationships as a means of achieving justice and attaining morality in personal and public life, reflecting a moral fiber of the highest degree;

Whereas the teaching of Confucius that ''what one does not wish for oneself, one ought not to do to anyone else; what one recognizes as desirable for oneself, one ought to be willing to grant to others'' is a model for ethical behavior and for the promotion of harmony among us;

Whereas Confucius taught that an ideal government is founded upon loyalty, respect for elders, and recognition of the importance of family; and

Whereas Confucius taught that politicians must be models of truthfulness and morality, which serves as a reminder to all of our duty to serve with the utmost honor and respect: Now, therefore, be it

Resolved, That the House of Representatives honors the 2,560th anniversary of the birth of Confucius and recognizes his invaluable contributions to philosophy and social and political thought.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. CARNAHAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNAHAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, October 28, 2009.

¶134.19 ENROLLED BILL AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1209. An Act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

¶134.20 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 26, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 2647. An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

¶134.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. GERLACH, for today.

And then,

¶134.22 ADJOURNMENT

On motion of Mr. GOHMERT, at 10 o'clock and 35 minutes p.m., the House adjourned.

¶134.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. SHIMKUS, Mrs. BONO MACK, Mr. TERRY, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, and Mr. WALDEN):

H.R. 3932. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. NEAL of Massachusetts, Mr. STARK, Mr. LEVIN, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3933. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3934. A bill to amend title 5, United States Code, to require at least biennial review of the per diem allowances and the maximum reimbursement amounts established for official travel by Federal employees to localities that include, or that are adjacent to localities that include, certain military installations; to the Committee on Oversight and Government Reform.

By Mr. LATOURETTE:

H.R. 3935. A bill to establish a temporary minimum price for Class II and Class III milk under Federal milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself and Mr. TIBERI):

H.R. 3936. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 3937. A bill to establish a health benefits program, based on the Federal employees health benefits program, to provide health insurance coverage for the President, Vice President, and Members of Congress, and citizens not eligible for coverage under the Federal employees health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 3938. A bill to suspend temporarily the duty on certain nonwoven polypropylene zippered sleeping bag carry cases, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference; to the Committee on Ways and Means.

By Mr. FARR (for himself, Mr. PAUL, Mr. COHEN, Mr. ROHRABACHER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. KUCINICH, Mr. WAXMAN, Mr. MICHAUD, Ms. BALDWIN, Mr. BERMAN, Mrs. CAPPS, Mr. GRIJALVA, Mr. POLIS of Colorado, Mr. STARK, Ms. WOOLSEY, Mr. SHERMAN, Mr. HONDA, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. BERKLEY, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California):

H.R. 3939. A bill to amend title 18, United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States,

and for other purpose; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 3940. A bill to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; to the Committee on Natural Resources.

By Mr. BURGESS:

H.R. 3941. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. BRADY of Pennsylvania, Mr. GORDON of Tennessee, Mr. MARSHALL, Ms. ESHOO, Ms. MCCOLLUM, Mr. HENSARLING, Mr. MCCOTTER, Mr. SESSIONS, Mr. WITTMAN, Mr. WOLF, Ms. ZOE LOFGREN of California, and Mr. PLATTS):

H.R. 3942. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. PETRI, and Ms. MATSUI):

H.R. 3943. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3944. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grant funds to be used for Troops-to-Cops program; to the Committee on the Judiciary.

By Mr. SPRATT:

H.R. 3945. A bill to suspend temporarily the duty on Himic Anhydride; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 3946. A bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas:

H. Res. 871. A resolution directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform; to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. KLEIN of Florida):

H. Res. 872. A resolution calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism for its support of Iran, Hezbollah, and the Revolutionary Armed Forces of Columbia (FARC); to the Committee on Foreign Affairs.

By Mr. ROHRABACHER (for himself and Mr. DAVIS of Tennessee):

H. Res. 873. A resolution establishing a United States Consulate in the Kurdistan Region of Iraq; to the Committee on Foreign Affairs.

¶134.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. SESSIONS.
H.R. 104: Mr. WATT.
H.R. 182: Mr. MAFFEI.
H.R. 345: Mr. THOMPSON of Pennsylvania.
H.R. 413: Mr. JACKSON of Illinois, Ms. WATSON, Mr. BARROW, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. HALL of New York, Mr. HINCHEY, Mr. WEXLER, and Ms. MCCOLLUM.
H.R. 442: Mr. LINDER.
H.R. 503: Ms. TSONGAS, Mr. TONKO, and Mr. KILDEE.
H.R. 510: Mr. NYE and Mr. HOLDEN.
H.R. 517: Mr. MCMAHON.
H.R. 534: Mr. JONES.
H.R. 537: Mr. HILL.
H.R. 644: Mr. GEORGE MILLER of California.
H.R. 678: Mr. WOLF, Mr. SCHIFF, Mr. KENNEDY, and Ms. SUTTON.
H.R. 690: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 697: Ms. TSONGAS.
H.R. 734: Ms. DEGETTE and Mr. QUIGLEY.
H.R. 769: Mr. ROTHMAN of New Jersey.
H.R. 795: Mr. CARSON of Indiana.
H.R. 816: Mr. BACHUS.
H.R. 848: Ms. SUTTON.
H.R. 868: Mr. SMITH of New Jersey and Mr. ROSS.
H.R. 877: Mr. LATTA.
H.R. 901: Mr. RANGEL and Mr. ELLISON.
H.R. 1074: Mr. UPTON.
H.R. 1182: Mr. MCHENRY, Mr. HASTINGS of Washington, Mr. BOREN, Mr. SERRANO, Mr. DELAHUNT, Mr. NADLER of New York, and Mr. FATTAH.
H.R. 1207: Mr. BISHOP of Georgia.
H.R. 1240: Mr. DUNCAN.
H.R. 1283: Mr. PIERLUISI.
H.R. 1300: Mr. PENCE.
H.R. 1326: Mr. CLAY and Mr. BUCHANAN.
H.R. 1340: Ms. BALDWIN.
H.R. 1378: Ms. VELÁZQUEZ, Mr. SPACE, Mr. KRATOVIL, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. HALL of New York, Mr. MITCHELL, Mr. CONYERS, Mr. MORAN of Virginia, Mr. PETERS, Mr. ROGERS of Alabama, Mr. TIERNEY, Mr. NYE, and Mr. MASSA.
H.R. 1423: Mr. LATOURETTE, Mr. PETERS, Mr. DAVIS of Illinois, Mr. CARSON of Indiana, and Ms. DEGETTE.
H.R. 1479: Ms. CHU.
H.R. 1522: Mr. BOREN and Mr. HALL of New York.
H.R. 1526: Mr. WELCH, Mr. WITTMAN, and Mr. PERRIELLO.
H.R. 1548: Mr. TERRY.
H.R. 1549: Mr. WEINER, Ms. WOOLSEY, and Ms. SUTTON.
H.R. 1585: Mr. WALZ.
H.R. 1670: Mr. BERMAN.
H.R. 1708: Mr. LEVIN.
H.R. 1826: Mrs. MCCARTHY of New York.
H.R. 1835: Mr. DANIEL E. LUNGREN of California and Mr. WITTMAN.
H.R. 1844: Mr. HONDA.
H.R. 1960: Mr. TIAHRT.
H.R. 1977: Mr. MASSA.
H.R. 2000: Mr. MURPHY of New York, Mr. MARKEY of Massachusetts, and Mr. HILL.
H.R. 2006: Mr. DAVIS of Illinois and Mr. KRATOVIL.
H.R. 2017: Mr. PERRIELLO.
H.R. 2136: Mr. SCOTT of Virginia, Mr. MINNICK, Mr. KILDEE, Mr. SHERMAN, Mr. HINCHEY, and Mr. WHITFIELD.
H.R. 2138: Mr. BISHOP of New York.
H.R. 2161: Ms. KILPATRICK of Michigan.
H.R. 2194: Mr. EDWARDS of Texas and Mr. TANNER.
H.R. 2227: Mr. KLINE of Minnesota.
H.R. 2254: Mr. HIMES, Mr. KLINE of Minnesota, Ms. KILROY, Mr. ANDREWS, Ms. TSONGAS, and Mrs. KIRKPATRICK of Arizona.
H.R. 2273: Ms. HARMAN.
H.R. 2279: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. ORTIZ.
H.R. 2296: Mr. UPTON.
H.R. 2365: Mr. TIM MURPHY of Pennsylvania.
H.R. 2372: Mr. WILSON of South Carolina.
H.R. 2382: Mr. HALL of New York.
H.R. 2452: Mr. MILLER of Florida, Mr. STEARNS, and Mr. WELCH.
H.R. 2478: Mr. DEFAZIO.
H.R. 2579: Mr. POLIS and Mr. JOHNSON of Georgia.
H.R. 2642: Mr. COURTNEY.
H.R. 2699: Mr. CONNOLLY of Virginia.
H.R. 2708: Mr. MCDERMOTT.
H.R. 2715: Mr. MCCLINTOCK.
H.R. 2799: Mr. CARSON of Indiana, Mr. BROUN of Georgia, and Mr. REHBERG.
H.R. 2807: Mrs. NAPOLITANO.
H.R. 2831: Mr. KRATOVIL.
H.R. 2894: Ms. KOSMAS.
H.R. 2900: Mr. CASSIDY.
H.R. 2931: Mr. HEINRICH.
H.R. 2964: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2999: Mr. BARROW, Mr. FARR, Mr. ROGERS of Michigan, Mr. YOUNG of Florida, Mrs. NAPOLITANO, and Mr. MCGOVERN.
H.R. 3053: Mr. TOWNS.
H.R. 3185: Mr. GRIJALVA.
H.R. 3186: Mr. BOREN.
H.R. 3407: Ms. KOSMAS.
H.R. 3421: Mr. DOGGETT and Mr. HINOJOSA.
H.R. 3458: Mr. MCDERMOTT.
H.R. 3463: Mr. TIAHRT and Mr. SCHOCK.
H.R. 3486: Mr. MCCOTTER and Mr. MCMAHON.
H.R. 3559: Ms. BERKLEY.
H.R. 3564: Mr. CONYERS, Mr. GRIJALVA, and Mr. RANGEL.
H.R. 3577: Mr. ROGERS of Alabama and Mr. COSTELLO.
H.R. 3596: Ms. WATERS, Mr. ROTHMAN of New Jersey, Mr. ELLISON, and Mr. SHERMAN.
H.R. 3613: Mr. PAUL, Mr. BARTLETT, and Mr. CAO.
H.R. 3633: Mr. MORAN of Virginia.
H.R. 3634: Mr. KILDEE, Mr. SCHAUER, Mrs. MILLER of Michigan, Mr. LEVIN, Ms. KILPATRICK of Michigan, and Mr. DINGELL.
H.R. 3635: Mr. SCALISE.
H.R. 3641: Ms. TITUS, Mr. BISHOP of New York, Mr. MCNERNEY, Mr. MCMAHON, Mr. SCOTT of Virginia, Mr. BARTLETT, Mr. SCHAUER, Mr. BARROW, Mr. WITTMAN, Mr. KRATOVIL, and Mr. HUNTER.
H.R. 3650: Mr. LEVIN, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. HONDA, Mr. KENNEDY, Mr. MURPHY of New York, Mr. CAO, Mr. GRIJALVA, and Mr. THOMPSON of California.
H.R. 3652: Mr. LATHAM.
H.R. 3654: Ms. BORDALLO.
H.R. 3667: Mr. GRAYSON.
H.R. 3688: Mr. MCCAUL, Mr. ROE of Tennessee, and Mrs. EMERSON.
H.R. 3691: Mr. BILIRAKIS.
H.R. 3710: Mr. KILDEE and Mr. ISRAEL.
H.R. 3712: Mr. RANGEL, Mr. BURGESS, Mr. CUMMINGS, Mr. NADLER of New York, and Mr. JACKSON of Illinois.
H.R. 3731: Mr. MEEK of Florida.
H.R. 3734: Mr. LYNCH and Mr. MCGOVERN.
H.R. 3778: Mr. THOMPSON of Pennsylvania.
H.R. 3789: Mr. CANTOR.
H.R. 3790: Mr. KENNEDY, Mr. COURTNEY, Mr. ORTIZ, Ms. CASTOR of Florida, Mrs. DAHLKEMPER, and Mr. KING of New York.
H.R. 3791: Ms. CHU.
H.R. 3798: Mr. RANGEL.
H.R. 3810: Mr. PAYNE.
H.R. 3827: Mr. GUTIERREZ.
H.R. 3837: Mr. LANCE, Mr. LOEBSACK, and Mr. DRIEHAUS.
H.R. 3855: Mr. ELLISON and Ms. LEE of California.
H.R. 3885: Mr. MEEK of Florida, Mrs. BLACKBURN, and Mr. MINNICK.
H.R. 3905: Mr. SCHOCK, Mr. PAUL, Mr. ROSS, Mrs. BLACKBURN, Mr. SIMPSON, Mr. NYE, and Mr. ROONEY.
H.R. 3921: Mr. BARTLETT, Mr. BOREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, and Mr. ROONEY.
H. J. Res. 11: Mr. LAMBORN.

H. Con. Res. 42: Mr. CARSON of Indiana.
H. Con. Res. 43: Mr. CARSON of Indiana.
H. Con. Res. 128: Mr. CONYERS.
H. Con. Res. 160: Mr. RAHALL, Mr. BUCHANAN, and Mr. BOCCIERI.
H. Con. Res. 170: Mr. MCHENRY.
H. Con. Res. 198: Mr. HIMES, Mr. CUMMINGS, Ms. GINNY BROWN-WAITE of Florida, and Mr. SIRES.
H. Res. 89: Mr. PERLMUTTER, Mr. ALEXANDER, and Mr. ORTIZ.
H. Res. 278: Mr. FARR and Mr. FATTAH.
H. Res. 554: Mr. TIM MURPHY of Pennsylvania, Mr. NYE, and Mr. BUCHANAN.
H. Res. 605: Mr. NADLER of New York.
H. Res. 611: Ms. SCHAKOWSKY.
H. Res. 704: Mr. BISHOP of Utah, Mr. CONYERS, and Mr. BISHOP of Georgia.
H. Res. 708: Ms. KILROY, Mr. GRAVES, Mrs. NAPOLITANO, Mr. MASSA, Mr. BOSWELL, Mr. BUCHANAN, Mr. BERMAN, Mr. LUETKEMEYER, Mr. CUELLAR, Mr. BROUN of Georgia, Mr. SHIMKUS, Mr. ROE of Tennessee, Mr. KIRK, Mr. SNYDER, Mr. TIAHRT, Mr. LATOURETTE, and Mr. MACK.
H. Res. 711: Mr. BUTTERFIELD.
H. Res. 713: Mr. COBLE, Mr. PASCRELL, Ms. CLARKE, Mr. QUIGLEY, Mr. HIGGINS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, and Mr. WATT.
H. Res. 715: Mr. LAMBORN.
H. Res. 764: Mr. CAO and Mr. LAMBORN.
H. Res. 780: Mr. ISSA and Mr. RANGEL.
H. Res. 831: Mr. WAMP and Mr. CARDOZA.
H. Res. 839: Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. INGLIS, Mr. GRIJALVA, Mr. MANZULLO, and Mr. CROWLEY.
H. Res. 845: Mr. ORTIZ, Mr. JONES, Mr. HALL of Texas, Mr. REYES, Mr. GENE GREEN of Texas, Mr. AKIN, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. BARTLETT, Mr. BISHOP of Utah, and Mr. FRANKS of Arizona.
H. Res. 847: Mr. CARTER, Mr. CAO, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. WALDEN, and Mr. NUNES.
H. Res. 848: Mr. BOSWELL.
H. Res. 856: Mr. MCKEON and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 863: Mr. SIRES, Ms. GIFFORDS, Mr. RANGEL, Mrs. EMERSON, Mrs. MCCARTHY of New York, Ms. ROS-LEHTINEN, Mr. JONES, Mr. COBLE, Mrs. BIGGERT, Mrs. MALONEY, Mr. WEXLER, Mr. ELLISON, Mr. ENGEL, and Ms. WATSON.
H. Res. 866: Ms. BORDALLO, Mrs. EMERSON, Mrs. CAPPS, Mrs. MALONEY, Mr. HOYER, Mr. CHILDERS, Mr. LEVIN, and Mr. DREIER.
H. Res. 867: Mr. PAULSEN, Mr. CANTOR, Mr. BLUNT, Mr. MCCOTTER, Mrs. BACHMANN, Mr. ROE of Tennessee, Mr. BUCHANAN, Mr. SESSIONS, Mr. LOBIONDO, Mr. TOWNS, Ms. BERKLEY, Mr. MORAN of Kansas, Mr. FALEOMAVAEGA, Mr. KLEIN of Florida, Mr. TIAHRT, Mr. LATTA, Mr. SHIMKUS, Mr. ENGEL, Mr. MACK, Mr. MCMAHON, Ms. CHU, Mr. CROWLEY, Mr. MCHENRY, Mr. CAMPBELL, Ms. JENKINS, Mr. ISRAEL, Mr. WAXMAN, Mr. BISHOP of Utah, Mr. LINDER, Mr. HASTINGS of Washington, Mr. BRADY of Texas, Mr. WEXLER, Mr. SIRES, Mr. MEEK of Florida, Mr. ROSS, Mr. KINGSTON, Mr. HASTINGS of Florida, Mr. LAMBORN, Mr. SCHIFF, and Mr. KING of New York.
H. Res. 868: Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. WITTMAN, Ms. FOXX, and Mr. ROONEY.

¶134.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1298: Mr. ALEXANDER.

WEDNESDAY, OCTOBER 28, 2009 (135)

The House was called to order by the SPEAKER.

¶135.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, October 27, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶135.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4327. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0076; FRL-8794-4] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4328. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2008. The report separately identifies the dollar value of items for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

4329. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Inspector General Address (DFARS Case 2009-D001) (RIN: 0750-AG34) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4330. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

4331. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Scott C. Black, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4332. A letter from the Assistant Secretary For Financial Stability, Department of the Treasury, transmitting fifth major report on the Troubled Asset Relief Program entitled ''Trouble Asset Relief Program: Status of Efforts to Address Transparency and Accountability Issues''; to the Committee on Financial Services.

4333. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2006 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; FRL-8969-2] (RIN: 2060-AP27) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (New Orleans, Louisiana) [MB Docket No.: 09-147] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Acting, Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Simplification Rule: Final [Docket No.: 080211163-9110-02] (RIN: 0694-AE18) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4337. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 045-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4338. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of a differential electronic preamplifier originally designed for use on a submarine towed array pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4339. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of a particular valve regulated, sealed lead acid aircraft battery, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4340. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed transfer of defense articles or defense services to Kazakhstan (Transmittal No. DDTC 108-09); to the Committee on Foreign Affairs.

4341. A letter from the Secretary, Department of Energy, transmitting notification that it is in the public interest to use other than competitive procedures to procure additional services on a noncompetitive bases from the United States Enrichment Corperation under an existing contract, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Oversight and Government Reform.

4342. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4343. A letter from the Acting General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4344. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications [Docket No.: PTO-P-2009-0049] (RIN: 0651-AC36) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4345. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2010; to the Committee on the Judiciary.

4346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ronan, MT [Docket No.: FAA-2009-0552; Airspace Docket No. 09-ANM-7] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4347. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 727-281 Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Supplemental Type Certificate SA3449NM [Docket No.: FAA-2008-1325; Directorate Identifier 2008-NM-157-AD; Amendment 39-16024; AD 2009-20-01] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements for Amateur Rocket Activities [Docket No.: FAA-2007-27390; Amendment No. 101-8] (RIN: 2120-AI88) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30687 Amdt. No. 3340] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No.: FAA-2008-0646; Directorate Identifier 2007-NM-359-AD; Amendment 39-16031; AD 2009-20-08] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4351. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2008-1363; Directorate Identifier 2008-NM-104-AD; Amendment 39-16032; AD 2009-20-09] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4352. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30688; Amdt. No. 3341] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4353. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Industry Director Directive on Section 936 Exit Strategies #4 received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4354. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration under Section 45Q [Notice 2009-83] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4355. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Measurement of Assets and Liabilities for Pension Funding Purposes; Benefit Restrictions for Underfunded Pension Plans [TD 9467] (RIN: 1545-BG72; RIN 1545-BH07) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶135.3 SUBMISSION OF CONFERENCE REPORT—H.R. 2996

Mr. DICKS submitted a conference report (Rept. No. 111–316) on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶135.4 SMALL BUSINESS PROGRAMS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill of the Senate (S. 1929) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶135.5 DIGITAL TELEVISION TRANSITION

Mr. BOUCHER moved to suspend the rules and pass the bill of the Senate (S. 1694) to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. BOUCHER and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶135.6 NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

Mr. PALLONE moved to suspend the rules and agree to the following resolution (H. Res. 787):

Whereas metastatic breast cancer refers to Stage IV breast cancer when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in their new location;

Whereas an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop Stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during Breast Cancer Awareness Month, however those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making Stage IV cancer a chronic, but not fatal disease;

Whereas the House of Representatives is an institution that can raise awareness in the general public and the medical community of breast cancer; and

Whereas October 13, 2009, would be an appropriate date to designate as National Metastatic Breast Cancer Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Metastatic Breast Cancer Awareness Day;

(2) encourages all people in the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Clerk of the House to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PALLONE and Mrs. MYRICK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.7 AMERICAN NUCLEAR WEAPONS PROGRAM WORKERS

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 790); as amended:

Whereas hundreds of thousands of men and women have served this Nation in building its nuclear defense since World War II;

Whereas these dedicated American workers paid a high price for their service and have developed disabling or fatal illnesses as a result of exposure to beryllium, ionizing radiation, toxic substances, and other hazards that are unique to the production and testing of nuclear weapons;

Whereas these workers were put at individual risk without their knowledge and consent in order to develop a nuclear weapons program;

Whereas these patriotic men and women deserve to be recognized for their contribution, service, and sacrifice towards the defense of our great Nation; and

Whereas, on May 20, 2009, the Senate passed S. Res. 151, designating a national day of remembrance on October 30, 2009, for nuclear weapons program workers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a national day of remembrance for American nuclear weapons program workers and uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to recognize a national day of remembrance for past and present workers in America's nuclear weapons program.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. LYNCH and Mr. JORDAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶135.8 JOHN BROWN'S RAID

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 568); as amended:

Whereas Harpers Ferry, West Virginia, located at the confluence of the Shenandoah and Potomac Rivers was first noted for its beauty by our Founding Father, Thomas Jefferson;

Whereas it was designated by George Washington as a site for a Federal armory and arsenal that helped it grow into a bustling factory town where the first interchangeable parts for guns were created that supplied Lewis and Clark on their journey of westward expansion;

Whereas Harpers Ferry, best known as the site of John Brown's Raid on October 16-18, 1859, was targeted as an ideal location for initiating an uprising in the South that would end slavery because of its Federal armory and arsenal;

Whereas John Brown and his provisional army of 21 men captured the bridge, arsenal, armory, Hall's Rifle Works, along with hostages, and slave owners John Allstadt and Lewis Washington;

Whereas the fighting continued and on the morning of October 18, 1859, Lt. Col. Robert E. Lee and Lt. J.E.B. Stuart ordered 90 Marines to storm the engine house and captured John Brown and his 4 remaining men after they refused to surrender;

Whereas a total of 16 men were killed or mortally wounded in John Brown's Raid including, an unidentified slave, Thomas Boerly, George W. Turner, Mayor Fontaine Beckham, Heyward Shepherd, Luke Quinn, and 10 of Brown's men, William Leeman, John H. Kagi, Jeremiah G. Anderson, William Thompson, Dauphin Thompson, Brown's sons Oliver and Watson, Stewart Taylor, Lewis S. Leary, and Dangerfield Newby;

Whereas Brown and his men were tried in Charles Town, Virginia (present day West Virginia), and were convicted to death by hanging for the charges of murder, conspiring with slaves to rebel, and treason against the State of Virginia, however, their actions ultimately forced the Nation to consider the future of slavery in a turn of events that would lead to the Civil War and the freedom of 4,000,000 slaves;

Whereas Harpers Ferry stands as a testament to the antislavery and civil rights movements with the establishment of Storer College, created to educate newly freed slaves and later became the site of the Nation's first Niagara Movement meeting with an address delivered by African-American leader and scholar, W.E.B. Du Bois whose speech inspired the civil rights movement and the creation of the National Association for the Advancement of Colored People in 1909; and

Whereas in a year when we celebrate the 150th anniversary of John Brown's raid and the outbreak of America's Civil War, let us recognize the important role Harpers Ferry has played in our Nation's history: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 150th anniversary of John Brown's raid in Harpers Ferry, West Virginia.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. LYNCH and Mr. JORDAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶135.9 HISPANIC HERITAGE MONTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 783):

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic-Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic-Americans as the largest ethnic minority within the United States with a population of 46,900,000, comprising 15 percent of the Nation's total population;

Whereas according to the Bureau of the Census, 16 States have at least a half-million Hispanic residents, including Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Texas, Virginia, and Washington;

Whereas according to the Bureau of the Census, Hispanics are the largest minority group in 20 States, including Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Massachusetts, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Texas, Utah, Washington, and Wyoming;

Whereas according to the Bureau of the Census, there are 1,600,000 Hispanic-owned businesses operating in areas including construction, administrative and support, waste management and remediation services, and retail and wholesale trade that generated $222,000,000,000 in revenue in 2002, up 19 percent from 1997;

Whereas according to the Bureau of the Census, the rate of growth of Hispanic-owned businesses between 1997 and 2002 tripled to 31 percent compared with the national average of 10 percent for all businesses;

Whereas Hispanic-Americans serve in all branches of the United States Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas according to the Bureau of the Census, there are 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 43 men of Hispanic origin have earned this distinction;

Whereas many Hispanic-Americans are dedicated public servants, holding posts at the highest levels of government, including Cabinet Secretaries, Members of the House of Representatives, the Senate, and the Supreme Court; and

Whereas Hispanic-Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic-Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. LYNCH and Mr. JORDAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 29, 2009.

¶135.10 NATIONAL FIREFIGHTERS MEMORIAL DAY

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 729):

Whereas firefighters are often the first to respond to an emergency, whether the emergency is a fire, transportation accident, natural disaster, act of terrorism, medical emergency, or spill of hazardous materials;

Whereas firefighters tirelessly promote fire prevention and safety to protect our Nation;

Whereas people often do not recognize the important and dangerous work of firefighters;

Whereas the United States has more than 1,000,000 firefighters, 71 percent of whom are volunteer firefighters and approximately 15,000 of whom are female;

Whereas there are 1,600,000 fires, on average, in the United States each year;

Whereas approximately 30,000 fire departments operate within the United States;

Whereas a fire department responds to a fire in the United States every 20 seconds;

Whereas fire departments respond to nearly 2,000,000 calls in the United States each year without hesitation;

Whereas approximately 100 firefighters die in the United States each year in the line of duty;

Whereas 343 New York City Fire Department firefighters died in the line of duty at the World Trade Center on September 11, 2001;

Whereas an estimated 32,500 structure fires were intentionally set in the United States in 2007, resulting in 295 civilian deaths;

Whereas 103 on-duty firefighter fatalities occurred in 2008–2009 on the fire ground, 11 at other emergency calls, 39 while responding to or returning from alarms, 7 during training activities, and 17 during other on-duty activities;

Whereas approximately 3,600 people die in the United States each year as a result of fires, and over 19,000 are injured;

Whereas October 9 is the anniversary of the Great Chicago Fire of 1871, in which more than 300 people lost their lives;

Whereas President Harding declared the week of October 9 to be ''Fire Prevention Week'' in 1922;

Whereas the National Fallen Firefighters Memorial Service takes place each year at the National Fire Academy in Emmitsburg, Maryland, on the Sunday before Fire Prevention Week;

Whereas the National Fallen Firefighters Foundation sponsors the annual memorial service to pay tribute to firefighters who died in the line of duty during the previous year;

Whereas given its significance, the Sunday before Fire Prevention Week would be an ideal day to commemorate Federal, State, and local firefighters killed or disabled in the line of duty;

Whereas the Congress created the National Fallen Firefighters Foundation to honor America's fallen firefighters and their families; and

Whereas in 2001, President George W. Bush signed Public Law 107–051 requiring that the flag of the United States at all public buildings be flown at half staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President to designate a day as ''National Firefighters Memorial Day'' to commemorate Federal, State, and local firefighters killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, October 29, 2009.

¶135.11 NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 831):

Whereas there are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;

Whereas nearly 54 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas, for many foster children, the wait for a permanent, adoptive, ''forever'' family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 60 percent since 1998, as nearly 28,000 foster youth ''aged out'' of foster care during 2007;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Website for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adopte1.org;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, 25,000 children have joined forever families during National Adoption Day;

Whereas in 2008, adoptions were finalized for over 4,600 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2009 is National Adoption Month, and November 21, 2009, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the $1,900,000,000 provided to support adoption through the Title IV–E Adoption Assistance program, as well as the assistance provided through the Title IV–E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. DAVIS of Illinois, and Ms. Ginny BROWN-WAITE of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.12 CELEBRATE SAFE COMMUNITIES WEEK AND CRIME PREVENTION MONTH

Mr. COHEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 177):

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for crime prevention and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the ''Celebrate Safe Communities'' (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in ''Celebrate Safe Communities'';

Whereas ''Celebrate Safe Communities'' will take place the first week of October 2009 to help kickoff recognition of October as ''Crime Prevention Month'';

Whereas ''Crime Prevention Month'' was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas ''Celebrate Safe Communities'' is designated to help local communities highlight the importance of law enforcement-community partnerships to keep communities safe places to live, learn, work, and play;

Whereas ''Celebrate Safe Communities'' will enhance the public awareness of vital crime prevention and safety messages and motivate people in the United States of all ages to learn what they can do to stay safe from crime;

Whereas ''Celebrate Safe Communities'' will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 3, 2009, would be an appropriate week to designate as ''Celebrate Safe Communities'' Week; and

Whereas the month of October is designated as ''Crime Prevention Month'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the designation of ''Celebrate Safe Communities'' Week;

(2) supports ''Crime Prevention Month'';

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how ''Celebrate Safe Communities'' can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote through ''Celebrate Safe Communities'' and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during ''Crime Prevention Month''.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶135.13 FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENTS

Mr. COHEN moved to suspend the rules and pass the bill (H.R. 3632) to provide improvements for the operations of the Federal courts, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶135.14 S. 1694—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1694) to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 420 / Nays ..... 0 }

¶135.15 [Roll No. 819]

YEAS—420

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim

Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Aderholt
Bachus
Baird
Barrett (SC)
Broun (GA)
Gohmert
Hall (TX)
Hastings (FL)
Hoyer
McMahon
Scott (GA)
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶135.16 H. RES. 838—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 838) welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 424 / Nays ..... 0 }

¶135.17 [Roll No. 820]

YEAS—424

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Baird
Barrett (SC)
Hall (TX)
Hastings (FL)
Hoyer
Murphy, Patrick
Tsongas
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his current trip on October 20, 2009, through November 6, 2009.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶135.18 H. RES. 784—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 784) honoring the 2560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 361; Nays ..... 47; Answered present 13

¶135.19 [Roll No. 821]

YEAS—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Etheridge
Fattah
Filner
Forbes
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—47

Akin
Altmire
Barton (TX)
Berry
Boccieri
Broun (GA)
Burgess
Camp
Carter
Chaffetz
Conaway
Davis (KY)
Davis (TN)
Driehaus
Ellsworth
Emerson
Flake
Fleming
Graves
Hoekstra
Johnson (IL)
Johnson, Sam
Jordan (OH)
LaTourette
Latta
Marchant
Massa
Matheson
Mica
Miller (FL)
Platts
Poe (TX)
Radanovich
Sensenbrenner
Shadegg
Shimkus
Simpson
Skelton
Souder
Space
Taylor
Tiberi
Walden
Westmoreland
Wilson (OH)
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—13

Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell
Donnelly (IN)
Fallin
Fortenberry
Foxx
Marshall
McHenry
Neugebauer
Nunes
Roe (TN)

NOT VOTING—11

Baird
Barrett (SC)
Boehner
Bright
Eshoo
Farr
Gohmert
Hall (TX)
Hastings (FL)
Hoyer
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.20 H. RES. 824—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 824) congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416; Nays 0

¶135.21 [Roll No. 822]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul

McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Barrett (SC)
Eshoo
Farr
Gohmert
Hall (TX)
Hastings (FL)
Herger
Hoyer
King (IA)
Radanovich
Rogers (MI)
Shuster
Speier
Tsongas
Wu

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶135.22 PROVIDING FOR CONSIDERATION OF H.R. 3854

Ms. PINGREE of Maine, by direction of the Committee on Rules, reported (Rept. No. 111–317) the resolution (H. Res. 875) providing for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶135.23 PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT TO H.R. 2996

Ms. PINGREE of Maine, by direction of the Committee on Rules, reported (Rept. No. 111–318) the resolution (H. Res. 876) providing for consideration of the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶135.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BUYER, for today and balance of the week; and

To Ms. TSONGAS, for today.

And then,

¶135.25 ADJOURNMENT

On motion of Mr. KING of New York, at 6 o'clock and 23 minutes p.m., the House adjourned.

¶135.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DICKS: Committee of Conference. Conference report on H.R. 2996. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–316). Ordered to be printed.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 875. Resolution providing for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes (Rept. 111–317). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 876. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–318). Referred to the House Calendar.

Mr. CONYERS. Committee on the Judiciary. H.R. 3570. A bill to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; with amendments (Rept. 111–319). Referred to the Committee of the Whole House on the state of the Union.

¶135.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAHLKEMPER (for herself, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Mr. MURTHA, Mr. SIRES, Mr. REHBERG, Mr. CONNOLLY of Virginia, Mr. ALTMIRE, Mr. MANZULLO, and Mr. BLUMENAUER):

H.R. 3947. A bill to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself, Mr. KLEIN of Florida, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. BUCHANAN, Ms. KOSMAS, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. POSEY, Mr. ROONEY, Mr. ROE of Tennessee, Mrs. CAPITO, Mr. CAMPBELL, Mr. BACA, Mr. TEAGUE, Mr. GUTIERREZ, Mr. SNYDER, and Mr. LEE of New York):

H.R. 3948. A bill to amend title 38, United States Code, to provide for entitlement under the Post-9/11 Educational Assistance Program to payment for test preparatory courses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. SNYDER, Mr. MILLER of Florida, Ms. HERSETH SANDLIN, Mr. BOOZMAN, Mr. MITCHELL, Mr. BUCHANAN, Mr. HALL of New York, Mr. ROE of Tennessee, Mrs. HALVORSON, Mr. PERRIELLO, Mr. TEAGUE, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. MCINTYRE, and Mr. FRANK of Massachusetts):

H.R. 3949. A bill to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EHLERS (for himself, Ms. MATSUI, and Mr. BARTLETT):

H.R. 3950. A bill to amend provisions of the Elementary and Secondary Education Act of 1965 relating to mathematics and science instruction; to the Committee on Education and Labor.

By Mr. CAO (for himself, Mr. BOUSTANY, Mr. CASSIDY, Mr. MELANCON, Mr. FLEMING, Mr. ALEXANDER, and Mr. SCALISE):

H.R. 3951. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. TITUS (for herself, Mr. OLSON, Ms. BERKLEY, Mr. HALL of New York, Mr. PAUL, Mrs. MCMORRIS RODGERS, and Mr. MANZULLO):

H.R. 3952. A bill to amend the Internal Revenue Code of 1986 increase the amount allowable as a deduction for meals and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. BOCCIERI (for himself and Mr. ROONEY):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include long-term unemployed individuals; to the Committee on Ways and Means.

By Mr. BOYD (for himself, Mr. MILLER of Florida, and Mr. CRENSHAW):

H.R. 3954. A bill to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to

authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; to the Committee on Agriculture.

By Mr. CARNEY (for himself, Mr. NYE, Mr. HIMES, and Mr. HOLDEN):

H.R. 3955. A bill to amend the Public Health Service Act to authorize grants to 10 States for demonstration projects for the expansion of State registries on childhood immunization or health to include data on body mass index (BMI), collected and submitted to the State by health care providers; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. BISHOP of New York, and Mr. FILNER):

H.R. 3956. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Education and Labor.

By Mr. ELLISON (for himself, Ms. BALDWIN, Mr. OBERSTAR, Mr. FILNER, Mr. WALZ, and Mr. MEEK of Florida):

H.R. 3957. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. HODES:

H.R. 3958. A bill to amend the Internal Revenue Code to provide for a refundable tax credit for heating fuels; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 3959. A bill to establish a moratorium on credit card interest rate increases, and for other purposes; to the Committee on Financial Services.

By Mr. MCMAHON:

H.R. 3960. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. BARROW, Mr. DEAL of Georgia, Mr. MARSHALL, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. YOUNG of Florida, Mr. ROTHMAN of New Jersey, Mr. LATTA, Mr. FOSTER, Mr. SPRATT, Mr. DAVIS of Tennessee, Mr. KILDEE, Mr. THOMPSON of California, Ms. MATSUI, Mr. WU, Mr. SNYDER, Mr. WALZ, Mr. WELCH, Mr. DUNCAN, Mr. JONES, Mr. PAUL, Mr. BARTLETT, Mr. KRATOVIL, Mr. SHIMKUS, Mr. AKIN, Mr. MILLER of Florida, Mr. HELLER, Mr. FORBES, Mr. WITTMAN, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. TURNER, Mr. REICHERT, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. BURGESS, Mr. BOREN, Mr. BONNER, Mr. WILSON of South Carolina, Mr. CUELLAR, Mr. SALAZAR, Mr. FLEMING, and Mr. WILSON of Ohio):

H. Con. Res. 206. Concurrent resolution commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation; to the Committee on Armed Services.

By Mr. REICHERT (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. PENCE, Mr. SESSIONS, Mrs. MCMORRIS RODGERS, Mr. CARTER, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. LUCAS, Mr. LEWIS of California, Mr. MCKEON, Mr. RYAN of Wisconsin, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. BACHUS, Ms. ROS-LEHTINEN, Mr. DANIEL E. LUNGREN of California, Mr. SMITH of Texas, Mr. HASTINGS of Washington, Mr. ISSA, Mr. DREIER, Mr. HALL of Texas, Mr. GRAVES, Mr. MICA, Mr. CAMP, Mr. HOEKSTRA, Mr. BUYER, Mr. SENSENBRENNER, Mr. AUSTRIA, Ms. JENKINS, Mr. MARCHANT, and Mr. WOLF):

H. Res. 874. A resolution amending the Rules of the House of Representatives to require all committees post record votes on their Web sites within 48 hours of such votes; to the Committee on Rules.

¶135.28 MEMORIALS

Under clause 4 of rule XXII,

218. The SPEAKER presented a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution No. 28 urging the President and the Congress of the United States not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska; to the Committee on Natural Resources.

¶135.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. FRELINGHUYSEN.
H.R. 211: Mr. MICHAUD.
H.R. 268: Mr. POSEY, Ms. GRANGER, Mr. CAMP, Mrs. BACHMANN, Mr. COBLE, Mr. CHAFFETZ, Mr. LAMBORN, Mr. HENSARLING, and Mr. BISHOP of Utah.
H.R. 385: Mr. TURNER.
H.R. 391: Mr. BURGESS, Mr. JORDAN of Ohio, Mr. AUSTRIA, Mr. GRAVES, and Mr. SCHOCK.
H.R. 460: Mr. PLATTS.
H.R. 510: Mr. DAVIS of Tennessee.
H.R. 524: Mr. PAUL.
H.R. 534: Mr. MANZULLO.
H.R. 610: Mr. TONKO.
H.R. 690: Mr. HOEKSTRA and Ms. TITUS.
H.R. 734: Mr. LYNCH.
H.R. 855: Mr. ROGERS of Alabama.
H.R. 881: Mr. TAYLOR.
H.R. 945: Mr. MCCOTTER.
H.R. 980: Mr. OLVER.
H.R. 1030: Mr. MCCOTTER.
H.R. 1094: Mr. DAVIS of Illinois and Mr. MARSHALL.
H.R. 1168: Mr. BUYER and Ms. CORRINE BROWN of Florida.
H.R. 1278: Mr. TOWNS, Mr. CUMMINGS, and Ms. WATSON.
H.R. 1308: Mr. GUTIERREZ.
H.R. 1361: Mr. WALZ.
H.R. 1402: Mr. GRIFFITH.
H.R. 1523: Mr. ROTHMAN of New Jersey.
H.R. 1526: Mr. NEAL of Massachusetts, Mr. DELAHUNT, and Mr. OLVER.
H.R. 1588: Mr. AUSTRIA.
H.R. 1740: Mr. CUELLAR.
H.R. 1751: Mr. SESTAK and Ms. KILPATRICK of Michigan.
H.R. 1792: Mr. YOUNG of Alaska.
H.R. 1826: Mr. DAVIS of Illinois.
H.R. 1831: Mr. POE of Texas, Mr. KING of Iowa, Mr. BURGESS, and Mr. MAFFEI.
H.R. 1879: Mr. WELCH, Ms. FALLIN, and Mr. BAIRD.
H.R. 1880: Mr. DOGGETT.
H.R. 1977: Mr. RANGEL.
H.R. 1990: Mr. MILLER of North Carolina.
H.R. 1993: Ms. MARKEY of Colorado.
H.R. 2156: Mr. WESTMORELAND.
H.R. 2178: Mr. BLUMENAUER.
H.R. 2194: Ms. JACKSON-LEE of Texas.
H.R. 2195: Mr. MCCOTTER.
H.R. 2254: Mr. ISRAEL and Mr. BILBRAY.
H.R. 2279: Mr. PAYNE, Mr. JOHNSON of Georgia, and Mr. ROTHMAN of New Jersey.
H.R. 2377: Mr. BAIRD.
H.R. 2382: Mr. BARTON of Texas.
H.R. 2480: Ms. ZOE LOFGREN of California, Mr. BUCHANAN, and Mr. KIRK.
H.R. 2502: Mr. TERRY.
H.R. 2517: Mr. CLAY.
H.R. 2546: Mrs. KIRKPATRICK of Arizona, Mr. PETERS, Mr. MCCOTTER, Mr. GORDON of Tennessee, and Mr. GARY G. MILLER of California.
H.R. 2594: Mr. SHADEGG.
H.R. 2607: Mr. NEUGEBAUER.
H.R. 2648: Mr. SCOTT of Georgia and Mr. DRIEHAUS.
H.R. 2698: Mr. RODRIGUEZ.
H.R. 2699: Mr. RODRIGUEZ.
H.R. 2755: Mr. WALZ.
H.R. 2807: Mr. SCHIFF.
H.R. 2808: Mr. POSEY.
H.R. 2866: Mr. BROWN of South Carolina, Mr. BRALEY of Iowa, and Mr. DOGGETT.
H.R. 3033: Mr. BLUMENAUER.
H.R. 3035: Ms. DEGETTE and Mrs. BLACKBURN.
H.R. 3053: Mr. SERANNO and Mr. NADLER of New York.
H.R. 3077: Mr. SIRES.
H.R. 3116: Mr. RYAN of Ohio and Mr. BOSWELL.
H.R. 3245: Mr. CLEAVER and Mr. CASTLE.
H.R. 3286: Mr. DELAHUNT, Mr. ELLSWORTH, and Mrs. NAPOLITANO.
H.R. 3353: Mr. GRIJALVA, Mr. ROONEY, and Mr. HONDA.
H.R. 3356: Mrs. MYRICK.
H.R. 3401: Ms. EDWARDS of Maryland.
H.R. 3421: Mr. FILNER.
H.R. 3488: Mr. SCHIFF.
H.R. 3511: Ms. MATSUI.
H.R. 3524: Mr. SIMPSON, Mr. MINNICK, Ms. ZOE LOFGREN of Claifornia, Mr. MANZULLO, and Mr. YOUNG of Alaska.
H.R. 3560: Mr. GRIJALVA.
H.R. 3564: Mr. CUMMINGS and Ms. WOOLSEY.
H.R. 3586: Mr. POLIS.
H.R. 3592: Mr. MASSA.
H.R. 3608: Mrs. DAVIS of California and Mr. BLUEMNAUER.
H.R. 3613: Mrs. EMERSON, Mr. BARRETT of South Carolina, and Mr. SHADEGG.
H.R. 3633: Mr. CONNOLLY of Virginia.
H.R. 3646: Ms. CASTOR of Florida.
H.R. 3652: Mr. TIBERI.
H.R. 3670: Mrs. EMERSON.
H.R. 3672: Mr. AL GREEN of Texas.
H.R. 3679: Mr. WELCH.
H.R. 3695: Ms. SHEA-PORTER.
H.R. 3701: Mr. ELLISON.
H.R. 3715: Mr. DENT.
H.R. 3734: Mr. LANGEVIN, Mr. TONKO, MR. MCNERNEY, and Mr. MARSHALL.
H.R. 3789: Mr. SKELTON and Mr. LINDER.
H.R. 3806: Mr. MICHAUD.
H.R. 3827: Ms. BERKLEY.
H.R. 3842: Mr. MINNICK.
H.R. 3845: Mr. HONDA.
H.R. 3846: Mr. HONDA.
H.R. 3901: Ms. LINDA T. SÁNCHEZ of California, Ms. BEAN, and Mr. MASSA.
H.R. 3904: Mr. HOLT, Mr. VAN HOLLEN, Mr. TOWNS, Ms. KAPTUR, Mr. KUCINICH, Mr. CUMMINGS, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. DINGELL, Ms. WATSON, Mr. ISRAEL, Mr. WEINER, Mr. LOEBSACK, Mr. LYNCH, and Mr. CLAY.
H.R. 3919: Mr. PERRIELLO.
H.R. 3921: Mr. SIRES.
H.R. 3922: Mr. POLIS of Colorado and Mr. ROSS.
H.R. 3939: Mr. NADLER of New York.
H.R. 3942: Mr. WHITFIELD, and Mr. MARCHANT.
H.J. Res. 11: Mr. MANZULLO.
H. Con. Res. 73: Mr. CUMMINGS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, and Mr. FATTAH.

H. Res. 150: Ms. WATSON and Mr. CUMMINGS.

H. Res. 440: Mr. BOUSTANY and Mr. HARPER.

H. Res. 510: Mr. BISHOP of New York, Mr. KILDEE, and Mr. LATHAM.

H. Res. 704: Mr. MOORE of Kansas, Mr. GONZALEZ, Mr. SCHOCK, and Mr. WALZ.

H. Res. 747: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 771: Mr. MARKEY of Massachusetts.

H. Res. 780: Ms. BERKLEY and Mr. THOMPSON of California.

H. Res. 798: Ms. JACKSON-LEE of Texas and Mr. TIM MURPHY of Pennsylvania.

H. Res. 828: Mr. BOSWELL.

H. Res. 835: Mr. LUETKEMEYER, Mr. MCKEON, and Mr. YOUNG of Alaska.

H. Res. 840: Mr. FALEOMAVAEGA.

H. Res. 841: Mr. SCHOCK.

H. Res. 845: Ms. FALLIN, Mr. MILLER of Florida, Mr. LAMBORN, Mr. BOREN, Mr. HINOJOSA, Mr. CUELLAR, Mr. GOHMERT, Mr. MCCAUL, Mr. DOGGETT, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. FLEMING, Mr. FORBES, Mr. MCKEON, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. SHUSTER, Mr. TURNER, Mrs. MCMORRIS RODGERS, and Mr. SKELTON.

H. Res. 847: Mr. LOBIONDO, Mr. OLSON, Mr. JOHNSON of Illinois, Mr. THOMPSON of Pennsylvania, Mr. MARCHANT, Mr. TIBERI, Mr. SENSENBRENNER, Mr. LEWIS of California, and Mrs. BACHMANN.

H. Res. 848: Mr. SKELTON.

H. Res. 858: Mr. TOWNS and Mr. GENE GREEN of Texas.

H. Res. 866: Mr. SKELTON and Mr. MCGOVERN.

H. Res. 867: Mr. SMITH of Nebraska, Mr. WEINER, Mr. DENT, Mr. MARKEY of Massachusetts, Mr. MANZULLO, Mr. KIRK, Ms. HARMAN, Mr. ROYCE, Mr. CONNOLLY of Virginia, Mr. CHAFFETZ, Mr. SMITH of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROTHMAN of New Jersey, Mr. MARCHANT, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. BONNER, Mr. ADERHOLT, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. REICHERT, Mr. HOEKSTRA, Mrs. MCMORRIS RODGERS, Mr. THOMPSON of Pennsylvania, Mr. NADLER of New York, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. FRELINGHUYSEN, Mr. KAGEN, Mr. CALVERT, Mr. PETERS, Mr. FRANKS of Arizona, Mr. LANCE, Mr. MCCAUL, Mr. CARTER, Mr. GERLACH, Mr. CARDOZA, and Mrs. MALONEY.

H. Res. 868: Mrs. MILLER of Michigan and Mr. CONAWAY.

H. Res. 869: Mr. LATTA, Mr. JONES, Mr. HASTINGS of Washington, Mr. MCKEON, Mr. NEUGEBAUER, Mr. JOHNSON of Illinois, and Mr. MARCHANT.

¶135.30 PETITIONS

Under clause 1 of rule XXII,

75. The SPEAKER presented a petition of City and County of San Francisco Department of Public Health, California, relative to Resolution No. 12–09 petitioning the Congress of the United States to support the inclusion of a public health insurance option as an essential component of comprehensive health care reform; which was referred to the Committee on Energy and Commerce.

THURSDAY, OCTOBER 29, 2009 (136)

¶136.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
October 29, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶136.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Wednesday, October 28, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶136.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4356. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8794-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4357. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Research and Development — Deletion of Obsolete Text (DFARS Case 2009-D005) (RIN: 0750-AG33) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan [EPA-R05-OAR-2009-0120; FRL-8968-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4359. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Administrative Code Rule 3745-21-17 Portable Fuel Containers [EPA-RO5-OAR-2007-0908; FRL-8958-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4360. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems [EPA-HQ-OW-2005-0025; FRL-8967-9] (RIN: 2040-AE84) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4361. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department [EPA-R09-0AR-2009-0339; FRL-8947-2] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4362. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-221, ''Public Assistance Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4363. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-220, ''Private Fire Hydrant Responsibility Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4364. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-219, ''University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4365. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-218, ''University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4366. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-217, ''Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4367. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-216, ''Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4368. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-222, ''Unemployment Compensation Extended Benefits Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4369. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-223, ''Studio Theater Housing Property Tax Exemption and Equitable Tax Relief Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4370. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-224, ''Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4371. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-225, ''Chemotherapy Pill Coverage Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07-225] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garrison Channel, Florida [COTP St. Petersburg, FL 07-224] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — St. Petersburg Beach, Gulf of Mexico, Florida [COTP St. Petersburg, FL 07-223] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Iron Man Swimming Competition, Gulf of Mexico, Clearwater, FL [COTP St. Petersburg, FL 07-222] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — Seddon Channel, Tampa Bay, Florida [COTP Sector St. Petersburg, FL 07-221] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marco Island Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07-220] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 485.1 [COTP Sector Upper Mississippi River-07-004] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 130 to 145 [COTP Sector Upper Mississippi River-07-005] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 534.5 to 535.5 [COTP Sector Upper Mississippi River-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 180 to 187 [COTP Sector Upper Mississippi River-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 364.0 to Mile Marker 366.0, Kansas City, KS [COTP Sector Upper Mississippi River-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 309.0 to 315.0 [COTP Sector Upper Mississippi River-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 630.0 to 300.0 [COTP Sector Upper Mississippi River-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Illinois River Mile 157 to Mile 167.0 [COTP Sector Upper Mississippi River-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River Mile Marker 10.5 to Mile Marker 11.5, Evansville, IL [COTP Sector Upper Mississippi River-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-240] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Old Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-244] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [Docket No.: COTP Sector St. Petersburg 07-254] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, Florida [COTP St. Petersburg, FL 07-268] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Alafia River, FL [Docket No.: COTP St. Petersburg 07-270] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's ''Major'' final rule — Revised Medical Criteria for Evaluating Maligant Neoplastic Diseases [Docket No.: SSA-2007-0066] (RIN: 0960-AG57) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶136.4 PROVIDING FOR CONSIDERATION OF H.R. 2996

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 876):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the nays had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 183

¶136.5 [Roll No. 823]

YEAS—236

Ackerman	Cuellar	Hill
Adler (NJ)	Cummings	Himes
Altmire	Dahlkemper	Hinchey
Andrews	Davis (AL)	Hinojosa
Arcuri	Davis (CA)	Hirono
Baca	Davis (IL)	Hodes
Baldwin	Davis (TN)	Holden
Barrow	DeFazio	Holt
Bean	DeGette	Honda
Becerra	Delahunt	Hoyer
Berkley	DeLauro	Inslee
Berman	Dicks	Israel
Berry	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee (TX)
Bishop (NY)	Donnelly (IN)	Johnson (GA)
Blumenauer	Doyle	Johnson, E. B.
Boccieri	Driehaus	Kagen
Boren	Edwards (MD)	Kanjorski
Boswell	Edwards (TX)	Kaptur
Boucher	Ellison	Kennedy
Boyd	Ellsworth	Kildee
Brady (PA)	Eshoo	Kilpatrick (MI)
Braley (IA)	Etheridge	Kilroy
Brown, Corrine	Farr	Kind
Butterfield	Filner	Kirkpatrick (AZ)
Capps	Foster	Kissell
Capuano	Frank (MA)	Klein (FL)
Cardoza	Fudge	Kosmas
Carnahan	Giffords	Kucinich
Carney	Gonzalez	Langevin
Carson (IN)	Gordon (TN)	Larsen (WA)
Castor (FL)	Grayson	Larson (CT)
Chandler	Green, Al	Lee (CA)
Chu	Green, Gene	Levin
Clarke	Grijalva	Lewis (GA)
Clay	Gutierrez	Lipinski
Cleaver	Hall (NY)	Loebsack
Clyburn	Halvorson	Lofgren, Zoe
Cohen	Hare	Lowey
Conyers	Harman	Luján
Cooper	Hastings (FL)	Lynch
Costello	Heinrich	Maffei
Courtney	Herseth Sandlin	Maloney
Crowley	Higgins	

Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Barrett (SC)
Buyer
Connolly (VA)
Engel
Fattah
McCotter
Michaud
Murphy, Patrick
Nunes
Oberstar
Pomeroy
Van Hollen

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 184

¶136.6 [Roll No. 824]

YEAS—232

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Abercrombie
Barrett (SC)
Burgess
Buyer
Deal (GA)
Emerson
Fattah
Hirono
LaTourette
Murphy, Patrick
Nunes
Pastor (AZ)
Scott (VA)
Sullivan
Velázquez
Waxman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶136.7 S. CON. RES. 45—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to

clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 45) encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶136.8 [Roll No. 825]

YEAS—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Barrett (SC)
Buyer
Fattah
Murphy, Patrick
Nunes
Rush
Turner
Velázquez

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶136.9 INTERIOR APPROPRIATIONS FY 2010

Mr. DICKS, pursuant to H. Res. 876, called up the following conference report (Rept. No. 111–318):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows;

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $959,571,000, to remain available until expended; of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2010 so as to result in a final appropriation estimated at not more than $959,571,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That notwithstanding section 430 of division E of Public Law 111–8, the amount of $1,000,000 made available to the Bureau of Land Management for the shipment and storage of oil shale core samples in the State of Colorado, as described in the table entitled ''Congressionally Designated Spending'' contained in the joint explanatory statement, is rescinded.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $8,626,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition

of lands or waters, or interests therein, $29,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled ''Congressionally Designated Spending'' contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products: Provided further, That title I of division E of the Omnibus Appropriations Act, 2009, is further amended, under the heading ''Department of the Interior—Bureau of Land Management—Administrative Provisions'' in the second paragraph: (1) by striking the phrase ''mining law administration'' and inserting ''from mining claim holders the mining claim maintenance fees and location''; and (2) by striking ''those'': Provided further, That section 28f(a) of title 30, United States Code, is amended by striking the phrase ''for years 2004 through 2008,'' and replacing it with '', to the extent provided in advance in Appropriations Acts,''. Section 28g of title 30, United States Code, is amended by striking the phrase ''and before September 30, 2008,'' and replacing it with '', to the extent provided in advance in Appropriations Acts,''. Section 28i of title 30, United States Code, is amended by striking ''28k'' and replacing it with ''28l''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,269,406,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,439,000, to remain available until expended: Provided, That funds provided under this heading in Public Law 111–8, division E for Kealia Pond National Wildlife Refuge, Nisqually National Wildlife Refuge, Patuxent Research Refuge, Tennessee National Wildlife Refuge, and Mammoth Springs National Fish Hatchery may be reallocated to acquire migratory bird survey aircraft and for construction at Neosho National Fish Hatchery.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $86,340,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $120,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $85,000,000, to remain available until expended, of which $29,000,000 is

to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $56,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $47,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $90,000,000, to remain available until expended: Provided, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,261,559,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost-share agreements, $15,000,000, to remain available until expended for Park Partnership signature projects and programs: Provided, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit: Provided further, That, of the amount made available under this heading, $10,000,000 shall be derived from the transfer of prior year unobligated balances available in the National Park Service recreation enhancement fee program established by title VIII, division J, Public Law 108–447.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $68,436,000, of which $4,600,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $79,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $25,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11): Provided, That of the funds provided for Save America's Treasures, $10,200,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $232,969,000, to remain available until expended: Provided, That, beginning in fiscal year 2010 and thereafter, procurements for the removal and restoration of the Elwha and Glines Canyon dams as authorized in Public Law 102–495 may be issued which include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That funds provided under this heading shall be made available without regard to the requirements of section 8(b) of Public Law 102–543, as amended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $126,266,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $40,000,000 is for the State assistance program and of which $9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,111,740,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $2,000,000 shall be available to fund the operating expenses for the Civil Applications Committee: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $175,217,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, $10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $35,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,335,965,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $30,000 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $166,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which $25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed $59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for

administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $93,807,956.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which not to exceed $25,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended: Provided, That, for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $85,195,000, of which: (1) $75,915,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law;

grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $794,897,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That no less than $125,000,000 in prior-year wildfire suppression balances shall be made available in addition to amounts provided in this Act for that purpose.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, $61,000,000, to remain available until expended.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: Provided, That Public Law 110–161 (121 Stat. 2116) under this heading is amended by striking ''in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act'' and inserting in lieu thereof ''including any fines or penalties''.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

MASS MARKING OF SALMONIDS

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS

SEC. 110. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

CONTRIBUTION AUTHORITY

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking ''in fiscal years 2008 and 2009 only'' and inserting ''in fiscal years 2010 through 2013''.

USE OF COOPERATIVE AGREEMENTS

SEC. 112. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior

may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

ICE AGE NATIONAL SCENIC TRAIL

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

CONFORMING AMENDMENT

SEC. 114. Notwithstanding any other provision of law, Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 115. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a nonrefundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 116. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 117. Section 101(a)(1) of Public Law 109–131 is amended by striking ''2009'' and inserting ''2013''.

SAN JUAN ISLAND NATIONAL HISTORIC PARK AUTHORIZATION

SEC. 118. Section 4 of Public Law 89–565, as amended (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking ''$5,575,000'' and inserting ''$13,575,000''.

JAPANESE AMERICAN CONFINEMENT SITES, AMENDMENT

SEC. 119. Section 1(c)(2) of Public Law 109–441 is amended by adding after subparagraph (D) the following new subparagraph:

''(E) Heart Mountain, depicted in Figure 6.3 of the Site Document.''.

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

(3) by inserting after subsection (f) the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.''.

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 121. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term ''historic attraction'' mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term ''Monument'' means the Word War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) VISITOR CENTER.—The term ''Visitor Center'' means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 122. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the ''Compact'').

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 123. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (''existing authorization'') within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to annual payments to the United States

based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 125. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;

(2) appropriate Federal agencies;

(3) Native Hawaiian and local government entities;

(4) private and nonprofit organizations;

(5) private land owners; and

(6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;

(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and

(3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

CONTROL OF BORDER

SEC. 126. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367) over the international land and maritime borders of the United States with respect to section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

PLACEMENT OF PLAQUE AT WORLD WAR II MEMORIAL

SEC. 128. Notwithstanding any other law, the Secretary of the Interior shall install in the area of the World War II Memorial in the District of Columbia a suitable plaque to commemorate the extraordinary leadership of Senator Robert J. Dole in making the Memorial a reality on the National Mall: Provided, That the Secretary shall design, procure, prepare and install the plaque: Provided further, That the Secretary of the Interior is authorized to accept and expend contributions toward the cost of preparing and installing the plaque, without further appropriation: Provided further, That Federal funds may be used to design, procure, or install the plaque.

MARTIN LUTHER KING, JR. MEMORIAL AUTHORITY, EXTENSION

SEC. 129. Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996, as amended (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527, 122 Stat. 5034) shall be amended by striking ''November 12, 2009'' and inserting ''September 30, 2010''.

JOHN ADAMS MEMORIAL AUTHORITY, EXTENSION

SEC. 130. Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by Public Law 107–62 and Public Law 107–315 shall continue to apply through September 30, 2010.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $846,049,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,993,779,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than $608,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $37,001,000, to remain available until expended, of which up to $500,000 shall be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,101,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,970,223,000, to remain available until expended, of which $2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,387,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That for fiscal year 2010, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $17,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $13,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated

Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $156,777,000 shall be for making special project grants and technical corrections to prior-year grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the joint explanatory statement of the managers accompanying this Act; and $1,116,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

Title II of Public Law 109–54, as amended by title II of division E of Public Law 111–8 (123 Stat. 729), is amended in the fourth paragraph under the heading ''Administrative Provisions'' by striking ''2011'' and inserting ''2015.''

The Administrator is authorized to transfer up to $475,000,000 of the funds appropriated for the Great Lakes Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the ''State and Tribal Assistance Grants'' and ''Hazardous Substance Superfund'' accounts, $40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study on domestic and international black carbon emissions that shall include an inventory of the major sources of black carbon, an assessment of the impacts of black carbon on global and regional climate, an assessment of potential metrics and approaches for quantifying the climatic effects of black carbon emissions (including its radiative forcing and warming effects) and comparing those effects to the effects of carbon dioxide and other greenhouse gases, an identification of the most cost-effective approaches to reduce black carbon emissions, and an analysis of the climatic effects and other environmental and public health benefits of those approaches.

For fiscal year 2010 the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $312,012,000, to remain available until expended: Provided, That of the funds provided, $66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $308,061,000, to remain available until expended, as authorized by law; of which $76,460,000 is to be derived from the Land and Water Conservation Fund; and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)).

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,551,339,000, to remain

available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That, through fiscal year 2012, the Secretary may authorize the expenditure or transfer of up to $10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $556,053,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $90,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $63,522,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 460l–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,103,737,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $350,285,000 is for hazardous fuels reduction activities, $11,600,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $71,250,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $20,752,000 is for forest health activities on Federal lands and $11,428,000 is for forest health activities on State and private lands: Provided further, That no less than $75,000,000 in prior-year wildfire suppression balances shall be made available in addition to amounts provided in this Act for that purpose: Provided further, That of the funds provided for hazardous fuels reduction, $10,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, $413,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be fully obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109–54, is amended by striking ''2009'' and inserting ''2014''.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That $18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public

Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,147,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: Provided further, That of the funds appropriated under this heading, $600,000 shall be for a study by the National Academy of Sciences to examine the use and storage of methyl isocyanate including the feasibility of implementing alternative chemicals or processes and an examination of the cost of alternatives at the Bayer CropScience facility in Institute, West Virginia.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $636,161,000, to remain available until September 30, 2011, except as otherwise provided herein; of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which $1,553,000 is for fellowships and scholarly awards; of which $250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $125,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, $30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $56,259,000, to remain available until expended: Provided, That of this amount, $40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $23,000,000: Provided, That of the funds included under this heading, $500,000 is available until expended to implement a program to train arts managers throughout the United States.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until September 30, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $167,500,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $167,500,000, to remain available until expended, of which $153,200,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: Provided, That one-quarter of 1 percent of the funds provided under

this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $49,122,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program, and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,200,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $16,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

TRANSFER OF FUNDS AUTHORITY

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

MINING APPLICATIONS

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 410. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 412. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: Provided further, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

CONTRACTING AUTHORITIES

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber

harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

SEC. 414. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 415. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

EXTENSION OF GRAZING PERMITS

SEC. 416. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 417. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking ''14'' and inserting in lieu thereof ''18''; and

(2) In the second sentence of subsection (d)(1), by striking ''Eight'' and inserting in lieu thereof ''Ten''.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS AUTHORIZATION

SEC. 418. The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking ''$7,500,000'' and inserting ''$10,000,000''; and

(2) in the second sentence of the fourth paragraph, by striking ''$500,000'' and inserting ''$650,000''.

ALASKA NATIVE HEALTH CARE SERVICES

SEC. 419. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

EXTENSION OF FOREST BOTANICAL PRODUCT AUTHORITIES

SEC. 420. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2014''.

TIMBER SALE REQUIREMENTS

SEC. 421. The Forest Service shall use the residual value approach to appraising all timber sales in Alaska's Region 10 that contain a component of Western red cedar and shall only offer sales that contain a component of Western red cedar that are not deficit. Western red cedar shall be appraised using lower 48 State domestic values if the timber might be eligible for shipment to the lower 48 States. All of the Western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices in the contiguous 48 United States. Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' if the Forest Service determines it is surplus or if the timber sale holder has presented to the Forest Service documentation that the Forest Service determines is valid of the inability to sell Western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional Western red cedar volume not sold to Alaska or to contiguous 48 United States domestic processors may be exported to foreign markets if the Forest Service determines it is surplus to the needs of the 50 States. All Alaska yellow cedar may be sold at prevailing export prices if the Forest Service determines it is surplus to the needs of the 50 States.

COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 422. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106–291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

GEOTHERMAL ENERGY RECEIPTS

SEC. 423. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109–58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

PROHIBITION ON USE OF FUNDS

SEC. 424. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 426. Not later than 120 days after the date on which the President's fiscal year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2009 and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

PROHIBITION ON USE OF FUNDS

SEC. 427. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

GUANTANAMO BAY DETAINEES, FUNDING RESTRICTIONS

SEC. 428. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the

District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(g) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

JUNGO DISPOSAL SITE EVALUATION

SEC. 429. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the ''site''), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

BUYOUT AND RELOCATION

SEC. 430. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') is encouraged to consider all appropriate criteria relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

AGRICULTURAL RESEARCH AUTHORIZATION

SEC. 431. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking ''Agricultural Research Service'' and inserting ''Agricultural Research Service and the Forest Service''; and

(2) by adding at the end the following:

''(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.''.

NATIONAL FOREST FOUNDATION

SEC. 432. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j–1(a)) is amended, in the first sentence, by striking ''fifteen Directors'' and inserting ''not more than 30 Directors''.

CABIN USER FEES

SEC. 433. Notwithstanding any other provision of law, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to increase a recreation residence user fee for calendar year 2010 by more than 25 percent of the recreation residence user fee applicable to the recreation residence for calendar year 2009.

PROHIBITION ON NO-BID CONTRACTS

SEC. 434. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 435. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL CONSERVATION AREA MAP AMENDMENT

SEC. 436. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111–11) is amended by striking ''December 18, 2008'' and inserting ''September 20, 2009''.

TAR CREEK SUPERFUND SITE

SEC. 437. (a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the ''site''), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 438. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 439. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

ENERGY AND WATER DEVELOPMENT, TECHNICAL CORRECTION

SEC. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking ''$45,000,000'' and inserting ''$5,000,000''.

AWARDS TO FOR-PROFIT ENTITIES

SEC. 441. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–180) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

PROHIBITION ON USE OF FUNDS

SEC. 442. None of the funds made available for the Environmental Protection Agency in this Act may be expended by the Administrator of the Environmental Protection Agency to issue a final rule that includes fuel sulfur standards applicable to existing steamships that operate exclusively within the Great Lakes, and their connecting and tributary waters.

AUTHORIZATION FOR REFINANCING

SEC. 443. The Administrator of the Environmental Protection Agency shall allow the State of Mississippi to refinance the Clean Water State Revolving Loans made to the Hancock Water and Sewer District and the Hancock Utility Authority for a period not to exceed one year with the payment schedule amortized over that additional period.

INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 444. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Incorporation of Congressionally Requested Projects'' included in the joint explanatory statement of the managers accompanying this Act, except that such funding appropriated for land acquisition, construction, and capital improvement and maintenance may be reallocated to other projects in that table funded by the same appropriation account if such reallocation has been approved by the House and Senate Committees on Appropriations; and, such funding appropriated for ''National Park Service—Historic Preservation Fund'' for Save America's Treasures grants may be reallocated to be used for competitive grants under the Save America's Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations.

TITLE V—FLAME ACT OF 2009

SEC. 501. SHORT TITLE.

This title may be cited as the ''Federal Land Assistance, Management, and Enhancement Act of 2009'' or ''FLAME Act of 2009''.

SEC. 502. FLAME WILDFIRE SUPPRESSION RESERVE FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term ''FLAME Fund'' means a FLAME Wildfire Suppression Reserve Fund established by subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to—

(i) Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(ii) the FLAME Fund established for the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to—

(i) National Forest System land; and

(ii) the FLAME Fund established for the Department of the Agriculture.

(b) ESTABLISHMENT OF FLAME FUNDS.—There is established in the Treasury of the United States the following accounts:

(1) The FLAME Wildfire Suppression Reserve Fund for the Department of the Interior.

(2) The FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture.

(c) PURPOSE OF FLAME FUNDS.—The FLAME Funds shall be available to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts are exhausted.

(d) FUNDING.—

(1) CREDITS TO FUNDS.—A FLAME Fund shall consist of the following:

(A) Such amounts as are appropriated to that FLAME Fund.

(B) Such amounts as are transferred to that FLAME Fund under paragraph (5).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the FLAME Funds such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that, for fiscal year 2011 and each fiscal year thereafter, the amounts requested by the President for a FLAME Fund should be not less than the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i).

(C) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS, SUPPLEMENTAL FUNDING REQUEST, AND SUPPLEMENT TO OTHER SUPPRESSION FUNDING.—It is the sense of Congress that for fiscal year 2011 and each fiscal year thereafter—

(i) amounts appropriated to a FLAME Fund in excess of the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i) should be designated as amounts necessary to meet emergency needs;

(ii) the Secretary concerned should promptly make a supplemental request for additional funds to replenish the FLAME Fund if the Secretary determines that the FLAME Fund will be exhausted within 30 days; and

(iii) funding made available through the FLAME Fund should be used to supplement the funding otherwise appropriated to the Secretary concerned for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts.

(3) AVAILABILITY.—Amounts in a FLAME Fund shall remain available to the Secretary concerned until expended.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretary concerned shall notify the relevant congressional committees if the Secretary estimates that only 60 days worth of funds remain in the FLAME Fund administered by that Secretary.

(5) TRANSFER AUTHORITY.—If a FLAME Fund has insufficient funds, the Secretary concerned administering the other FLAME Fund may transfer amounts to the FLAME Fund with insufficient funds. Not more than $100,000,000 may be transferred from a FLAME Fund during any fiscal year under this authority.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), amounts in a FLAME Fund shall be available to the Secretary concerned to transfer to the Wildland Fire Management appropriation account of that Secretary to pay the costs of wildfire suppression activities of that Secretary that are separate from amounts for wildfire suppression activities annually appropriated to that Secretary under the Wildland Fire Management appropriation account of that Secretary.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in a FLAME Fund shall be available for transfer under paragraph (1) only after that Secretary concerned issues a declaration that a wildfire suppression event is eligible for funding from the FLAME Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretary concerned under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; or

(II) the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression and Federal emergency response activities for the Secretary concerned will exceed, within 30 days, all of the amounts previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.

(3) STATE, PRIVATE, AND TRIBAL LAND.—Use of a FLAME Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—For fiscal year 2011 and subsequent fiscal years, the Secretary concerned shall request funds within the Wildland Fire Management appropriation account of that Secretary for regular wildfire suppression activities that do not meet the criteria specified in subsection (e)(2)(B)(i).

(g) PROHIBITION ON OTHER TRANSFERS.—The Secretary concerned may not transfer funds from non-fire accounts to the Wildland Fire

Management appropriation account of that Secretary unless amounts in the FLAME Fund of that Secretary and any amounts appropriated to that Secretary for the purpose of wildfire suppression will be exhausted within 30 days.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING REQUIREMENTS.—The Secretary concerned shall account and report on amounts transferred from the respective FLAME Fund in a manner that is consistent with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretary concerned shall submit to the relevant congressional committees and make available to the public an annual report that—

(A) describes the obligation and expenditure of amounts transferred from the FLAME Fund; and

(B) includes any recommendations that the Secretary concerned may have to improve the administrative control and oversight of the FLAME Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretary concerned shall submit to the relevant congressional committees an estimate of anticipated wildfire suppression costs for the applicable fiscal year.

(B) INDEPENDENT REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretary concerned shall submit an estimate under subparagraph (A) during—

(i) the first week of March of each year;

(ii) the first week of May of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary concerned to use the FLAME Fund established for that Secretary shall terminate at the end of the third fiscal year in which no appropriations to, or withdrawals from, that FLAME Fund have been made for a period of three consecutive fiscal years. Upon termination of such authority, any amounts remaining in the affected FLAME Fund shall be transferred to, and made a part of, the Wildland Fire Management appropriation account of the Secretary concerned for wildland suppression activities.

SEC. 503. COHESIVE WILDFIRE MANAGEMENT STRATEGY

(a) STRATEGY REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each five-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall revise the strategy to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''.

DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2010

SEC. 101. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking the date specified in section 106(3) and inserting ''December 18, 2009''.

SEC. 102. Section 129 of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking ''2009'' and inserting ''2008'', and such amendment shall apply as if included in such public law on the date of its enactment.

SEC. 103. Subsections (c)(1) and (e)(3) of section 9503, and subparagraphs (A), (B), and (C) of section 9504(b)(2), of the Internal Revenue Code of 1986 are each amended by inserting ''the last amendment to'' after ''on the date of the enactment of''.

SEC. 104. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by adding after section 164 the following new sections:

''SEC. 165. In addition to amounts provided in section 101, amounts are provided for 'Small Business Administration—Business Loans Program Account', for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans as authorized by section 7(a) of the Small Business Act, at a rate for operations of $80,000,000.

''SEC. 166. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law or of this joint resolution, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C.1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

''(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

''SEC. 167. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during calendar year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C.1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

''(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(l)(B) of the Economic Stimulus Act of 2008.

''SEC. 168. Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

''SEC. 169. Notwithstanding any other provision of this joint resolution, other than section 106, up to $200,000,000 of the funds provided by Public Law 111–8 that are available on October 1, 2009, in the 'Tenant-Based Rental Assistance' account may be available to adjust allocations for public housing agencies to prevent termination of assistance to families.''.

And the Senate agree to the same.

DAVID R. OBEY,
NORMAN D. DICKS,
JAMES P. MORAN,
ALAN B. MOLLOHAN,
BEN CHANDLER,
MAURICE, D. HINCHEY,
JOHN W. OLVER
ED PASTOR,
DAVID E. PRICE,
Managers on the Part of the House.

DIANNE FEINSTEIN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,

HERB KOHL,
TIM JOHNSON,
JACK REED,
BEN NELSON,
JON TESTER,
DANIEL K. INOUYE,
LAMAR ALEXANDER,
THAD COCHRAN,
ROBERT F. BENNETT,
JUDD GREGG,
LISA MURKOWSKI,
SUSAN M. COLLINS,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 876, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Ms EDWARDS of Maryland, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 247 / Nays 178

¶136.10 [Roll No. 826]

YEAS—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Buyer
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Towns

So the conference was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶136.11 MOMENT OF SILENCE IN MEMORY OF THE LATE GOVERNOR DAVE TRINE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that all Members stand and observe a moment of silence in memory of the late Governor Dave Trine.

¶136.12 H. RES. 783—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 783) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶136.13 [Roll No. 827]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill

Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Buyer
Coffman (CO)
Gutierrez
Johnson (GA)
Murphy, Patrick
Murphy, Tim
Nunes
Spratt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶136.14 PROVIDING FOR CONSIDERATION OF H.R. 3854

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 875):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of October 30, 2009, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing unemployment compensation.

When said resolution was considered.

After debate,

Ms. PINGREE of Maine, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. KIND, announced that the yeas had it.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. KIND, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶136.15 SMALL BUSINESS INVESTMENT

The SPEAKER pro tempore, Mr. KIND, pursuant to House Resolution 875 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes.

The SPEAKER pro tempore, Mr. KIND, by unanimous consent, designated Mr. SERRANO as Chairman of the Committee of the Whole; and after some time spent therein,

¶136.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-317, submitted by Mr. FLAKE:

Page 178, after line 18, insert the following:

SEC. 702. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this title, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

It was decided in the affirmative ..... { Yeas ..... 370 / Nays 55

¶136.17 [Roll No. 828]

AYES—370

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell

Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Myrick
Napolitano
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—55

Baldwin
Berkley
Brady (PA)
Brown, Corrine
Butterfield
Christensen
Clyburn
Conyers
Costello
Delahunt
Doyle
Edwards (MD)
Ellison
Filner
Frank (MA)
Fudge
Grayson
Grijalva
Hastings (FL)
Hinchey
Holden
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Matsui
McDermott
Meek (FL)
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Neal (MA)
Pascrell
Paul
Rahall
Rangel
Reyes
Sanchez, Loretta
Schakowsky
Serrano
Shea-Porter
Sherman
Sires
Stark
Thompson (MS)
Tonko
Wasserman Schultz
Wexler
Woolsey
Young (AK)

NOT VOTING—13

Barrett (SC)
Berman
Bishop (UT)
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Linder
Murphy, Patrick
Murphy, Tim
Nunes
Payne

So the amendment was agreed to.

The SPEAKER pro tempore, Ms. DEGETTE, assumed the Chair.

When Ms. EDWARDS of Maryland, Acting Chairman, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

Pursuant to House Resolution 875, the previous question was ordered.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

The following sundry further amendments were agreed to:

Page 11, line 10, insert after ''that is'' the following: ''established or''.

Page 11, line 13, insert after ''satisfies'' the following: ''at least one of''.

Page 11, strike lines 17 through 22 and insert the following:

(2) The entity is primarily engaged in the business of banking, investing, or entrepreneurial development and does not engage in activities which are not incidental to the business of banking, investing, or entrepreneurial development.

Page 12, line 18, strike the closing quotation marks and period.

Page 12, after line 18, insert:

''(C) If the lender demonstrates, with respect to a claim for payment described in subparagraph (A), that it followed the applicable requirements of the National Lender Training Program as established under paragraph (37) of this section, the Administrator shall pay the claim unless the Administrator has clear and convincing evidence demonstrating that the lender failed to comply with regulatory requirements established by the Administrator.''.

Page 18, beginning line 17, strike ''meets basic'' and all that follows through ''subsection.'' and insert ''meets the eligibility and credit standards that a lender would be required to apply to approve a loan under this subsection.''.

Page 20, line 25, strike ''on a date if'' and insert the following: ''on each date during the period beginning on the date of enactment of this paragraph and ending on September 30, 2011, and on any other date after such period if''.

Page 22, line 5, add at the end the following: ''The Administrator shall ensure that each individual in such group with loan application evaluation and underwriting responsibilities has at least 2 years experience with respect to such responsibilities.''.

Page 28, line 10, strike ''by striking'' and insert ''by repealing''.

Page 28, line 22, strike ''In carrying out'' and insert the following: ''The Administrator shall give priority under such program to small business concerns in a city with an unemployment rate that is at least 125 percent of the unemployment rate of the State that includes such city. In carrying out''.

Page 29, line 14, strike ''$50,000'' and insert the following ''$50,000 (except as provided under subsection (l))''.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. STUDY AND REPORT ON BUSINESS STABILIZATION LOANS.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study on the business stabilization program established under section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), including—

(1) how the program has been implemented;

(2) the amount of time involved in processing applications;

(3) the volume of applications received and the effect on application processing;

(4) impediments to participation in the program by small business concerns and lenders;

(5) courses of action that might expedite action by the Administrator on applications;

(6) courses of action that might expand participation by such concerns and lenders; and

(7) a cost benefit analysis with regard to changes to the program, including—

(A) increases in loan limits;

(B) expanding eligibility requirements;

(C) changes to interest rates to lenders; and

(D) any other change the Administrator determines appropriate.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that includes—

(1) the results of the study under subsection (a); and

(2) recommendations on how to change the program—

(A) to expand participation by small business concerns and lenders; and

(B) to decrease the amount of time involved in processing applications.

(c) OUTREACH.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Administrator of the Small Business Administration shall meet with and solicit the views of relevant stakeholders, including lenders.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. DELAYED REPAYMENT FOR SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.

Section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end the following:

''(l) SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.—

''(1) INCREASE LOAN LIMITS.—Notwithstanding subsection (d), a loan made under this section to a small business concern in what the Administrator determines to be an area with high unemployment may not exceed $75,000.

''(2) DELAYED REPAYMENT.—Notwithstanding subsection (g), repayment for a loan made under this section after the date of the enactment of the Small Business Financing and Investment Act of 2009 to a small business concern described in paragraph (1) shall not begin until 18 months after the final disbursement of funds is made.''.

Page 30, line 15, strike ''20 of'' and insert ''120 of''.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

''(42) LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.—The Administration may provide loans under this subsection for the purchase of what the Administrator determines to be unoccupied manufacturing centers or equipment.''.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (3)(A) by striking the semicolon at the end and inserting the following: ''or in paragraph (42);''; and

(2) by adding at the end the following:

''(42) 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.—Notwithstanding paragraph (2), in an agreement to participate in a loan on a deferred basis under this subsection with respect to a small business concern owned and controlled by veterans, participation by the Administrator may be equal to 100 percent. The total amount outstanding and committed (by participation or otherwise) with respect to a loan to such a small business concern from the business loan and investment fund established by this Act may not exceed $3,000,000.''.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. DEFERRED REPAYMENT FOR CERTAIN SMALL BUSINESS CONCERNS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended by adding at the end the following: ''If a small business concern classified in sector 23 of the North American Industry Classification System receives a loan under this subsection after the date of the enactment of the Small Business Financing and Investment Act of 2009, such concern may defer repayment on such loan for a period of not more than 12 months beginning on the date that such concern receives the final disbursement of such loan.''.

Page 48, strike lines 14 through 18 and insert the following:

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

Page 94, strike line 10 and all that follows through line 5 on page 95 and insert the following:

''(A) FUNDING FROM INSTITUTIONS.—If a small business concern provides—

''(i) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

''(ii) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in clause (i), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

Page 122, strike line 15 and all that follows through line 8 on page 123 and insert the following:

''(c) REPORTS ON COMBINATION FINANCING.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

''(1) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

''(2) describes the total amount and general performance of the financing described in paragraph (1).

Page 131, after line 4, insert the following (and redesignate succeeding sections accordingly):

SEC. 306. YOUNG ENTREPRENEURS PROGRAM.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following:

''(G) YOUNG ENTREPRENEURS PROGRAM.—

''(i) IN GENERAL.—An intermediary that receives a grant under paragraph (1)(B)(ii) may establish a program for the geographic area served by such intermediary that provides to young entrepreneurs technical assistance regarding the following:

''(I) Establishing or operating a small business concern in the geographic area served by the intermediary.

''(II) Acquiring or securing financing to carry out the activities described in subclause (I).

''(ii) YOUNG ENTREPRENEUR DEFINED.—For purposes of this subparagraph, a young entrepreneur is an individual who—

''(I) is 25 years of age or younger; and

''(II) has resided in the geographic area served by the intermediary for not less than 2 years.

''(iii) GOOD FAITH EFFORT REQUIREMENT.—If a young entrepreneur who receives technical assistance under this subparagraph from an intermediary establishes or operates a small business concern, the young entrepreneur shall make a good faith effort to establish or operate such concern in the geographic area served by the intermediary.

''(iv) DEFERRED REPAYMENT.—If a small business concern established or operated by a young entrepreneur receives a loan under this subsection, such concern may defer repayment on such loan for a period of not more than 6 months beginning on the date that such concern receives the final disbursement of such loan.''.

Page 135, line 19, strike ''new subsection''.

Page 138, line 17, strike ''debentured''.

Page 156, line 12, insert after ''of 1986'' the following: '', except that, without regard to such meaning, such term includes an area that the Administrator determines to be an area with high unemployment''.

Page 159, after line 8, insert the following (and redesignate succeeding sections accordingly):

SEC. 511. FINANCING WITH RESPECT TO VETERANS.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended by adding at the end the following:

''(g) FINANCING WITH RESPECT TO VETERANS.—A New Markets Venture Capital company shall, to the extent practicable, provide financing to small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), located in low-income geographic areas.''.

Page 162, line 18, strike ''Report'' and insert ''Reports'' and strike ''Not later than one year'' and insert ''At quarterly intervals''.

Page 162, line 21, strike ''any expansion of'' and insert ''the Administrator's progress towards the expansion of''.

Page 162, line 23, strike ''of this section'' and insert ''of amendments made by this title''.

Page 162, after line 23, insert:

(c) REGULATIONS.—The Administrator of the Small Business Administration shall promulgate such regulations as are necessary to carry out the Renewable Energy Capital Investment Program established pursuant to this title within 180 days after the enactment of this Act.

Page 168, line 23, strike ''5 years'' and insert ''7 years''.

Page 165, line 24, strike ''1395x(r))'' and insert ''1395x(r)))''.

Page 166, after line 14, insert the following:

''(H) A State-licensed, a State-certified, or a nationally accredited home health care provider.

Page 178, after line 6, insert the following:

''(ix) Photonics technology.

Page 178, after line 18, insert the following:

SEC. 702. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this title, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

Page 185, line 11, insert after ''carrying out'' the following: ''the responsibilities pertaining to loan making activities under''.

Page 186, after line 24, insert the following (and redesignate succeeding sections accordingly):

SEC. 808. HOMEOWNERS IMPACTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (11) the following:

''(12) HOMEOWNERS IMPACTED BY TOXIC DRYWALL.—The Administrator may make a loan under this subsection to any homeowner if the primary residence of such homeowner has been adversely impacted by the installation of toxic drywall manufactured in China. A loan under this paragraph may be used only for the repair or replacement of such toxic drywall.''.

Add at the end of the bill the following:

TITLE X—STUDY RELATING TO MEDICAL TECHNOLOGY

SEC. 1001. STUDY RELATING TO MEDICAL TECHNOLOGY.

Not later than one year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing recommendations for and the feasibility of a program—

(1) to increase investment in the research, development, and commercialization of medical technology by small business concerns; and

(2) that is administered in a manner similar to the program under part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.).

Add at the end of the bill the following:

TITLE X—RURAL OUTREACH

SEC. 1001. RURAL OUTREACH.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 46 as section 47; and

(2) by inserting after section 45 the following:

''SEC. 46. RURAL OUTREACH.

''The Administrator shall ensure that each district office of the Administration that includes a rural area—

''(1) establishes a plan to provide small business concerns in rural areas with information on the financing and investment programs of the Administration of use to such concerns;

''(2) designates an employee of the office as a rural business financing outreach specialist, who is responsible for providing advice concerning the lending and investment programs of the Administration to small business concerns; and

''(3) hosts at least one outreach seminar in a rural area each year to provide information described under paragraph (1) to small business concerns in rural areas.''.

Add at the end of the bill the following:

TITLE X—TEMPORARY EMPLOYEE SERVICES FRANCHISES

SEC. 1001. TEMPORARY EMPLOYEE SERVICES FRANCHISES.

In determining whether a franchisee is affiliated with a franchiser in the temporary employee services industry for the purposes of Small Business Administration lending programs, the Administrator of the Small Business Administration shall—

(1) continue to apply its historically-considered affiliation factors in determining whether a business is affiliated with another business or the franchiser in the temporary staffing industry;

(2) promulgate such other rules and regulations as necessary to determine affiliation within the temporary employee services industry as the Administrator determines consistent with the Small Business Act; and

(3) consider the processing of payroll and billing by a franchiser as customary and common practice in the temporary employee services industry that does not provide probative weight on affiliation, to the extent that the temporary staffing personnel are interviewed, hired, trained, assigned, and subject to discharge by the franchisee.

TITLE XI—STUDY ON PRIVATE SECTOR LENDING

SEC. 1101. STUDY ON PRIVATE SECTOR LENDING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that describes lending to small business concerns by the private sector, including the following:

(1) The total amount of lending to small business concerns by private sector financial institutions during each of fiscal years 2006 through 2009.

(2) The total amount of lending to small business concerns by the 10 largest private sector financial institutions (as determined by the Administrator in terms of amounts lent during fiscal year 2006) during each of fiscal years 2006 through 2009.

(b) COORDINATION.—The Administrator of the Small Business Administration shall, if necessary, coordinate with the heads of other Federal departments and agencies to complete the report under subsection (a).

(c) SMALL BUSINESS CONCERNS DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE XII—STUDY ON INCREASES IN CERTAIN CAPS

SEC. 1201. STUDY ON INCREASES IN CERTAIN CAPS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that describes the anticipated effects of the following potential changes to programs, including whether such changes adequately meet the financing needs of small businesses:

(1) Increasing—

(A) the maximum amount of a loan that may be guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to $3,000,000; and

(B) participation by the Administrator with regard to such a loan.

(2) Increasing—

(A) the maximum amount of a debenture that may be guaranteed under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

(B) the maximum amount of a loan that may be made with the proceeds of such debenture.

(3) Increasing the maximum amount of a microloan that may be made under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CANTOR moved to recommit the bill to the Committee on Small Business with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. CANTOR demanded a recorded vote on agreeing to the motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 272 / Nays 149

¶136.18 [Roll No. 829]

AYES—272

Ackerman	DeGette	Latta
Aderholt	Dent	Lee (NY)
Adler (NJ)	Diaz-Balart, L.	Lewis (CA)
Akin	Diaz-Balart, M.	Linder
Alexander	Donnelly (IN)	Lipinski
Altmire	Dreier	LoBiondo
Arcuri	Duncan	Lowey
Austria	Ehlers	Lucas
Bachmann	Ellsworth	Luetkemeyer
Bachus	Emerson	Luján
Baird	Etheridge	Lummis
Barrow	Fallin	Lungren, Daniel E.
Bartlett	Flake	Lynch
Barton (TX)	Fleming	Mack
Berkley	Forbes	Maffei
Biggert	Fortenberry	Maloney
Bilbray	Foster	Manzullo
Bilirakis	Foxx	Marchant
Bishop (GA)	Franks (AZ)	Markey (CO)
Bishop (UT)	Frelinghuysen	Marshall
Blackburn	Gallegly	Massa
Blunt	Garrett (NJ)	Matheson
Boehner	Gerlach	McCarthy (CA)
Bonner	Giffords	McCaul
Bono Mack	Gingrey (GA)	McClintock
Boozman	Gohmert	McCotter
Boren	Goodlatte	McHenry
Boswell	Gordon (TN)	McIntyre
Boucher	Granger	McKeon
Boustany	Graves	McMahon
Boyd	Griffith	McMorris Rodgers
Brady (TX)	Guthrie	McNerney
Bright	Hall (TX)	Melancon
Broun (GA)	Harper	Mica
Brown (SC)	Hastings (WA)	Michaud
Buchanan	Heinrich	Miller (FL)
Burgess	Heller	Miller (MI)
Burton (IN)	Hensarling	Miller (NC)
Calvert	Herger	Miller, Gary
Camp	Herseth Sandlin	Minnick
Campbell	Higgins	Mitchell
Cantor	Hill	Moore (KS)
Cao	Himes	Moran (KS)
Capito	Hoekstra	Moran (VA)
Cardoza	Hunter	Murphy (CT)
Carnahan	Inglis	Murphy (NY)
Carney	Israel	Myrick
Carter	Issa	Neugebauer
Cassidy	Jenkins	Nye
Castle	Johnson (IL)	Olson
Chaffetz	Johnson, Sam	Paul
Chandler	Jones	Paulsen
Childers	Jordan (OH)	Pence
Cleaver	Kilroy	Perlmutter
Coble	Kind	Perriello
Coffman (CO)	King (IA)	Peters
Cole	King (NY)	Peterson
Cooper	Kingston	Petri
Costa	Kirk	Pingree (ME)
Crenshaw	Kirkpatrick (AZ)	Pitts
Cuellar	Kissell	Platts
Culberson	Klein (FL)	Poe (TX)
Cummings	Kline (MN)	Polis (CO)
Dahlkemper	Kosmas	Pomeroy
Davis (AL)	Lamborn	Posey
Davis (KY)	Lance	Price (GA)
Davis (TN)	Latham	
Deal (GA)	LaTourette	

Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Velázquez
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—149

Abercrombie
Andrews
Baca
Baldwin
Bean
Becerra
Berry
Bishop (NY)
Blumenauer
Boccieri
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Sherman
Slaughter
Smith (WA)
Speier
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Woolsey
Yarmuth

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

So the motion to recommit with instructions was agreed to.

Ms. VELAZQUEZ, by direction of the Committee on Small Business, and pursuant to the foregoing order of the House, reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Ms. VELAZQUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 32

¶136.19 [Roll No. 830]

YEAS—389

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—32

Akin
Bishop (UT)
Broun (GA)
Burgess
Burton (IN)
Campbell
Carter
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Granger
Hensarling
Issa
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Lummis
McClintock
McHenry
Miller (FL)
Neugebauer
Paul
Price (GA)
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—11

Barrett (SC)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Conaway
Crowley
Murphy, Patrick
Murphy, Tim
Nunes
Payne

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶136.20 H. RES. 729—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 729) expressing support for designation of a "National Firefighters Memorial

Day'' to honor and celebrate the firefighters of the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays 0

¶136.21 [Roll No. 831]

YEAS—390

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Barton (TX)
Berman
Brown-Waite, Ginny
Buyer
Capuano
Clarke
Conaway
Crowley
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Flake
Gallegly
Garrett (NJ)
Gonzalez
Grijalva
Hoekstra
Honda
Larson (CT)
Lee (CA)
Loebsack
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Nunes
Payne
Quigley
Rangel
Ros-Lehtinen
Roskam
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (GA)
Shadegg
Smith (TX)
Sullivan
Waxman
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶136.22 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, November 2, 2009, at 12:30 p.m. for morning-hour debate; and further, when the House adjourns on Monday, November 2, 2009, it adjourn to meet at 8 a.m. on Tuesday, November 3, 2009, for morning-hour debate.

¶136.23 ORDER OF BUSINESS—JOINT MEETING RECESS

On motion of Mr. HOYER, by unanimous consent,

Ordered, That at any time on Tuesday, November 3, 2009, the Speaker may declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany.

¶136.24 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) ''An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, appoints the following member to serve on the Congressional-Executive Commission on the People's Republic of China: the Senator from Florida, [Mr. LEMIEUX].

The message also announced that pursuant to Public Law 99–498, as amended by Public Law 110–315, the Chair, on behalf of the President pro tempore, appoints the following individuals to the Advisory Committee on Student Financial Assistance: David Gruen of Wyoming, and William Luckey of Kentucky.

¶136.25 SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 832. An Act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An Act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

¶136.26 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 29, 2009, she presented to the President of the United States, for his approval, the following bills:

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States Posthumously

H.R. 1209. An Act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

¶136.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Patrick J.

MURPHY of Pennsylvania, for today and balance of the week.

And then,

¶136.28 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 9 o'clock and 25 minutes p.m., the House adjourned until 12:30 p.m. on Monday, November 2, 2009.

¶136.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. Zoe LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Representative Sam Graves (Rept. 111–320). Referred to the House Calendar.

¶136.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3961. A bill to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3962. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Oversight and Government Reform, the Budget, Rules, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. DENT, Mr. BILIRAKIS, Ms. JACKSON-LEE of Texas, and Mr. CARNEY):

H.R. 3963. A bill to provide specialized training to Federal air marshals; to the Committee on Homeland Security.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. JORDAN of Ohio, Mrs. LUMMIS, Mr. LATTA, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. PITTS, and Mr. SHADEGG):

H.R. 3964. A bill to reform Federal budget procedures, to impose spending and deficit limits, to provide for a sustainable fiscal future, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Appropriations, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. TOWNS, Mrs. MALONEY, Mr. FOSTER, Ms. KAPTUR, Mr. DRIEHAUS, Ms. WATSON, Mr. CUMMINGS, and Mr. QUIGLEY):

H.R. 3965. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on House Administration.

By Mr. CARSON of Indiana:

H.R. 3966. A bill to amend the American Reinvestment and Recovery Act of 2009 to extend for 6 months the period of eligibility for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. PAYNE):

H.R. 3967. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3968. A bill to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to take prompt corrective action to resolve problems of bank holding companies; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, and Mr. BOREN):

H.R. 3969. A bill to extend and modify certain provisions of the Foreign Intelligence Surveillance Act of 1978 relating to combating terrorism; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. BURGESS, Mrs. BIGGERT, Mr. LEE of New York, Mr. LANCE, Mr. SCHOCK, Mr. MICA, Mrs. CAPITO, Mr. FRELINGHUYSEN, and Mrs. BONO MACK):

H.R. 3970. A bill to protect the doctor-patient relationship, improve the quality of health care services, lower the costs of health care services, expand access to health care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Appropriations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. SABLAN):

H.R. 3972. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HIMES (for himself, Mr. TOWNS, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. CONYERS, Ms. DELAURO, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. ELLISON):

H.R. 3973. A bill to establish a competitive grant program assisting the development of innovative early learning curricula for low-income children; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. DENT, Mr. TOWNS, Mr. CASSIDY, Ms. LEE of California, Mr. CAO, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. BUTTERFIELD, Ms. CHU, Mr. RUSH, and Mr. WU):

H.R. 3974. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H.R. 3975. A bill to require the National Transportation Safety Board to include affordable alternative recommendations and corrective actions in its reports; to the Committee on Transportation and Infrastructure.

By Mr. PERRIELLO:

H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; to the Committee on Veterans' Affairs.

By Ms. SUTTON (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. HARE, Ms. HIRONO, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. SIRES, Mr. COURTNEY, and Ms. MARKEY of Colorado):

H.R. 3977. A bill to amend the Truth in Lending Act to establish limits on certain fees with regard to credit card accounts under open end consumer credit plans, and for other purposes; to the Committee on Financial Services.

By Mr. WU (for himself, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. MURTHA, Mr. LEVIN, Mr. SKELTON, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. HONDA, Mr. CAO, Ms. CHU, Ms. MATSUI, Ms. HIRONO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. SHERMAN, Mr. HOLT, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WOOLSEY, Mr. SCHIFF, Mr. FLAKE, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. BARTLETT, Mr. MCNERNEY, Mr. ISRAEL, Mr. MITCHELL, Ms. BALDWIN, Mr. HALL of New York, Ms. KILROY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. LUJÁN, Mr. BAIRD, Ms. FUDGE, Mr. INGLIS, Mr. MATHESON, Mr. HALL of Texas, Mr. EHLERS,

Mr. TONKO, Mr. BILBRAY, Mr. GRAYSON, Mr. YARMUTH, Mr. SIRES, Mr. TAYLOR, Mr. ADERHOLT, Mr. KAGEN, Mr. HOLDEN, Mr. ROHRABACHER, Mr. WHITFIELD, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. NUNES, Mr. ANDREWS, Mr. ROYCE, Mr. CAMPBELL, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. CASSIDY, Mr. WAMP, Mr. CONAWAY, Mr. KINGSTON, Mrs. MYRICK, Mr. MARSHALL, Mr. BOOZMAN, Mr. CRENSHAW, Mr. DOYLE, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. HINCHEY, Mr. PASCRELL, Mr. CAPUANO, Mr. STUPAK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. KANJORSKI, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. LOBIONDO, Mr. PETRI, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. KING of Iowa, Mr. GRIJALVA, Mr. TANNER, Mr. MOORE of Kansas, Mr. FILNER, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. SABLAN, Mr. COOPER, Ms. BEAN, and Mr. BRADY of Pennsylvania):

H. Res. 877. A resolution expressing support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; to the Committee on Foreign Affairs.

By Mr. PLATTS:

H. Res. 878. A resolution expressing support for the goals and ideals of National Family Literacy Day; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mrs. BIGGERT):

H. Res. 879. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. CASSIDY:

H. Res. 880. A resolution recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries; to the Committee on Education and Labor.

By Mr. HENSARLING:

H. Res. 881. A resolution recognizing the citizens of Wills Point for commemorating 100th anniversary of President William Taft's 1909 campaign stop and preserving the city's history for future generations of Texans; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, and Ms. HARMAN):

H. Res. 882. A resolution commending Chief William J. Bratton for his service as Chief of Police of Los Angeles; to the Committee on the Judiciary.

¶136.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. WALZ.
H.R. 28: Mr. FRELINGHUYSEN.
H.R. 61: Mr. TOWNS, Ms. LEE of California, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. FATTAH, and Ms. FUDGE.
H.R. 208: Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GUTHRIE, and Mr. FRANK of Massachusetts.
H.R. 211: Ms. KOSMAS.
H.R. 213: Mr. NYE and Mr. PLATTS.
H.R. 417: Mr. PAYNE and Ms. WASSERMAN SCHULTZ.
H.R. 442: Mr. GRIFFITH and Mr. UPTON.
H.R. 484: Mr. MARSHALL and Mr. ROTHMAN of New Jersey.
H.R. 501: Mr. STARK.
H.R. 510: Mr. AKIN, Mr. SHIMKUS, and Mr. GRIFFITH.
H.R. 558: Mr. WALZ.
H.R. 593: Ms. KOSMAS.
H.R. 634: Mr. UPTON.
H.R. 658: Mr. WHITFIELD.
H.R. 690: Mr. CAMPBELL.
H.R. 697: Mr. STARK.
H.R. 734: Mr. LOBIONDO.
H.R. 795: Mrs. DAVIS of California.
H.R. 836: Mr. MILLER of North Carolina.
H.R. 840: Mr. HEINRICH.
H.R. 858: Mr. WALDEN.
H.R. 868: Mr. MEEKS of New York, Mr. KENNEDY, and Mr. TOWNS.
H.R. 932: Mr. CARNEY.
H.R. 953: Mr. LAMBORN.
H.R. 980: Mr. GRAYSON and Ms. DEGETTE.
H.R. 1050: Mr. FORBES, Mr. SENSENBRENNER, and Mr. ROE OF TENNESSEE.
H.R. 1067: Ms. Zoe LOFGREN of California.
H.R. 1086: Mr. PETRI.
H.R. 1126: Mr. SERRANO.
H.R. 1132: Mr. KRATOVIL.
H.R. 1175: Mr. PETERSON.
H.R. 1245: Mr. HELLER.
H.R. 1250: Mr. CUMMINGS Mr. JORDAN of Ohio, and Ms. SUTTON.
H.R. 1326: Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Ms. RICHARDSON, and Mr. HEINRICH.
H.R. 1422: Mr. POSEY.
H.R. 1454: Mr. REICHERT.
H.R. 1521: Mr. GORDON of Tennessee.
H.R. 1526: Ms. WASSERMAN SCHULTZ.
H.R. 1547: Mr. CULBERSON.
H.R. 1548: Mr. FOSTER and Ms. CLARKE.
H.R. 1549: Ms. SPEIER and Mr. ABERCROMBIE.
H.R. 1557: Mr. SMITH of Texas.
H.R. 1625: Mr. BARROW and Mr. SPACE.
H.R. 1670: Mr. HOLT.
H.R. 1685: Ms. HIRONO.
H.R. 1691: Mr. ALEXANDER.
H.R. 1778: Mrs. LOWEY.
H.R. 1791: Mr. WEINER.
H.R. 1799: Mr. PAUL.
H.R. 1828: Ms. MARKEY of Colorado.
H.R. 1829: Mr. BOSWELL.
H.R. 1835: Mr. SHULER, Mr. COURTNEY, Mrs. LUMMIS, Mr. MOLLOHAN, Mr. GRIFFITH, Mr. CHANDLER, Mr. TOWNS, Mr. BOCCIERI, Mr. CARNEY, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mr. POMEROY, and Ms. SUTTON.
H.R. 1974: Mr. CANTOR, Mr. CARNEY, Mr. NYE, Mr. HIGGINS, and Mr. ROGERS of Michigan.
H.R. 1977: Mr. ACKERMAN.
H.R. 2054: Mr. HEINRICH.
H.R. 2057: Mr. CUMMINGS.
H.R. 2067: Mr. WEINER.
H.R. 2068: Mr. HEINRICH.
H.R. 2112: Mr. THOMPSON of California.
H.R. 2135: Mr. WALZ.
H.R. 2136: Mr. ALEXANDER.
H.R. 2138: Mr. SOUDER.
H.R. 2269: Ms. RICHARDSON.
H.R. 2279: Mr. BERMAN, Mr. SCOTT of Virginia, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mr. BISHOP of Georgia.
H.R. 2296: Mr. GARY G. MILLER of California and Ms. JENKINS.
H.R. 2372: Mr. SENSENBRENNER and Mrs. MYRICK.
H.R. 2378: Mr. PERRIELLO, Mr. EHLERS, Mr. ROGERS of Kentucky, and Mr. FILNER.
H.R. 2408: Ms. ZOE LOFGREN of California and Mr. TIERNEY.
H.R. 2425: Mr. GRIJALVA.
H.R. 2446: Mr. WALZ.
H.R. 2452: Mr. MCHENRY.
H.R. 2478: Mr. REHBERG.
H.R. 2480: Mr. HEINRICH.
H.R. 2492: Mr. SESTAK and Ms. WOOLSEY.
H.R. 2502: Mr. CARSON of Indiana.
H.R. 2516: Mr. BURGESS, Mrs. CAPITO, and Mr. PETRI.
H.R. 2526: Mr. BRALEY of Iowa.
H.R. 2537: Mr. POSEY.
H.R. 2556: Mr. COFFMAN of Colorado.
H.R. 2562: Mr. BUCHANAN.
H.R. 2624: Mr. WALZ.
H.R. 2628: Mr. LOBIONDO.
H.R. 2642: Mr. RODRIGUEZ.
H.R. 2672: Mr. KLINE of Minnesota.
H.R. 2690: Mr. GENE GREEN of Texas.
H.R. 2696: Mr. BLUMENAUER.
H.R. 2698: Mr. HOLT, Mr. ADLER of New Jersey, Mr. MOLLOHAN, and Mr. DRIEHAUS.
H.R. 2710: Mr. MARKEY of Massachusetts.
H.R. 2730: Mr. WALZ.
H.R. 2740: Mr. STARK.
H.R. 2748: Mr. COURTNEY and Mr. MURPHY of Connecticut.
H.R. 2766: Mr. STARK and Mr. ELLISON.
H.R. 2777: Ms. ROS-LEHTINEN.
H.R. 2817: Mr. BOSWELL and Mr. GRIJALVA.
H.R. 2879: Mr. MICHAUD and Mrs. HALVORSON.
H.R. 2906: Mr. BOSWELL.
H.R. 2932: Mr. BISHOP of Georgia.
H.R. 2941: Mr. DAVIS of Illinois.
H.R. 3006: Mr. ALTMIRE.
H.R. 3010: Mr. DEFAZIO and Mr. WALZ.
H.R. 3035: Mr. GONZALEZ and Mr. FILNER.
H.R. 3048: Mr. HEINRICH.
H.R. 3053: Mr. RUSH.
H.R. 3126: Mr. DAVIS of Illinois.
H.R. 3149: Mr. BRALEY of Iowa, Mr. HARE, and Mr. FARR.
H.R. 3199: Ms. ZOE LOFGREN of California.
H.R. 3202: Mr. MAFFEI.
H.R. 3227: Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. GRIJALVA.
H.R. 3242: Ms. TSONGAS.
H.R. 3243: Mr. HINCHEY.
H.R. 3245: Ms. CLARKE.
H.R. 3286: Mr. BLUMENAUER, Mr. SCHIFF, and Mr. KILDEE.
H.R. 3321: Ms. WOOLSEY, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. GRIJALVA, and Mr. FILNER.
H.R. 3328: Mr. ELLISON.
H.R. 3339: Mrs. NAPOLITANO.
H.R. 3343: Mr. GRIJALVA.
H.R. 3356: Mr. CAMPBELL, Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Mr. PITTS, and Mr. RYAN of Wisconsin.
H.R. 3363: Mr. LAMBORN.
H.R. 3407: Mr. KLINE of Minnesota.
H.R. 3421: Mr. CAPUANO.
H.R. 3453: Mr. ALEXANDER and Mr. BOUSTANY.
H.R. 3462: Mr. ROGERS of Michigan.
H.R. 3485: Mr. GARRETT of New Jersey and Mr. CAPUANO.
H.R. 3503: Mr. COHEN, Mr. SIRES, and Ms. HIRONO.
H.R. 3510: Ms. WATSON, Mr. MILLER of North Carolina, Mr. LANGEVIN, Ms. ESHOO, Mr. MAFFEI, Mr. LUJAN, and Mr. KENNEDY.
H.R. 3596: Mr. GONZALEZ, Mr. KENNEDY, and Ms. WASSERMAN SCHULTZ.
H.R. 3608: Mr. MCCLINTOCK.
H.R. 3634: Mr. HOEKSTRA and Mr. Peters.
H.R. 3636: Ms. DELAURO.
H.R. 3644: Ms. HIRONO, and Ms. SHEA-PORTER.
H.R. 3650: Mr. MICHAUD, Mr. INSLEE, Ms. HIRONO, and Mr. KIRK.
H.R. 3654: Ms. KOSMAS.
H.R. 3666: Mrs. EMERSON and Mr. COURTNEY.
H.R. 3668: Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. DOGGETT, and Mr. TONKO.
H.R. 3702: Mr. SOUDER.
H.R. 3727: Mr. TONKO.
H.R. 3742: Mr. LUJAN, Mr. BECERRA, Mrs. KIRKPATRICK of Arizona, and Mr. LARSEN of Washington.

H.R. 3752: Mr. CHAFFETZ and Mr. LOBIONDO.
H.R. 3760: Ms. JENKINS, Mr. PLATTS, and Mr. YOUNG of Alaska.
H.R. 3761: Ms. JENKINS.
H.R. 3790: Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. GORDON of Tennessee, Mr. WOLF, Mr. LATHAM, and Mr. LATOURETTE.
H.R. 3797: Mr. LATTA.
H.R. 3799: Mr. CLEAVER and Mr. CONYERS.
H.R. 3810: Mr. KUCINICH.
H.R. 3813: Mr. ALTMIRE.
H.R. 3828: Mr. OLSON, Mr. PLATTS, Mr. KING of Iowa, and Mrs. MYRICK.
H.R. 3832: Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mrs. Lummis, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. AKIN, Mr. HUNTER, Mrs. BACHMANN, Mr. ROONEY, Mr. LUETKEMEYER, Mr. MCCOTTER, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.
H.R. 3837: Mr. LUJÁN and Mr. FILNER.
H.R. 3838: Mr. CARNAHAN.
H.R. 3855: Mr. SABLAN, Mr. MCGOVERN, Mr. STARK, and Ms. NORTON.
H.R. 3904: Mr. OLVER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3905: Mr. SKELTON, Mr. MORAN of Kansas, and Mr. CUELLAR.
H.R. 3916: Mr. TIM MURPHY of Pennsylvania.
H.R. 3921: Ms. BORDALLO, Mr. HALL of New York, Ms. RICHARDSON, Mr. UPTON, and Mr. MATHESON.
H.R. 3922: Mrs. BLACKBURN and Mr. BOOZMAN.
H.R. 3924: Mr. BUYER, Mr. UPTON, Mr. CONAWAY, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. BOREN, Mr. AKIN, Mrs. BACHMANN, Mr. LUETKEMEYER, Mr. HUNTER, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. SHIMKUS, Mr. SHADEGG, Mrs. MYRICK, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
H.R. 3926: Ms. BORDALLO, Mr. MICHAUD, Mr. PETERSON, and Mr. MCINTYRE.
H.R. 3931: Ms. HARMAN.
H.R. 3939: Mr. MCCLINTOCK.
H.R. 3940: Mr. FALEOMAVAEGA, Mr. PIERLUISI, and Mr. SABLAN.
H.R. 3942: Mr. PASTOR of Arizona.
H.R. 3943: Mr. WALZ, Mr. CARNEY, Ms. KILPATRICK of Michigan, Mr. PAUL, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. MINNICK, Ms. SHEA-PORTER, Mr. ALEXANDER, and Mr. WOLF.
H.R. 3959: Mr. MEEK of Florida and Ms. SUTTON.
H. J. Res. 11: Mr. SOUDER.
H. J. Res. 42: Mr. AUSTRIA.
H. J. Res. 61: Mr. CAPUANO.
H. Con. Res. 42: Mr. THOMPSON of Mississippi.
H. Con. Res. 43: Mr. THOMPSON of Mississippi.
H. Con. Res. 199: Mr. LANGEVIN, Mr. ROONEY, Mr. HUNTER, Mr. ABERCROMBIE, Mr. BARTLETT, Mr. HEINRICH, Mr. COFFMAN of Colorado, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. HONDA, Mr. PIERLUISI, Mr. SCOTT of Georgia, Mr. ROSKAM, Mr. PITTS, and Ms. HIRONO.
H. Con. Res. 206: Mr. ROGERS of Alabama, Mr. MCKEON, Mr. TAYLOR, Mr. LANGEVIN, Mr. COOPER, Mr. BOYD, and Mr. FRANKS of Arizona.
H. Res. 89: Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. RUSH, Mr. MURPHY of New York, Mr. CAPUANO, Mr. MEEK of Florida, and Mr. LOBIONDO.
H. Res. 150: Mr. ELLISON.
H. Res. 267: Mr. CUMMINGS.
H. Res. 554: Mr. COFFMAN of Colorado, Mr. GUTHRIE, and Mr. LATOURETTE.
H. Res. 577: Mr. ELLSWORTH, Mr. CONAWAY, Mr. VISCLOSKY, Mr. BURGESS, and Mr. RYAN of Wisconsin.
H. Res. 619: Mr. TURNER.
H. Res. 704: Mr. FRANKS of Arizona, Mr. MACK, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. COFFMAN of Colorado.
H. Res. 708: Mr. CUMMINGS.
H. Res. 749: Mr. TURNER.
H. Res. 780: Mr. COURTNEY and Ms. MATSUI.
H. Res. 835: Mr. WOLF.
H. Res. 841: Mr. BOOZMAN, Mr. DUNCAN, Mr. COLE, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. LANCE, Mr. PRICE of Georgia, Mr. SHUSTER, Mr. HOLDEN, and Ms. RICHARDSON.
H. Res. 847: Mr. SULLIVAN, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. SIMPSON, and Mr. GOODLATTE.
H. Res. 848: Mr. MORAN of Kansas.
H. Res. 856: Mr. FRANKS of Arizona.
H. Res. 858: Mrs. SCHMIDT.
H. Res. 861: Mr. BRADY of Pennsylvania, Mr. WITTMAN, Mr. MILLER of Florida, Mrs. DAVIS of California, Mr. BUCHANAN, Mr. NYE, Mr. MURPHY of New York, Mr. ISSA, Mr. HALL of New York, Mr. SHULER, Mr. INGLIS, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. PIERLUISI, Mr. MASSA, Mrs. MCMORRIS RODGERS, and Mr. AKIN.
H. Res. 866: Mr. FARR, Ms. GRANGER, Mr. SMITH of Texas, and Mr. MCINTYRE.
H. Res. 867: Mr. BARTLETT, Mr. HALL of New York, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Ms. FOXX, Mr. PENCE, Mr. TIM MURPHY of Pennsylvania, Mr. SCALISE, Mr. BACA, Mr. GENE GREEN of Texas, Mr. SENSENBRENNER, Mr. BARTON of Texas, Mr. TIBERI, Ms. CORRINE BROWN of Florida, Mr. REHBERG, Mr. GRAVES, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. HARE, Mrs. MILLER of Michigan, Mr. KLINE of Minnesota, Mr. MCCLINTOCK, Mr. SOUDER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. WOLF, Mr. GARRETT of New Jersey, and Ms. SCHAKOWSKY.
H. Res. 869: Mr. KLINE of Minnesota, Mr. REICHERT, and Mr. GOODLATTE.
H. Res. 874: Mr. WALDEN, Mr. DENT, Mr. CHAFFETZ, Mr. KING of New York, and Mr. BUCHANAN.

¶136.32 PETITIONS

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of City of Atlanta, Georgia, relative to Resolution 09–R–1646 urging the President and the Congress of the United States and those from across Georgia to work together on finding a solution to the health care crisis; which was referred to the Committee on Energy and Commerce.

MONDAY, NOVEMBER 2, 2009 (137)

¶137.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
November 2, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶137.2 RECESS—12:44 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 44 minutes p.m., until 2 p.m.

¶137.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. LUJAN, called the House to order.

¶137.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LUJAN, announced he had examined and approved the Journal of the proceedings of Thursday, October 29, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶137.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4394. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Auditor's Certification Review of the Accuracy of Initiatives and Key Performance Indicators Set Forth in the Department of Consumer and Regulatory Affair's Fiscal Year 2008 Performance Accountability Report'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4395. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2004'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4396. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Auditor's Review of Fiscal Oversight of the 2008 Summer Youth Employment Program'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4397. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2003'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4398. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Auditor's Certification Review of the Office of the State Superintendent of Education'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4399. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''Audit of the Public Service Commission Agency Fund for Fiscal Year 2005'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4400. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-216] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4401. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07-206] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4402. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-200] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4403. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4, 2006 Fireworks, Manitowoc, Wisconsin [CGD09-06-097] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4404. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marinette July 4th Celebration, Marinette, Wisconsin [CGD09-06-098] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4405. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Au Sable River, Oscoda, MI [CGD09-06-099] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4406. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Petoskey Fourth of July Fireworks, Petoskey, Michigan [CGD09-06-100] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4407. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Sheboygan 4th of July Celebration, Sheboygan, Wisconsin [CGD09-06-102] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4408. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shopko Fireworks Celebrate Americafest, Green Bay, Wisconsin [CGD09-06-103] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4409. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boyne City July 4th Fireworks, Boyne City, Michigan [CGD09-06-106] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4410. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sturgeon Bay Fireworks, Sturgeon Bay, Wisconsin [CGD09-06-107] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4411. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; National Cherry Festival July 4th Fireworks, Traverse City, Michigan [CGD09-06-108] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; National Cherry Festival Finale Fireworks, Traverse City, Michigan [CGD09-06-109] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TCF Bank Milwaukee Air Expo, Milwaukee, Wisconsin [CGD09-06-112] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bauernfind/Morris Wedding Fireworks, Betsie Lake, Frankfort, MI [CGD09-06-115] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Lake Michigan, Chicago River, Chicago, IL [CGD09-06-116] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Lake Michigan, Milwaukee, WI [CGD09-06-119] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4417. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Air show Practice Flights, Milwaukee, Wisconsin [CGD09-06-120] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4418. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festa Italiana Fireworks, Milwaukee, Wisconsin [CGD09-06-124] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4419. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving safety zone; YMCA Lake Michigan Swim, Lake Michigan [CGD09-06-125] (RIN: 1265-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4420. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Venetian Night Fireworks, Saugatuck, Michigan [CGD09-06-126] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4421. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Door County Triathlon, Egg Harbor, Wisconsin [CGD09-06-127] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4422. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tonawandas Canal Fest Fireworks, Niagara River, Tonawanda, NY [CGD09-06-128] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4423. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Spirit of Racine Triathlon, Racine, Wisconsin [CGD09-06-129] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶137.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LUJAN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 30, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 30, 2009, at 9:33 a.m.:

That the Senate passed with an amendment H.R. 1299.

That the Senate passed without amendment H.R. 3606.

That the Senate concurred to the House amendment to the bill S. 1929.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶137.7 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. LUJAN, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on Friday, October 30, 2009:

H.R. 2996. An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3606. An Act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

S. 1929. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶137.8 SERVICEMEMBERS CIVIL RELIEF

Mr. CARSON of Indiana, moved to suspend the rules and pass the bill of the Senate (S. 475) to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. CARSON of Indiana, and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶137.9 UNITED STATES SUBMARINE FORCE

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 773):

Whereas 100 years ago, American naval officials who witnessed a submarine, the ''Holland VI'', submerge and surface in the Potomac River knew this was the first successful United States submarine that would inspire the powerful undersea fighting force that would contribute so much to the United States victory in World War II;

Whereas during World War II, the United States Submarine Force served with honor and valor to protect and preserve the freedoms of the United States, as well as those of the allies of the United States;

Whereas the War in the Pacific could not have been won without the efforts of the United States Submarine Force;

Whereas during World War II, the United States Submarine Force comprised less than two percent of the Navy's fleet;

Whereas during World War II, United States submariners were to suffocate Japan's military industry, cut its oil supply, starve it, and prevent mass troop movements by sea, all by sinking the Japanese merchant fleet on which it was so dependent as a nation of islands;

Whereas during World War II, United States submariners sank over 30 percent of the Japanese Navy including eight aircraft carriers, one battleship and 11 cruisers, and more importantly, the Submarine Force sank 1,300 Japanese merchant ships totaling approximately 5,000,000 tons, which was almost 60 percent of the Empire's total merchant ship losses;

Whereas losses inflicted by the United States Submarine Force contributed to the devastation of the Japanese industrial power that effectively eliminated the ability of the enemy to sustain combat forces and replace losses of ships and aircraft;

Whereas World War II diesel-electric submarines had limited underwater speed, range, and endurance and usually sailed on the surface, where they were vulnerable to enemy attack;

Whereas 52 American submarines were lost during World War II, 49 in the Pacific;

Whereas the United States Submarine Force suffered the highest percentage of losses of any branch of the Armed Services;

Whereas during World War II, approximately 3,500 submariners made the ultimate sacrifice;

Whereas United States submariners were going to war, trusting their lives to a weapon, the torpedo, that, particularly in 1942 through 1943, was unreliable, and could even turn against them by running erratically in a circular path;

Whereas submarines played both humane and special operations roles in their campaign against Japan, and in many of the hardest fought battles of the war, submarine crews rescued unlucky carrier pilots who ended up in the sea, like future United States President George H. W. Bush; and

Whereas members of the Submarine Forces, known as the ''silent service'', assumed the difficult task of pioneering a new way of fighting so as to protect the liberties and freedoms of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is committed to promoting and sustaining the spirit of unity shared by members of the United States Submarine Force;

(2) is committed to paying tribute once again to the seven submariners who were awarded the Medal of Honor, including two who were awarded the medal posthumously;

(3) wishes to help keep alive the memory of the Submarine Force veterans and honor their service just as their fellow shipmates do at their gatherings by performing the ceremony known as the ''Tolling of the Boats''; and

(4) is committed to keeping alive their memory so that the American people never forget their courage and sacrifice.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.10 VETERANS RETRAINING

Mr. WALZ moved to suspend the rules and pass the bill (H.R. 1168) to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶137.11 LOUISIANA HONORAIR DAY

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 828):

Whereas in late 2006, T.D. Smith of Louisiana founded Louisiana HonorAir, a nonprofit organization, which charters flights for World War II veterans on an all-expenses-paid, day-long trip from Louisiana to Washington, DC, to see the World War II Memorial, the Marine Corps Memorial, and to lay a wreath at the Tomb of the Unknown Soldier;

Whereas since its first flight out of Lafayette, Louisiana in early 2007, Louisiana HonorAir has flown close to 2,000 World War II veterans to Washington, DC, to be honored for their invaluable service, sacrifice, and dedication to our Nation;

Whereas approximately 100 to 130 World War II veterans are selected by Louisiana HonorAir for each flight on a first-come-first-served basis;

Whereas Louisiana HonorAir is run by volunteers and sustained by donations and State grants;

Whereas before Louisiana HonorAir culminates in Lafayette, Louisiana, on April 10, 2010, its last three flights will be chartered from New Orleans, Louisiana, on September 26, October 10, and October 24, 2009;

Whereas the 100th chartered flight of World War II veterans aboard U.S. Airways occurs during Louisiana HonorAir's October 10, 2009, flight out of New Orleans, Louisiana, home to the National World War II Museum;

Whereas, October 24, 2009, marks the 20th chartered flight of World War II veterans through Louisiana HonorAir;

Whereas with the average World War II veteran being 86 years old and becoming too ill to visit the World War II Memorial in Washington, DC, there are not many opportunities left to honor them for their service: Now, therefore, be it

Resolved, That the House of Representatives recognizes Louisiana HonorAir for its 20 chartered flights of World War II veterans to Washington, DC, to visit the National World War II Memorial, honors the invaluable service and dedication of the World War II veterans to our Nation, and supports the designation of a ''Louisiana HonorAir Day''.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.12 VETERANS SMALL BUSINESS ASSISTANCE AND SERVICEMEMBERS PROTECTION

Mr. WALZ moved to suspend the rules and pass the bill (H.R. 3949) to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, November 3, 2009.

¶137.13 BERLIN AIRLIFT 60TH ANNIVERSARY

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 398):

Whereas pursuant to mutual agreement among allies concluded at the Potsdam Conference following the unconditional surrender of Adolf Hitler's National Socialist (NAZI) regime on May 8, 1945, the German capitol of Berlin was divided into four zones of military occupation controlled by the United States, the Soviet Union, Great Britain, and France;

Whereas in a bid to maintain leverage over Germany by perpetuating its economic instability, and in opposition to the United States' Marshall Plan and the allies' proposal for a new, more stable German currency, then Soviet Dictator Joseph Stalin ordered a blockade of Berlin on June 22, 1948;

Whereas Stalin's blockade prohibited all ground access to the city, blocking the people of Berlin;

Whereas three 20-mile-wide free air corridors had been agreed on November 30, 1945, to provide unfettered access to Berlin along accepted flight routes;

Whereas the Soviet regime insisted that the Western Allies allow food and medicine to be supplied to these sectors only through Soviet-controlled East Germany, effectively allowing Soviet control over West Berlin;

Whereas President Harry S. Truman ordered the stationing of U.S. B–29 Superfortresses at British airfields on June 28, 1948;

Whereas Britain's Foreign Minister Ernest Brevin, at the suggestion of Commander Sir Brian Robertson, proposed employing a military airlift as an alternative to an armed convoy through the Soviet sector to provide humanitarian relief to Berlin's traumatized and beleaguered population;

Whereas General Lucius Clay, then United States military governor of Germany, and Major General Curtis LeMay, Commanding General of the United States Air Force in Europe, requested Douglas C–54 Skymasters, the largest transport plane available to the United States Air Force, to help supply the colossal strategic air mission;

Whereas the first Skymasters arrived at Rhein-Main Air Base on June 28, 1948, and were immediately loaded to begin Operation Vittles to convey supplies to Berlin;

Whereas the Soviet regime publically derided the airlift, announcing that it would be impossible to carry out and maintain such an operation, characterizing the mission in the East German press as, ''the futile attempts of the Americans to save face and to maintain their untenable position in Berlin'';

Whereas Australia, South Africa, and New Zealand joined Great Britain and the United States in what became the largest humanitarian operation ever undertaken by the United States Air Force;

Whereas Lt. General William Turner, honored in the Air Cargo Hall of Fame for his tactical brilliance as commander of the Berlin Airlift, was called upon to lead the Berlin Airlift and worked tirelessly to ensure that the aircraft he commanded supplied the besieged city of Berlin with essential supplies including coal, heating oil, medicine, and food from July 28, 1948, through the official conclusion of the mission on September 30, 1949;

Whereas the Berlin Airlift resulted in the total delivery of 1,783,573 tons of supplies by the United States and 541,937 tons of supplies totaling 2,300,000 tons delivered on 277,569 total flights to Berlin;

Whereas the United States Air Force's C–47s and C–54s alone logged 92,000,000 miles in the Berlin Airlift;

Whereas the commitment of the United States to aid the besieged people of Berlin resulted in the tragic loss of 101 allied personnel, of which 31 were United States casualties;

Whereas the following Air Force units, aided by the United States Navy and Army, are known to have contributed to the success of the Berlin Airlift—

(1) HHS1Air Life Task Force;
(2) 10 Troop Carrier Squadron;
(3) 11 Troop Carrier Squadron;
(4) 12 Troop Carrier Squadron;
(5) 14 Troop Carrier Squadron;
(6) 15 Troop Carrier Squadron;
(7) 29 Troop Carrier Squadron;
(8) 39 Troop Carrier Squadron;
(9) 40 Troop Carrier Squadron;
(10) 41 Troop Carrier Squadron;
(11) 47 Troop Carrier Squadron;
(12) 48 Troop Carrier Squadron;
(13) 53 Troop Carrier Squadron;
(14) HHS 60 Troop Carrier Wing;
(15) HQ 60 Troop Carrier Group;
(16) 60 Troop Carrier Group;
(17) HQ60 Maintenance Support Group;
(18) 60 Maintenance Squadron;
(19) 60 Supply Squadron;
(20) 60 FIN DIS UT;
(21) 60 COMM Squadron;
(22) 60A police Squadron;
(23) 60 Food Service Squadron;
(24) 60 Install SQ;
(25) 60 Motor Vehicle Squadron;
(26) 60 Base Services Squadron;
(27) 60 Medical Group;
(28) HHS A B Group;
(29) HQ61 Troop Carrier Group;
(30) HQ313 Troop Carrier Group;
(31) HHS61 Troop Carrier Wing;
(32) HQ317 Troop Carrier Group;
(33) HQ317 Maintenance Supply Group;
(34) 317 Maintenance Squadron;
(35) 317 Supply Squadron;
(36) HHS 317 A B Group;
(37) 317 Communications Squadron;
(38) 317A Police Squadron;
(39) 317 Food Services Squadron;
(40) 317 Installation Squadron;
(41) 317 Motor Vehicle Squadron;
(42) 317 Base Services Squadron;
(43) 317 FIN DIS UT;
(44) 317 Medical Group;
(45) 330 Troop Carrier Squadron;
(46) 331 Troop Carrier Squadron;
(47) 332 Troop Carrier Squadron;
(48) 333 Troop Carrier Squadron;
(49) HHS 513 A B Group;
(50) HQ 513 Troop Carrier Group;
(51) 513 Troop Carrier Group;
(52) HQ 513 Maintenance Sup Group;
(53) 513 Maintenance Squadron;
(54) 513 Supply Squadron;
(55) 513 Communications Squadron;
(56) 513A Police Squadron;
(57) 513 Food Service Squadron;
(58) 513 Install Squadron;
(59) 513 Motor Vehicle Squadron;
(60) 513 Base Services Squadron;
(61) 513 Finance Distribution Unit;
(62) 513 Medical Group;
(63) HHS 7350 A B Group;
(64) 7351 Maintenance Supply Squadron;
(65) 7352 AF Police Squadron;
(66) 7353 Installation Squadron; and
(67) HHS 7497A Lift Wing;

Whereas Col. Gail Halvorsen, also known as the ''Candy Bomber'' and recipient of the 1948 Cheney Award, distinguished himself by launching Operation Little Vittles, a magnanimous effort that parachuted over 3 tons of candy to the children of Berlin, including children in the Soviet sector;

Whereas in the face of the massive allied goodwill offensive, the Soviets capitulated and lifted the blockade on May 12, 1949;

Whereas the Berlin Airlift consolidated the successful use of air transport in military operations and led to the creation of the Air Mobility Command;

Whereas German Chancellor Konrad Adenauer noted that the Berlin Airlift ''was a truly visible sign that America recognized her duty to be the leader of free nations and wanted to fulfill it.''; and

Whereas the determined actions of the Berlin Airlift sent a clear message to the Soviet Union that the United States held an unquestionable commitment and unwavering resolve to prevent tyranny in Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the Berlin Airlift, and commends all of the operation's United States veterans for their valor and determination to represent the noble ideals that thwarted the fall of the Iron Curtain over Berlin's western strongholds;

(2) honors the veterans of the Berlin Airlift who lost their lives to bring the means of survival and sustenance to civilians under siege in the service to their country;

(3) commends the spirit of collaboration which characterized this united allied operation involving both military and civilian aircraft and crews; and

(4) honors the men and women of the United States military whose continued dedication to the ideals of integrity, compassion, and liberty upholds the honorable legacy of the United States Armed Forces, as illustrated by the Berlin Airlift, and renews our faith in the power of freedom and goodness to prevail over tyranny.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, November 3, 2009.

¶137.14 TOWER OF HOPE

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 291):

Whereas the brave men and women defending America's democracy in Iraq and Afghanistan are in harms way;

Whereas thousands of America's returning veterans were seriously wounded in combat, including brain injuries, single and double amputations, and other traumatic wounds;

Whereas these brave soldiers return to the United States and spend weeks, months, and years in hospitals recovering, and return to their homes needing assistance to regain their independence;

Whereas these recovering soldiers who are teamed up with assistance dogs lead more comfortable and more independent lives;

Whereas these dogs provide assistance to wounded veterans while walking, going up and down stairs, and getting up from a sitting or fallen position, and also pick up dropped articles, retrieve items from a distance, pull manual wheelchairs a short distance, turn lights on and off, and perform other important daily tasks;

Whereas assistance animals offer priceless companionship and unconditional love on a daily basis;

Whereas there are fewer than 75 veterans from Iraq and Afghanistan who currently have assistance dogs because they either cannot afford them or do not know about the benefits that assistance dogs provide;

Whereas severely wounded veterans currently have to wait up to two years before they can receive an assistance animal;

Whereas The Tower of Hope was created following the attacks of September 11, 2001, to bring hope to wounded veterans by providing them with assistance dogs at no cost; and

Whereas The Tower of Hope has substantially improved many lives by raising funds for the training of assistance dogs, providing grants for American combat wounded veterans, and advocating for the benefits of these animals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the importance of assistance dogs in helping combat-wounded veterans live happier and more independent lives;

(2) applauds the outstanding work of The Tower of Hope and its dedication to training and providing assistance dogs to wounded veterans, as well as educating people about the benefits of such animals;

(3) expresses deep gratitude and support to volunteers and donors who have made this great program possible by generously offering time and funds;

(4) encourages the general public to support wounded veterans by volunteering or donating to help train assistance dogs;

(5) calls for a vigorous promotion of, and advocacy for, the benefits of assistance animals for physicians and the general public; and

(6) supports the goals and ideals of creating a Tower of Hope Day in honor of wounded American veterans and their service dogs, the work of The Tower of Hope, and the many generous donors.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶137.15 NATIONAL VETERANS HISTORY PROJECT WEEK

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 866):

Whereas the Veterans History Project was established by a unanimous vote of the United States Congress to collect and preserve the wartime stories of American veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans and an abundant resource for scholars;

Whereas there are 17,000,000 wartime veterans in America whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of ''service'', ''sacrifice'', ''citizenship'', and ''democracy'';

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas increasing public participation in the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it so honors; and

Whereas ''National Veterans Awareness Week'' commendably preceded this resolution in the years 2005 and 2006: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes ''National Veterans Awareness Week'';

(2) supports the designation of a ''National Veterans History Project Week'';

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of American wartime veterans.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, November 3, 2009.

¶137.16 SENTINELS OF FREEDOM

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 461):

Whereas in 2003, Sentinels of Freedom, based in San Ramon and Danville, California, was established;

Whereas the mission of Sentinels of Freedom is to provide life-changing opportunities for men and women who served in the United States Armed Forces and who have suffered severe injuries;

Whereas the Sentinels of Freedom Scholarship Foundation was created to benefit qualified veterans severely injured in the line of duty on or after September 11, 2001;

Whereas Sentinels of Freedom provides four-year scholarships that help veterans to become self-sufficient;

Whereas scholarship recipients receive support to enroll in school, find and maintain a job, and obtain housing;

Whereas Sentinels of Freedom organizes teams of local volunteers that provide mentoring and moral support for scholarship recipients;

Whereas Sentinels of Freedom has excelled in providing assistance to veterans; and

Whereas thanks to Sentinels of Freedom, 39 veterans have benefitted from scholarships and many more will in the coming years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Sentinels of Freedom;

(2) commends Sentinels of Freedom's dedication and commitment to the brave men and women who have served the United States; and

(3) praises Sentinels of Freedom for its extraordinary work for the well-being of the Nation's veterans.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.17 DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, WALLA WALLA, WASHINGTON

Mr. WALZ moved to suspend the rules and pass the bill of the Senate (S. 509) to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶137.18 MAX J. BEILKE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. WALZ moved to suspend the rules and pass the bill (H.R. 3157) to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, November 3, 2009.

¶137.19 NATIONAL CEMETERY FOR VETERANS IN SOUTHERN COLORADO REGION

Mr. WALZ moved to suspend the rules and pass the bill (H.R. 174) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.20 GREATER SUPPORT FOR VETERANS DAY

Mr. WALZ moved to suspend the rules and agree to the following resolution (H. Res. 89):

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of American society;

Whereas we must honor and express our sincere gratitude to all our veterans for their unwavering commitment to country, justice and democracy;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust; and

Whereas section 6103(a) of title 5, United States Code, provides that ''Veteran's Day, November 11'' is a legal public holiday: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection;

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(3) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. WALZ and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.21 FILIPINO AMERICAN HISTORY

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 780):

Whereas the earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo Parrish, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino American community is the second largest Asian American group in the United States with a population of approximately 3,100,000 people;

Whereas Filipino American servicemen and servicewomen have a longstanding history serving within the Armed Services of the United States, from the Civil War to the present Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas Filipino Americans are an integral part of the United States healthcare system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States which enrich the landscape of the country;

Whereas efforts must continue to promote the study of Filipino American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the celebration of Filipino American History Month as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LYNCH and Mr. McHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.22 HONORING THE NEW HAMPSHIRE STATE SENATE

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 159); as amended:

Whereas for over 200 years the citizens of the State of New Hampshire have elected State senators to serve in the legislature;

Whereas from 1931 to 1933, E. Maude Ferguson served as the first female member of the New Hampshire State Senate;

Whereas Vesta Roy served as the first female State senate president, and in 1983 she became the first female Governor of the State of New Hampshire;

Whereas women currently hold the offices of both the Speaker of the New Hampshire House of Representatives and the State Senate President of New Hampshire;

Whereas the New Hampshire State Senate was comprised of 13 women and 11 men for the legislative session beginning on December 3, 2008; and

Whereas the New Hampshire State Senate had nine women chairing committees and five men chairing committees for the legislative session beginning on December 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives honors the New Hampshire State Senate for becoming the 1st statewide legislative body with a majority of women in the United States.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LYNCH and Mr. McHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶137.23 DEDICATION DAY

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 736):

Whereas, on November 19, 1863, Abraham Lincoln dedicated the Soldiers' National Cemetery on the battlefield at Gettysburg, Pennsylvania, with the Gettysburg Address, which harkened back to the promises of the Declaration of Independence in the first sentence, ''Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal'', and which called upon people of the United States to dedicate themselves to the principles of democracy so that government ''of the people, by the people, for the people shall not perish from the earth'';

Whereas Congress adopted a joint resolution on August 7, 1946, declaring the Gettysburg Address to be ''the outstanding classic of the ages'', designating November 19 as ''Dedication Day'' in honor of the Gettysburg Address, and suggesting that the Gettysburg Address ''be read on that day in public assemblages throughout the United States and its possessions, on our ships at sea, and wherever the American flag flies''; and

Whereas 2009 is the 200th anniversary of the birth of Abraham Lincoln and bicentennial tributes to his birth are expected throughout the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors President Lincoln's greatest speech, the Gettysburg Address; and

(2) encourages people in the United States to read the Gettysburg Address on ''Dedication Day'' in public places across the Nation.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LYNCH and Mr. McHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, November 3, 2009.

The point of no quorum was considered as withdrawn.

¶137.24 RECESS—4:58 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 58 minutes p.m., until approximately 6:30 p.m.

¶137.25 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. HEINRICH, called the House to order.

¶137.26 H.R. 1168—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1168) to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 356 / Nays ..... 0 }

¶137.27 [Roll No. 832]

YEAS—356

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Stearns
Sullivan
Sutton
Tanner
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—76

Abercrombie
Ackerman
Barrett (SC)
Becerra
Blumenauer
Bonner
Boren
Brady (PA)
Brady (TX)
Broun (GA)
Brown, Corrine
Capuano
Carney
Clarke
Conyers
Crenshaw
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Doyle
Gerlach
Gingrey (GA)
Gordon (TN)
Granger
Grijalva
Gutierrez
Hall (NY)
Hastings (WA)
Himes
Hinchey
Hoekstra
Holden
Johnson (IL)
Kind
King (NY)
Lamborn
Linder
Lipinski
Lucas
Maloney
McCaul
McMorris Rodgers
Meeks (NY)
Murphy, Patrick
Neal (MA)
Nunes
Olver
Pallone
Pascrell
Payne
Poe (TX)
Rush
Ryan (OH)
Salazar
Sarbanes
Schock
Shimkus
Shuster
Sires
Smith (WA)
Souder
Spratt
Stark
Stupak
Taylor
Teague
Thompson (CA)
Tiahrt
Tiberi
Velázquez
Wamp
Waters
Weiner
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶137.28 H. RES. 291—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 291) recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 351 / Nays ..... 0 }

¶137.29 [Roll No. 833]

YEAS—351

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Stearns
Sullivan
Sutton
Tanner
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—81

Abercrombie
Ackerman
Barrett (SC)
Becerra
Blumenauer
Bonner
Boren
Brady (PA)
Brady (TX)
Broun (GA)
Brown, Corrine
Buchanan
Capuano
Carney
Cassidy
Clarke
Conyers
Crenshaw
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Doyle
Ellsworth
Gerlach
Gingrey (GA)
Gordon (TN)
Granger
Grijalva
Gutierrez
Hall (NY)
Hastings (WA)
Himes
Hinchey
Hoekstra
Holden
Johnson (IL)
Kanjorski
Kind
King (NY)
Lamborn
Linder
Lipinski
Lucas
Maloney
McCaul
McMorris Rodgers
Meeks (NY)
Moran (VA)
Murphy, Patrick
Neal (MA)
Nunes
Pallone
Pascrell
Payne
Poe (TX)
Rangel
Rush
Ryan (OH)
Salazar
Sarbanes
Schock
Shimkus
Shuster
Sires
Smith (WA)
Souder
Spratt
Stark
Stupak
Taylor
Teague
Thompson (CA)
Tiahrt
Tiberi
Velázquez
Wamp
Waters
Weiner
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶137.30 S. 509—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 509) to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 / Nays ..... 0 }

¶137.31 [Roll No. 834]

YEAS—351

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nye

Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Stearns
Sullivan
Sutton
Tanner
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—81

Abercrombie
Ackerman
Barrett (SC)
Becerra
Blumenauer
Bonner
Boren
Brady (PA)
Brady (TX)
Broun (GA)
Brown, Corrine
Buchanan
Capuano
Carney
Cassidy
Clarke
Conyers
Crenshaw
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Doyle
Ellsworth
Gerlach
Gingrey (GA)
Gordon (TN)
Granger
Grijalva
Gutierrez
Hall (NY)
Hastings (WA)
Himes
Hinchey
Hoekstra
Holden
Johnson (IL)
Kanjorski
Kind
King (NY)
Lamborn
Linder
Lipinski
Lucas
Maloney
McCaul
McMorris Rodgers
Meeks (NY)
Moran (VA)
Murphy, Patrick
Neal (MA)
Nunes
Pallone
Pascrell
Payne
Poe (TX)
Rangel
Rush
Ryan (OH)
Salazar
Sarbanes
Schock
Shimkus
Shuster
Sires
Smith (WA)
Souder
Spratt
Stark
Stupak
Taylor
Teague
Thompson (CA)
Tiahrt
Tiberi
Velázquez
Wamp
Waters
Weiner
Wexler

¶137.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and November 3;

To Mr. DAVIS of Tennessee, for today and November 3;

To Mr. DEFAZIO, for today;

To Mr. LUCAS, for today; and

To Mr. Patrick J. MURPHY of Pennsylvania, for today through November 4.

And then,

¶137.33 ADJOURNMENT

On motion of Mr. ROE of Tennessee, pursuant to the special order of the House agreed to on October 29, 2009, at 9 o'clock and 46 minutes p.m., the House adjourned until 8 a.m. on Tuesday, November 3, 2009.

¶137.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1110. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; with an amendment (Rept. 111–321). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3596. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; with an amendment (Rept. 111–322). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1168. A bill to amend chapter 42 of title 38, United States Code, to prevent certain veterans with employment training assistance; with an amendment (Rept. 111–323). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3949. A bill to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes (Rept. 111–324). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3237. A bill to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs'' (Rept. 111–325). Referred to the House Calendar.

¶137.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROGERS of Alabama:

H.R. 3978. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes; to the Committee on Homeland Security.

By Mr. BERRY:

H.R. 3979. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Ways and Means.

By Mr. CUELLAR:

H.R. 3980. A bill to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes; to the Committee on Homeland Security.

By Mr. HOLDEN:

H.R. 3981. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to eliminate the matching requirement for certain bulletproof armor vest purchases under the matching grant program for bulletproof armor vests; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. EHLERS, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. THOMPSON of Mississippi, Mr. KISSELL, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. MASSA, Mrs. NAPOLITANO, Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Mr. SABLAN, Mr. BACA, Mr. CARDOZA, Ms. HIRONO, Ms. MATSUI, Mr. PIERLUISI, Ms. WATSON, Mr. CAO, Ms. CORRINE BROWN of Florida, Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. CLAY, Mr. COURTNEY, Mr. MICHAUD, Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. SCOTT of Virginia, Mr. MARKEY of Massachusetts, and Mr. CASTLE):

H.R. 3982. A bill to prepare young people in disadvantaged situations for a competitive future; to the Committee on Education and Labor.

By Mr. MARKEY of Massachusetts:

H.R. 3983. A bill to suspend temporarily the duty on certain high-performance loudspeakers; to the Committee on Ways and Means.

By Mr. MARKEY of Massachusetts:

H.R. 3984. A bill to suspend temporarily the duty certain electrical transformers rated at 40VA; to the Committee on Ways and Means.

By Mr. VAN HOLLEN:

H.R. 3985. A bill to amend the Internal Revenue Code of 1986 to provide for a second generation biofuel producer credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. RYAN of Wisconsin, Mr. NUNES, and Ms. GINNY BROWN-WAITE of Florida):

H. Res. 883. A resolution expressing the sense of the House of Representatives that Members of the House receive the necessary cost information regarding health care reform legislation at least 72 hours before any vote on such legislation; to the Committee on Rules.

¶137.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. COHEN.
H.R. 197: Mr. HOEKSTRA.
H.R. 198: Mr. SMITH of Nebraska.
H.R. 272: Mr. DAVIS of Kentucky.
H.R. 273: Mr. COFFMAN of Colorado.
H.R. 275: Mr. WALZ and Mr. HUNTER.
H.R. 422: Mrs. MILLER of Michigan.
H.R. 571: Mr. MCNERNEY and Mr. BERMAN.
H.R. 624: Mr. TIM MURPHY of Pennsylvania.
H.R. 644: Mrs. CHRISTENSEN, Mr. FARR, Mr. SERRANO, and Ms. SHEA-PORTER.
H.R. 646: Mr. ROTHMAN of New Jersey.
H.R. 658: Mr. KAGEN.
H.R. 690: Mr. CHANDLER, Mr. DAVIS of Alabama, and Mr. DINGELL.
H.R. 734: Mr. SMITH of New Jersey.
H.R. 930: Ms. VELÁZQUEZ.
H.R. 949: Ms. SHEA-PORTER and Mr. POMEROY.
H.R. 982: Mr. ADERHOLT, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. WALDEN, Mr. WHITFIELD, Mr. BROWN of South Carolina, Mr. CARTER, Mr. CAMPBELL, Mr. COBLE, Ms. GRANGER, Mr. MICA, Mr. SHIMKUS, and Mr. STEARNS.
H.R. 1064: Mr. ROSS.
H.R. 1126: Mr. MILLER of North Carolina.
H.R. 1142: Mr. ENGEL.
H.R. 1168: Mr. MINNICK.
H.R. 1173: Ms. SHEA-PORTER.
H.R. 1189: Mr. AL GREEN of Texas.
H.R. 1207: Mr. HEINRICH.

H.R. 1235: Mr. COHEN.
H.R. 1305: Mr. COHEN.
H.R. 1326: Mr. RAHALL and Mr. BROWN of South Carolina.
H.R. 1454: Ms. NORTON.
H.R. 1507: Mr. ACKERMAN.
H.R. 1526: Ms. SLAUGHTER.
H.R. 1585: Mr. JACKSON of Illinois.
H.R. 1677: Mr. SMITH of Washington, Ms. HERSETH SANDLIN, and Mr. ARCURI.
H.R. 1721: Mr. NADLER of New York.
H.R. 1792: Mr. BRALEY of Iowa and Mr. MORAN of Kansas.
H.R. 1820: Ms. RICHARDSON.
H.R. 1821: Ms. SHEA-PORTER.
H.R. 1826: Mr. VAN HOLLEN.
H.R. 1866: Mr. FARR.
H.R. 1895: Mrs. MCCARTHY of New York.
H.R. 1932: Ms. MOORE of Wisconsin.
H.R. 1964: Mr. PAYNE.
H.R. 1993: Mr. AL GREEN of Texas.
H.R. 2024: Mr. KILDEE.
H.R. 2103: Mr. LEWIS of Georgia and Mr. DELAHUNT.
H.R. 2136: Mr. MCGOVERN and Mr. MITCHELL.
H.R. 2149: Mr. MORAN of Virginia.
H.R. 2194: Mr. FRANK of Massachusetts and Mr. BOEHNER.
H.R. 2254: Ms. FUDGE.
H.R. 2256: Ms. MOORE of Wisconsin.
H.R. 2269: Mr. ROTHMAN of New Jersey and Mr. BISHOP of Georgia.
H.R. 2279: Ms. CORRINE BROWN of Florida and Mr. DOGGETT.
H.R. 2373: Mr. KING of Iowa.
H.R. 2377: Mr. JACKSON of Illinois and Mr. WALZ.
H.R. 2406: Mr. GERLACH.
H.R. 2408: Mr. DAVIS of Illinois, Ms. SLAUGHTER, and Mr. HIGGINS.
H.R. 2452: Mr. WOLF, Mr. KING of Iowa, and Mr. MELANCON.
H.R. 2456: Mr. COHEN.
H.R. 2487: Ms. ZOE LOFGREN of California.
H.R. 2502: Mr. COURTNEY.
H.R. 2528: Mr. ROSS.
H.R. 2559: Mr. COHEN.
H.R. 2563: Mr. BARROW.
H.R. 2567: Ms. VELÁZQUEZ and Mr. LARSON of Connecticut.
H.R. 2568: Mr. AL GREEN of Texas.
H.R. 2573: Mr. PASTOR of Arizona.
H.R. 2579: Mr. KENNEDY, Mr. HONDA, Ms. ZOE LOFGREN of California, and Mr. WALZ.
H.R. 2616: Mr. CARSON of Indiana.
H.R. 2740: Ms. BALDWIN.
H.R. 2755: Mr. KENNEDY.
H R. 2817: Mr. PAYNE.
H.R. 2897: Mr. KINGSTON, Mr. FILNER, Mr. WALZ, and Mr. KRATOVIL.
H.R. 2969: Mr. MCGOVERN.
H.R. 3010: Mr. JACKSON of Illinois.
H.R. 3077: Mr. CLAY and Ms. WOOLSEY.
H.R. 3101: Mr. CARSON of Indiana and Ms. NORTON.
H.R. 3116: Mr. SHERMAN, Mr. FILNER, and Mr. ARCURI.
H.R. 3149: Mr. SERRANO.
H.R. 3156: Mr. GRIJALVA and Mr. JOHNSON of Georgia.
H.R. 3226: Mr. RADANOVICH and Mr. BARRETT of South Carolina.
H.R. 3238: Mr. MCGOVERN.
H.R. 3248: Ms. BERKLEY.
H.R. 3276: Ms. SUTTON and Ms. ZOE LOFGREN of California.
H.R. 3308: Mr. BAIRD.
H.R. 3328: Mr. CARSON of Indiana.
H.R. 3365: Mr. NYE and Ms. KOSMAS.
H.R. 3380: Mr. PETRI.
H.R. 3415: Mr. LARSON of Connecticut.
H.R. 3439: Mr. SOUDER and Mr. ELLSWORTH.
H.R. 3480: Mr. CARNAHAN.
H.R. 3485: Mr. FRANK of Massachusetts.
H.R. 3535: Mr. BISHOP of New York.
H.R. 3560: Ms. MOORE of Wisconsin.
H.R. 3578: Ms. HERSETH SANDLIN.
H.R. 3646: Mrs. CHRISTENSEN.
H.R. 3650: Ms. WASSERMAN SCHULTZ.
H.R. 3652: Mr. BRALEY of Iowa.
H.R. 3696: Ms. GRANGER.
H.R. 3710: Ms. SHEA-PORTER and Mr. MCGOVERN.
H.R. 3721: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3734: Mr. BROWN of South Carolina and Ms. RICHARDSON.
H.R. 3752: Mrs. BACHMANN.
H.R. 3761: Mr. BARTON of Texas.
H.R. 3764: Mr. KUCINICH and Mr. NADLER of New York.
H.R. 3778: Mr. CARNEY and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3790: Ms. SHEA-PORTER, Ms. KAPTUR, and Mrs. MALONEY.
H.R. 3791: Mr. KING of New York, Mrs. EMERSON, Mr. SCOTT of Georgia, and Mr. VISCLOSKY.
H.R. 3795: Mr. SHERMAN.
H.R. 3822: Mr. SMITH of Nebraska.
H.R. 3828: Ms. GRANGER.
H.R. 3838: Ms. JACKSON-LEE of Texas and Mrs. CHRISTENSEN.
H.R. 3839: Mrs. MCMORRIS RODGERS and Mr. RODRIGUEZ.
H.R. 3885: Ms. NORTON, Mr. COHEN and Mr. WOLF.
H.R. 3905: Mr. MANZULLO, Mr. HARPER, and Mr. REHBERG.
H.R. 3924: Mr. WILSON of South Carolina.
H.R. 3939: Mr. PASTOR of Arizona and Mr. CONYERS.
H.R. 3943: Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. COSTELLO, Mr. HARE, and Mr. THOMPSON of California.
H.R. 3959: Mr. BRALEY of Iowa.
H.R. 3977: Mr. FILNER, Mr. CARNEY, Mr. MORAN of Virginia, and Mr. BRALEY of Iowa.
H.J. Res. 11: Mr. PAULSEN.
H. Con. Res. 139: Mr. NEUGEBAUER.
H. Con. Res. 169: Mr. BONNER.
H. Con. Res. 175: Mr. LATTA, Mr. SOUDER, and Mr. CARTER.
H. Con. Res. 199: Mr. LARSEN of Washington, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. REYES, Mr. ANDREWS, Ms. LORETTA SANCHEZ of California, Mr. KISSELL, Mr. MASSA, Mr. MURPHY of New York, Mr. LOEBSACK, Mrs. MCMORRIS RODGERS, Mr. FLEMING, Ms. BORDALLO, Mr. CONAWAY, and Mr. LAMBORN.
H. Res. 68: Mr. GENE GREEN of Texas.
H. Res. 89: Mr. JONES, Mr. PITTS, Mr. DRIEHAUS, Ms. ROS-LEHTINEN, and Mr. DINGELL.
H. Res. 185: Mr. LAMBORN.
H. Res. 398: Ms. ROS-LEHTINEN.
H. Res. 510: Mr. JACKSON of Illinois.
H. Res. 633: Mr. FARR.
H. Res. 711: Mr. LYNCH, Mr. CAPUANO, Mr. ELLISON, Mr. SHERMAN, and Mr. LEWIS of Georgia.
H. Res. 713: Mr. HASTINGS of Florida, Mr. ELLISON, Mr. MCNERNEY, Ms. EDWARDS of Maryland, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. LEWIS of Georgia, Ms. WATSON, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. HINOJOSA, Mr. RUSH, Ms. SPEIER, and Mr. SCOTT of Georgia.
H. Res. 759: Mr. LINDER.
H. Res. 763: Mr. BILIRAKIS and Mr. EHLERS.
H. Res. 771: Mr. BISHOP of Georgia, Mr. CASTLE, and Mr. DELAHUNT.
H. Res. 773: Mr. BUYER, Mr. COURTNEY, and Ms. SHEA-PORTER.
H. Res. 833: Mr. ISRAEL, Mr. SNYDER, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. WEXLER, Mr. COHEN, Mr. MCGOVERN, Ms. GRANGER, Mr. GALLEGLY, Mr. ACKERMAN, Ms. BERKLEY, Mr. SHERMAN, Ms. WOOLSEY, Ms. WATSON, Ms. LEE of California, Mr. COSTA, Mr. TANNER, Mr. SIRES, Mr. FALEOMAVAEGA, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. KINGSTON, Mr. GENE GREEN of Texas, Mr. ELLISON, Ms. GIFFORDS, Mrs. LOWEY, and Mr. MANZULLO.
H. Res. 835: Mr. HERGER.
H. Res. 839: Mr. LEWIS of Georgia.
H. Res. 841: Mr. OLSON and Mrs. BLACKBURN.
H. Res. 847: Mr. BARTON of Texas, Mr. FORBES, and Mr. YOUNG of Alaska.
H. Res. 856: Mr. LAMBORN and Mr. LANGEVIN.
H. Res. 857: Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. CHANDLER, and Mr. NEUGEBAUER.
H. Res. 858: Mr. SHERMAN.
H. Res. 861: Mr. CONAWAY, Mr. CRENSHAW, Mr. HUNTER, Mr. YOUNG of Florida, and Mr. SESTAK.
H. Res. 866: Mr. LUJÁN, Ms. SCHWARTZ, Mr. LAMBORN, Mrs. BIGGERT, Ms. ROS-LEHTINEN, and Mr. MOLLOHAN.
H. Res. 867: Mr. ADLER of New Jersey, Mr. WALDEN, Mr. AUSTRIA, Mrs. BLACKBURN, Mr. PLATTS, Mr. ROSKAM, Mr. HENSARLING, Mr. MINNICK, Mrs. KIRKPATRICK of Arizona, Mr. SHULER, Mr. COLE, Mr. HODES, Mr. COSTELLO, Mr. DRIEHAUS, Mr. GORDON of Tennessee, Mr. BUYER, Mr. SHERMAN, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. KILROY, Mr. BOCCIERI, Mr. CARNEY, Mr. CAO, Ms. TITUS, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. BISHOP of New York, Mr. SMITH of New Jersey, Ms. GRANGER, Mr. DAVIS of Alabama, Mrs. LUMMIS, Mr. PITTS, Mr. LATHAM, Mr. PUTNAM, Mr. MELANCON, and Mr. CASSIDY.
H. Res. 868: Mrs. MYRICK.
H. Res. 870: Mr. BLUNT, Mr. BOEHNER, Ms. FOXX, Mr. LATHAM, Mr. LATOURETTE, Mr. MCCARTHY of California, Mr. PLATTS, Mr. SESSIONS, and Mr. WOLF.
H. Res. 874: Mr. GINGREY of Georgia.
H. Res. 878: Mr. SABLAN.
H. Res. 880: Mr. SABLAN.

TUESDAY, NOVEMBER 3, 2009 (138)

¶138.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 8 a.m. by the SPEAKER pro tempore, Mr. BLUMENAUER, who laid before the House the following communication:

WASHINGTON, DC,
November 3, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶138.2 RECESS—8:15 A.M.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 12(a) of rule I, declared the House in recess at 8 o'clock and 15 minutes a.m., until 9 a.m.

¶138.3 AFTER RECESS—9 A.M.

The SPEAKER pro tempore, Mr. WELCH, called the House to order.

¶138.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WELCH, announced he had examined and approved the Journal of the proceedings of Monday, November 2 , 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶138.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4424. A letter from the Secretaries, Departments of Agriculture and Health and Human Services, transmitting the Departments' report on Thefts, Losses, or Releases of Select Agents or Toxins for the period January 1, 2008 to December 31, 2008, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; to the Committee on Energy and Commerce.

4425. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 118-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 109-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 121-09, certification of a proposed permanent export license for the export of defense articles and related firearms, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 091-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 115-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4431. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Indiana Advisory Committee; to the Committee on the Judiciary.

4432. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arizona Advisory Committee; to the Committee on the Judiciary.

4433. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

4434. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Utah Advisory Committee; to the Committee on the Judiciary.

4435. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Dakota Advisory Committee; to the Committee on the Judiciary.

4436. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

4437. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Michigan Advisory Committee; to the Committee on the Judiciary.

4438. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 699.8 to 702.5 [COTP Sector Upper Mississippi River-07-012] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4439. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Gasparilla Pass, FL [COTP Sector St. Petersburg 07-185] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4440. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Homosassa River Raft Race, Homosassa, Florida [COTP Sector St. Petersburg 07-198] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4441. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roma Lodge Italian Festival, Racine, Wisconsin [CDG09-06-138] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4442. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Sault Ste. Marie, Michigan [CGD09-06-140] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4443. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nissan Xterra Midwest Championship, Milwaukee, Wisconsin [CGD09-06-142] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4444. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2006 Great Lakes Water Cross Tour, Sheboygan, Wisconsin [GD09-06-145] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4445. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Air Show, Saginaw River, Bay City, MI [CGD09-06-149] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4446. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party Fireworks, Webster, NY [CGD09-06-150] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4447. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; General Motors (GM) Style Event, Detroit River, Detroit, MI [CGD09-08-001] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 300.00 to 000.0 [COTP Sector Upper Mississippi River-07-013] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4449. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 454.0 to 456.0 [COTP Sector Upper Mississippi River-07-014] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4450. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 178.0 to 184.0 [COTP Sector Upper Mississippi River-07-015] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4451. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 615.0 to 615.6 [COTP Sector Upper Mississippi River-07-016] (RIN: 1625-AA00) received Otcober 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4452. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 742.7 to 743.3 [COTP Sector Upper Mississippi River-07-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4453. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the National Transportation Safety Board's response to OMB's request for views on H.R. 3619, the ''Coast Guard Authorization Act of 2010''; to the Committee on Transportation and Infrastructure.

¶138.6 RECESS FOR JOINT MEETING TO RECEIVE HER EXCELLENCY ANGELA MERKEL, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY—9:02 A.M.

The SPEAKER pro tempore, Mr. WELCH, pursuant to the special order of the House agreed to on Thursday, October 29, 2009, declared the House in recess at 9 o'clock and 2 minutes a.m., subject to the call of the Chair.

¶138.7 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. PASTOR of Arizona, called the House to order.

¶138.8 PROCEEDINGS DURING RECESS

On motion of Mr. WALZ, by unanimous consent, the proceedings had during the recess were ordered to be printed in the Record.

¶138.9 H.R. 3949—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3949) to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 382 / Nays ..... 2 }

¶138.10 [Roll No. 835]

YEAS—382

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—48

Abercrombie
Ackerman
Andrews
Barrett (SC)
Brady (PA)
Brown, Corrine
Capuano
Carney
Clay
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)
Fattah
Gerlach
Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt
Johnson (IL)
Kingston
Lipinski
Maloney
McCaul
Meeks (NY)
Moran (KS)
Murphy, Patrick
Nunes
Pallone
Pascrell
Payne
Price (GA)
Rahall
Ryan (OH)
Sánchez, Linda T.
Sires
Speier
Spratt
Stupak
Towns
Velázquez
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.11 H. RES. 398—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 398) recognizing the 60th anniversary of the Berlin Airlift's success.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 367 / Nays ..... 0 }

¶138.12 [Roll No. 836]

YEAS—367

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo

Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—65

Abercrombie
Ackerman
Andrews
Barrett (SC)
Barton (TX)
Blunt
Boehner
Brady (PA)
Brown, Corrine
Camp
Cantor
Capuano
Carney
Carter
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)
Dreier
Farr
Frank (MA)
Franks (AZ)
Gerlach
Goodlatte
Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt
Israel
Johnson (IL)
Kingston
Kline (MN)
Lipinski
Maloney
McCarthy (CA)
McCaul
McCotter
McMorris Rodgers
Meeks (NY)
Murphy, Patrick
Murtha
Nunes
Obey
Pallone
Pascrell
Payne
Pence
Price (GA)
Rahall
Ryan (OH)
Sánchez, Linda T.
Schauer
Sessions
Sires
Spratt
Stupak
Towns
Velázquez
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶138.13 H. RES. 866—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 866) expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 0

¶138.14 [Roll No. 837]

YEAS—389

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Ackerman
Andrews
Austria
Barrett (SC)
Brady (PA)
Brown, Corrine
Capuano
Carney
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)
Gerlach
Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt
Johnson (IL)
Kingston
Lipinski
Maloney
McCaul
Meeks (NY)
Murphy, Patrick
Nunes
Pallone
Pascrell
Payne
Price (GA)
Ryan (OH)
Sánchez, Linda T.
Sires
Spratt
Stupak
Towns
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶138.15 GAZA CONFLICT

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 867); as amended:

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution A/HRC/S–9/L.1, which authorized a ''fact-finding mission'' regarding Israel's conduct of Operation Cast Lead against violent militants in the Gaza Strip between December 27, 2008, and January 18, 2009;

Whereas the resolution pre-judged the outcome of its investigation, by one-sidedly mandating the ''fact-finding mission'' to ''investigate all violations of international

human rights law and International Humanitarian Law by . . . Israel, against the Palestinian people . . . particularly in the occupied Gaza Strip, due to the current aggression'';

Whereas the mandate of the ''fact-finding mission'' makes no mention of the relentless rocket and mortar attacks, which numbered in the thousands and spanned a period of eight years, by Hamas and other violent militant groups in Gaza against civilian targets in Israel, that necessitated Israel's defensive measures;

Whereas the ''fact-finding mission'' included a member who, before joining the mission, had already declared Israel guilty of committing atrocities in Operation Cast Lead by signing a public letter on January 11, 2009, published in the Sunday Times, that called Israel's actions ''war crimes'';

Whereas the mission's flawed and biased mandate gave serious concern to many United Nations Human Rights Council Member States which refused to support it, including Bosnia and Herzegovina, Cameroon, Canada, France, Germany, Italy, Japan, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, and the United Kingdom of Great Britain and Northern Ireland;

Whereas the mission's flawed and biased mandate troubled many distinguished individuals who refused invitations to head the mission;

Whereas Justice Richard Goldstone, who chaired the ''United Nations Fact Finding Mission on the Gaza Conflict'', told the then-President of the UNHRC, Nigerian Ambassador Martin Ihoeghian Uhomoibhi, that he intended to broaden the mandate of the Mission to include ''all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after'', a phrase that, according to Justice Goldstone, was intended to allow him to investigate Hamas attacks on Israeli civilians;

Whereas Ambassador Uhomoibhi issued a statement on April 3, 2009, that endorsed part of Justice Goldstone's proposed broadened mandate but deleted the phrase ''before, during, and after'', and added inflammatory anti-Israeli language;

Whereas a so-called broadened mandate was never officially endorsed by a plenary meeting of the UNHRC, neither in the form proposed by Justice Goldstone nor in the form proposed by Ambassador Uhomoibhi;

Whereas, on September 15, 2009, the ''United Nations Fact Finding Mission on the Gaza Conflict'' released its report;

Whereas the report repeatedly made sweeping and unsubstantiated determinations that the Israeli military had deliberately attacked civilians during Operation Cast Lead;

Whereas the authors of the report admit that ''we did not deal with the issues . . . regarding the problems of conducting military operations in civilian areas and second-guessing decisions made by soldiers and their commanding officers 'in the fog of war.' '';

Whereas in the October 16th edition of the Jewish Daily Forward, Richard Goldstone, the head of the ''United Nations Fact Finding Mission on the Gaza Conflict'', is quoted as saying, with respect to the mission's evidence-collection methods, ''If this was a court of law, there would have been nothing proven.'';

Whereas the report, in effect, denied the State of Israel the right to self-defense, and never noted the fact that Israel had the right to defend its citizens from the repeated violent attacks committed against civilian targets in southern Israel by Hamas and other Foreign Terrorist Organizations operating from Gaza;

Whereas the report largely ignored the culpability of the Government of Iran and the Government of Syria, both of whom sponsor Hamas and other Foreign Terrorist Organizations;

Whereas the report usually considered public statements made by Israeli officials not to be credible, while frequently giving uncritical credence to statements taken from what it called the ''Gaza authorities'', i.e. the Gaza leadership of Hamas;

Whereas, notwithstanding a great body of evidence that Hamas and other violent Islamist groups committed war crimes by using civilians and civilian institutions, such as mosques, schools, and hospitals, as shields, the report repeatedly downplayed or cast doubt upon that claim;

Whereas in one notable instance, the report stated that it did not consider the admission of a Hamas official that Hamas often ''created a human shield of women, children, the elderly and the mujahideen, against [the Israeli military]'' specifically to ''constitute evidence that Hamas forced Palestinian civilians to shield military objectives against attack.'';

Whereas Hamas was able to significantly shape the findings of the investigation mission's report by selecting and prescreening some of the witnesses and intimidating others, as the report acknowledges when it notes that ''those interviewed in Gaza appeared reluctant to speak about the presence of or conduct of hostilities by the Palestinian armed groups . . . from a fear of reprisals'';

Whereas even though Israel is a vibrant democracy with a vigorous and free press, the report of the ''fact-finding mission'' erroneously asserts that ''actions of the Israeli government . . . have contributed significantly to a political climate in which dissent with the government and its actions . . . is not tolerated'';

Whereas the report recommended that the United Nations Human Rights Council endorse its recommendations, implement them, review their implementation, and refer the report to the United Nations Security Council, the Prosecutor of the International Criminal Court, and the United Nations General Assembly for further action;

Whereas the report recommended that the United Nations Security Council—

(1) require the Government of Israel to launch further investigations of its conduct during Operation Cast Lead and report back to the Security Council within six months;

(2) simultaneously appoint an ''independent committee of experts'' to monitor and report on any domestic legal or other proceedings undertaken by the Government of Israel within that six-month period; and

(3) refer the case to the Prosecutor of the International Criminal Court after that six-month period;

Whereas the report recommended that the United Nations General Assembly consider further action on the report and establish an escrow fund, to be funded entirely by the State of Israel, to ''pay adequate compensation to Palestinians who have suffered loss and damage'' during Operation Cast Lead;

Whereas the report ignored the issue of compensation to Israelis who have been killed or wounded, or suffered other loss and damage, as a result of years of past and continuing rocket and mortar attacks by Hamas and other violent militant groups in Gaza against civilian targets in southern Israel;

Whereas the report recommended ''that States Parties to the Geneva Conventions of 1949 start criminal investigations [of Operation Cast Lead] in national courts, using universal jurisdiction'' and that ''following investigation, alleged perpetrators should be arrested and prosecuted'';

Whereas the concept of ''universal jurisdiction'' has frequently been used in attempts to detain, charge, and prosecute Israeli and United States officials and former officials in connection with unfounded allegations of war crimes and has often unfairly impeded the travel of those individuals;

Whereas the State of Israel, like many other free democracies, has an independent judicial system with a robust investigatory capacity and has already launched numerous investigations, many of which remain ongoing, of Operation Cast Lead and individual incidents therein;

Whereas Libya and others have indicated that they intend to further pursue consideration of the report and implementation of its recommendations by the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, and other multilateral fora;

Whereas the President instructed the United States Mission to the United Nations and other international organizations in Geneva to vote against resolution A–HRC–S–12–1, which endorsed the report and condemned Israel, at the special session of the Human Rights Council held on October 15–16, 2009;

Whereas, on September 30, 2009, Secretary of State Hillary Clinton described the mandate for the report as ''one-sided'';

Whereas, on September 17, 2009, Ambassador Susan Rice, United States Permanent Representative to the United Nations, expressed the United States' ''very serious concern with the mandate'' and noted that the United States views the mandate ''as unbalanced, one-sided and basically unacceptable'';

Whereas the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' reflects the longstanding, historic bias at the United Nations against the democratic, Jewish State of Israel;

Whereas the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' is being exploited by Israel's enemies to excuse the actions of violent militant groups and their state sponsors, and to justify isolation of and punitive measures against the democratic, Jewish State of Israel;

Whereas, on October 16, 2009, the United Nations Human Rights Council voted 25–6 (with 11 states abstaining and 5 not voting) to adopt resolution A–HRC–S–12–1, which endorsed the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' and condemned Israel, without mentioning Hamas, other such violent militant groups, or their state sponsors; and

Whereas efforts to delegitimize the democratic State of Israel and deny it the right to defend its citizens and its existence can be used to delegitimize other democracies and deny them the same right: Now, therefore, be it

Resolved, That the House of Representatives—

(1) considers the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' to be irredeemably biased and unworthy of further consideration or legitimacy;

(2) supports the Administration's efforts to combat anti-Israel bias at the United Nations, its characterization of the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' as ''unbalanced, one-sided and basically unacceptable'', and its opposition to the resolution on the report;

(3) calls on the President and the Secretary of State to continue to strongly and unequivocally oppose any endorsement of the ''Report of the United Nations Fact Finding

Mission on the Gaza Conflict'' in multilateral fora, including through leading opposition to any United Nations General Assembly resolution and through vetoing, if necessary, any United Nations Security Council resolution that endorses the contents of this report, seeks to act upon the recommendations contained in this report, or calls on any other international body to take further action regarding this report;

(4) calls on the President and the Secretary of State to strongly and unequivocally oppose any further consideration of the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' and any other measures stemming from this report in multilateral fora; and

(5) reaffirms its support for the democratic, Jewish State of Israel, for Israel's security and right to self-defense, and, specifically, for Israel's right to defend its citizens from violent militant groups and their state sponsors.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. BERMAN and Mr. ELLISON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. LEE of California, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶138.16 PROVIDING FOR CONSIDERATION OF H.R. 3639

Mr. McGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–326) the resolution (H. Res. 884) providing for consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶138.17 PROVIDING FOR CONSIDERATION OF H.R. 2868

Mr. McGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–327) the resolution (H. Res. 885) providing for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶138.18 H. RES. 867—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 867) calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the ''Report of the United Nations Fact Finding Mission on the Gaza Conflict'' in multilateral fora; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 344; Nays ..... 36; Answered present 22 }

¶138.19 [Roll No. 838]

YEAS—344

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Ortiz
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—36

Baird
Baldwin
Blumenauer
Boustany
Capps
Carson (IN)
Clarke
Clay
Davis (KY)
Dingell
Doggett
Edwards (MD)
Ellison
Filner
Grijalva
Hinchey
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee (CA)
Lynch
McCollum
McDermott
McGovern
Miller, George
Moran (VA)
Olver
Pastor (AZ)
Paul
Price (NC)
Rahall
Snyder
Stark
Waters
Watt
Woolsey

ANSWERED ''PRESENT''—22

Becerra
Cooper
Dahlkemper
DeFazio
Delahunt
Duncan
Eshoo
Farr
Heinrich
Hirono
Honda
Johnson (GA)
Jones
Kaptur
Loebsack
Lofgren, Zoe
Luján
Obey
Speier
Tierney
Welch
Wu

NOT VOTING—30

Abercrombie
Ackerman
Bachmann
Barrett (SC)
Boucher
Brady (PA)
Capuano
Conyers
Davis (AL)
Davis (TN)
Deal (GA)
Gordon (TN)
Gutierrez
Hall (NY)
Holt
Meeks (NY)
Murphy, Patrick
Nunes
Pallone
Pascrell
Payne
Pingree (ME)
Price (GA)
Sánchez, Linda T.
Sires
Souder
Stupak
Towns
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶138.20 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶138.21 H.R. 3157—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3157) to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic'' .

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 0

¶138.22 [Roll No. 839]

YEAS—398

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—34

Abercrombie
Ackerman
Andrews
Barrett (SC)
Brady (PA)
Cantor
Capuano
Conyers
Davis (AL)
Davis (TN)
Deal (GA)
Gordon (TN)
Grijalva
Gutierrez
Hall (NY)
Holt
Meeks (NY)
Murphy, Patrick
Murtha
Nunes
Pallone
Pascrell
Payne
Pingree (ME)
Price (GA)
Rothman (NJ)
Sánchez, Linda T.
Sires
Souder
Stupak
Towns
Velázquez
Wamp
Wittman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶138.23 H. RES. 736—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 736) honoring President Lincoln's Gettysburg Address on ''Dedication Day'', November 19, 2009.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. LEE of California, announced that two-thirds of those present had voted in the affirmative.

Ms. JACKSON-LEE of Texas, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 / Nays 0

¶138.24 [Roll No. 840]

AYES—393

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden

Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Ackerman
Barrett (SC)
Berry
Blumenauer
Brady (PA)
Cantor
Capuano
Conyers
Davis (AL)
Davis (TN)
Deal (GA)
Frank (MA)
Gordon (TN)
Grijalva
Gutierrez
Hall (NY)
Holt
Kratovil
Meeks (NY)
Murphy, Patrick
Murtha
Nunes
Pallone
Pascrell
Paul
Payne
Pingree (ME)
Price (GA)
Rothman (NJ)
Salazar
Sánchez, Linda T.
Sires
Souder
Stupak
Towns
Velázquez
Wamp
Wittman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶138.25 RADIO FREE EUROPE/RADIO LIBERTY 60TH ANNIVERSARY

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 641); as amended:

Whereas Radio Free Europe/Radio Liberty (RFE/RL) was founded in 1949 by the National Committee for a Free Europe with the mission to promote democratic values and institutions by broadcasting unbiased and factual information and ideas to audiences behind the communist ''Iron Curtain'', and transmitted its first program to the former Czechoslovakia on July 4, 1950;

Whereas many Central European and Russian leaders, including Vaclav Havel of the Czech Republic, and the late Boris Yeltsin of the Russian Federation, have testified to the important role RFE/RL broadcasts played in ending the Cold War;

Whereas the former President of Estonia, Lennart Meri, nominated RFE/RL for the Nobel Peace Prize in 1991;

Whereas Nobel laureate and former President of Poland, Lech Walesa, testified to the role played by RFE/RL in Poland's struggle for freedom when he stated that its influence ''cannot even be described. Would there be earth without the sun?'';

Whereas RFE/RL programs were so comprehensive that communist authorities relied on secret transcripts of the broadcasts for information they could not obtain from the local media they themselves controlled;

Whereas RFE/RL was subjected to efforts to undermine its operations through offensive actions launched by communist regimes and intended to discredit the broadcasts;

Whereas the Soviet KGB and Warsaw Pact intelligence services penetrated the radio stations with their spies, jailed sources, and even resorted to violence in attempts to intimidate RFE/RL staff;

Whereas RFE/RL Bulgarian Service correspondent Georgi Markov was murdered in London in 1978, evidently by the Bulgarian communist intelligence service;

Whereas the Romanian communist security service detonated a bomb at RFE/RL's headquarters in Munich, West Germany, in 1981, critically injuring six employees;

Whereas today, after having played a significant role in the collapse of communism in the former Soviet Union, RFE/RL continues to provide news, information, and open discussion of domestic and international issues to countries where free and independent media are not permitted, or are not yet fully established;

Whereas RFE/RL is available via FM, AM, shortwave and satellite radio, and employs a range of newer technologies including SMS text messaging, Facebook, Twitter, and other interactive social media;

Whereas RFE/RL broadcasts in 28 languages to 30 million listeners in Eastern and Southeastern Europe, Russia, the Caucasus, the Middle East, and Central and Southwest Asia;

Whereas during the June 2009 presidential election in Iran, RFE/RL's ''Radio Farda'' provided 24 hour news coverage of the post-election protests;

Whereas beginning in 2002, RFE/RL began ''Radio Azadi'', reaching nearly 50 percent of the Afghan people in the Pashto and Dari languages and making RFE/RL the largest international broadcaster in Afghanistan;

Whereas in August 2009, RFE/RL's Radio Azadi hosted a historic presidential debate featuring President Hamid Karzai and his two top opponents, the first ever in Afghanistan's to feature an incumbent Afghan President;

Whereas in early 2010, RFE/RL will begin Pashto language broadcasting to the Afghanistan-Pakistan border region, including the Swat Valley, promoting democratic values and institutions by providing the people of the region a source of independent and factual media to compete in the battle of ideas with those radical elements that have disrupted the peace in the Afghan-Pakistan border region;

Whereas RFE/RL employees and freelance journalists are subject to intimidation and oppression by the authorities of regimes in many countries to which RFE/RL broadcasts; and

Whereas RFE/RL has a proven history of promoting freedom and liberty in oppressive and autocratic regimes through news broadcasts based upon the principle that the first requirement of democracy is a well-informed citizenry: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the founding of Radio Free Europe/Radio Liberty (RFE/RL) and honors its contribution to promoting freedom and liberty around the world; and

(2) commends the employees and reporters of RFE/RL for their commitment to provide fair and unbiased news to people living under oppressive regimes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 4, 2009.

¶138.26 MADAGASCAR'S NATURAL RESOURCES

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 839); as amended:

Whereas Madagascar is the world's fourth largest island, and home to up to 150,000 species of unique flora and fauna;

Whereas during the last 20 years, with the support of the U.S. Government and others, Madagascar has made substantial progress in stopping environmental degradation, effectively managing natural resources and preserving its unique biodiversity;

Whereas three-quarters of Madagascar's people live in rural areas and two-thirds live on less than $2 per day, safeguarding these natural resources is essential to Madagascar's continued economic growth and development;

Whereas these natural resources contribute to economic development through the tourism sector, drawing an estimated $390,000,000 per year;

Whereas, on March 17, 2009, Marc Ravalomanana was forced to resign as the

democratically-elected President of Madagascar and Andry Rajoelina was installed as de facto head of state;

Whereas, on March 20, 2009, the United States condemned the removal of Marc Ravalomanana and the installation of Andry Rajoelina as tantamount to a coup d'etat, undemocratic, and contrary to the rule of law, announced a suspension of non-humanitarian assistance, and later terminated compact assistance through the Millennium Challenge Corporation to the de facto Rajoelina government;

Whereas two-thirds of Madagascar's people depend on natural resources for their sustenance and livelihoods, and decreased assistance for conservation efforts may have dire humanitarian consequences;

Whereas the African Union and the Southern African Development Community have suspended Madagascar's participation until constitutional order is restored;

Whereas in October 2009, the World Wildlife Fund (WWF), Conservation International, and the Wildlife Conservation Society condemned an interministerial order issued by the de facto administration granting sweeping authorization to export raw and semi-processed hard wood as ''legaliz[ing] the sale of illegally cut and collected wood onto the market; allow[ing] for the potential embezzlement of funds in the name of environmental protection; and constitut[ing] a legal incentive for further corruption in the forestry sector'';

Whereas natural resource degradation occurring under the de facto government includes—

(1) open and organized plundering of precious wood from natural forests, including World Heritage Sites such as Marojejy and Masoala National Parks;

(2) intimidation and menace of legitimate local community management structures, and expropriation of revenue and benefits from them, causing suffering and impoverishment;

(3) intensified smuggling of endemic and protected species and species parts and/or products to the national and international markets;

(4) proliferation of destructive practices such as illegal mining and slash-and-burn agriculture within protected areas and environmentally sensitive areas;

(5) degradation of forests, pushing some rosewood and ebony species to the brink of extinction; and

(6) the degradation of the resource base that rural communities depend upon represents an immediate and future threat to local governance, local incomes, and food security; and

Whereas the vast majority of this precious wood is destined for global export markets: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the March 2009 coup d'etat in Madagascar and supports the people of Madagascar in immediately undertaking a democratic, consensual process to restore constitutional governance, culminating in free, fair, and peaceful elections;

(2) commends the African Union and the Southern African Development Community for taking strong action against anti-democratic forces in Madagascar and encourage their continued resolve to return Madagascar to the rule of law;

(3) strongly condemns the illegal extraction of Madagascar's natural resources and its impact on biodiversity and livelihoods of rural communities, including illegal logging, smuggling of wild species, and illegal mining;

(4) supports action by competent authorities and the people of Madagascar to stop this illegal devastation and bring those perpetrating these crimes to justice;

(5) calls upon importing countries to intensify their inspection and monitoring processes to ensure that they do not contribute to the demand for illegally sourced precious woods from Madagascar; and

(6) calls upon consumers of rosewood and ebony products to check their origin, and boycott those made of Malagasy wood, until constitutional order is restored.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. BERMAN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 4, 2009.

The point of no quorum was considered as withdrawn.

¶138.27 SRI LANKA'S TAMIL IDPS

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 711); as amended:

Whereas May 2009 marked the conclusion of the 26-year struggle between the Liberation Tigers of Tamil Eelam (LTTE), a State Department designated Foreign Terrorist Organization, and the Government of Sri Lanka, and the Government of Sri Lanka committed itself to caring for and ensuring the speedy return of the civilians internally displaced as a result of the fighting;

Whereas the Government of Sri Lanka is seeking to identify former combatants who were part of the LTTE and as part of the vetting process the Government of Sri Lanka has set up make-shift camps that initially housed over 280,000 internally displaced persons (IDPs) who fled their homes as the war drew to an end;

Whereas of those 280,000 internally displaced persons at the end of the war, approximately 10,000 of those individuals are being separately held by the Government of Sri Lanka as former combatants or on suspicion of having supported the LTTE;

Whereas as part of the United Nations Human Rights Council 11th Special Session on Sri Lanka held on May 27, 2009, the Government of Sri Lanka made commitments to the world to improve the conditions for the civilians housed in the camps and stated that the ''bulk'' of the IDPs would be resettled within 180 days;

Whereas as of October 23, 2009, over 51,000 IDPs have been released from the closed camps in the Vanni, and of those 36,000 have been returned to their districts of origin and found accommodation in their own homes or, pending return to their homes, with host families and in vacant houses of friends or relatives; and over 16,000 IDPs of special categories, such as the elderly, pregnant women and their families, priests, students, or people of special needs, have been released to host families or institutions;

Whereas as of October 23, 2009, some 220,000 civilian IDPs still remain in military-guarded camps in the four northern districts of Vavuniya, Mannar, Jaffna, and Trincomalee;

Whereas the Government of Sri Lanka has announced that it would facilitate in the next few weeks the voluntary return of over 40,000 civilian IDPs by the end of October and 60,000 per month of the remaining IDPs in the camps;

Whereas the Government of Sri Lanka has made some progress in easing camp congestion, registering IDPs, expanding access to humanitarian organizations, and demining the north, but much remains to be done to improve humanitarian conditions, particularly before the onset of the monsoon season;

Whereas the United States is urging the safe and speedy return of civilian IDPs, continued access for international humanitarian organizations, and the registration and provision of national identification cards to IDPs, to help promote freedom of movement; and

Whereas the United States supports the rapid release and voluntary return of all civilian IDPs as a critical element of national reconciliation in Sri Lanka: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Government of Sri Lanka, consistent with its obligation to provide security for all of its citizens, to expeditiously allow freedom of movement for civilian internally displaced persons (IDPs) to leave their camps voluntarily and return in safety and dignity to their homes or, where that is not possible, to live with host families or move to open transit sites;

(2) calls on the Government of Sri Lanka to ensure that IDP camps are truly civilian in nature and administered by civilian authorities, rather than under military supervision, and give full access to national and international humanitarian organizations and observers, including the International Committee of the Red Cross, in order to monitor the situation and to assist in the care of IDPs; and

(3) urges the Government of Sri Lanka to promote justice and political reconciliation for all parties, and engage in dialogue with all parties, including Tamils inside and outside Sri Lanka on new mechanisms for devolving power, improving human rights, and increasing accountability.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. BERMAN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 4, 2009.

The point of no quorum was considered as withdrawn.

¶138.28 WORLD PNEUMONIA DAY

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 863); as amended:

Whereas pneumonia kills an estimated 4,000,000 people every year, according to the World Health Organization and UNICEF;

Whereas more than 150,000,000 episodes of pneumonia occur every year among children under the age of five in developing countries,

accounting for more than 95 percent of all new cases worldwide;

Whereas of the 8,800,000 children under the age of five who die every year, up to 2,000,000 die from pneumonia;

Whereas pneumonia kills 1 child every 15 seconds;

Whereas pneumonia kills more children than any other illness;

Whereas an estimated 26 percent of neonatal deaths within the first month after birth are caused by severe infections, including pneumonia;

Whereas these deaths occur primarily in the world's poorest countries;

Whereas for every child who dies of pneumonia in an industrialized country, more than 2,000 children die of pneumonia in poor countries;

Whereas pneumonia is a preventable and treatable problem;

Whereas more than 1,000,000 lives could be saved each year through pneumonia prevention and treatment;

Whereas many childhood pneumonia deaths can be prevented with early diagnosis;

Whereas immunizing children against measles, whooping cough, Haemophilus influenzae type b (Hib), and pneumococcus could cut the rate of severe pneumonia in half;

Whereas studies indicate that in developing countries, only one in four caregivers know the two key symptoms of pneumonia, fast and difficult breathing, which indicate that a child should be treated immediately;

Whereas fewer than ⅓ of children suffering from pneumonia in the developing world receive antibiotics which are available for less than $1;

Whereas health professionals agree that prevention and treatment of pneumonia must be a priority in broader, coordinated child survival strategies;

Whereas in the context of child survival strategies, pneumonia control requires a three-prong program of protection, prevention, and treatment;

Whereas preventing and treating childhood pneumonia is critical to reducing the mortality rate of children under the age of five; and

Whereas World Pneumonia Day is recognized on November 2 annually: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms its commitment to child survival and development programs that focus on protection, prevention, and treatment of pneumonia;

(2) salutes the health professionals and community health workers who are on the front lines in the world's poorest countries, extending preventative care and treatment to children most at risk of contracting pneumonia;

(3) reaffirms the United States commitment to reducing child mortality; and

(4) recognizes World Pneumonia Day.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. ENGEL and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ENGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 4, 2009.

¶138.29 INTER-AMERICAN FOUNDATION 40TH ANNIVERSARY

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 858):

Whereas the IAF was originally created as an independent Federal agency to provide a new alternative model to traditional United States foreign assistance that promotes greater community-ownership and self-sustainability of development initiatives;

Whereas the IAF has enabled millions of marginalized and poor people in Latin America and the Caribbean to improve their lives through nearly 5,000 self-help grants for income and employment generation, civic education and citizen participation, access to credit and public resources, food security, environmental sustainability, and cultural and social development;

Whereas the IAF has proven that its people-to-people approach to foreign assistance, delivering aid funds directly to grassroots groups and local organizations of poor communities, is remarkably cost-effective, targeting aid funds to those with the greatest need and those who will use them best;

Whereas each year, hundreds of thousands of IAF grant participants benefit from improved nutrition, medical care, access to clean water, agricultural and vocational skills, microcredit loans, small business management training, increased educational opportunities, and knowledge of sustainable agricultural techniques and environmental practices;

Whereas many grassroots leaders supported by the IAF have gone on to leadership roles at the local and national levels;

Whereas the IAF's beneficiary-driven, responsive approach has fostered trust between Latin American and Caribbean citizens and the United States Government by listening and responding to needs the people have identified, partnering with community-based groups and investing in projects that utilize and validate local knowledge and expertise;

Whereas the IAF's status as an independent United States Government aid agency allows for a streamlined grant-making process, the flexibility to respond quickly and adapt to people's needs on the ground, and the ability to maintain a positive United States presence in the region;

Whereas the IAF continues to demonstrate the political, diplomatic, and strategic value of an independent United States Government aid agency with the ability to reach those on the economic, social, and cultural fringes of society in neighboring countries, facilitating greater access to the licit economy, markets, and public policy decisionmaking processes;

Whereas the IAF's projects complement and strive to maximize the impact of other larger United States aid agencies operating in Latin America and the Caribbean by enabling an important link between poor communities and larger-scale development activities; and

Whereas the IAF was designed with strong bipartisan support and has maintained this balanced support throughout the four decades of its operations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Inter-American Foundation (IAF) on its 40th anniversary;

(2) recognizes that the IAF has demonstrated that its grassroots model for United States foreign assistance is effective; and

(3) declares that the IAF is a vital component of United States foreign policy in the Americas and of the United States development agenda.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. ENGEL and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ENGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, November 4, 2009.

¶138.30 SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 475. An Act to amend the Servicemembers Civil relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 509. An Act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

¶138.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HOLT, for today.

And then,

¶138.32 ADJOURNMENT

On motion of Mr. HOEKSTRA, at 11 o'clock and 19 minutes p.m., the House adjourned.

¶138.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 884. Resolution providing for consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes (Rept. 111–326). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 885. Resolution providing for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes (Rept. 111–327). Referred to the House Calendar.

¶138.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Georgia (for himself, Mr. NADLER of New York, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. WEINER, Mr. LEWIS of Georgia, and Ms. JACKSON-LEE of Texas):

H.R. 3986. A bill to amend title 28, United States Code, to clarify the availability of Federal habeas corpus relief for a person who is sentenced to death though actually innocent; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. BARTON of Texas, Mr. BURGESS, Mrs. BLACKBURN, and Mr. GINGREY of Georgia):

H.R. 3987. A bill to amend titles XI and XVIII of the Social Security Act to promote the use of health information technology to better coordinate health care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOCCIERI:

H.R. 3988. A bill to amend section 313 of the Tariff Act of 1930 to specify articles that qualify as commercially interchangeable merchandise for purposes of certain duty drawback; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H.R. 3989. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 3990. A bill to grant the Congressional Gold Medal to John H. Johnson in recognition of his outstanding contributions to the United States; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Ms. HIRONO, Mr. HARE, Ms. CLARKE, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 3991. A bill to ensure that American workers are able to follow, without financial harm, the recommendations of their employer and public health authorities to stay home when they have symptoms of a contagious disease that may put co-workers, customers, or the public at risk; to the Committee on Education and Labor.

By Mr. DRIEHAUS:

H.R. 3992. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide compensation for certain persons injured in the course of employment at the Feed Materials Production Center (commonly referred to as ''Fernald'') or the Piqua Organic Moderated Reactor in Ohio; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 3993. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mrs. SCHMIDT):

H.R. 3994. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 3995. A bill to provide additional resources for Federal investigations and prosecutions of crimes related to the 2008 Financial Crisis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3996. A bill to improve financial stability, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3997. A bill to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 3998. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mr. CARDOZA (for himself, Mr. COSTA, and Mr. RADANOVICH):

H.R. 3999. A bill to direct the Commissioner of the Bureau of Reclamation to initiate consultations under the Endangered Species Act of 1973 on the Central Valley Project and the California State Water Project, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 4000. A bill to provide assistance to local educational agencies for the prevention and reduction of conflict and violence; to the Committee on Education and Labor.

By Mr. HELLER (for himself, Mr. MCCLINTOCK, Ms. BERKLEY, and Ms. TITUS):

H.R. 4001. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H.R. 4002. A bill to amend the Truth in Lending Act to clarify that any delay in changes to terms applies only to increases, not decreases; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mrs. LOWEY, and Mr. ENGEL):

H.R. 4003. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH (for himself, Mr. HARE, Mr. MANZULLO, Mr. SHIMKUS, and Mr. JACKSON of Illinois):

H.R. 4004. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating the study area as the Black Metropolis National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT:

H.R. 4005. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4006. A bill to amend title 38, United States Code, to provide for Indian veterans health care coordinators, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEE of New York (for himself and Mr. HUNTER):

H.R. 4007. A bill to authorize the Secretary of Health and Human Services to make grants to 5 States to establish medical malpractice tribunal pilot programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 4008. A bill to designate the facility of the United States Postal Service located at 1639 Dickerson Boulevard in Monroe, North Carolina, as the ''Second Lieutenant Samuel I. Parker Postal Carrier Annex''; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 4009. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER:

H.R. 4010. A bill to amend the Act of August 9, 1955, to authorize the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself and Mr. GOODLATTE):

H.R. 4011. A bill to amend title 18, United States Code, with respect to organized retail theft, and for other purposes; to the Committee on the Judiciary.

By Mr. TIAHRT:

H.R. 4012. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for new nonresidential real property, and a 10-year recovery period for qualified leasehold improvement property, placed in service after December 31, 2009, and before January 1, 2012; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 4013. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. CONAWAY, Mr. BARTLETT, Mr. INGLIS, Mr. COBLE, Ms. FOXX, Mr. CALVERT, Mrs. BLACKBURN, Ms. JENKINS, Mr. LAMBORN, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. ROGERS of Kentucky, Mr. GALLEGLY, Mr. LATTA, Mr. CULBERSON, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. WAMP, Mr. HOEKSTRA, Mrs. MYRICK, and Mr. WOLF):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress regarding the victory of the United States in The Cold War and the Fall of the Berlin Wall; to the Committee on Foreign Affairs.

By Mr. CHILDERS (for himself and Mr. HARPER):

H. Res. 886. A resolution supporting the goals and purposes of National Teach Ag Day; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS (for himself, Mr. DELAHUNT, Mr. LYNCH, Mr. MELANCON, Mr. MORAN of Virginia, Mr. BOUSTANY, Mr. SPRATT, Mr. CASSIDY, and Mr. SCALISE):

H. Res. 887. A resolution recognizing the World Trade Organization member, Chinese Taipei's, accession to the Government Procurement Agreement on July 15, 2009, and extending hope and good faith that this will promote its domestic economy and position in the global economy; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶138.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SCOTT of Virginia and Mr. MCNERNEY.
H.R. 43: Mr. BOSWELL, Mr. WALZ, Mr. DAVIS of Tennessee, and Mr. GERLACH.
H.R. 235: Mr. PIERLUISI.
H.R. 268: Mr. LATTA, Mr. NEUGEBAUER, Mr. CONAWAY, and Mr. PENCE.
H.R. 406: Ms. ESHOO.
H.R. 558: Mr. KENNEDY and Mr. JACKSON of Illinois.
H.R. 571: Mr. STARK and Mr. SCHRADER.
H.R. 613: Mr. COHEN.
H.R. 716: Mr. RYAN of Ohio.
H.R. 855: Mr. BACHUS.
H.R. 932: Mr. ARCURI.
H.R. 1086: Mr. SIMPSON.
H.R. 1126: Mr. MURPHY of Connecticut.
H.R. 1132: Mr. MACK and Mr. CARSON of Indiana.
H.R. 1175: Mr. BROUN of Georgia.
H.R. 1177: Ms. KOSMAS.
H.R. 1182: Ms. BERKLEY and Mr. TIERNEY.
H.R. 1220: Mr. MURTHA.
H.R. 1240: Mr. EDWARDS of Texas.
H.R. 1250: Mr. SIRES and Mr. WILSON of Ohio.
H.R. 1326: Mr. CLEAVER.
H.R. 1362: Ms. MCCOLLUM.
H.R. 1441: Mr. YOUNG of Alaska.
H.R. 1521: Mr. PENCE, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.
H.R. 1526: Mr. BERRY, Ms. SHEA-PORTER, and Mr. VAN HOLLEN.
H.R. 1548: Mr. CASTLE.
H.R. 1557: Mr. CUELLAR, Mr. SENSENBRENNER, Mr. ALTMIRE, Mr. SCOTT of Georgia, Mr. POMEROY, and Mrs. KIRKPATRICK of Arizona.
H.R. 1597: Mrs. KIRKPATRICK of Arizona.
H.R. 1704: Mr. FILNER.
H.R. 1745: Mr. FORTENBERRY.
H.R. 1751: Mr. COHEN.
H.R. 1770: Mr. MOORE of Kansas.
H.R. 1784: Mr. COFFMAN of Colorado.
H.R. 1816: Mr. MOORE of Kansas.
H.R. 1826: Mr. MCNERNEY.
H.R. 1829: Mr. DAVIS of Tennessee.
H.R. 1835: Mr. HARE, Mr. ALTMIRE, Mr. SIMPSON, and Mr. SHUSTER.
H.R. 1837: Mr. PRICE of North Carolina.
H.R. 1866: Ms. SCHAKOWSKY.
H.R. 1884: Mr. HODES, Mr. CARNAHAN, and Ms. SCHWARTZ.
H.R. 1925: Mrs. HALVORSON.
H.R. 1941: Mr. WATT.
H.R. 1948: Mr. SHIMKUS.
H.R. 1977: Mr. MCNERNEY.
H.R. 2089: Mr. COHEN.
H.R. 2160: Mr. YOUNG of Florida and Mr. CARSON of Indiana.
H.R. 2243: Mr. MCINTYRE.
H.R. 2246: Mr. CARNAHAN.
H.R. 2256: Mr. MINNICK.
H.R. 2365: Ms. SHEA-PORTER and Mr. HODES.
H.R. 2372: Mr. KLINE of Minnesota and Mr. OLSON.
H.R. 2377: Mr. SMITH of Washington.
H.R. 2378: Ms. KAPTUR and Mr. ROGERS of Alabama.
H.R. 2446: Ms. HERSETH SANDLIN.
H.R. 2477: Mr. STEARNS.
H.R. 2607: Mr. WITTMAN, Mr. PITTS, Mr. BARTLETT, Mr. SMITH of Nebraska, Mr. CONAWAY, and Mr. HASTINGS of Washington.
H.R. 2619: Mr. BARTON of Texas.
H.R. 2698: Mr. HALL of New York.
H.R. 2699: Mr. HALL of New York.
H.R. 2708: Mr. MATHESON.
H.R. 2709: Mr. HARE.
H.R. 2717: Mr. HALL of Texas.
H.R. 2737: Mr. WILSON of South Carolina, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. RANGEL, and Mr. LARSEN of Washington.
H.R. 2766: Mr. SARBANES and Ms. ESHOO.
H.R. 2831: Mrs. HALVORSON.
H.R. 2866: Mr. ROSKAM.
H.R. 2897: Mr. GRIJALVA.
H.R. 2941: Mr. INSLEE.
H.R. 2946: Mr. SPRATT.
H.R. 2999: Mr. MICHAUD and Mr. MORAN of Kansas.
H.R. 3078: Mr. SCHOCK.
H.R. 3104: Mr. BLUMENAUER.
H.R. 3116: Ms. SCHAKOWSKY and Mr. LOBIONDO.
H.R. 3217: Mr. GERLACH, Mr. ROYCE, and Mr. PLATTS.
H.R. 3251: Mr. MACK.
H.R. 3266: Mr. COHEN.
H.R. 3339: Mr. SABLAN.
H.R. 3353: Mr. AL GREEN of Texas.
H.R. 3401: Mr. LARSEN of Washington and Mr. PAYNE.
H.R. 3454: Mr. BISHOP of Georgia.
H.R. 3464: Mr. BLUNT.
H.R. 3486: Mr. PASCRELL.
H.R. 3511: Ms. LEE of California and Ms. ROYBAL-ALLARD.
H.R. 3554: Ms. KOSMAS and Mr. MURPHY of Connecticut.
H.R. 3560: Mr. BAIRD.
H.R. 3564: Ms. DELAURO.
H.R. 3608: Mr. KAGEN.
H.R. 3623: Mrs. CHRISTENSEN and Mr. JOHNSON of Georgia.
H.R. 3644: Mr. MCNERNEY and Mr. LIPINSKI.
H.R. 3656: Mr. HARPER, Mr. MASSA, Mr. KING of New York, and Mr. EHLERS.
H.R. 3660: Mr. DENT.
H.R. 3715: Mr. KILDEE.
H.R. 3728: Mr. PAYNE.
H.R. 3735: Mr. ROONEY.
H.R. 3742: Mr. PALLONE, Mr. WU, and Mr. MELANCON.
H.R. 3745: Mr. DAVIS of Illinois and Mr. STARK.
H.R. 3752: Mr. OLSON.
H.R. 3786: Mr. LIPINSKI.
H.R. 3787: Mr. LOEBSACK.
H.R. 3806: Ms. JENKINS.
H.R. 3822: Mr. GOODLATTE.
H.R. 3824: Mr. GOODLATTE.
H.R. 3845: Ms. SCHAKOWSKY and Mr. HOLT.
H.R. 3851: Mr. RANGEL, Mr. MCNERNEY, Mr. PAYNE, and Ms. GIFFORDS.
H.R. 3855: Mr. FILNER, Mr. MORAN of Virginia, Ms. CLARKE, Mr. MILLER of North Carolina, Mr. DOGGETT, Mr. FALEOMAVAEGA, and Mrs. CAPPS.
H.R. 3904: Ms. CHU and Ms. SUTTON.
H.R. 3922: Mrs. MYRICK.
H.R. 3926: Mr. DINGELL, Mr. MASSA, and Ms. NORTON.
H.R. 3943: Mr. MITCHELL, Mr. QUIGLEY, Mr. EDWARDS of Texas, Mr. BACA, Mr. WITTMAN, Mr. BOOZMAN, Mr. MICHAUD, Mr. REHBERG, and Mr. PLATTS.
H.R. 3948: Mr. YOUNG of Florida, Mr. MICA, and Mr. MICHAUD.
H.R. 3952: Mr. WITTMAN.
H.R. 3965: Ms. CHU.
H.R. 3970: Mr. PLATTS, Mr. GOODLATTE, and Mr. TIBERI.
H.R. 3983: Mr. MCGOVERN.
H.R. 3984: Mr. MCGOVERN.
H. J. Res. 11: Mr. TIAHRT.
H. J. Res. 42: Mr. SIMPSON.
H. Con. Res. 49: Mr. NYE.
H. Con. Res. 168: Mr. LAMBORN.
H. Con. Res. 206: Mr. LAMBORN.
H. Res. 542: Ms. JENKINS.
H. Res. 615: Mr. LUCAS.
H. Res. 664: Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mrs. EMERSON, Mr. GRAVES, Mr. LUETKEMEYER, Mr. SKELTON, and Mr. BARTLETT.
H. Res. 700: Mr. SNYDER and Mr. TOWNS.
H. Res. 708: Mr. AL GREEN of Texas and Mr. LIPINSKI.
H. Res. 711: Mr. MARKEY of Massachusetts.
H. Res. 752: Mrs. BIGGERT.
H. Res. 762: Mr. ARCURI.
H. Res. 803: Mr. MAFFEI.
H. Res. 835: Mr. WAMP.
H. Res. 867: Mr. FLEMING, Mr. SALAZAR, Mr. MITCHELL, Mr. LEVIN, Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, Mr. COSTA, Mr. JOHNSON of Illinois, Mr. GUTIERREZ, Mr. FLAKE, Mr. FOSTER, Mr. INGLIS, Ms. GINNY BROWN-WAITE of Florida, Mr. WAMP, Ms. LINDA T. SÁNCHEZ of California, Mr. STUPAK, Mr. OLSON, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. RUPPERSBERGER, Mr. CONAWAY, Mr. HUNTER, Mr. QUIGLEY, Mr. MCCARTHY of California, Mr. SPACE, Mr. SHADEGG, Mr. LUETKEMEYER, Mr. SCHAUER, Mr. AL GREEN of Texas, Mr. KING of Iowa, Mr. ALTMIRE, Mrs. MYRICK, Mr. GINGREY of Georgia, Mr. HERGER, Mr. HALL of Texas, Mr. SCHOCK, Mrs. EMERSON, Mrs. HALVORSON, Mr. LATOURETTE, Mr. HOYER, Mr. PIERLUISI, Mr. NEAL of Massachusetts, Mr. HARPER, Mr. ELLSWORTH, Mrs. SCHMIDT, Mr. CUELLAR, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. CHANDLER, Ms. KOSMAS, Mr. CULBERSON, and Mr. SULLIVAN.
H. Res. 869: Mr. CAO and Mr. ROSKAM.
H. Res. 870: Mr. CONAWAY, Mr. FLEMING, Mr. TIAHRT, Mrs. BIGGERT, Mr. YOUNG of Florida, Mr. DEAL of Georgia, Mr. POE of Texas, Mr. LUCAS, Mr. COBLE, Mr. BOOZMAN, Mr. DUNCAN, Mr. MCCOTTER, Mr. PUTNAM, Mr. YOUNG of Alaska, Mrs. CAPITO, Mr. MICA, Mrs. MILLER of Michigan, Mr. DREIER, and Mr. WITTMAN.
H. Res. 874: Mr. HERGER.
H. Res. 877: Mr. HERGER, Mr. BROUN of Georgia, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. TIERNEY, Mr. WELCH, Mr. CONNOLLY of Virginia, Mr. DINGELL, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. MCGOVERN, Mr. ISSA, Mrs. BONO MACK, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. ROTHMAN of New Jersey, Mr. FARR, Mr. CALVERT, Mr. CLYBURN, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. CLARKE, Mr. HUNTER, Mr. BISHOP of New York, Mr. ARCURI, Mr. SNYDER, Mr. ALEXANDER, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. SHIMKUS, Mr. LUETKEMEYER, Mr. THOMPSON of Pennsylvania, Mr. MAFFEI, Mr. STEARNS, Mr. SCALISE, Mr. WALDEN, Mr. RYAN of Ohio, Mr. RADANOVICH, and Mr. HILL.
H. Res. 879: Mr. ARCURI.

¶138.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3691: Mr. LINDER.

WEDNESDAY, NOVEMBER 4, 2009 (139)

The House was called to order by the SPEAKER.

¶139.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday November 3, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶139.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4454. A letter from the Program Manager, Health and Human Services, transmitting the Department's ''Major'' final rule — Medical Examination of Aliens — Removal of Human Immunodeficiency Virus (HIV) infection from Definition of Communicable Disease of Public Health Significance [Docket No.: CDC–2009–0003] (RIN: 0920–AA26) received October 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4455. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 839.7 to 840.3 [COTP Sector Upper Mississippi River–07–018] (RIN: 1625–AA00) Recevied October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4456. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Croix River, Mile 022.9 to 023.5 [COTP Sector Upper Mississippi River–07–019] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4457. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Fair St. Louis 2007, Upper Mississippi River Mile Marker 179.2 to Mile Marker 180.0, St. Louis, MO [COTP Sector Upper Mississippi River–07–020] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4458. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Live on The Levee 2007, Upper Mississippi River Mile Marker 179.2 to Mile Marker 180.0, St. Louis, MO [COTP Sector Upper Mississippi River–07–021] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4459. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile 847.0 to 857.0 [COTP Sector Upper Mississippi River–07–026 (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4460. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 21.0 to 23.0 [COTP Sector Upper Mississippi River–07–027] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4461. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 25.8 to 26.2 [COTP Sector Upper Mississippi River–07–028] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4462. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.2 to 14.2 [COTP Sector Upper Mississippi River–07–029] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4463. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River, Mile 028.0 to 029.0 [COTP Sector Upper Mississippi River–07–030] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4464. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 371.1 to 371.3 [COTP Sector Upper Mississippi River–07–031] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 397.0 to 398.0 [COTP Sector Upper Mississippi River–07–032] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah–07–260] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah–07–263] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elk Rapids Harbor Days Fireworks, Elk Rapids, Michigan [CGD09–06–132] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah–07–264] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah–07–269] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: M/V Empress of the North [COTP Southeastern Alaska 07–001] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Steelhead Triathlon, St. Joseph, Michigan [CGD09–06–133] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waterfront Festival, Menominee, Wisconsin [CGD09–06–134] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 07–003] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Irish Fest Fireworks, Milwaukee, Wisconsin [CGD09–06–136] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, FL [COTP St. Petersburg 07–111] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lyme Community Field Days Fireworks, Chaumont Bay, NY [CGD09–06–137] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 07–026] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ellison Bay, Wisconsin [CGD09–06–021] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for St. Petersburg Grand Prix; Tampa Bay, FL [COTP St. Petersburg 07–029] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Express Water Ski Demonstration, Lake Michigan, Milwaukee, WI [CGD09–06–022] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone Regulations; Tampa Bay, FL [COTP St. Petersburg 07–030] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charlevoix Venetian Festival Fireworks, Round Lake, Charlevoix, MI [CGD09–06–023] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP Sector St. Petersburg 07–038] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 07–044] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Detroit River, Detroit, MI [CGD09–06–028] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for St. Petersburg Grand Prix Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07–045] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone — Memorial Day Fireworks, Maumee River, Toledo, OH [CGD09–06–033] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, Clearwater, FL [COTP Sector St. Petersburg, FL 07–050] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 07–054] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio. West Third Street Bridge installment [CGD09–06–034] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — Seddon Channel, Tampa Bay, Florida [COTP Sector St. Petersburg, FL 07–056] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Algonac Offshore Challenge, St. Clair River North Channel, Algonac, MI [CGD09–06–037] (RIN: 1625–AA00) received October 15 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Freedom Festival Fireworks, Ludington, Michigan [CGD09–06–096] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Festival, St. Clair River, Port Huron, MI [CGD09–06–039] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, St. Anthony's Triathlon, St. Petersburg, FL [COTP Sector St. Petersburg, FL 07–069] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [COTP Sector St. Petersburg 07–081] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independent Holiday Fireworks Display, Detroit River, Grosse Ile, MI [CGD09–06–048] (RIN: 1625–AA48) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4499. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Toledo — Anthony Wayne Bridge, Maumee River, OH [CGD09–06–057] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mineola Bay Fireworks, Fox Lake, IL [CGD09–06–071] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Fireworks, Lake Superior, Duluth, MN [CGD09–06–080] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 4th of July Firework Display, Kenosha, Wisconsin [CGS09–06–080] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Madeline Island Fireworks, Lake Superior, Lapointe, WI [CGD09–06–082] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harbor Spring 4th of July Fireworks, Harbor Springs, Michigan [CGD09–06–082] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fish Creek Fireworks Display, Fish Creek, Wisconsin [CGD09–06–085] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Buffalo Zone [CGD09–06–085] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harrisville Fireworks Display, Lake Huron, Harrisville, MI [CGD09–06–086] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Sector Lake Michigan Zone [CGD09–06–087] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Au Gres City Fireworks Display, Lake Huron, Au Gres, MI [CGD09–06–088] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Harbor Yacht Club Fireworks, Bay Harbor Lake, Michigan [CGD09–06–090] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Taste of Chicago Fireworks, Lake Michigan, Chicago, IL [CGD09–06–091] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4512. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010 [CMS–1413–FC] (RIN: 0938–AP40) received October 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4513. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2010 [CMS–1560–F] (RIN: 0938–AP55] received October 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4514. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2010 Payment Rates; Changes to the Ambulatory Surgical Center Payment System and CY 2010 Payment Rates [CMS–1414–FC] (RIN: 0938–AP41] received October 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶139.3 PROVIDING FOR CONSIDERATION OF H.R. 3639

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 884):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Mr. PERLMUTTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 176

¶139.4 [Roll No. 841]

YEAS—228

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Ruppersberger
Rush
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Abercrombie
Bachmann
Barrett (SC)
Braley (IA)
Chu
Davis (TN)
Deal (GA)
DeLauro
Gerlach
Johnson (GA)
Kirk
Lee (CA)
Lewis (CA)
Lewis (GA)
Marshall
McMahon
McNerney
Moran (VA)
Murphy, Patrick
Nunes
Obey
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Shea-Porter
Slaughter
Stupak

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 175

¶139.5 [Roll No. 842]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Barrett (SC)
Boucher
Braley (IA)
Bright
Culberson
Davis (IL)
Davis (TN)
Deal (GA)
Gerlach
Hirono
Kirk
Klein (FL)
Markey (MA)
McMahon
McNerney
Murphy, Patrick
Myrick
Nunes
Rothman (NJ)
Sánchez, Linda T.
Slaughter
Stupak
Tierney

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.6 H. RES. 858—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 858) congratulating the Inter-American Foundation (IAF) on its 40th anniversary and recognizing its significant accomplishments and contributions.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays ..... 1 / Answered present 2

¶139.7 [Roll No. 843]

YEAS—405

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—2

Campbell
Gohmert

NOT VOTING—24

Andrews
Barrett (SC)
Boehner
Boucher
Braley (IA)
Cardoza
Davis (TN)
Deal (GA)
Gerlach
Grijalva
Inslee
Lamborn
McCaul
McNerney
Murphy, Patrick
Nunes
Reichert
Rothman (NJ)
Sánchez, Linda T.
Slaughter
Speier
Stupak
Sullivan
Watt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.8 H. RES. 839—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 839) condemning the illegal extraction of Madagascar's natural resources; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of those present had voted in the affirmative.

Mrs. HALVORSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 5

¶139.9 [Roll No. 844]

YEAS—409

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—5

Bishop (UT)
Campbell
Franks (AZ)
McClintock
Paul

NOT VOTING—18

Barrett (SC)
Boehner
Braley (IA)
Butterfield
Cassidy
Davis (TN)
Deal (GA)
Gerlach
Kanjorski
McCarthy (NY)
McNerney
Moore (WI)
Murphy, Patrick
Nunes
Rothman (NJ)
Sánchez, Linda T.
Schrader
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to, was by unanimous consent, laid on the table.

¶139.10 CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 884 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, by unanimous consent, designated Mr. PASTOR of Arizona, as Chairman of the Committee of the Whole; and after some time spent therein,

¶139.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 111-326, submitted by Mr. HENSARLING:

Page 7, after line 18, insert the following new section:

SEC. 4. CLARIFICATION THAT 45-DAY DELAY DOES NOT APPLY TO REDUCTIONS IN INTEREST RATES AND FEES.

Subsection (i) of section 127 of the Truth in Lending Act (15 U.S.C. 1637) (as added by section 101(a)(1) of the Credit CARD Act of 2009) is amended by adding at the end the following new paragraph:

''(5) CLARIFICATION.—No provision of this subsection shall be construed as preventing any creditor from putting any reduction in an annual percentage rate, any decrease or elimination of any fee imposed on any consumer, or any significant change in terms solely or primarily for the benefit of the consumer into effect immediately.''.

It was decided in the affirmative ..... { Yeas ..... 427 / Nays 0

¶139.12 [Roll No. 845]

AYES—427

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Pierluisi
Sánchez, Linda T.
Stupak

So the amendment was agreed to.

¶139.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 111-326, submitted by Mrs. McCARTHY of New York:

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON INCREASES IN RATES AND FEES AND CHANGES IN TERMS TO THE DETRIMENT OF THE CONSUMER.

Notwithstanding any other provision of this Act or any amendment made by this Act, subsection (b) of section 164 of the Truth in Lending Act (as added by section 104(4) of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Public Law 111–24)) shall not take effect until February 22, 2010 for any creditor with respect to an existing credit card account under an open end credit plan, or such a plan issued on or after the date of enactment, as long as the creditor does not—

(1) increase any annual percentage rate, fee, or finance charge applicable to any existing or future balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); or

(2) change the terms to the detriment of a consumer, including terms governing the repayment of any outstanding balance, except as provided in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

It was decided in the affirmative ..... { Yeas ..... 427 / Nays 0

¶139.14 [Roll No. 846]

AYES—427

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Slaughter
Stupak

So the amendment was agreed to.

¶139.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in Part B of House Report 111-326, submitted by Mr. MAFFEI:

In section 2 of the bill, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, line 12, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 7, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 174

¶139.16 [Roll No. 847]

AYES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—174

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Akin
Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Rothman (NJ)
Sánchez, Linda T.
Stupak
Wexler

So the amendment was agreed to.

¶139.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in Part B of House Report 111-326, submitted by Ms. SUTTON:

Page 7, after line 18, insert the following new section:

SEC. 4. ADDITIONAL LIMITATIONS ESTABLISHED.

Section 127 of the Truth in Lending Act (U.S.C. 1637) is amended by inserting after subsection (r) (as added by the Credit CARD Act of 2009) the following new subsection:

''(s) CANCELLATION OF ACCOUNT WITHOUT DETRIMENTAL EFFECT.—If, in the case of a credit card account under an open end consumer credit plan, the consumer receives notice of the imposition of a new fee, and within the 45-day period beginning on receipt of such notice, pays off any outstanding balance on the account, no creditor and no consumer reporting agency (as defined in section 603) may use such pay off or closure of the consumer credit account to negatively impact the consumer's credit score or consumer report (as such terms are defined in section 609 and 603, respectively).''.

Page 7, after line 18, insert the following new section:

SEC. 4. ADDITIONAL LIMITATIONS ESTABLISHED.

Section 127 of the Truth in Lending Act (U.S.C. 1637) is amended by inserting after subsection (r) (as added by the Credit CARD Act of 2009) the following new subsection:

''(s) CANCELLATION OF ACCOUNT WITHOUT DETRIMENTAL EFFECT.—If, in the case of a credit card account under an open end consumer credit plan, the consumer receives notice of the imposition of a new fee, and within the 45-day period beginning on receipt of such notice, pays off any outstanding balance on the account, no creditor and no consumer reporting agency (as defined in section 603) may use such pay off or closure of the consumer credit account to negatively impact the consumer's credit score or consumer report (as such terms are defined in section 609 and 603, respectively).''.

It was decided in the affirmative { Yeas ..... 353 / Nays 71

¶139.18 [Roll No. 848]

AYES—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McNerney
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—71

Akin
Austria
Bachmann
Bachus
Barrett (SC)
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Cantor
Carter
Castle
Cole
Conaway
Davis (KY)
Dreier
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Granger
Hall (TX)
Hastings (WA)
Hensarling
Himes
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Mack
Marchant
McCaul
McClintock
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Neugebauer
Olson
Paul
Pence
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Smith (TX)
Sullivan
Thompson (PA)
Thornberry
Westmoreland

NOT VOTING—14

Becerra
Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Hastings (FL)
Meeks (NY)
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Stupak
Wasserman Schultz
Yarmuth

So the amendment was agreed to.

¶139.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in Part B of House Report 111-326, submitted by Ms. SUTTON:

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON RATE INCREASES.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending 9 months after the date of the enactment of the Credit Card Accountability Responsibility and Disclosure Act of 2009, in the case of any credit card account under an open end consumer credit plan—

(1) no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); and

(2) no creditor may change the terms governing the repayment of any outstanding balance, except as set forth in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANNUAL PERCENTAGE RATE.—The term ''annual percentage rate'' means an annual percentage rate, as determined under section 107 of the Truth in Lending Act (15 U.S.C. 1606).

(2) FINANCE CHARGE.—The term ''finance charge'' means a finance charge, as determined under section 106 of the Truth in Lending Act (15 U.S.C. 1605).

(3) OUTSTANDING BALANCE.—The term ''outstanding balance'' has the same meaning as in section 171(d) of the Truth in Lending Act (as added by Public Law 111–24).

(4) OTHER TERMS.—Any term used in this section that is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602) and is not otherwise defined in this section shall have the same meanings as in section 103 of the Truth in Lending Act.

(c) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System may prescribe such regulations as may be necessary to carry out this section.

(2) EFFECTIVE DATE.—The provisions of this section shall take effect upon the date of the enactment of this title, regardless of whether rules are issued under subsection (a).

It was decided in the affirmative { Yeas ..... 249 / Nays 173

¶139.20 [Roll No. 849]

AYES—249

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Andrews
Arcuri
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boswell
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Fudge
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)

Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—173

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (NY)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—16

Baca
Boucher
Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Gonzalez
Griffith
Gutierrez
Kind
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Stupak
Waters

So the amendment was agreed to.

The SPEAKER pro tempore, Ms. DEGETTE, assumed the Chair.

When Mr. PASTOR of Arizona, Chairman, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

Pursuant to House Resolution 884, the previous question was ordered.

Pursuant to said resolution, the following amendment in the nature of a substitute recommended by the Committee on Financial Services, as modified by the amendment printed in part A of House Report 111-326, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Expedited CARD Reform for Consumers Act of 2009''.

SEC. 2. EARLIER EFFECTIVE DATE FOR THE CREDIT CARD PROVISIONS OF THE CREDIT CARD ACT OF 2009.

Section 3 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (15 U.S.C. 1602 nt.) is amended—

(1) by striking ''This Act'' and inserting ''(a) IN GENERAL.—This Act''; and

(2) by adding at the end the following new subsections:

(b) CERTAIN CREDIT CARD PROVISIONS.—Except as otherwise specifically provided in this Act, titles I, II, and III, and the amendments made by such titles, shall take effect on December 1, 2009.

(c) CERTAIN CREDIT CARD ISSUERS.—Except as otherwise specifically provided in this Act and notwithstanding subsection (b), the effective date established under subsection (a) shall apply with respect to the application of titles I, II, and III, and the amendments made by such titles, to any credit card issuer which is a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act) with fewer than 2,000,000 credit cards in circulation as of the date of the enactment of this Act.''.

SEC. 3. EARLIER EFFECTIVE DATES FOR SPECIFIC PROVISIONS TO PREVENT FURTHER ABUSES.

(a) REVIEW OF PAST CONSUMER INTEREST RATE INCREASES.—Section 148(d) of the Truth in Lending Act (15 U.S.C. 1665c(d)) (as added by section 101(c) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(1) by striking ''9 months after the date of enactment of this section'' and inserting ''December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,''; and

(2) by striking ''become effective 15 months after that date of enactment'' and inserting ''take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010''.

(b) REQUIREMENT THAT PENALTY FEES BE REASONABLE AND PROPORTIONAL TO THE VIOLATION.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) (as added by section 102(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(1) by striking ''9 months after the date of enactment of this section,'' and inserting ''December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,''; and

(2) by striking ''become effective 15 months after the date of enactment of the section'' and inserting ''take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010''.

Pursuant to said resolution, the question on adoption of the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

The following sundry further amendments were agreed to:

In section 2 of the bill, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, line 12, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 7, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON RATE INCREASES.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending 9 months after the date of the enactment of the Credit Card Accountability Responsibility and Disclosure Act of 2009, in the case of any credit card account under an open end consumer credit plan—

(1) no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); and

(2) no creditor may change the terms governing the repayment of any outstanding balance, except as set forth in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANNUAL PERCENTAGE RATE.—The term ''annual percentage rate'' means an annual percentage rate, as determined under section 107 of the Truth in Lending Act (15 U.S.C. 1606).

(2) FINANCE CHARGE.—The term ''finance charge'' means a finance charge, as determined under section 106 of the Truth in Lending Act (15 U.S.C. 1605).

(3) OUTSTANDING BALANCE.—The term ''outstanding balance'' has the same meaning as in section 171(d) of the Truth in Lending Act (as added by Public Law 111–24).

(4) OTHER TERMS.—Any term used in this section that is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602) and is not otherwise defined in this section shall have the same meanings as in section 103 of the Truth in Lending Act.

(c) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System may prescribe such regulations as may be necessary to carry out this section.

(2) EFFECTIVE DATE.—The provisions of this section shall take effect upon the date of the enactment of this title, regardless of whether rules are issued under subsection (a).

Page 7, after line 18, insert the following new section:

SEC. 4. ADDITIONAL LIMITATIONS ESTABLISHED.

Section 127 of the Truth in Lending Act (U.S.C. 1637) is amended by inserting after subsection (r) (as added by the Credit CARD Act of 2009) the following new subsection:

''(s) CANCELLATION OF ACCOUNT WITHOUT DETRIMENTAL EFFECT.—If, in the case of a credit card account under an open end consumer credit plan, the consumer receives notice of the imposition of a new fee, and within the 45-day period beginning on receipt of such notice, pays off any outstanding balance on the account, no creditor and no consumer reporting agency (as defined in section 603) may use such pay off or closure of the consumer credit account to negatively impact the consumer's credit score or consumer report (as such terms are defined in section 609 and 603, respectively).''.

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON INCREASES IN RATES AND FEES AND CHANGES IN TERMS TO THE DETRIMENT OF THE CONSUMER.

Notwithstanding any other provision of this Act or any amendment made by this Act, subsection (b) of section 164 of the Truth in Lending Act (as added by section 104(4) of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Public Law 111–24)) shall not take effect until February 22, 2010 for any creditor with respect to an existing credit card account under an open end credit plan, or such a plan issued on or after the date of enactment, as long as the creditor does not—

(1) increase any annual percentage rate, fee, or finance charge applicable to any existing or future balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); or

(2) change the terms to the detriment of a consumer, including terms governing the repayment of any outstanding balance, except as provided in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

Page 7, after line 18, insert the following new section:

SEC. 4. CLARIFICATION THAT 45-DAY DELAY DOES NOT APPLY TO REDUCTIONS IN INTEREST RATES AND FEES.

Subsection (i) of section 127 of the Truth in Lending Act (15 U.S.C. 1637) (as added by section 101(a)(1) of the Credit CARD Act of 2009) is amended by adding at the end the following new paragraph:

''(5) CLARIFICATION.—No provision of this subsection shall be construed as preventing any creditor from putting any reduction in an annual percentage rate, any decrease or elimination of any fee imposed on any consumer, or any significant change in terms solely or primarily for the benefit of the consumer into effect immediately.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CASTLE moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

Page 7, after 18, insert the following new section:

SEC. 4. FEDERAL RESERVE CERTIFICATION.

Not later than the end of the 1-week period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit a report to the Congress certifying whether or not the implementation of necessary regulations under those provisions affected by the amendments made by section 2 and section 3 of this Act is feasible by December 1, 2009. Unless such certification states that such implementation is feasible by December 1, 2009, section 2 and section 3 of this Act shall have no force or effect.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. CASTLE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 171 / Nays 253

¶139.21 [Roll No. 850]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—253

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez

Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Nunes
Sánchez, Linda T.
Stupak

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 331 / Nays 92

¶139.22 [Roll No. 851]

AYES—331

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—92

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Westmoreland

NOT VOTING—9

Braley (IA)
Chandler
Deal (GA)
Gerlach
McCollum
Murphy, Patrick
Nunes
Sánchez, Linda T.
Stupak

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶139.23 USS NEW YORK LPD 21

Mr. TAYLOR, moved to suspend the rules and agree to the following resolution (H. Res. 856):

Whereas, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth near Shanksville, Pennsylvania;

Whereas nearly 3,000 people were killed on September 11, 2001, in the most lethal terrorist attack ever committed against the United States;

Whereas then-Governor George Pataki requested the Navy name a ship involved in counterterrorism efforts after the State of New York shortly after September 11, 2001;

Whereas, on September 6, 2002, the Secretary of the Navy announced the name of the fifth vessel of the San Antonio-class Amphibious Transport Dock ships would be named USS New York LPD 21;

Whereas, on March 1, 2008, the USS New York LPD 21 was christened at the Avondale Shipyard in Avondale, Louisiana, by Mrs. Dotty England, in a ceremony attended by officials of the New York City fire and police departments as well as surviving family and friends of those lost on September 11, 2001;

Whereas the USS New York LPD 21's bow is comprised of 7.5 tons of steel forged from the wreckage of the World Trade Center and erected onto the vessel in conjunction with a dignified ceremony conducted on September 9, 2003, and attended by officials of the New York City fire and police departments as well as surviving family and friends of those lost on September 11, 2001;

Whereas the USS New York LPD 21 is the newest entry to the Navy's fleet of San Antonio-class Amphibious Transport Dock (LPD) warships;

Whereas the USS New York LPD 21 will serve as an integral part of Navy and Marine Corps Expeditionary Strike Groups and will be able to deploy 700 Marines and associated equipment of the Strike Group Marine Expeditionary Unit;

Whereas the USS New York LPD 21's primary mission will be to deploy amphibious assault capability anywhere in the world, on short notice, and that this force is the only force in the United States Armed Forces with such capability, and that such amphibious operation is central and key to suppression of terrorist organizations;

Whereas the USS New York LPD 21 displaces 24,900 tons at sea, with the capability of cruising at speeds in excess of 22 knots;

Whereas everyday, the men and women of the United States Armed Forces continue global efforts to protect and defend the United States;

Whereas nearly 10 percent of the commissioning crew of USS New York LPD 21 hail from the Empire State;

Whereas the USS New York LPD 21 has a main passageway dubbed ''Broadway'', the ship's insignia references the Statue of Liberty, the Twin Towers, the New York Police Department, and the Fire Department of New York, and the galley features a pre-9/11 neon outline of the city;

Whereas the motto of the USS New York LPD 21 is ''Strength Forged Through Sacrifice. Never Forget''; and

Whereas the USS New York LPD 21 will be officially commissioned November 7, 2009, Commander F. Curtis Jones, United States Navy, commanding, a native son of New York, in New York waters on Pier 88 on the West Side of New York City next to the USS Intrepid CV 11: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the commissioning of the USS New York LPD 21;

(2) congratulates the captain and commissioning crew of the USS New York LPD 21 on the occasion of their vessel entering into the service of the United States Navy;

(3) recognizes the sacrifices made by the men and women in uniform who put themselves in harm's way in order to protect and defend the United States;

(4) honors those who lost their lives at the World Trade Center, the Pentagon, and Shanksville, Pennsylvania, on September 11, 2001; and

(5) recommits itself to the counter-terrorism mission of the USS New York LPD 21 and all the members of the United States Armed Forces.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. TAYLOR and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. NADLER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶139.24 ARMED FORCES FEMALE MEMBERS

Mrs. DAVIS of California, moved to suspend the rules and agree to the following resolution (H. Res. 868):

Whereas women are and have historically been an important part of all United States war efforts, voluntarily serving in every military conflict in United States history since the Revolutionary War;

Whereas 34,000 women served in World War I, 400,000 served in World War II, 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War;

Whereas more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001;

Whereas over 350 servicewomen have given their lives for the Nation in combat zones since World War I, and more than 85 have been held as prisoners of war;

Whereas over 350,000 women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard;

Whereas women are now playing an increasingly important role in America's military forces; and

Whereas the women of America's military, past and present, have served their Nation in times of peace and war, at great personal sacrifice for both themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the service and achievements of current and former female members of the Armed Forces;

(2) encourages all people in the United States to recognize the service and achievements of women in the military and female veterans on Memorial Day;

(3) encourages all people in the United States to learn about the history of service and achievements of women in the military; and

(4) supports groups that raise awareness about the service and achievements of women in the military and female veterans through exhibitions, museums, statues, and other programs and activities.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mrs. DAVIS of California, and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 5, 2009.

¶139.25 UNITED STATES AIR FORCE ACADEMY

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 139); as amended:

Whereas, on April 1, 1954, President Dwight D. Eisenhower signed legislation establishing the United States Air Force Academy to prepare young men for careers as Air Force officers;

Whereas, on July 11, 1955, the first class entered the Air Force Academy, attending classes in temporary facilities at Lowry Air Force Base in Denver, Colorado;

Whereas the Air Force Academy moved to its permanent home near Colorado Springs, Colorado, in August 1958;

Whereas the first class of 207 cadets graduated June 3, 1959, at the Air Force Academy in Colorado Springs, Colorado;

Whereas in 1964, President Lyndon B. Johnson signed legislation authorizing each of the Service Academies to expand enrollment from 2,529 to 4,417 students, and today, over 4,000 cadets attend the Air Force Academy;

Whereas 50 classes and more than 41,000 cadets have graduated from the Air Force Academy in its 54-year history;

Whereas the mission of the Air Force Academy is to educate, train, and inspire outstanding young men and women to become Air Force officers of character and to prepare and motivate them to lead the Air Force in its service to the Nation;

Whereas the Air Force Academy is recognized worldwide as the premier developer of air, space, and cyberspace officers and leaders with impeccable character and knowledge; and

Whereas, June 3, 2009, marks the 50th anniversary of the first graduating class of the Air Force Academy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the 207 graduates (157 surviving as of April 2009) of the first United States Air Force Academy class on the 50th anniversary of their graduation;

(2) acknowledges the continued excellence of the United States Air Force Academy and its critical role in the defense of the United States; and

(3) recognizes the outstanding service to the Nation that graduates from the United States Air Force Academy have provided.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mrs. DAVIS of California, and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 5, 2009.

¶139.26 TECHNICAL COLLEGES

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 880); as amended:

Whereas the Bureau of Labor Statistics estimated that 15,600,000 new jobs will be added to the labor force between 2006 and 2016, with population shifts and new technologies fueling job growth;

Whereas more than 80 percent of respondents in the 2005 National Association of Manufacturers Skills Gap report indicated that they are experiencing a shortage of qualified workers;

Whereas postsecondary institutions offering career and technical education provide the real-world situations necessary to engage students and prepare them for the workforce;

Whereas postsecondary institutions offering career and technical education provide an environment where students can apply fundamental academic skills and employability skills to complex job-related problems;

Whereas postsecondary institutions offering career and technical education connections with local business leaders allow the use of workforce readiness credentials to spread from the ground up in a way that is mutually beneficial to students and employers;

Whereas 14 percent of all employers reported being a member of a career and technical education advisory committee in a Census Bureau Survey; and

Whereas employers assist postsecondary institutions offering career and technical education in developing programs that reflect the needs of industry: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the efforts of postsecondary institutions offering career and technical education to educate and train workers for positions in high-demand industries; and

(2) supports the connection postsecondary institutions offering career and technical education provide between employers and students.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BISHOP of New York, and Mr. CASSIDY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced

that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 5, 2009.

The point of no quorum was considered as withdrawn.

¶139.27 CHERRY MINE CHERRY, ILLINOIS

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 752); as amended:

Whereas the St. Paul Mine Company Mine in Cherry, a town in Bureau County, Illinois, began operation in 1905;

Whereas the mine supplied the Chicago, Milwaukee, and St. Paul Railroad with 300,000 tons of coal annually for its locomotives;

Whereas coal remains an abundant source of energy in Illinois and across the country;

Whereas the majority of Cherry miners were immigrants working to achieve the American dream;

Whereas 490 men and boys were working in the mine on Saturday, November 13, 1909;

Whereas 10 of the Cherry miners were boys under the age of 16, including one who was 10 years old, were hired illegally;

Whereas United Mine Workers represented miners at the Cherry Mine in 1909 and continue to represent workers throughout the United States and Canada;

Whereas according to the Mine Safety and Health Administration, there were 2,642 coal mining fatalities in the United States in 1909;

Whereas the main and secondary shafts of the Cherry Mine contained wooden stairs and ladders;

Whereas an electrical outage at the Cherry Mine caused the workers to light kerosene lanterns and torches;

Whereas a torch caught fire 500 feet below the surface in the Cherry Mine;

Whereas the efforts to redirect the fire caused flammable material such as wood to ignite and rapidly spread the fire;

Whereas two shafts were closed to smother the fire;

Whereas the shaft closings cut off oxygen to the workers, and allowed ''black damp'', a mixture of deadly carbon dioxide and nitrogen to spread through the mine;

Whereas over 200 miners managed to make their way to the surface to escape the fire;

Whereas a group of miners, lead by John Bundy, showed incredible courage by journeying down the mine shaft 6 times to rescue their fellow miners;

Whereas on the seventh attempt the miners caught fire and burned to death;

Whereas a group of 21 miners, who later became known as the ''eight-day men'', sealed themselves from the fire;

Whereas the ''eight-day men'' exhibited behavior that can only be described as selfless when helping each other survive;

Whereas a team rescued these men after 8 grueling days underground in torturous conditions;

Whereas 259 miners, including 4 children, perished in what became known as the Great Cherry Mine Disaster;

Whereas the United Mine Workers pressed successfully for mine safety reforms following this and other disasters like it;

Whereas the United States Bureau of Mines was created in 1910 as a result of disasters like the Great Cherry Mine Disaster;

Whereas the State of Illinois reacted by passing stronger mine safety regulations;

Whereas those mine regulations included requiring mine owners to maintain firefighting equipment and require certain workers to pass safety tests;

Whereas the Illinois' Worker's Compensation Act of 1911 recognized the dangers that mine workers faced and continue to face today; and

Whereas November 13, 2009, marks the 100th anniversary of the Great Cherry Mine Disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 259 miners lost in the tragedy known as the Great Cherry Mine Disaster on its 100th anniversary; and

(2) supports the important safety measures that were enacted as a result of this terrible incident and others around the country like it.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. BISHOP of New York, and Mr. CASSIDY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶139.28 NATIONAL FAMILY LITERACY DAY

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 878):

Whereas National Family Literacy Day is held on November 1;

Whereas children spend 5 times as much time outside the classroom as they do in school, and a parent's education and income are 2 of the biggest factors in determining a child's success in school;

Whereas children who participate in family literacy programs demonstrate significant gains in oral language skills and score higher on standardized tests;

Whereas National Family Literacy Day encourages parents to become involved in their children's education and schoolwork;

Whereas approximately 8,000 literacy programs and schools will hold readings, workshops, book drives, and family activities at libraries and community centers across the country in honor of National Family Literacy Day; and

Whereas National Family Literacy Day highlights multigenerational learning, the importance of literacy for children and adults, and parental involvement in the education of their children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Family Literacy Day; and

(2) recognizes the benefits of parental involvement in a child's education.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. BISHOP of New York, and Mr. CASSIDY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 5, 2009.

The point of no quorum was considered as withdrawn.

¶139.29 H. RES. 863—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 863) recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and prioritize resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 1

¶139.30 [Roll No. 852]

YEAS—421

Abercrombie	Brady (TX)	Costa
Ackerman	Bright	Costello
Aderholt	Broun (GA)	Courtney
Adler (NJ)	Brown (SC)	Crenshaw
Akin	Brown, Corrine	Crowley
Alexander	Brown-Waite, Ginny	Cuellar
Altmire	Buchanan	Culberson
Andrews	Burgess	Cummings
Arcuri	Burton (IN)	Dahlkemper
Austria	Butterfield	Davis (AL)
Baca	Buyer	Davis (CA)
Bachmann	Calvert	Davis (IL)
Bachus	Camp	Davis (KY)
Baird	Campbell	Davis (TN)
Baldwin	Cantor	DeFazio
Barrett (SC)	Cao	DeGette
Barrow	Capito	Delahunt
Bartlett	Capps	DeLauro
Barton (TX)	Cardoza	Dent
Bean	Carnahan	Diaz-Balart, L.
Becerra	Carney	Diaz-Balart, M.
Berkley	Carson (IN)	Dicks
Berman	Carter	Dingell
Berry	Cassidy	Doggett
Biggert	Castle	Donnelly (IN)
Bilbray	Castor (FL)	Doyle
Bilirakis	Chaffetz	Dreier
Bishop (GA)	Chandler	Driehaus
Bishop (NY)	Childers	Duncan
Blackburn	Chu	Edwards (MD)
Blumenauer	Clarke	Edwards (TX)
Blunt	Clay	Ehlers
Boccieri	Cleaver	Ellison
Boehner	Clyburn	Ellsworth
Bonner	Coble	Emerson
Bono Mack	Coffman (CO)	Engel
Boozman	Cohen	Eshoo
Boren	Cole	Etheridge
Boswell	Conaway	Fallin
Boucher	Connolly (VA)	Farr
Boustany	Conyers	Fattah
Boyd	Cooper	Filner
Brady (PA)		Flake

Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—10

Bishop (UT)
Braley (IA)
Capuano
Deal (GA)
Jordan (OH)
Murphy, Patrick
Nunes
Sánchez, Linda T.
Shuster
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and focus resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶139.31 H. RES. 641—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 641) recognizing the 60th anniversary of the founding of Radio Free Europe/Radio Liberty; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 1

¶139.32 [Roll No. 853]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler

Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Braley (IA)
Deal (GA)
Grijalva
Jordan (OH)
Murphy, Patrick
Nunes
Sánchez, Linda T.
Shuster
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶139.33 H. RES. 711—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 711) calling on the United States Government and the international community to address the human rights and humanitarian needs of Sri Lanka's Tamil internally displaced persons (IDPs) currently living in government-run camps by supporting the release of such IDPs, implementing and facilitating an independent oversight of the process of release and resettlement, and allowing foreign aid groups to provide relief and resources to such IDPs; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. SCHAUER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421; Nays ..... 1 }

¶139.34 [Roll No. 854]

AYES—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—10

Braley (IA)
Deal (GA)
Grijalva
Jordan (OH)
Larson (CT)
Murphy, Patrick
Nunes
Sánchez, Linda T.
Shuster
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution calling on the Government of Sri Lanka to address the human rights and humanitarian needs of its civilian internally displaced Tamil population currently living in government-run camps by working with the United Nations and the international community to implement a process of release and resettlement of such internally displaced persons (IDPs), and allowing foreign aid groups to provide relief and resources throughout the process.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶139.35 H. RES. 856—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 856) recognizing the Commissioning of the USS New York LPD 21.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420; Nays ..... 0 }

¶139.36 [Roll No. 855]

YEAS—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner

Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Braley (IA)
Cantor
Deal (GA)
Grijalva
Jordan (OH)
Miller (NC)
Murphy, Patrick
Nunes
Paul
Sánchez, Linda T.
Shuster
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶139.37 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following titles:

H.R. 3548. An Act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

¶139.38 RECESS—7:56 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 56 minutes p.m., subject to the call of the Chair.

¶139.39 AFTER RECESS—9 P.M.

The SPEAKER pro tempore, Mr. SCHAUER, called the House to order.

And then,

¶139.40 ADJOURNMENT

On motion of Mr. HOEKSTRA, at 10 o'clock and 35 minutes p.m., the House adjourned.

¶139.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3276. A bill to promote the production of molybednum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; with an amendment (Rept. 111–328). Referred to the Committee of the Whole House on the state of the Union.

¶139.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LORETTA SANCHEZ of California:

H.R. 4014. A bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in financial recovery from natural catastrophes; to the Committee on Finanstcial Services.

By Mr. MCNERNEY (for himself and Mr. PERRIELLO):

H.R. 4015. A bill to amend the Internal Revenue Code of 1986 to extend certain estate tax provisions and restore and increase the estate tax deduction for certain family-owned business interests; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4016. A bill to reauthorize the hazardous material safety program, ensure the safe transport of hazardous material in all modes of transportation, and reduce the risks to life and property inherent in the commercial transportation of hazardous material, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN (for himself, Mr. LYNCH, Mr. TIERNEY, Mr. OLVER, Ms. TSONGAS, Mr. MARKEY of Massachusetts, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, and Mr. DELAHUNT):

H.R. 4017. A bill to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''; to the Committee on Oversight and Government Reform.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. BUYER, Mr. PITTS, and Mr. BLUNT):

H.R. 4018. A bill to amend the Public Health Service Act to provide additional health insurance options for unemployed individuals; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mr. BUYER, and Mr. BLUNT):

H.R. 4019. A bill to amend the Public Health Service Act to limit preexisting condition exclusions in the individual health insurance market to those permitted in the group health insurance market; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. DEAL of Georgia, Mr. PITTS, Mr. BUYER, and Mr. BLUNT):

H.R. 4020. A bill to enable States to establish reinsurance programs or high risk pools to ensure that high risk individuals are able to access health insurance; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself, Mrs. BONO MACK, Mrs. CAPPS, Mr. CASSIDY, Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. HOLT, Ms. SCHWARTZ, Mr. WELCH, and Mr. WU):

H.R. 4021. A bill to expand the Safe Routes to School Program to high schools; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 4022. A bill to prohibit additional requirements for the control of Vibrio vulnificus applicable to the post-harvest processing of oysters; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 4023. A bill to provide for cost-of-living adjustment of the resources limits under the Supplemental Security Income Program; to the Committee on Ways and Means.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 4024. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself and Mr. SHERMAN):

H.R. 4025. A bill to provide for justice and compensation for United States citizens taken hostage by Iran, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 4026. A bill to provide for the withholding of United States assistance to a foreign country in an amount equal to 110 percent of the total amount of costs incurred by United States hospitals and other medical facilities for the long-term care of aliens unlawfully present in the United States from that country during the preceding fiscal year, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mrs. CAPITO):

H. Con. Res. 208. Concurrent resolution supporting the goals and ideals of a National Miner's Day to celebrate and honor the contributions of miners and encouraging the people of the United States to participate in local and National activities celebrating and honoring the contributions of miners; to the Committee on Education and Labor.

By Ms. GRANGER (for herself, Mr. KINGSTON, and Mrs. MYRICK):

H. Res. 888. A resolution expressing the continued support and call for a renewed focus on the ''Green Movement'' within Iran, which embraces the yearning of the Iranian people in seeking freedom, human rights, and fundamental elements of democracy; to the Committee on Foreign Affairs.

By Mr. DAVIS of Tennessee:

H. Res. 889. A resolution congratulating the National Association of Farm Service Agency County Office Employees (NASCOE) on its 50th anniversary and its role in support of American agriculture; to the Committee on Agriculture.

By Mr. McDERMOTT (for himself, Mr. ROYCE, Mr. ACKERMAN, and Mr. BURTON of Indiana):

H. Res. 890. A resolution welcoming the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States; to the Committee on Foreign Affairs.

¶139.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. KING of Iowa and Mr. GERLACH.

H.R. 391: Mr. McHENRY and Mr. LEE of New York.

H.R. 501: Mr. RUSH.

H.R. 571: Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. COFFMAN of Colorado, Ms. CORRINE BROWN of Florida, Mr. TAYLOR, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mrs. BONO MACK, and Mr. NYE.

H.R. 690: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. FORTENBERRY, and Mr. SIMPSON.

H.R. 776: Mrs. NAPOLITANO.

H.R. 868: Mr. ARCURI, Mr. HIGGINS, Mr. HOLT, and Ms. ROYBAL-ALLARD.

H.R. 930: Mr. KILDEE.

H.R. 980: Mr. BISHOP of New York.

H.R. 1058: Mr. FLEMING.

H.R. 1086: Mr. KLINE of Minnesota.

H.R. 1175: Mr. ADLER of New Jersey, Mrs. HALVORSON, Mr. SPRATT, Ms. HERSETH SANDLIN, Mr. GORDON of Tennessee, Ms. RICHARDSON, Mr. KILDEE, and Mr. CONNOLLY of Virginia.

H.R. 1191: Mr. BOUCHER and Mr. BUTTERFIELD.

H.R. 1203: Mr. COHEN.

H.R. 1289: Ms. SHEA-PORTER.

H.R. 1308: Mr. AL GREEN of Texas.

H.R. 1443: Mrs. NAPOLITANO and Mr. WALZ.

H.R. 1454: Mr. POLIS.

H.R. 1545: Mr. LARSON of Connecticut.

H.R. 1596: Mr. AL GREEN of Texas, Mr. SERRANO, Mr. McINTYRE, and Mr. FALEOMAVAEGA.

H.R. 1708: Mr. RUPPERSBERGER.

H.R. 1826: Mr. PASCRELL.

H.R. 1835: Mr. SABLAN, Mr. BOUSTANY, Mr. GOHMERT, and Mr. WILSON of South Carolina.

H.R. 2046: Mr. VAN HOLLEN and Mr. ROTHMAN of New Jersey.

H.R. 2160: Mr. McMAHON.

H.R. 2296: Mr. SIMPSON.

H.R. 2324: Mrs. NAPOLITANO, Mr. HALL of New York, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. VELÁZQUEZ, and Mr. TOWNS.

H.R. 2381: Mr. TOWNS.

H.R. 2452: Mr. HOLT and Mr. CHAFFETZ.

H.R. 2478: Mr. MEEKS of New York.

H.R. 2480: Mr. LEWIS of Georgia and Mr. POLIS.

H.R. 2504: Mr. COHEN.

H.R. 2511: Mr. ROTHMAN of New Jersey.

H.R. 2538: Mr. WOLF.

H.R. 2546: Mr. LIPINSKI and Mr. MURPHY of Connecticut.

H.R. 2567: Mr. PASCRELL.

H.R. 2607: Mr. GERLACH and Mr. RYAN of Wisconsin.

H.R. 2608: Mr. RADANOVICH.

H.R. 2628: Mr. TURNER.

H.R. 2698: Mr. INGLIS, Mr. HALL of Texas, Mr. OLSON, and Mr. JONES.

H.R. 2708: Mr. MINNICK and Mr. SHULER.

H.R. 2724: Mr. POLIS and Ms. BORDALLO.

H.R. 2799: Mr. NEUGEBAUER and Mr. FRANKS of Arizona.

H.R. 2906: Mr. KENNEDY and Ms. BALDWIN.

H.R. 2935: Mr. STARK and Mr. SCHRADER.

H.R. 3053: Ms. SCHAKOWSKY and Mr. FILNER.

H.R. 3147: Mr. KILDEE.

H.R. 3339: Mr. CHAFFETZ.

H.R. 3359: Mr. CLAY and Mr. WU

H.R. 3460: Mr. CARNAHAN and Mr. GRIJALVA.

H.R. 3485: Mr. OLVER and Mr. MARKEY of Massachusetts.

H.R. 3508: Mr. PETRI, Mr. TURNER, and Mr. KLINE of Minnesota.

H.R. 3608: Mr. WALZ.

H.R. 3623: Ms. JACKSON-LEE of Texas.

H.R. 3644: Mr. ABERCROMBIE.

H.R. 3646: Mr. GENE GREEN of Texas.

H.R. 3650: Mr. BUCHANAN.

H.R. 3683: Mr. SOUDER.

H.R. 3692: Mr. HILL.

H.R. 3703: Mr. MANZULLO.

H.R. 3731: Mr. LEVIN.

H.R. 3745: Ms. SCHAKOWSKY.

H.R. 3752: Mr. SIMPSON.

H.R. 3771: Mr. COHEN.

H.R. 3790: Mrs. SCHMIDT, Mr. TIERNEY, Mr. ETHERIDGE, Mr. GONZALEZ, and Mr. TANNER.

H.R. 3791: Mr. SIRES, Mr. NADLER of New York, Mrs. CAPPS, Mr. HARE, Mr. BOSWELL, Mr. MURPHY of Connecticut, Mr. LYNCH, Mr. CARNEY, Mr. RUPPERSBERGER, Mr. KILDEE, Ms. SCHWARTZ, Ms. EDWARDS of Maryland, Ms. MARKEY of Colorado, Mr. BOCCIERI, Mr. McGOVERN, Mr. BISHOP of New York, Ms. BORDALLO, Mr. SARBANES, Mr. SHERMAN, Mr. ISRAEL, Mr. BOUCHER, Mr. SCHAUER, Mr. LOEBSACK, Mr. BLUMENAUER, and Mr. REICHERT.

H.R. 3799: Ms. BALDWIN.

H.R. 3800: Mr. SCHAUER.

H.R. 3855: Mr. CROWLEY, Mr. FATTAH, and Mr. CAPUANO.

H.R. 3906: Mr. COHEN.

H.R. 3912: Mrs. MYRICK.

H.R. 3921: Ms. BEAN, Mr. AL GREEN of Texas, Mr. BRIGHT, and Mr. QUIGLEY.

H.R. 3922: Mr. BISHOP of New York.

H.R. 3924: Mr. SESSIONS, Mr. OLSON, and Mr. WITTMAN.

H.R. 3926: Mrs. MYRICK, Mr. SALAZAR, Mr. HOLDEN, Mr. MITCHELL, Mr. TAYLOR, Mr. BRIGHT, Ms. GIFFORDS, Mr. COOPER, Mr. TANNER, Mr. CHILDERS, Mr. CHANDLER, Mr. SHULER, Mr. HILL, Ms. HERSETH SANDLIN, Mr. BISHOP of Georgia, Mr. THOMPSON of California, Mr. BARROW, Mr. COSTA, Mr. MARSHALL, Mr. MINNICK, Mr. MOORE of Kansas, Mr. CARNEY, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. POMEROY, Mr. SCHIFF, and Mr. CARDOZA.

H.R. 3939: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3943: Mr. LOEBSACK, Mr. BISHOP of New York, Ms. KILROY, Ms. BORDALLO, and Ms. KOSMAS.

H.R. 3947: Mr. McMAHON.

H.R. 3950: Mr. WOLF.

H.R. 3966: Mr. GRIJALVA.

H.R. 3977: Mr. GEORGE MILLER of California.

H.R. 3991: Mr. GRIJALVA.

H.R. 4009: Mr. GRIJALVA.

H. Con. Res. 42: Mr. SABLAN and Mr. PIERLUISI.

H. Con. Res. 43: Mr. SABLAN and Mr. PIERLUISI.

H. Con. Res. 139: Ms. DEGETTE.

H. Con. Res. 169: Mr. MELANCON, Mrs. SCHMIDT, Mr. WITTMAN, Mr. Scalise, Mr. LINDER, and Mr. DUNCAN.

H. Con. Res. 198: Mr. BLUMENAUER, Ms. JENKINS, Mr. WITTMAN, Mr. McINTYRE, Mr. BUYER, Mr. COSTELLO, Ms. NORTON, Mr. TURNER, and Mr. MARKEY of Massachusetts.

H. Con. Res. 199: Mr. BACA, Ms. LEE of California, Mr. WU, Mr. BOREN, Mr. MILLER of Florida, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. BROWN of South Carolina, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. CARNEY, Mr. BROUN of Georgia, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. CARSON of Indiana, and Mr. CAO.

H. Con. Res. 200: Mr. McCOTTER and Mr. FRANK of Massachusetts.

H. Con. Res. 203: Mrs. MYRICK, Mr. COBLE, Mr. COLE, Mr. DANIEL E. LUNGREN of California, and Mr. FRANKS of Arizona.

H. Res. 200: Ms. WOOLSEY.

H. Res. 227: Mr. LEVIN.

H. Res. 397: Mr. ROSS.

H. Res. 443: Mr. SABLAN.

H. Res. 577: Mr. LAMBORN, Mr. WALZ, Mr. BACHUS, Mr. SPACE, Mr. KIRK, and Mr. SCALISE.

H. Res. 615: Mr. KLINE of Minnesota.

H. Res. 700: Mr. DOGGETT and Mrs. NAPOLITANO.

H. Res. 711: Mr. FRANK of Massachusetts.

H. Res. 748: Mr. LAMBORN.

H. Res. 847: Mr. MANZULLO, Mr. SHIMKUS, Mr. ROYCE, Mr. POE of Texas, and Mr. DANIEL E. LUNGREN of California.

H. Res. 848: Mr. CARNEY.

H. Res. 856: Mr. SCALISE, Mr. ALEXANDER, and Mr. FLEMING.

H. Res. 870: Mr. GARRETT of New Jersey, Mr. WALDEN, Mr. REHBERG, Mr. RADANOVICH, and Mr. TURNER.

H. Res. 877: Mr. LEE of New York, Mr. WALZ, Mr. JOHNSON of Georgia, and Ms. LORETTA SANCHEZ of California.

THURSDAY, NOVEMBER 5, 2009 (140)

¶140.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, PC,
November 5, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶140.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, November 4, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶140.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-229, ''Anacostia Business Improvement District Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 279, Port Arthur, TX [COTP Port Arthur-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 281, Port Arthur, TX [COTP Port Arthur-07-002] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Main Street Oceanside Fireworks Display; Oceanside Pier, Oceanside, California [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Pier, Ocean Beach, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego, San Diego, CA [COTP San Diego 06-052] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Surf City, NC [CGD05-05-062—tfr] (RIN: 1625-AA00) Received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CPA [CORP San Diego 06-052] (RON: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4526. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pun go Ferry Bridge, North Landing River, VIA [CGD05-06-012] (RON: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4527. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CPA [CORP San Diego 06-051] (RON: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4528. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chesapeake Bay Bridge Swim Races, Chesapeake Bay, ED [CGD05-06-022] (RON: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4529. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CPA [CORP San Diego 06-051] (RON: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4530. A letter from the Attorney Adviser, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, St. George Creek, Pitney Point, Maryland [CGD05-06-095] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 06-022] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chester, Pennsylvania; Marcus Hook, Pennsylvania; and Essington, Pennsylvania [CGD05-06-099] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 06-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 06-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek and Severn River, Annapolis, MD [CGD05-06-102] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercises; San Diego, off of Point Loma, CA [COTP San Diego 06-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Chesapeake Channel, MD [CGD05-06-077] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hopewell Christmas Parade Fireworks, Appomattox River, Hopewell, VA [CGD05-06-107] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marine Events; Pasquotank River, Atlantic Intra-Coastal Waterway, Elizabeth City, North Carolina [CGD05-06-073] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-111] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events;

Harborfest 2006, Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA [CGD05-06-061] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Satellite Launch, NASA Wallops Flight Facility, Wallops Island, VA [CGD05-06-115] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-06-058] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-116] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, FL [COTP St. Petersburg 07-184] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 281, Port Arthur, TX [COTP Port Arthur-07-005] (RIN 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Gulf of Mexico; Sabine Pass, Texas; Port Arthur, Texas [COTP Port Arthur-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Intracoastal Waterway Mile Markers 284-285, Port Arthur, TX [COTP Port Arthur-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Chesapeake Bay, Tred Avon River, Oxford, MD [CGD05-06-056] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-07-008] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°46′20″N 093°11′38″W [COTP Port Arthur-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Back River, Hampton, VA [CGD05-06-050] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°5′54″N 093°11′36″W [COTP Port Arthur-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [CGD-06-034] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Beaumont Texas [COTP Port Arthur-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Great Egg Harbor, Somers Point, NJ [CGD05-06-032] (RIN: 1625-AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-259] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW), Hackberry, LA [COTP Port Arthur-07-012] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-248] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-013] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-078] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-247] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-159] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Hutchinson Island, Savannah, GA [COTP Savannah-07-166] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-243] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-168] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-239] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-182] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Container Berth 1, Savannah River, Savannah, GA [COTP Savannah-07-188] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-189] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-07-211] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah GA [COTP Savannah-07-236] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶140.4 PROVIDING FOR CONSIDERATION OF H.R. 2868

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 885):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided among and controlled by the chair and ranking minority member of the Committee on Homeland Security, the chair and ranking minority member of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Homeland Security or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of November 7, 2009, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 180

¶140.5 [Roll No. 856]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Aderholt
Brady (PA)
Braley (IA)
Capuano
Gohmert
Murphy, Patrick
Nunes
Rogers (MI)
Sánchez, Linda T.
Speier
Stupak

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand

was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 / Nays 182

¶140.6 [Roll No. 857]

YEAS—233

Abercrombie
Ackerman
Adler (NJ)
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Andrews
Brady (PA)
Braley (IA)
Capuano
Delahunt
Ellsworth
Garrett (NJ)
Gohmert
Murphy, Patrick
Nunes
Poe (TX)
Rogers (MI)
Sánchez, Linda T.
Stupak
Towns
Wexler

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶140.7 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Cathy Mitchell, Chief of the Elections Division of the California Secretary of State's office, indicating that, according to the unofficial returns of the Special Election held November 3, 2009, the Honorable John Garamendi was elected Representative to Congress for the Tenth Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF CALIFORNIA,
SECRETARY OF STATE,
Sacramento, CA, November 4, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 3, 2009, for Representative in Congress from the Tenth Congressional District of California, show that John Garamendi received 66,311 votes or 52.98% of the total number of votes cast for that office.

According to the unofficial results, John Garamendi has been elected as Representative in Congress from the Tenth Congressional District of California.

To the best of the Secretary of State's knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by Alameda, Contra Costa, Sacramento, and Solano counties, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

CATHY MITCHELL,
Chief, Elections Division.

¶140.8 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. STARK, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. John Garamendi, 10th District of the State of California, has not been received by the Clerk of the House of Representatives, Mr. GARAMENDI be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. GARAMENDI then presented himself at the bar of the House and took the oath of office prescribed by law.

¶140.9 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative GARAMENDI, the whole number of the House is adjusted to 434.

¶140.10 H. RES. 868—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 868) honoring and recognizing the service and achievements of current and former female members of the Armed Forces.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 366 / Nays 0

¶140.11 [Roll No. 858]

YEAS—366

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews

Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (TX)
Bright
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Aderholt
Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Blunt
Boccieri
Boehner
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Capuano
Carter
Chaffetz
Coffman (CO)
Davis (KY)
Diaz-Balart, M.
Fleming
Foxx
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Hastings (WA)
Hill
King (IA)
Lee (NY)
Linder
Lofgren, Zoe
Lummis
Marchant
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Olson
Olver
Pence
Poe (TX)
Pomeroy
Posey
Price (GA)
Rogers (KY)
Rogers (MI)
Royce
Sánchez, Linda T.
Schmidt
Shadegg
Shuster
Stearns
Stupak
Sullivan
Thompson (PA)
Tiahrt
Wamp
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶140.12 AMENDMENT OF THE SENATE TO H.R. 3548

Mr. RANGEL moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Worker, Home ownership, and Business Assistance Act of 2009''.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—SECTION 4002(C) OF THE SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PUBLIC LAW 110–252; 26 U.S.C. 3304 NOTE) IS AMENDED—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''If'' and all that follows through ''paragraph (2))'' and inserting ''At the time that the amount established in an individual's account under subsection (b)(1) is exhausted'';

(B) in subparagraph (A), by striking ''50 percent'' and inserting ''54 percent''; and

(C) in subparagraph (B), by striking ''13'' and inserting ''14'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter 'second-tier emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'third-tier emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

''(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'fourth-

tier emergency unemployment compensation') equal to the lesser of—

''(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '6' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking ''and (d)'' and inserting '', (d), and (e) of section 4002''; and

(2) by striking ''or (d)'' and inserting '', (d), or (e) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

''(f) COORDINATION RULES.—

''(1) COORDINATION WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

''(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.''.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''Act;'' and inserting ''Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;''.

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

''(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

''(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor); and

''(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual's eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), is amended—

(1) in clause (iii)—

(A) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by adding at the end of clause (iv) the following: ''In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.''.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: ''In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.''.

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking ''through 2009'' in paragraph (1) and inserting ''through 2010 and the first 6 months of calendar year 2011'',

(2) by striking ''calendar year 2010'' in paragraph (2) and inserting ''the remainder of calendar year 2011'', and

(3) by inserting ''(or portion of the calendar year)'' after ''during the calendar year''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''December 1, 2009'' and inserting ''May 1, 2010'',

(B) by striking ''SECTION.—This section'' and inserting ''SECTION.—

''(1) IN GENERAL.—This section'', and

(C) by adding at the end the following new paragraph:

''(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting 'July 1, 2010' for 'May 1, 2010'.''.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking '', and before December 1, 2009''.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting ''AND 2010'' after ''2009''.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

''(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).''.

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual's spouse) who has owned and used the same residence as such individual's principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.''.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting '$6,500' for '$8,000' and '$3,250' for '$4,000'.''.

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking ''$75,000 ($150,000'' and inserting ''$125,000 ($225,000''.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds $800,000.''.

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

''(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

''(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

''(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

''(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term 'qualified official extended duty service' means service on qualified official extended duty as—

''(I) a member of the uniformed services,

''(II) a member of the Foreign Service of the United States, or

''(III) an employee of the intelligence community.

''(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.''.

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

''(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual's spouse—

''(A) paragraphs (1) and (2) shall each be applied by substituting 'May 1, 2011' for 'May 1, 2010', and

''(B) paragraph (2) shall be applied by substituting 'July 1, 2011' for 'July 1, 2010'.''.

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.''.

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting '', and'', and

(3) by inserting after subparagraph (N) the following new subparagraph:

''(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.''.

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking ''and before December 1, 2009,''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting ''(b)(4),'' before ''(c)''.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', or'', and by adding at the end the following new paragraph:

''(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.''.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''(or, if married, such individual's spouse)'' after ''person acquiring such property''.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting '', and'', and by inserting after subparagraph (O) the following new subparagraph:

''(P) an entry on a return claiming the credit under section 36 if—

''(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

''(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

''(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

''(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable net operating loss' means the taxpayer's net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(iii) ELECTION.—

''(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

''(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

''(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

''(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

''(v) SPECIAL RULES FOR SMALL BUSINESS.—

''(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting '2 taxable years' for '1 taxable year'.

''(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.''.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section

56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or''.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

''(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for '3'.

''(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable loss from operations' means the taxpayer's loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

''(C) ELECTION.—

''(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

''(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

''(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

''(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

''(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).''.

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking ''this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure'' and inserting ''the American Recovery and Reinvestment Tax Act of 2009)'', and

(2) in subparagraph (2) by striking ''clause (1) of''.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2017''.

(b) CONFORMING AMENDMENT.—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking ''$89'' and inserting ''$195''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

''(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

''(i) such return is filed by such tax return preparer, and

''(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

''(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

''(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking ''The Secretary may not'' and inserting ''Except as provided in paragraph (3), the Secretary may not''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. RANGEL and Mr. BRADY of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. McDERMOTT, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶140.13 WORLD WAR I MEMORIAL

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 1849) to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-

fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶140.14 CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3788) to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Friday, November 6, 2009.

¶140.15 AMENDMENT OF THE SENATE TO H.R. 3548—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendment?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays 12

¶140.16 [Roll No. 859]

YEAS—403

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—12

Broun (GA)
Burgess
Flake
Franks (AZ)
Garrett (NJ)
Linder
McClintock
Paul
Price (GA)
Radanovich
Scalise
Shadegg

NOT VOTING—18

Aderholt
Brady (PA)
Braley (IA)
Capuano
Cole
Culberson
Davis (KY)
Harper
Herseth Sandlin
Honda
Murphy, Patrick
Nunes
Obey
Poe (TX)
Rogers (MI)
Sánchez, Linda T.
Sessions
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶140.17 H. CON. RES. 139—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) congratulating the first graduating class of the United States Air Force Academy on their 50th graduation anniversary and recognizing their contributions to the Nation; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶140.18 [Roll No. 860]

YEAS—411

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza

Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Aderholt
Boehner
Brady (PA)
Braley (IA)
Cantor
Capuano
Cole
Cummings
Davis (IL)
Davis (KY)
Deal (GA)
Gordon (TN)
Herseth Sandlin
Johnson, Sam
Kennedy
Langevin
Murphy, Patrick
Nunes
Pence
Rogers (MI)
Sánchez, Linda T.
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶140.19 H. RES. 880—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 880) recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶140.20 [Roll No. 861]

AYES—409

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Baird
Boehner
Brady (PA)
Braley (IA)
Capuano
Cole
Connolly (VA)
Davis (KY)
Deal (GA)
Gutierrez
Herseth Sandlin
Hill
Johnson, Sam
Kennedy
Langevin
Lee (NY)
Murphy, Patrick
Nunes
Obey
Pence
Rogers (MI)
Sánchez, Linda T.
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the efforts of postsecondary institutions offering career and technical education to educate and train workers for positions in high-demand industries.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶140.21 JACK F. KEMP POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 1211) to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DAVIS of Illinois, and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Friday, November 6, 2009.

¶140.22 CESAR E. CHAVEZ POST OFFICE

Mrs. DAVIS of California, moved to suspend the rules and pass the bill of the Senate (S. 748) to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mrs. DAVIS of California, and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶140.23 AMERICAN MEDICAL ISOTOPES PRODUCTION

Mr. MARKEY of Massachusetts, moved to suspend the rules and pass the bill (H.R. 3276) to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. MARKEY of Massachusetts, and Mr. UPTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARKEY of Massachusetts, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶140.24 CHEMICAL FACILITY ANTI-TERRORISM

The SPEAKER pro tempore, Mr. SERRANO, pursuant to House Resolution 885 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes

The SPEAKER pro tempore, Mr. SERRANO, by unanimous consent, designated Mr. INSLEE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. TIERNEY, assumed the Chair.

When Mr. KRATOVIL, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶140.25 H.R. 1849—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1849) to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 1

¶140.26 [Roll No. 862]

YEAS—418

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al

Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—14

Aderholt
Brady (PA)
Capuano
Deal (GA)
Forbes
Gohmert
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶140.27 H.R. 3276—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3276) to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 17

¶140.28 [Roll No. 863]

YEAS—400

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Broun (GA)
Campbell
Chaffetz
Conaway
Flake
Hensarling
Jordan (OH)
Kingston
Lamborn
Paul
Pence
Poe (TX)
Rooney
Royce
Sensenbrenner
Shadegg
Westmoreland

NOT VOTING—16

Aderholt
Bachus
Brady (PA)
Capuano
Deal (GA)
Ellison
Forbes
Gohmert
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶140.29 MOMENT OF SILENCE IN MEMORY OF VICTIMS AT FORT HOOD, TEXAS

The SPEAKER, announced that all Members stand and observe a moment of silence in memory of the victims of violence at Fort Hood, Texas.

¶140.30 H. RES. 878—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 878) expressing support for the goals and ideals of National Family Literacy Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of those present had voted in the affirmative.

Ms. MCCOLLUM demanded a recorded vote on the motion to suspend the rules and pass said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶140.31 [Roll No. 864]

AYES—409

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Bachus
Brady (PA)
Brady (TX)
Capuano
Carter
Chandler
Conyers
Deal (GA)
DeGette
DeLauro
Forbes
Gohmert
Hodes
Hoyer
Johnson, Sam
Murphy, Patrick
Nadler (NY)
Nunes
Rogers (MI)
Sánchez, Linda T.
Stark
Stupak
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶140.32 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Ms. MIKULSKI, Messrs. INOUYE, LEAHY, KOHL, DORGAN, Mrs. FEINSTEIN, Messrs. REED, LAUTENBERG, NELSON (NE), PRYOR, BYRD, SHELBY, GREGG, MCCONNELL, Mrs. HUTCHISON, Messrs. ALEXANDER, VOINOVICH, Ms. MURKOWSKI, and Mr. COCHRAN, to be the conferees on the part of the Senate.

¶140.33 ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3548. An Act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

¶140.34 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on October 30, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3606. An Act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

H.R. 2996. An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶140.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Patrick J. MURPHY of Pennsylvania, for today.

And then,

¶140.36 ADJOURNMENT

On motion of Mr. BROUN of Georgia, at 10 o'clock and 6 minutes p.m., the House adjourned.

¶140.37 OATH OF OFFICE/MEMBERS. RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

JOHN GARAMENDI, California, Tenth.

¶140.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1849. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; with an amendment (Rept. 111–329, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶140.39 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Natural Resources discharged from further consideration. H.R. 1849 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶140.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington (for himself and Mr. MCCLINTOCK):

H.R. 4027. A bill to amend the Hoover Power Plant Act of 1984 to ensure that project beneficiaries are solely responsible for repaying the costs of Western Area Power Administration power transmission and delivery projects, and for other purposes; to the Committee on Natural Resources.

By Mr. WU (for himself, Mr. ALTMIRE, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CHILDERS, Mr. COURTNEY, Mr. DEFAZIO, Mr. GORDON of Tennessee, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. KAGEN, Mr. MINNICK, Mr. PETERSON, Mr. PIERLUISI, Mr. ROSS, Mr. SALAZAR, Mr. SCHRADER, Mr. WALZ, and Mr. WILSON of Ohio):

H.R. 4028. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Mr. DICKS (for himself, Mr. BAIRD, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. INSLEE, and Mr. REICHERT):

H.R. 4029. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DENT:

H.R. 4030. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Ways and Means.

By Ms. BALDWIN:

H.R. 4031. A bill to amend the Energy Policy and Conservation Act to establish a motor efficiency rebate program; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 4032. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4033. A bill to require the Election Assistance Commission to establish an American Democracy Index to measure and improve the quality of voter access to polls and voter services in Federal elections; to the Committee on House Administration.

By Mr. KISSELL (for himself and Mr. ETHERIDGE):

H.R. 4034. A bill to amend title 10, United States Code, to authorize the Secretary of the Army to lease portions of the Airborne and Special Operations Museum facility to the Airborne and Special Operations Museum Foundation to support operation of the Museum; to the Committee on Armed Services.

By Mr. MARCHANT:

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to allow the estate of a decedent to use the capital loss carryover of the decedent as a deduction against estate tax; to the Committee on Ways and Means.

By Mr. PAYNE:

H.R. 4036. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Natural Resources.

By Mr. FORTENBERRY:

H. Con. Res. 209. Concurrent resolution recognizing the 30th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. KING of New York, Mr. MICA, Mr. CUMMINGS, Mr. LOBIONDO, Mr. SOUDER, Ms. HARMAN, Mr. MCCAUL, Mr. CUELLAR, Mr. ROGERS of Alabama, Mr. CARNEY, Mr. BILIRAKIS, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. CLEAVER, Mr. DENT, Ms. NORTON, Mrs. MILLER of Michigan, Ms. RICHARDSON, Mr. CAO, Mr. AL GREEN of Texas, Mr. OLSON, Mr. LUJÁN, Mr. BROUN of Georgia, Mrs. KIRKPATRICK of Arizona, Mr. MASSA, and Mr. HIMES):

H. Res. 891. A resolution expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. WEXLER, Mr. DELAHUNT, Ms. BERKLEY, Mr. COSTA, Ms. KAPTUR, and Mr. LIPINSKI):

H. Res. 892. A resolution recognizing the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace; to the Committee on Foreign Affairs.

By Mr. SERRANO (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BACA, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CLARKE, Mr. CROWLEY, Ms. DELAURO, Mr. DICKS, Mr. ENGEL, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. KING of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBEY, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PIERLUISI, Mr. REYES, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Mr. SALAZAR, Mr. SIRES, Mr. THOMPSON of California, Mr. TONKO, Ms. VELÁZQUEZ, Mr. ALEXANDER, Mr. PAYNE, Mr. WAMP, Mr. REHBERG, Mr. HOLT, Mr. DAVIS of Kentucky, Mr. ABERCROMBIE, Mr. HONDA, Mr. KUCINICH, Ms. BERKLEY, Mr. WEXLER, Mr. BISHOP of Georgia, Mr. WATT, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. GRAYSON, Ms. HIRONO, Mr. MAFFEI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SABLAN, and Mr. UPTON):

H. Res. 893. A resolution congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H. Res. 894. A resolution honoring the 50th anniversary of the recording of the album ''Kind of Blue'' and reaffirming jazz as a national treasure; to the Committee on the Judiciary.

¶140.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 182: Ms. CHU.
H.R. 197: Mr. CAMPBELL.
H.R. 198: Mr. WITTMAN.
H.R. 208: Mr. SESSIONS.

H.R. 272: Ms. FOXX and Mr. HERGER.
H.R. 305: Ms. DELAURO.
H.R. 417: Mr. FALEOMAVAEGA, Mr. FATTAH, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. OBERSTAR, Mr. HONDA, and Mr. SIRES.
H.R. 502: Mr. KLINE of Minnesota.
H.R. 510: Mr. MELANCON.
H.R. 521: Mr. MANZULLO.
H.R. 564: Mr. PASCRELL, Ms. HIRONO, and Mr. NADLER of New York.
H.R. 571: Mr. WATT.
H.R. 644: Mr. PERRIELLO.
H.R. 678: Mr. ROTHMAN of New Jersey, Mr. YARMUTH, and Mr. CLAY.
H.R. 734: Mr. ALTMIRE, Mr. GERLACH, and Ms. MARKEY of Colorado.
H.R. 739: Ms. LEE of California.
H.R. 901: Ms. SUTTON and Ms. KILPATRICK of Michigan.
H.R. 930: Mr. TOWNS.
H.R. 1020: Mr. GRAYSON, Mr. CLAY, Mr. WEINER, and Mr. RUSH.
H.R. 1067: Mr. ROE of Tennessee.
H.R. 1079: Mr. BARROW.
H.R. 1086: Mrs. BONO MACK.
H.R. 1126: Mr. WELCH.
H.R. 1157: Mr. COHEN.
H.R. 1159: Ms. BERKLEY.
H.R. 1175: Mr. HOLT, Mr. WU, and Ms. KILROY.
H.R. 1189: Mrs. NAPOLITANO.
H.R. 1207: Mr. WEINER and Mr. KISSELL.
H.R. 1220: Mr. SHUSTER.
H.R. 1326: Ms. LEE of California.
H.R. 1347: Mr. KENNEDY.
H.R. 1396: Mr. DOGGETT.
H.R. 1475: Mr. MEEKS of New York.
H.R. 1547: Mr. BLUNT.
H.R. 1623: Ms. BERKLEY.
H.R. 1806: Mr. DAVIS of Alabama and Ms. MATSUI.
H.R. 1818: Mr. COHEN.
H.R. 1826: Mr. KISSELL and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1831: Mr. CAMP.
H.R. 1855: Mr. COURTNEY.
H.R. 1925: Mr. BARROW and Ms. ROYBAL-ALLARD.
H.R. 2251: Mr. ROTHMAN of New Jersey and Mr. YOUNG of Alaska.
H.R. 2254: Mr. HEINRICH.
H.R. 2279: Mr. CONNOLLY of Virginia and Ms. LORETTA SANCHEZ of California.
H.R. 2296: Mr. CAMPBELL.
H.R. 2324: Mr. MEEKS of New York and Mr. RANGEL.
H.R. 2365: Ms. WASSERMAN SCHULTZ.
H.R. 2452: Ms. LORETTA SANCHEZ of California, Mr. SESTAK, Ms. HARMAN, Mr. TOWNS, Mr. FARR, Mrs. CAPPS, Ms. MATSUI, and Ms. WATSON.
H.R. 2478: Mr. GEORGE MILLER of California.
H.R. 2560: Ms. GIFFORDS.
H.R. 2573: Mr. QUIGLEY.
H.R. 2579: Mr. DOGGETT.
H.R. 2626: Mr. GRAYSON.
H.R. 2648: Mr. SABLAN.
H.R. 2746: Mr. CLAY, Mr. HONDA, and Mr. GRIJALVA.
H.R. 2866: Mr. SPRATT and Mr. YOUNG of Florida.
H.R. 2894: Mr. KANJORSKI and Mr. SHULER.
H.R. 2932: Ms. DELAURO and Ms. MCCOLLUM.
H.R. 3002: Mr. GOODLATTE and Mr. PITTS.
H.R. 3012: Mr. DONNELLY of Indiana.
H.R. 3048: Mr. GRAYSON.
H.R. 3077: Mr. PUTNAM, Mrs. NAPOLITANO, and Ms. JACKSON-LEE of Texas.
H.R. 3191: Mr. SESTAK.
H.R. 3227: Mr. BRALEY of Iowa.
H.R. 3238: Mr. WELCH.
H.R. 3245: Ms. KILPATRICK of Michigan.
H.R. 3328: Mr. BISHOP of Georgia, Mr. CLAY, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Ms. RICHARDSON.
H.R. 3359: Ms. MCCOLLUM, Mr. THOMPSON of California, Ms. MOORE of Wisconsin, Mr. ELLISON, Ms. CHU, Mr. HARE, Mr. FARR, Ms. HIRONO, Mr. HINCHEY, Ms. BERKLEY, Mr. DELAHUNT, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. PIERLUISI, Mr. LEVIN, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Ms. WATERS, Mr. RANGEL, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. CASTOR of Florida, and Mr. MCGOVERN.
H.R. 3381: Mr. NEAL of Massachusetts.
H.R. 3421: Ms. NORTON, Mr. FARR, Mr. NADLER of New York, and Mr. CLAY.
H.R. 3439: Ms. ESHOO.
H.R. 3457: Mr. NADLER of New York, Mr. HONDA, and Ms. SCHAKOWSKY.
H.R. 3458: Ms. MATSUI, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mrs. CAPPS, Mr. FARR, Ms. ZOE LOFGREN of California, Ms. WATSON, and Ms. SPEIER.
H.R. 3464: Mr. PENCE.
H.R. 3524: Mr. HONDA, Mr. BARROW, and Ms. SHEA-PORTER.
H.R. 3564: Mr. MCGOVERN.
H.R. 3569: Mr. BARRETT of South Carolina.
H.R. 3612: Mr. FORBES and Mr. HALL of Texas.
H.R. 3650: Mr. PUTNAM and Mr. MARKEY of Massachusetts.
H.R. 3656: Mr. MORAN of Virginia.
H.R. 3660: Mr. INGLIS.
H.R. 3705: Ms. KILPATRICK of Michigan, Mr. AL GREEN of Texas, Ms. KILROY, and Mr. BLUMENAUER.
H.R. 3724: Ms. HIRONO.
H.R. 3731: Mr. BLUMENAUER.
H.R. 3758: Mr. GORDON of Tennessee.
H.R. 3779: Mrs. BIGGERT.
H.R. 3822: Mr. WITTMAN and Mrs. BONO MACK.
H.R. 3823: Mrs. BONO MACK.
H.R. 3824: Mr. WITTMAN and Mrs. BONO MACK.
H.R. 3852: Mr. CASTLE.
H.R. 3885: Mr. KILDEE.
H.R. 3904: Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Mr. REYES, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. HARE, Mr. LEVIN, Mr. COHEN, Ms. MATSUI, Mr. CONYERS, and Mr. RYAN of Ohio.
H.R. 3907: Mr. FILNER, Mr. TIERNEY, Mr. CUMMINGS, Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. WEXLER, Mr. KILDEE, Mr. GERLACH, Mr. BLUMENAUER, Mr. HARE, Mr. BERMAN, Mr. ANDREWS, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. PASTOR of Arizona, Mr. FRANK of Massachusetts, Mr. MCCAUL, Ms. MATSUI, Mr. MURTHA, Mr. MCNERNEY, Ms. LEE of California, Mr. CLEAVER, Mr. COURTNEY, Mr. BISHOP of New York, Mr. HODES, and Mr. WELCH.
H.R. 3929: Mr. ALEXANDER.
H.R. 3942: Mr. GRIJALVA.
H.R. 3943: Mr. FILNER, Mr. WILSON of South Carolina, and Mr. WU.
H.R. 3957: Mr. HONDA, Mr. PAYNE, Mr. POLIS, Ms. MCCOLLUM, and Mr. MCGOVERN.
H.J. Res. 50: Mr. ADERHOLT.
H. Con. Res. 175: Mr. SARBANES.
H. Con. Res. 207: Mr. POSEY and Mr. LINDER.
H. Res. 200: Mr. ROHRABACHER.
H. Res. 252: Mr. LATOURETTE.
H. Res. 486: Mr. LEVIN.
H. Res. 699: Mr. MCCARTHY of California, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, Mr. CLAY, Mr. MCHENRY, Mr. DUNCAN, Mr. TAYLOR, Mr. REHBERG, Mr. GUTHRIE, Mr. TERRY, Mr. BISHOP of Utah, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. HOEKSTRA, Mr. SHUSTER, Mr. PAULSEN, Mr. AKIN, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Ms. FALLIN, Mr. SKELTON, Mr. EHLERS, Mr. SULLIVAN, Mr. LATHAM, Mr. COFFMAN of Colorado, Mr. BARTLETT, Mr. TIBERI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. TURNER, Mrs. MCMORRIS RODGERS, Mr. FLEMING, and Mr. FLAKE.
H. Res. 700: Mr. MARSHALL.
H. Res. 704: Mr. RODRIGUEZ, Mr. TIAHRT, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. BONNER, and Ms. CHU.
H. Res. 727: Ms. LEE of California.
H. Res. 833: Mr. WAMP and Mr. MCMAHON.
H. Res. 847: Mr. SCALISE.
H. Res. 857: Mr. ROSKAM and Mr. CLEAVER.
H. Res. 861: Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. KLINE of Minnesota, Mr. ALEXANDER, and Mr. PLATTS.
H. Res. 870: Mr. CASTLE, Mr. BARRETT of South Carolina, Mr. MANZULLO, Mr. BURGESS, Mr. SCHOCK, Mr. THORNBERRY, Mr. THOMPSON of Pennsylvania, Mr. LOBIONDO, Mrs. MCMORRIS RODGERS, Mr. GERLACH, Mr. GUTHRIE, Mr. CALVERT, Mr. CAMP, and Mr. LANCE.
H. Res. 877: Mr. FATTAH, Mr. EDWARDS of Texas, Mr. LIPINSKI, Mr. YOUNG of Alaska, Mr. WEINER, Mr. KENNEDY, Mr. FOSTER, Mr. OLVER, Mr. COURTNEY, and Ms. ROS-LEHTINEN.

FRIDAY, NOVEMBER 6, 2009 (141)

The House was called to order by the SPEAKER.

¶141.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, November 5, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶141.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Charleston Harbor Christmas Parade of Boats, Charleston, SC [CGD07–06–260] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Post Office and Civil Service.

4577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Babylon Bayfest Fireworks, Great South Bay, NY [CGD01–07–088] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio. West Third Street Bridge Cable installment process [CGD09–06–092] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Fireworks Festival, Saginaw River, Bay City, MI [CGD09–06–093] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gatzeros Fireworks, Lake St. Clair, Grosse Pointe Park, MI [CGD09–06–094] (RIN:

1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–173] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Sabine–Neches Canal, Port Arthur, TX [COTP Port Arthur–07–004] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Treasure Island, Florida [COTP Sector St. Petersburg 07–100] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP Sector St. Petersburg 07–104] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, Clearwater, FL [COTP Sector St. Petersburg, FL 07–137] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency cable repair for the Sarah Long Bridge, Piscataqua River, ME and NH [CGD01–06–143] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Sector St. Petersburg Zone [COTP Sector St. Petersburg 07–144] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency cable repair for the Sarah Long Bridge, Piscataqua River, ME and NH [CGD01–06–137] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone; Waters River, Danvers, MA [CGD01–06–136] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grucci and Associates Fireworks, Bay Shore, NY [CGD01–06–125] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blau Wedding Fireworks Display, Atlantic Ocean, Water Mill, NY [CGD01–06–106] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Christmas Cove, South Bristol, ME [CGD01–06–101] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Master Sand Castle Festival Fireworks, Revere, MA [CGD01–06–094] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP Sector St. Petersburg 07–145] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Rhode Island Air National Guard Air Show, Quonset Point State Airport, North Kingstown, Rhode Island [CGD01–06–075] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–146] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cape Neddick, Maine, Shore Road Bridge [CGD01–06–058] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Dania Beach Super Boat Grand Prix Race, Dania Beach, Florida [CGD07–07–066] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Dania Beach Super Boat Grand Prix Race, Dania Beach, Florida [CGD07–06–150] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Wachovia Securities Annual Nantucket Clambake, Jetties Beach, Nantucket Island, Massachusetts [CGD01–06–050] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: Devon Yacht Club Fireworks, Amagansett, NY [CGD01–06–047] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: City of Stamford Fireworks, Stamford, CT [CGD01–06–048] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Regulated Navigation Area and Security Zone; Miami Harbor, Florida [CGD07–06–162] (RIN: 1625–AA00, 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SAFETY ZONE: North Kingstown 4th of July Fireworks, Town Beach, North Kingstown, Rhode Island [CGD01–06–039] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: Barnum Festival Fireworks, Bridgeport, CT [CGD01–06–029] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Piana Cup Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [CGD07–06–214] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 17th Annual Music and Arts Festival Fireworks, Miller Place, NY [CGD01–07–134] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Boca Raton Holiday Boat Parade, Intracoastal Waterway, Broward County, FL [CGD07–06–226] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blynman Canal Bridge over the Blynman Canal, Gloucester, Massachusetts [CGD01–07–126] (RIN: 1625–AA09) received October 15 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Vero Beach Evening Christmas Boat Parade, Intracoastal Waterway and Indian River, Vero Beach, FL [CGD07–06–242] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone: Patchogue Grand Prix, Patchogue Bay, Patchogue, NY [CGD01–07–108] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Martin County Christmas Boat Parade, North and South Forks of the St Lucie River, Stuart, FL [CGD07–06–243] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Susan Mackenzie Fireworks, Westhampton, NY [CGD01–07–099] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; St Lucie County Christmas Boat Parade, Intracoastal Waterway and Taylor Creek, Fort Pierce, Florida [CGD07–06–259] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fire Island Pride Fireworks, Great South Bay, Cherry Grove, NY [CGS01–07–098] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, Illinois [CGD08–07–008] (RIN: 1625–AA09) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Portland Harbor, Maine, Peaks to Portland Swim [CGD01–07–097] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, Illinois [CGD08–07–018] (RIN: 1625–AA09) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Cumberland River, Clarksville, TN [Docket No.: CGD08–07–027] (RIN: 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Docks, Toledo, OH Maumee River [CGD09–06–007] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fairfield Aerial Fireworks, Jennings Beach, CT [CGD01–07–094] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live–Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–149] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live–Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–150] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Charles River One Mile Swim — Boston, Massachusetts [CGD01–07–085] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 07–151] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Asharoken Fireworks, Asharoken, NY [CGD01–07–084] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salisbury Beach State Reservation Ordinance Detonation, Salisbury, MA [CGD01–07–039] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP Sector St. Petersburg, FL. 07–152] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP Sector St. Petersburg, FL. 07–153] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Anchorage Grounds, Safety Zones; Security Zones; Tall Ships Rhode Island 2007, Narragansett Bay, Rhode Island [CGD01–07–013] (RIN: 1625–AA87, 1625–AA00, 1625–AA01, 1625–AA08, 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Freedom Swim, Peace River, FL [COTP Sector St. Petersburg, FL 07–154] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hookers Point Dredge Removal, Tampa Bay, FL [COTP St. Petersburg 07–156] (RIN: 1625–A00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–158] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska–07–001] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07–183] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07–177] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07–175] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶141.3 NEW YORK YANKEES

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 893):

Whereas the New York Yankees are the most successful franchise in the history of Major League Baseball;

Whereas prior to this year the Yankees had won 26 World Series Championships, the most in the Major Leagues;

Whereas this historic franchise is located in the Bronx and is known as the ''Bronx Bombers'';

Whereas the Yankees franchise has included all-time great players;

Whereas for many years the Yankees played baseball in the historic Yankee Stadium;

Whereas this year the Yankees opened a new stadium and hope to emulate the success achieved in the ''House that Ruth Built'';

Whereas during the 2009 regular season, the Yankees had the best record in baseball, going 103–59;

Whereas the Yankees finished at the top of the American League East Division;

Whereas the Yankees went on to beat the Minnesota Twins 3 games to 0;

Whereas the Yankees then faced off against the Los Angeles Angels of Anaheim in the American League Championship Series, and emerged victorious in 6 games;

Whereas that victory represented the 40th American League Pennant that the Yankees have won;

Whereas the Yankees were matched up against a valiant Philadelphia Phillies squad for the World Series title;

Whereas the Yankees were able to defeat the defending World Series Champions by 4 games to 2;

Whereas this victory represents the Yankees' 27th World Series Championship win;

Whereas this number of championship wins is 17 more than their next closest competitor;

Whereas the contributions of the Yankees' players throughout the season were all vital in securing the title; and

Whereas the Yankees were guided to victory by Manager Joe Girardi, General Manager Brian Cashman, President Randy Levine, and the leadership of Hank and Hal Steinbrenner: Now therefore be it

Resolved, That the House of Representatives congratulates—

(1) the 2009 Major League Baseball World Series Champions, the New York Yankees, for an outstanding season and a record 27th World Series Championship win; and

(2) the players, coaches, staff and leadership of the Yankees organization for their great success.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. TOWNS and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SERRANO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶141.4 SMALL BUSINESS MICROLENDING

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 3737) to amend the Small Business Act to improve the Microloan Program, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.5 WOMEN'S BUSINESS CENTERS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1838) to amend the Small Business Act to improve the Microloan Program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. VELAZQUEZ and Ms. FALLIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.6 SMALL BUSINESS DISASTER READINESS AND REFORM

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 3743) to amend the Small Business Act to improve the disaster relief programs of the Small Business Administration, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶141.7 SMALL BUSINESS DEVELOPMENT CENTERS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1845) to amend the Small Business Act to modernize Small Business Development Centers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. VELAZQUEZ and Mr. SCHOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.8 AMENDMENT OF THE SENATE TO H.R. 1299, WITH AN AMAENDMENT

Mrs. DAVIS of California, moved to suspend the rules and agree to the resolution (H. Res. 896) providing for the concurrence by the House in the amendment of the Senate to H.R. 1299, with an amendment:

Resolved, That upon the adoption of this resolution the bill (H.R. 1299) entitled ''An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Capitol Police Administrative Technical Corrections Act of 2009''.

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

''(a) CHIEF ADMINISTRATIVE OFFICER.—

''(1) ESTABLISHMENT.—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

''(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

''(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''.

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''; and

(B) in subsection (b)(1), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''.

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

''(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

''(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

''(i) the exercise of any authority under subparagraph (A); or

''(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the ''Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876'', which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Police Board,'' and inserting ''the United States Capitol Police,''.

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking ''Capitol Police Board'' each place it appears and inserting ''United States Capitol Police''; and

(B) in subsection (a)(2), by striking ''Capitol Police Board'' and inserting ''Chief of the United States Capitol Police''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking ''prior notification to'' and inserting the following: ''prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and''.

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 2 U.S.C. 1981) is amended by inserting ''the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate'' after ''the Senate,''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the ''General Counsel''), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) LIMITATION.—The annual rate of pay for the General Counsel may not exceed an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) TECHNICAL AND CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking ''the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police'' and inserting ''the General Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking ''the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police'' and inserting ''the Employment Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—

(A) OVERTIME PAY DISBURSED BY HOUSE.—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) OVERTIME PAY DISBURSED BY SENATE.—The last full paragraph under the heading ''Administrative Provisions'' in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an ''exempt individual'' is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to ''House of Representatives Office Building'' in the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes'', approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking ''other than officers and privates of the Capitol police'' each place it appears and inserting ''other than the United States Capitol Police''.

(2) SENATE OFFICE BUILDINGS.—The item relating to ''Senate Office Building'' in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking ''other than for officers and privates of the Capitol Police'' each place it appears and inserting ''other than for the United States Capitol Police''.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110–178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading ''Capitol Police'' in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading ''Capitol Police'' in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence ''The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.'', which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence ''The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.'', which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking '', the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS CONGRESSIONAL EMPLOYEES.

(a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—Section 2107(4) of title 5, United States Code, is amended by inserting ''or employee'' after ''member''.

(b) DUAL PAY AND DUAL EMPLOYMENT.—

(1) DEFINITION OF AGENCY IN THE LEGISLATIVE BRANCH.—Section 5531(4) of title 5, United States Code, is amended by striking ''and the Congressional Budget Office'' and inserting ''the Congressional Budget Office, and the United States Capitol Police''.

(2) DUAL PAY.—Section 5533 of title 5, United States Code, is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''; and

(ii) in paragraph (2), by inserting ''or the Chief of the Capitol Police'' after ''House of Representatives''; and

(B) in subsection (d)(5)(A), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(c) FEES FOR JURY AND WITNESS SERVICE.—

(1) CREDITING AMOUNTS RECEIVED.—Section 5515 of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(2) FEES FOR SERVICE.—Section 5537(a) of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.

(a) IN GENERAL.—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) QUALIFICATIONS.—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

SEC. 9. TRAVEL PROMOTION ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Travel Promotion Act of 2009''.

(b) THE CORPORATION FOR TRAVEL PROMOTION.—

(1) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(i) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(ii) 1 shall have appropriate expertise and experience in the restaurant sector;

(iii) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(iv) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(v) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(vi) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(vii) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(viii) 1 shall have appropriate expertise and experience in the passenger air sector;

(ix) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(x) 1 shall have appropriate expertise in the intercity passenger railroad business.

(B) INCORPORATION.—The members of the initial board of directors shall serve as

incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(C) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(i) 3 shall be appointed for terms of 1 year;

(ii) 4 shall be appointed for terms of 2 years; and

(iii) 4 shall be appointed for terms of 3 years.

(D) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(E) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this subsection. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(G) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(H) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(3) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(B) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(A) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(B) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(C) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(D) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

(5) DUTIES AND POWERS.—

(A) IN GENERAL.—The Corporation shall develop and execute a plan—

(i) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(ii) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(iii) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(iv) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(v) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(B) SPECIFIC POWERS.—In order to carry out the purposes of this subsection, the Corporation may—

(i) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(ii) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(iii) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(C) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(6) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(7) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(A) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(B) at least 6 members of the board are present at the meeting at which it is approved; and

(C) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(8) FISCAL ACCOUNTABILITY.—

(A) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(B) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(C) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this paragraph by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(D) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

(c) ACCOUNTABILITY MEASURES.—

(1) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(2) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(3) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section;

(B) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(C) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(D) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(E) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to

the Corporation's objectives under paragraph (1);

(F) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(G) such recommendations as the Corporation deems appropriate.

(4) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this subsection.

(d) MATCHING PUBLIC AND PRIVATE FUNDING.—

(1) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(2) FUNDING.—

(A) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this section. Transfers shall be made at least quarterly, beginning on January 1, 2010, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(B) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to paragraph (3) of this subsection, to carry out its functions under this section. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(3) MATCHING REQUIREMENT.—

(A) IN GENERAL.—No amounts may be made available to the Corporation under this subsection after fiscal year 2010, except to the extent that—

(i) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under paragraph (2); and

(ii) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under paragraph (2) for the fiscal year.

(B) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(i) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this section may be included in the determination; but

(ii) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under subparagraph (A) for the Corporation in any fiscal year.

(C) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(D) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(4) CARRYFORWARD.—

(A) FEDERAL FUNDS.—Amounts transferred to the Fund under paragraph (2)(B) shall remain available until expended.

(B) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under paragraph (3)(A) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (3)(A) in such succeeding fiscal year.

(e) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by subsection (d) of section 11 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

(f) ASSESSMENT AUTHORITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in subsection (b)(2)(A)(iii) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this subsection.

(2) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of this section at no greater, in the aggregate, than $20,000,000.

(3) REFERENDA.—

(A) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(i) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(ii) the assessment is approved by a majority of those voting in the referendum.

(B) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this paragraph, the Corporation shall—

(i) provide written or electronic notice not less than 60 days before the date of the referendum;

(ii) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(iii) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(4) COLLECTION.—

(A) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this section.

(B) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this section.

(5) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(g) OFFICE OF TRAVEL PROMOTION.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by subsection (b) of section 11 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland

Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).''.

(h) RESEARCH PROGRAM.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by subsection (g), is further amended by inserting after section 202 the following:

"SEC. 203. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

''(5) research to support the annual reports required by section 202(d) of this Act.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mrs. DAVIS of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶141.9 NATIONAL SCHOOL PSYCHOLOGY WEEK

Mr. LOEBSACK moved to suspend the rules and agree to the following resolution (H. Res. 700); as amended:

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if they work to meet the needs of each student;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention in a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lowers barriers to learning and allows teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entitities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children; and

Whereas the week beginning on November 9, 2009, would be an appropriate week to designate as National School Psychology Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. LOEBSACK and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LOEBSACK objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.10 FORT HOOD, TEXAS TRAGEDY

Mr. SKELTON moved to suspend the rules and agree to the following resolution (H. Res. 895):

Resolved, That the House of Representatives honors the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009, at Fort Hood, Texas. The American people share the pain and grief of this tragic loss. Our thoughts and prayers will continue to be with the families of those who were so unfortunately taken from them.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. SKELTON and Mr. MCCAUL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCAUL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

¶141.11 ADJOURNMENT OF THE TWO HOUSES

Mr. EDWARDS of Texas, submitted the following privileged concurrent resolution (H. Con. Res. 210):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Friday, November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 16, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon n Monday, November 16, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. MCCAUL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 179

¶141.12 [Roll No. 865]

YEAS—235

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Castle
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Conyers
Ehlers
Johnson (GA)
McGovern
Moore (WI)
Murphy, Patrick
Nunes
Perriello
Rogers (MI)
Sánchez, Linda T.
Stupak
Wasserman Schultz

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶141.13 H. RES. 893—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 893) congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 / Nays ..... 17 / Answered present 11

¶141.14 [Roll No. 866]

YEAS—386

Abercrombie
Ackerman
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Obey
Olson
Ortiz
Pallone
Pascrell

Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Adler (NJ)
Altmire
Berry
Braley (IA)
Campbell
Delahunt
Filner
Hunter
Kaptur
Lungren, Daniel E.
Murphy (CT)
Radanovich
Rahall
Rohrabacher
Rooney
Schwartz
Sensenbrenner

ANSWERED "PRESENT"—11

DeFazio
Driehaus
Hodes
Kagen
Langevin
Marshall
Oberstar
Olver
Souder
Tsongas
Welch

NOT VOTING—19

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Conyers
Davis (KY)
Ehlers
Gohmert
McGovern
Moore (WI)
Murphy, Patrick
Nunes
Posey
Rogers (MI)
Sánchez, Linda T.
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶141.15 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Robert A. Brehm, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held November 3, 2009, the Honorable William L. Owens was elected Representative to Congress for the Twenty-Third Congressional District, State of New York.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, November 5, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise that the unofficial results of the Special Election held on Tuesday, November 3, 2009 for Representative in Congress from the Twenty-Third Congressional District of New York show that, as of the close of polls on election day, the returns for that office show William L. Owens received 66,698 votes, Douglas Hoffman received 63,672 votes, and Dede Scozzafava received 6,485 votes.

As soon as the official results are certified to this office by all county boards in the Twenty-Third Congressional District in New York an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,
Co-Executive Director.
TODD D. VALENTINE,
Co-Executive Director.

¶141.16 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. RANGEL, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. William L. Owens, 23rd District of the State of New York, has not been received by the Clerk of the House of Representatives, Mr. OWENS be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. OWENS then presented himself at the bar of the House and took the oath of office prescribed by law.

¶141.17 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative OWENS, the whole number of the House is adjusted to 435.

¶141.18 H.R. 3788—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3788) to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 1

¶141.19 [Roll No. 867]

YEAS—415

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy

Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Berry

NOT VOTING—18

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Dicks
Ehlers
Gordon (TN)
Kagen
McGovern
McKeon
Murphy, Patrick
Nunes
Rogers (MI)
Sánchez, Linda T.
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶141.20 MOMENT OF SILENCE IN MEMORY OF VICTIMS IN ORLANDO, FLORIDA

The SPEAKER, announced that all Members stand and observe a moment of silence in memory of the victims of violence in Orlando, Florida.

¶141.21 S. 1211—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1211) to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶141.22 [Roll No. 868]

YEAS—408

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Coffman (CO)
Conaway
Crowley
Dicks
Ehlers
Ellison
Frank (MA)
Gordon (TN)
Larsen (WA)
Lofgren, Zoe
McGovern
Murphy, Patrick
Nunes
Rangel
Rogers (MI)
Sánchez, Linda T.
Sanchez, Loretta
Schock
Slaughter
Westmoreland
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶141.23 CHEMICAL FACILITY ANTI-TERRORISM

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to House Resolution 885 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes.

Mr. SALAZAR, Acting Chairman, assumed the chair; and after some time spent therein,

¶141.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report

111-327, submitted by Mr. THOMPSON of Mississippi:

Page 5, beginning on line 22, strike ''counter surveillance'' and insert ''counter-surveillance''.

Page 7, beginning on line 2, strike ''. Any such plan shall include'' and insert '', including''.

Page 7, line 19, strike ''Department'' and insert ''Secretary''.

Page 8, line 2, strike ''chemicals'' and insert ''a substance of concern''.

Page 8, line 4, insert ''and'' after the comma.

Page 9, line 5, strike ''Department'' and insert ''Secretary''.

Page 9, line 9, strike ''in'' and insert ''at''.

Page 9, line 10, strike ''site'' and insert ''covered chemical facility''.

Page 10, line 6, insert a comma after ''plan''.

Page 17, line 3, insert ''chemical'' after ''designation of a''.

Page 17, line 3, insert ''as a substance'' after ''substance''.

Page 17, line 4, insert ''for the substance'' after ''quantity''.

Page 17, line 8, strike ''may at any time'' and insert ''may, at any time,''.

Page 18, line 10, insert a comma after ''concern''.

Page 18, line 22, strike the comma after ''representative''.

Page 19, line 6, strike ''this title'' and insert ''this section''.

Page 22, line 3, insert '', as determined by the Secretary,'' after ''geographically close''.

Page 23, line 1, strike ''under'' and insert ''pursuant to''.

Page 24, line 11, strike ''is''.

Page 30, line 22, strike ''that'' and insert ''who''.

Page 34, line 9, strike ''the period of''.

Page 36, line 8, strike ''information'' and insert ''to the Secretary in a timely manner, information''.

Page 36, line 9, strike ''in a timely manner''.

Page 38, line 17, insert ''departmental'' after ''seek''.

Page 38, line 17, strike ''within the Department''.

Page 39, line 24, strike ''that'' and insert ''who''.

Page 39, line 25, insert a comma after ''subsection (a)''.

Page 40, line 15, strike '', profit'' and insert '', for-profit''.

Page 46, line 16, strike ''protected information is any of the following'''' and insert ''the term 'protected information' means any of the following''.

Page 46, line 22, strike ''determines'' and insert ''has determined by regulation''.

Page 48, strike lines 3 through 17 and insert the following:

''(2) EXCLUSIONS.—Notwithstanding paragraph (1), the term 'protected information' does not include—

''(A) information, other than a security vulnerability assessment or site security plan, that the Secretary has determined by regulation to be—

''(i) appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements; and

''(ii) not detrimental to chemical facility security if disclosed; or

''(B) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in subparagraph (B) or (C) of paragraph (1), that is obtained from another source with respect to which the Secretary has not made a determination under either such subparagraph, including—

''(i) information that is required to be made publicly available under any other provision of law; and

''(ii) information that a chemical facility has lawfully disclosed other than in a submission to the Secretary pursuant to a requirement of this title.

Page 54, line 3, strike ''of'' and insert ''after''.

Page 63, line 7, strike ''1996'' and insert ''1986''.

Page 75, line 13, strike ''Department'' and insert ''Secretary''.

Page 92, line 23, insert ''and resubmit'' after ''update''.

Page 93, beginning on line 10, strike ''(or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section)'' and insert ''or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section,''.

Page 110, beginning on line 2, strike ''commence an enforcement action against the system, including by seeking or imposing civil penalties'' and insert ''take appropriate enforcement action''.

Page 115, beginning on line 22, strike '', as described in paragraph (7)''.

Page 116, beginning on line 21, strike '', as described in paragraph (7),''.

Page 117, beginning on line 9, strike '', as described in paragraph (7),''.

Page 117, line 22, insert ''provision of'' before ''law''.

Page 117, line 23, insert ''provision of'' before ''law''.

Page 118, line 10, insert ''provision of'' before ''law''.

Page 118, beginning on line 13, strike ''protected information is any of the following'' and insert ''the term 'protected information' means any of the following''.

Page 119, line 17, strike ''determines'' and insert ''has determined by regulation''.

Page 120, line 1, insert before ''would'' the following: ''the Secretary has determined by regulation''

Page 120, strike lines 7 through 24 and insert the following:

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe system compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more covered water systems if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a covered water system has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

Page 121, line 3, strike ''the amendments made by''.

Page 131, beginning on line 3, strike ''threat of contamination of drinking water being distributed through public water systems, including fire main systems'' and insert ''threat to drinking water posed by an intentional act of contamination, and the vulnerability of public water systems, including fire hydrants, to such a threat''.

Page 151, line 24, after ''cause'' and insert '', or may be reasonably anticipated to cause,''.

Page 161, line 12, insert ''provision of'' before ''law''.

Page 161, line 13, insert ''provision of'' before ''law''.

Page 161, line 25, insert ''provision of'' before ''law''.

Page 162, beginning on line 3, strike ''protected information is any of the following'' and insert ''the term 'protected information' means any of the following''.

Page 163, beginning on line 6, strike ''determines'' and insert ''has determined by regulation''.

Page 163, line 15, before ''would'' insert the following: ''the Secretary has determined by regulation''.

Strike line 20 on page 163 and all that follows through page 164, line 13, and insert the following:

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe treatment works compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more treatment works if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a treatment works has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

Page 171, line 5, strike ''the amendments made by''.

It was decided in the affirmative ..... { Yeas ..... 253 / Nays 168

¶141.25 [Roll No. 869]

AYES—253

Abercrombie	Capuano	DeLauro
Ackerman	Cardoza	Dicks
Adler (NJ)	Carnahan	Dingell
Altmire	Carney	Doggett
Andrews	Carson (IN)	Donnelly (IN)
Arcuri	Castor (FL)	Doyle
Baca	Childers	Driehaus
Baird	Chu	Edwards (MD)
Baldwin	Clarke	Edwards (TX)
Barrow	Clay	Ellison
Bean	Cleaver	Ellsworth
Becerra	Clyburn	Engel
Berkley	Cohen	Eshoo
Berman	Connolly (VA)	Etheridge
Berry	Conyers	Faleomavaega
Bishop (NY)	Cooper	Farr
Blumenauer	Costello	Fattah
Boccieri	Courtney	Filner
Bordallo	Crowley	Foster
Boren	Cuellar	Frank (MA)
Boswell	Cummings	Fudge
Boucher	Dahlkemper	Garamendi
Boyd	Davis (AL)	Giffords
Brady (PA)	Davis (CA)	Gonzalez
Braley (IA)	Davis (IL)	Gordon (TN)
Bright	Davis (TN)	Grayson
Brown, Corrine	DeFazio	Green, Al
Butterfield	DeGette	Green, Gene
Capps	Delahunt	Griffith

Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—168

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Aderholt
Bishop (GA)
Boehner
Carter
Cassidy
Chandler
Christensen
Conaway
Costa
Ehlers
Emerson
Johnson, E. B.
Meeks (NY)
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.
Speier

So the amendment was agreed to.

¶141.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-327, submitted by Mr. BARTON of Texas:

Page 43, strike lines 7 through 16, and insert the following:

"SEC. 2109. FEDERAL PREEMPTION.

"No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a covered chemical facility if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this title.

Page 121, strike lines 6 through 11, and insert the following:

"(n) PREEMPTION.—No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a covered water system if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this section.

Page 170, strike lines 17 through 22, and insert the following:

"(m) PREEMPTION.—No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a treatment works if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this section.

It was decided in the negative ..... { Yeas ..... 165 / Nays 262

¶141.27 [Roll No. 870]

AYES—165

Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Bright
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Cooper
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—262

Abercrombie
Ackerman
Adler (NJ)
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Aderholt
Boehner
Carter
Cassidy
Chandler
Conaway
Ehlers
McDermott
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.

So the amendment was not agreed to.

¶141.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-327, submitted by Mr. DENT:

Page 2, beginning on line 1, strike title I and insert the following (and conform the table of contents accordingly):

TITLE I—CHEMICAL FACILITY SECURITY

SEC. 101. SHORT TITLE.

This Act may be cited as the ''Chemical Facility Security Authorization Act of 2009''.

SEC. 102. EXTENSION OF AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO REGULATE THE SECURITY OF CHEMICAL FACILITIES.

Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''on October 1, 2012''.

It was decided in the negative { Yeas ..... 186 / Nays ..... 241 }

¶141.29 [Roll No. 871]

AYES—186

Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Aderholt
Carter
Chandler
Conaway
Ehlers
Farr
Marchant
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.
Schock

So the amendment was not agreed to.

¶141.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-327, submitted by Mr. DENT:

Page 25, line 12, strike '', including the requirements under section 2111''.

Page 46, line 18, strike '', including any assessment required under section 2111''.

Page 48, beginning on line 18, strike the proposed section 2111 and redesignate the proposed sections 2112 through 2120 as sections 2111 through 2119, respectively.

Pg 87, line 4, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Pg 87, line 10, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Pg 87, line 16, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Page 88, in the proposed amendment to the table of contents of the Homeland Security Act of 2002, strike the item relating to section 2111 and redesignate the items relating to sections 2112 through 2120 as items relating to sections 2111 through 2119, respectively.

It was decided in the negative { Yeas ..... 193 / Nays ..... 236 }

¶141.31 [Roll No. 872]

AYES—193

Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger

Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Aderholt
Carter
Chandler
Cleaver
Conaway
Ehlers
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.

So the amendment was not agreed to.

¶141.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 111-327, submitted by Mr. MCCAUL:

Page 76, beginning on line 11, strike the proposed section 2116 and redesignate the proposed sections 2117 through 2120 as sections 2116 through 2119, respectively.

Page 88, in the proposed amendment to the table of contents of the Homeland Security Act of 2002, strike the item relating to section 2116 and redesignate the items relating to sections 2117 through 2120 as items relating to sections 2116 through 2119, respectively.

It was decided in the negative ..... { Yeas ..... 196 / Nays 232

¶141.33 [Roll No. 873]

AYES—196

Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Cooper
Costa
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—232

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters

Watson	Welch	Woolsey
Waxman	Wexler	Wu
Weiner	Wilson (OH)	Yarmuth

NOT VOTING—12

Aderholt	Gohmert	Rogers (MI)
Carter	King (IA)	Sánchez, Linda T.
Chandler	Murphy, Patrick	
Conaway	Norton	
Ehlers	Nunes	

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, assumed the Chair.

When Mr. MORAN of Virginia, Acting Chairman, pursuant to House Resolution 885, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Chemical and Water Security Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHEMICAL FACILITY SECURITY

Sec. 101. Short title.
Sec. 102. Findings and purpose.
Sec. 103. Extension, modification, and recodification of authority of Secretary of Homeland Security to regulate security practices at chemical facilities.

TITLE II—DRINKING WATER SECURITY

Sec. 201. Short title.
Sec. 202. Intentional acts affecting the security of covered water systems.
Sec. 203. Study to assess the threat of contamination of drinking water distribution systems.

TITLE III—WASTEWATER TREATMENT WORKS SECURITY

Sec. 301. Short title.
Sec. 302. Wastewater treatment works security.

TITLE I—CHEMICAL FACILITY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Chemical Facility Anti-Terrorism Act of 2009''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nation's chemical sector represents a target that terrorists could exploit to cause consequences, including death, injury, or serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy.

(2) Chemical facilities that pose such potential consequences and that are vulnerable to terrorist attacks must be protected.

(3) The Secretary of Homeland Security has statutory authority pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) to regulate the security practices at chemical facilities that are at significant risk of being terrorist targets.

(4) The Secretary of Homeland Security issued interim final regulations called the Chemical Facility Anti-Terrorism Standards, which became effective on June 8, 2007.

(b) PURPOSE.—The purpose of this title is to modify and make permanent the authority of the Secretary of Homeland Security to regulate security practices at chemical facilities.

SEC. 103. EXTENSION, MODIFICATION, AND RECODIFICATION OF AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO REGULATE SECURITY PRACTICES AT CHEMICAL FACILITIES.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XXI—REGULATION OF SECURITY PRACTICES AT CHEMICAL FACILITIES

"SEC. 2101. DEFINITIONS.

''In this title, the following definitions apply:

''(1) The term 'chemical facility' means any facility—

''(A) at which the owner or operator of the facility possesses or plans to possess at any relevant point in time a substance of concern; or

''(B) that meets other risk-related criteria identified by the Secretary.

''(2) The term 'chemical facility security performance standards' means risk-based standards established by the Secretary to ensure or enhance the security of a chemical facility against a chemical facility terrorist incident that are designed to address the following:

''(A) Restricting the area perimeter.

''(B) Securing site assets.

''(C) Screening and controlling access to the facility and to restricted areas within the facility by screening or inspecting individuals and vehicles as they enter, including—

''(i) measures to deter the unauthorized introduction of dangerous substances and devices that may facilitate a chemical facility terrorist incident or actions having serious negative consequences for the population surrounding the chemical facility; and

''(ii) measures implementing a regularly updated identification system that checks the identification of chemical facility personnel and other persons seeking access to the chemical facility and that discourages abuse through established disciplinary measures.

''(D) Methods to deter, detect, and delay a chemical facility terrorist incident, creating sufficient time between detection of a chemical facility terrorist incident and the point at which the chemical facility terrorist incident becomes successful, including measures to—

''(i) deter vehicles from penetrating the chemical facility perimeter, gaining unauthorized access to restricted areas, or otherwise presenting a hazard to potentially critical targets;

''(ii) deter chemical facility terrorist incidents through visible, professional, well-maintained security measures and systems, including security personnel, detection systems, barriers and barricades, and hardened or reduced value targets;

''(iii) detect chemical facility terrorist incidents at early stages through countersurveillance, frustration of opportunity to observe potential targets, surveillance and sensing systems, and barriers and barricades; and

''(iv) delay a chemical facility terrorist incident for a sufficient period of time so as to allow appropriate response through onsite security response, barriers and barricades, hardened targets, and well-coordinated response planning.

''(E) Securing and monitoring the shipping, receipt, and storage of a substance of concern for the chemical facility.

''(F) Deterring theft or diversion of a substance of concern.

''(G) Deterring insider sabotage.

''(H) Deterring cyber sabotage, including by preventing unauthorized onsite or remote access to critical process controls, including supervisory control and data acquisition systems, distributed control systems, process control systems, industrial control systems, critical business systems, and other sensitive computerized systems.

''(I) Developing and exercising an internal emergency plan for owners, operators, and covered individuals of a covered chemical facility for responding to chemical facility terrorist incidents at the facility, including the provision of appropriate information to any local emergency planning committee, local law enforcement officials, and emergency response providers to ensure an effective, collective response to terrorist incidents.

''(J) Maintaining effective monitoring, communications, and warning systems, including—

''(i) measures designed to ensure that security systems and equipment are in good working order and inspected, tested, calibrated, and otherwise maintained;

''(ii) measures designed to regularly test security systems, note deficiencies, correct for detected deficiencies, and record results so that they are available for inspection by the Secretary; and

''(iii) measures to allow the chemical facility to promptly identify and respond to security system and equipment failures or malfunctions.

''(K) Ensuring mandatory annual security training, exercises, and drills of chemical facility personnel appropriate to their roles, responsibilities, and access to a substance of concern, including participation by local law enforcement, and local emergency response providers, and appropriate supervisory and non-supervisory facility employees and their employee representatives, if any.

''(L) Performing personnel surety for individuals with access to restricted areas or critical assets by conducting appropriate background checks and ensuring appropriate credentials for unescorted visitors and chemical facility personnel, including permanent and part-time personnel, temporary personnel, and contract personnel, including—

''(i) measures designed to verify and validate identity;

''(ii) measures designed to check criminal history;

''(iii) measures designed to verify and validate legal authorization to work; and

''(iv) measures designed to identify people with terrorist ties.

''(M) Escalating the level of protective measures for periods of elevated threat.

''(N) Specific threats, vulnerabilities, or risks identified by the Secretary for that chemical facility.

''(O) Reporting of significant security incidents to the Secretary and to appropriate local law enforcement officials.

''(P) Identifying, investigating, reporting, and maintaining records of significant security incidents and suspicious activities at or near the covered chemical facility.

''(Q) Establishing one or more officials and an organization responsible for—

''(i) security;

''(ii) compliance with the standards under this paragraph;

''(iii) serving as the point of contact for incident management purposes with Federal, State, local, and tribal agencies, law enforcement, and emergency response providers; and

''(iv) coordination with Federal, State, local, and tribal agencies, law enforcement, and emergency response providers regarding plans and security measures for the collective response to a chemical facility terrorist incident.

''(R) Maintaining appropriate records relating to the security of the facility, including a copy of the most recent security vulnerability assessment and site security plan, at the chemical facility.

''(S) Assessing and, as appropriate, utilizing methods to reduce the consequences of a terrorist attack.

''(T) Methods to recover or mitigate the release of a substance of concern in the event of a chemical facility terrorist incident.

''(U) Any additional security performance standards the Secretary may specify.

''(3) The term 'chemical facility terrorist incident' means any act or attempted act of terrorism or terrorist activity committed at, near, or against a chemical facility, including—

''(A) the release of a substance of concern from a chemical facility;

''(B) the theft, misappropriation, or misuse of a substance of concern from a chemical facility; or

''(C) the sabotage of a chemical facility or a substance of concern at a chemical facility.

''(4) The term 'employee representative' means the representative of the certified or recognized bargaining agent engaged in a collective bargaining relationship with a private or public owner or operator of a chemical facility.

''(5) The term 'covered individual' means a permanent, temporary, full-time, or part-time employee of a covered chemical facility or an employee of an entity with which the covered chemical facility has entered into a contract who is performing responsibilities at the facility pursuant to the contract.

''(6) The term 'covered chemical facility' means a chemical facility that meets the criteria of section 2102(b)(1).

''(7) The term 'environment' means—

''(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

''(B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

''(8) The term 'owner or operator' with respect to a facility means any of the following:

''(A) The person who owns the facility.

''(B) The person who has responsibility for daily operation of the facility.

''(C) The person who leases the facility.

''(9) The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

''(10) The term 'release' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

''(11) The term 'substance of concern' means a chemical substance in quantity and form that is so designated by the Secretary under section 2102(a).

''(12) The term 'method to reduce the consequences of a terrorist attack' means a measure used at a chemical facility that reduces or eliminates the potential consequences of a chemical facility terrorist incident, including—

''(A) the elimination or reduction in the amount of a substance of concern possessed or planned to be possessed by an owner or operator of a covered chemical facility through the use of alternate substances, formulations, or processes;

''(B) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(C) the reduction or elimination of onsite handling of a substance of concern through improvement of inventory control or chemical use efficiency.

''(13) The term 'academic laboratory' means a facility or area owned by an institution of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a non-profit research institute or teaching hospital that has a formal affiliation with an institution of higher education, including photo laboratories, art studios, field laboratories, research farms, chemical stockrooms, and preparatory laboratories, where relatively small quantities of chemicals and other substances, as determined by the Secretary, are used on a nonproduction basis for teaching, research, or diagnostic purposes, and are stored and used in containers that are typically manipulated by one person.

"SEC. 2102. RISK-BASED DESIGNATION AND RANKING OF CHEMICAL FACILITIES.

''(a) SUBSTANCES OF CONCERN.—

''(1) DESIGNATION BY THE SECRETARY.—The Secretary may designate any chemical substance as a substance of concern and establish the threshold quantity for each such substance of concern.

''(2) MATTERS FOR CONSIDERATION.—In designating a chemical substance or establishing or adjusting the threshold quantity for a chemical substance under paragraph (1), the Secretary shall consider the potential extent of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy that could result from a chemical facility terrorist incident.

''(b) LIST OF COVERED CHEMICAL FACILITIES.—

''(1) CRITERIA FOR LIST OF FACILITIES.—The Secretary shall maintain a list of covered chemical facilities that the Secretary determines are of sufficient security risk for inclusion on the list based on the following criteria:

''(A) The potential threat or likelihood that the chemical facility will be the target of a chemical facility terrorist incident.

''(B) The potential extent and likelihood of death, injury, or serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy that could result from a chemical facility terrorist incident.

''(C) The proximity of the chemical facility to large population centers.

''(2) SUBMISSION OF INFORMATION.—The Secretary may require the submission of information with respect to the quantities of substances of concern that an owner or operator of a chemical facility possesses or plans to possess in order to determine whether to designate a chemical facility as a covered chemical facility for purposes of this title.

''(c) ASSIGNMENT OF CHEMICAL FACILITIES TO RISK-BASED TIERS.—

''(1) ASSIGNMENT.—The Secretary shall assign each covered chemical facility to one of four risk-based tiers established by the Secretary, with tier one representing the highest degree of risk and tier four the lowest degree of risk.

''(2) PROVISION OF INFORMATION.—The Secretary may request, and the owner or operator of a covered chemical facility shall provide, any additional information beyond any information required to be submitted under subsection (b)(2) that may be necessary for the Secretary to assign the chemical facility to the appropriate tier under paragraph (1).

''(3) NOTIFICATION.—Not later than 60 days after the date on which the Secretary determines that a chemical facility is a covered chemical facility or is no longer a covered chemical facility or changes the tier assignment under paragraph (1) of a covered chemical facility, the Secretary shall notify the owner or operator of that chemical facility of that determination or change together with the reason for the determination or change and, upon the request of the owner or operator of a covered chemical facility, provide to the owner or operator of the covered chemical facility the following information:

''(A) The number of individuals at risk of death, injury, or severe adverse effects to human health as a result of a worst case chemical facility terrorist incident at the covered chemical facility.

''(B) Information related to the criticality of the covered chemical facility.

''(C) The proximity or interrelationship of the covered chemical facility to other critical infrastructure.

''(d) REQUIREMENT FOR REVIEW.—The Secretary—

''(1) shall periodically review—

''(A) the designation of a chemical substance as a substance of concern and the threshold quantity for the substance under subsection (a)(1); and

''(B) the criteria under subsection (b)(1); and

''(2) may, at any time, determine whether a chemical facility is a covered chemical facility or change the tier to which such a facility is assigned under subsection (c)(1).

''(e) PROVISION OF THREAT-RELATED INFORMATION.—In order to effectively assess the vulnerabilities to a covered chemical facility, the Secretary shall provide to the owner, operator, or security officer of a covered chemical facility threat information regarding probable threats to the facility and methods that could be used in a chemical facility terrorist incident.

"SEC. 2103. SECURITY VULNERABILITY ASSESSMENTS AND SITE SECURITY PLANS.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—The Secretary shall—

''(A) establish standards, protocols, and procedures for security vulnerability assessments and site security plans to be required for covered chemical facilities;

''(B) require the owner or operator of each covered chemical facility to—

''(i) conduct an assessment of the vulnerability of the covered chemical facility to a range of chemical facility terrorist incidents, including an incident that results in a worst-case release of a substance of concern, and submit such assessment to the Secretary;

''(ii) prepare and implement a site security plan for that covered chemical facility that addresses the security vulnerability assessment and meets the risk-based chemical security performance standards under subsection (c) and submit such plan to the Secretary;

''(iii) include at least one supervisory and at least one non-supervisory employee of the covered chemical facility, and at least one employee representative from each bargaining agent at the covered chemical facility, if any, in developing the security vulnerability assessment and site security plan required under this section; and

''(iv) include, with the submission of a security vulnerability assessment and the site security plan of the covered chemical facility under this section, a signed statement

by the owner or operator of the covered chemical facility that certifies that the submission is provided to the Secretary with knowledge of the penalty provisions under section 2107;

''(C) set deadlines, by tier, for the completion of security vulnerability assessments and site security plans;

''(D) upon request, as necessary, and to the extent that resources permit, provide technical assistance to a covered chemical facility conducting a vulnerability assessment or site security plan required under this section;

''(E) establish specific deadlines and requirements for the submission by a covered chemical facility of information describing—

''(i) any change in the use by the covered chemical facility of more than a threshold amount of any substance of concern that may affect the requirements of the chemical facility under this title; or

''(ii) any material modification to a covered chemical facility's operations or site that may affect the security vulnerability assessment or site security plan submitted by the covered chemical facility;

''(F) require the owner or operator of a covered chemical facility to review and resubmit a security vulnerability assessment or site security plan not less frequently than once every 5 years;

''(G) not later than 180 days after the date on which the Secretary receives a security vulnerability assessment or site security plan under this title, review and approve or disapprove such assessment or plan and notify the covered chemical facility of such approval or disapproval; and

''(H) establish, as appropriate, modified or separate standards, protocols, and procedures for security vulnerability assessments and site security plans for covered chemical facilities that are also academic laboratories.

''(2) INHERENTLY GOVERNMENTAL FUNCTION.—The approval or disapproval of a security vulnerability assessment or site security plan under this section is an inherently governmental function.

''(b) PARTICIPATION IN PREPARATION OF SECURITY VULNERABILITY ASSESSMENTS OR SITE SECURITY PLANS.—Any person selected by the owner or operator of a covered chemical facility or by a certified or recognized bargaining agent of a covered chemical facility to participate in the development of the security vulnerability assessment or site security plan required under this section for such covered chemical facility shall be permitted to participate if the person possesses knowledge, experience, training, or education relevant to the portion of the security vulnerability assessment or site security plan on which the person is participating.

''(c) RISK-BASED CHEMICAL SECURITY PERFORMANCE STANDARDS.—The Secretary shall establish risk-based chemical security performance standards for the site security plans required to be prepared by covered chemical facilities. In establishing such standards, the Secretary shall—

''(1) require separate and, as appropriate, increasingly stringent risk-based chemical security performance standards for site security plans as the level of risk associated with the tier increases; and

''(2) permit each covered chemical facility submitting a site security plan to select a combination of security measures that satisfy the risk-based chemical security performance standards established by the Secretary under this subsection.

''(d) CO-LOCATED CHEMICAL FACILITIES.—The Secretary may allow an owner or operator of a covered chemical facility that is located geographically close, as determined by the Secretary, to another covered chemical facility to develop and implement coordinated security vulnerability assessments and site security plans.

''(e) ALTERNATE SECURITY PROGRAMS SATISFYING REQUIREMENTS FOR SECURITY VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) ACCEPTANCE OF PROGRAM.—In response to a request by an owner or operator of a covered chemical facility, the Secretary may accept an alternate security program submitted by the owner or operator of the facility as a component of the security vulnerability assessment or site security plan required under this section, if the Secretary determines that such alternate security program, in combination with other components of the security vulnerability assessment and site security plan submitted by the owner or operator of the facility—

''(A) meets the requirements of this title and the regulations promulgated pursuant to this title;

''(B) provides an equivalent level of security to the level of security established pursuant to the regulations promulgated pursuant to this title; and

''(C) includes employee participation as required under subsection (a)(1)(B)(iii).

''(2) SECRETARIAL REVIEW REQUIRED.—Nothing in this subsection shall relieve the Secretary of the obligation—

''(A) to review a security vulnerability assessment and site security plan submitted by a covered chemical facility under this section; and

''(B) to approve or disapprove each such assessment or plan on an individual basis according to the deadlines established under subsection (a).

''(3) COVERED FACILITY'S OBLIGATIONS UNAFFECTED.—Nothing in this subsection shall relieve any covered chemical facility of the obligation and responsibility to comply with all of the requirements of this title.

''(4) PERSONNEL SURETY ALTERNATE SECURITY PROGRAM.—In response to an application from a non-profit, personnel surety accrediting organization acting on behalf of, and with written authorization from, the owner or operator of a covered chemical facility, the Secretary may accept a personnel surety alternate security program that meets the requirements of section 2115 and provides for a background check process that is—

''(A) expedited, affordable, reliable, and accurate;

''(B) fully protective of the rights of covered individuals through procedures that are consistent with the privacy protections available under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

''(C) a single background check consistent with a risk-based tiered program.

''(f) OTHER AUTHORITIES.—

''(1) REGULATION OF MARITIME FACILITIES.—

''(A) RISK-BASED TIERING.—Notwithstanding any other provision of law, the owner or operator of a chemical facility required to submit a facility security plan under section 70103(c) of title 46, United States Code, shall be required to submit information to the Secretary necessary to determine whether to designate such a facility as a covered chemical facility and to assign the facility to a risk-based tier under section 2102 of this title.

''(B) ADDITIONAL MEASURES.—In the case of a facility designated as a covered chemical facility under this title for which a facility security plan is required to be submitted under section 70103(c) of title 46, United States Code, the Commandant of the Coast Guard, after consultation with the Secretary, shall require the owner or operator of such facility to update the vulnerability assessments and facility security plans required under that section, if necessary, to ensure an equivalent level of security for substances of concern, including the requirements under section 2111, in the same manner as other covered chemical facilities in this title.

''(C) PERSONNEL SURETY.—

''(i) EXCEPTION.—A facility designated as a covered chemical facility under this title that has had its facility security plan approved under section 70103(c) of title 46, United States Code, shall not be required to update or amend such plan in order to meet the requirements of section 2115 of this title.

''(ii) EQUIVALENT ACCESS.—An individual described in section 2115(a)(1)(B) who has been granted access to restricted areas or critical assets by the owner or operator of a facility for which a security plan is required to be submitted under section 70103(c) of title 46, United States Code, may be considered by that owner or operator to have satisfied the requirement for passing a security background check otherwise required under section 2115 for purposes of granting the individual access to restricted areas or critical assets of a covered chemical facility that is owned or operated by the same owner or operator.

''(D) INFORMATION SHARING AND PROTECTION.—Notwithstanding section 70103(d) of title 46, United States Code, the Commandant of the Coast Guard, after consultation with the Secretary, shall apply the information sharing and protection requirements in section 2110 of this title to a facility described in subparagraph (B).

''(E) ENFORCEMENT.—The Secretary shall establish, by rulemaking, procedures to ensure that an owner or operator of a covered chemical facility required to update the vulnerability assessment and facility security plan for the facility under subparagraph (B) is in compliance with the requirements of this title.

''(F) FORMAL AGREEMENT.—The Secretary shall—

''(i) require the Office of Infrastructure Protection and the Coast Guard to enter into a formal agreement detailing their respective roles and responsibilities in carrying out the requirements of this title, which shall ensure that the enforcement and compliance requirements under this title and section 70103 of title 46, United States Code, are not conflicting or duplicative; and

''(ii) designate the agency responsible for enforcing the requirements of this title with respect to covered chemical facilities for which facility security plans are required to be submitted under section 70103(c) of title 46, United States Code, consistent with the requirements of subparagraphs (B) and (D).

''(2) COORDINATION OF STORAGE LICENSING OR PERMITTING REQUIREMENT.—In the case of any storage required to be licensed or permitted under chapter 40 of title 18, United States Code, the Secretary shall prescribe the rules and regulations for the implementation of this section with the concurrence of the Attorney General and avoid unnecessary duplication of regulatory requirements.

''(g) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE REQUIRED.—Site security plans required under this section shall describe the roles or responsibilities that covered individuals are expected to perform to deter or respond to a chemical facility terrorist incident.

''(2) ANNUAL TRAINING FOR EMPLOYEES.—The owner or operator of a covered chemical facility required to submit a site security plan under this section shall annually provide each covered individual with a role or responsibility referred to in paragraph (1) at the facility with a minimum of 8 hours of training. Such training shall, as relevant to the role or responsibility of such covered individual—

''(A) include an identification and discussion of substances of concern;

''(B) include a discussion of possible consequences of a chemical facility terrorist incident;

''(C) review and exercise the covered chemical facility's site security plan, including any requirements for differing threat levels;

''(D) include a review of information protection requirements;

''(E) include a discussion of physical and cyber security equipment, systems, and methods used to achieve chemical security performance standards;

''(F) allow training with other relevant participants, including Federal, State, local, and tribal authorities, and first responders, where appropriate;

''(G) use existing national voluntary consensus standards, chosen jointly with employee representatives, if any;

''(H) allow instruction through government training programs, chemical facilities, academic institutions, nonprofit organizations, industry and private organizations, employee organizations, and other relevant entities that provide such training;

''(I) use multiple training media and methods; and

''(J) include a discussion of appropriate emergency response procedures, including procedures to mitigate the effects of a chemical facility terrorist incident.

''(3) EQUIVALENT TRAINING.—During any year, with respect to any covered individual with roles or responsibilities under paragraph (1), an owner or operator of a covered chemical facility may satisfy any of the training requirements for such covered individual under subparagraph (A), (B), (C), (D), (E), or (J) of paragraph (2) through training that such owner or operator certifies, in a manner prescribed by the Secretary, is equivalent.

''(4) WORKER TRAINING GRANT PROGRAM.—

''(A) AUTHORITY.—The Secretary shall establish a grant program to award grants to or enter into cooperative agreements with eligible entities to provide for the training and education of covered individuals with roles or responsibilities described in paragraph (1) and first responders and emergency response providers who would respond to a chemical facility terrorist incident.

''(B) ADMINISTRATION.—The Secretary shall seek to enter into an agreement with the Director of the National Institute for Environmental Health Sciences, or with the head of another Federal or State agency, to make and administer grants or cooperative agreements under this paragraph.

''(C) USE OF FUNDS.—The recipient of funds under this paragraph shall use such funds to provide for the training and education of covered individuals with roles or responsibilities described in paragraph (1), first responders, and emergency response providers, including—

''(i) the annual mandatory training specified in paragraph (2); and

''(ii) other appropriate training to protect nearby persons, property, critical infrastructure, or the environment from the effects of a chemical facility terrorist incident.

''(D) ELIGIBLE ENTITIES.—For purposes of this paragraph, an eligible entity is a nonprofit organization with demonstrated experience in implementing and operating successful worker or first responder health and safety or security training programs.

''(E) PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.—

''(i) PRESUMPTION.—It is the presumption of Congress that grants awarded under this paragraph will be awarded using competitive procedures based on merit.

''(ii) REPORT TO CONGRESS.—If grants are awarded under this paragraph using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

''(F) PROHIBITION ON EARMARKS.—None of the funds appropriated to carry out this paragraph may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives of the 111th Congress.

''(h) STATE, REGIONAL, OR LOCAL GOVERNMENTAL ENTITIES.—No covered chemical facility shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described under this title to any State, regional, local, or tribal government entity solely by reason of the requirement under subsection (a) that the covered chemical facility submit such an assessment and plan to the Secretary.

"SEC. 2104. SITE INSPECTIONS.

''(a) RIGHT OF ENTRY.—For purposes of carrying out this title, the Secretary shall have, at a reasonable time and on presentation of credentials, a right of entry to, on, or through any property of a covered chemical facility or any property on which any record required to be maintained under this section is located.

''(b) INSPECTIONS AND VERIFICATIONS.—

''(1) IN GENERAL.—The Secretary shall, at such time and place as the Secretary determines to be reasonable and appropriate, conduct chemical facility security inspections and verifications.

''(2) REQUIREMENTS.—To ensure and evaluate compliance with this title, including any regulations or requirements adopted by the Secretary in furtherance of the purposes of this title, in conducting an inspection or verification under paragraph (1), the Secretary shall have access to the owners, operators, employees, and employee representatives, if any, of a covered chemical facility.

''(c) UNANNOUNCED INSPECTIONS.—In addition to any inspection conducted pursuant to subsection (b), the Secretary shall require covered chemical facilities assigned to tier 1 and tier 2 under section 2102(c)(1) to undergo unannounced facility inspections. The inspections required under this subsection shall be—

''(1) conducted without prior notice to the facility;

''(2) designed to evaluate at the chemical facility undergoing inspection—

''(A) the ability of the chemical facility to prevent a chemical facility terrorist incident that the site security plan of the facility is intended to prevent;

''(B) the ability of the chemical facility to protect against security threats that are required to be addressed by the site security plan of the facility; and

''(C) any weaknesses in the site security plan of the chemical facility;

''(3) conducted so as not to affect the actual security, physical integrity, safety, or regular operations of the chemical facility or its employees while the inspection is conducted; and

''(4) conducted—

''(A) every two years in the case of a covered chemical facility assigned to tier 1; and

''(B) every four years in the case of a covered chemical facility assigned to tier 2.

''(d) CHEMICAL FACILITY INSPECTORS AUTHORIZED.—During fiscal years 2011 and 2012, subject to the availability of appropriations for such purpose, the Secretary shall increase by not fewer than 100 the total number of chemical facility inspectors within the Department to ensure compliance with this title.

''(e) CONFIDENTIAL COMMUNICATIONS.—The Secretary shall offer non-supervisory employees the opportunity to confidentially communicate information relevant to the employer's compliance or non-compliance with this title, including compliance or non-compliance with any regulation or requirement adopted by the Secretary in furtherance of the purposes of this title. An employee representative of each certified or recognized bargaining agent at the covered chemical facility, if any, or, if none, a non-supervisory employee, shall be given the opportunity to accompany the Secretary during a physical inspection of such covered chemical facility for the purpose of aiding in such inspection, if representatives of the owner or operator of the covered chemical facility will also be accompanying the Secretary on such inspection.

"SEC. 2105. RECORDS.

''(a) REQUEST FOR RECORDS.—In carrying out this title, the Secretary may require submission of, or on presentation of credentials may at reasonable times obtain access to and copy, any records, including any records maintained in electronic format, necessary for—

''(1) reviewing or analyzing a security vulnerability assessment or site security plan submitted under section 2103; or

''(2) assessing the implementation of such a site security plan.

''(b) PROPER HANDLING OF RECORDS.—In accessing or copying any records under subsection (a), the Secretary shall ensure that such records are handled and secured appropriately in accordance with section 2110.

"SEC. 2106. TIMELY SHARING OF THREAT INFORMATION.

''(a) RESPONSIBILITIES OF SECRETARY.—Upon the receipt of information concerning a threat that is relevant to a certain covered chemical facility, the Secretary shall provide such information in a timely manner, to the maximum extent practicable under applicable authority and in the interests of national security, to the owner, operator, or security officer of that covered chemical facility, to a representative of each recognized or certified bargaining agent at the facility, if any, and to relevant State, local, and tribal authorities, including the State Homeland Security Advisor, if any.

''(b) RESPONSIBILITIES OF OWNER OR OPERATOR.—The Secretary shall require the owner or operator of a covered chemical facility to provide to the Secretary in a timely manner, information concerning a threat about any significant security incident or threat to the covered chemical facility or any intentional or unauthorized penetration of the physical security or cyber security of the covered chemical facility whether successful or unsuccessful.

"SEC. 2107. ENFORCEMENT.

''(a) REVIEW OF SECURITY VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) DISAPPROVAL.—The Secretary shall disapprove a security vulnerability assessment or site security plan submitted under this title if the Secretary determines, in his or her discretion, that—

''(A) the security vulnerability assessment or site security plan does not comply with the standards, protocols, or procedures under section 2103(a)(1)(A); or

''(B) in the case of a site security plan—

''(i) the plan or the implementation of the plan is insufficient to address vulnerabilities identified in a security vulnerability assessment, site inspection, or unannounced inspection of the covered chemical facility; or

''(ii) the plan fails to meet all applicable chemical facility security performance standards.

''(2) NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the security vulnerability assessment or site security plan

submitted by a covered chemical facility under this title or the implementation of a site security plan by such a chemical facility, the Secretary shall provide the owner or operator of the covered chemical facility a written notification of the disapproval not later than 14 days after the date on which the Secretary disapproves such assessment or plan, that—

''(A) includes a clear explanation of deficiencies in the assessment, plan, or implementation of the plan; and

''(B) requires the owner or operator of the covered chemical facility to revise the assessment or plan to address any deficiencies and, by such date as the Secretary determines is appropriate, to submit to the Secretary the revised assessment or plan.

''(b) REMEDIES.—

''(1) ORDER FOR COMPLIANCE.—Whenever the Secretary determines that the owner or operator of a covered chemical facility has violated or is in violation of any requirement of this title or has failed or is failing to address any deficiencies in the assessment, plan, or implementation of the plan by such date as the Secretary determines to be appropriate, the Secretary may—

''(A) after providing notice to the owner or operator of the covered chemical facility and an opportunity, pursuant to the regulations issued under this title, for such owner or operator to seek departmental review of the Secretary's determination, issue an order assessing an administrative penalty of not more than $25,000 for each day on which a past or current violation occurs or a failure to comply continues, requiring compliance immediately or within a specified time period, or both; or

''(B) in a civil action, obtain appropriate equitable relief, a civil penalty of not more than $25,000 for each day on which a past or current violation occurs or a failure to comply continues, or both.

''(2) ORDER TO CEASE OPERATIONS.—Whenever the Secretary determines that the owner or operator of a covered chemical facility continues to be in noncompliance after an order for compliance is issued under paragraph (1), the Secretary may issue an order to the owner or operator to cease operations at the facility until compliance is achieved to the satisfaction of the Secretary.

''(c) APPLICABILITY OF PENALTIES.—A penalty under subsection (b)(1) may be awarded for any violation of this title, including a violation of the whistleblower protections under section 2108.

"SEC. 2108. WHISTLEBLOWER PROTECTIONS.

''(a) ESTABLISHMENT.—The Secretary shall establish and provide information to the public regarding a process by which any person may submit a report to the Secretary regarding problems, deficiencies, or vulnerabilities at a covered chemical facility associated with the risk of a chemical facility terrorist incident.

''(b) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under subsection (a), and any such report shall be treated as protected information under section 2110 to the extent that it does not consist of publicly available information.

''(c) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under subsection (a) identifies the person submitting the report, the Secretary shall respond promptly to such person to acknowledge receipt of the report.

''(d) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under subsection (a) and shall, as necessary, take appropriate steps under this title to address any problem, deficiency, or vulnerability identified in the report.

''(e) RETALIATION PROHIBITED.—

''(1) PROHIBITION.—No owner or operator of a covered chemical facility, for-profit or not-for-profit corporation, association, or any contractor, subcontractor or agent thereof, may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or other privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(A) notified the Secretary, the owner or operator of a covered chemical facility, or the employee's employer of an alleged violation of this title, including notification of such an alleged violation through communications related to carrying out the employee's job duties;

''(B) refused to participate in any conduct that the employee reasonably believes is in noncompliance with a requirement of this title, if the employee has identified the alleged noncompliance to the employer;

''(C) testified before or otherwise provided information relevant for Congress or for any Federal or State proceeding regarding any provision (or proposed provision) of this title;

''(D) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this title;

''(E) testified or is about to testify in any such proceeding; or

''(F) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this title.

''(2) ENFORCEMENT ACTION.—Any employee covered by this section who alleges discrimination by an employer in violation of paragraph (1) may bring an action governed by the rules and procedures, legal burdens of proof, and remedies applicable under subsections (d) through (h) of section 20109 of title 49, United States Code. A party may seek district court review as set forth in subsection (d)(3) of such section not later than 90 days after receiving a written final determination by the Secretary of Labor.

''(3) PROHIBITED PERSONNEL PRACTICES AFFECTING THE DEPARTMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Department shall be covered by—

''(i) paragraphs (1), (8), and (9) of section 2302(b) of title 5, United States Code;

''(ii) any provision of law implementing any of such paragraphs by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(iii) any rule or regulation prescribed under any such paragraph.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect any rights, apart from those referred to in subparagraph (A), to which an individual described in that subparagraph might otherwise be entitled to under law.

"SEC. 2109. FEDERAL PREEMPTION.

''This title does not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a covered chemical facility that is more stringent than a regulation, requirement, or standard of performance issued under this title, or otherwise impair any right or jurisdiction of any State or political subdivision thereof with respect to covered chemical facilities within that State or political subdivision thereof.

"SEC. 2110. PROTECTION OF INFORMATION.

''(a) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information, as described in subsection (g)—

''(1) shall be exempt from disclosure under section 552 of title 5, United States Code; and

''(2) shall not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(b) INFORMATION SHARING.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in subsection (g).

''(2) SHARING OF PROTECTED INFORMATION.—The regulations under paragraph (1) shall provide standards for and facilitate the appropriate sharing of protected information with and between Federal, State, local, and tribal authorities, emergency response providers, law enforcement officials, designated supervisory and nonsupervisory covered chemical facility personnel with security, operational, or fiduciary responsibility for the facility, and designated facility employee representatives, if any. Such standards shall include procedures for the sharing of all portions of a covered chemical facility's vulnerability assessment and site security plan relating to the roles and responsibilities of covered individuals under section 2103(g)(1) with a representative of each certified or recognized bargaining agent representing such covered individuals, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles or responsibilities under section 2103(g)(1).

''(3) PENALTIES.—Protected information, as described in subsection (g), shall not be shared except in accordance with the regulations under paragraph (1). Whoever discloses protected information in knowing violation of the regulations and orders issued under paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(c) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information described in subsection (g) shall be treated in a manner consistent with the treatment of sensitive security information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1381).

''(d) OTHER OBLIGATIONS UNAFFECTED.—Except as provided in section 2103(h), nothing in this section affects any obligation of the owner or operator of a chemical facility under any other law to submit or make available information required by such other law to facility employees, employee organizations, or a Federal, State, tribal, or local government.

''(e) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this title shall permit or authorize the withholding of information from Congress or any committee or subcommittee thereof.

''(f) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this title shall affect any authority or obligation of a Federal, State, local, or tribal government agency to protect or disclose any record or information that the Federal, State, local, or tribal government agency obtains from a chemical facility under any other law.

''(g) PROTECTED INFORMATION.—

''(1) IN GENERAL.—For purposes of this title, the term 'protected information' means any of the following:

''(A) Security vulnerability assessments and site security plans, including any assessment required under section 2111.

''(B) Portions of the following documents, records, orders, notices, or letters

that the Secretary has determined by regulation would be detrimental to chemical facility security if disclosed and that are developed by the Secretary or the owner or operator of a covered chemical facility for the purposes of this title:

''(i) Documents directly related to the Secretary's review and approval or disapproval of vulnerability assessments and site security plans under this title.

''(ii) Documents directly related to inspections and audits under this title.

''(iii) Orders, notices, or letters regarding the compliance of a covered chemical facility with the requirements of this title.

''(iv) Information, documents, or records required to be provided to or created by the Secretary under subsection (b) or (c) of section 2102.

''(v) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(C) Other information, documents, or records developed exclusively for the purposes of this title that the Secretary has determined by regulation would, if disclosed, be detrimental to chemical facility security.

''(2) EXCLUSIONS.—Notwithstanding paragraph (1), the term 'protected information' does not include—

''(A) information, other than a security vulnerability assessment or site security plan, that the Secretary has determined by regulation to be—

''(i) appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements; and

''(ii) not detrimental to chemical facility security if disclosed; or

''(B) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in subparagraph (B) or (C) of paragraph (1), that is obtained from another source with respect to which the Secretary has not made a determination under either such subparagraph, including—

''(i) information that is required to be made publicly available under any other provision of law; and

''(ii) information that a chemical facility has lawfully disclosed other than in a submission to the Secretary pursuant to a requirement of this title.

"SEC. 2111. METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.

''(a) ASSESSMENT REQUIRED.—

''(1) ASSESSMENT.—The owner or operator of a covered chemical facility shall include in the site security plan conducted pursuant to section 2103, an assessment of methods to reduce the consequences of a terrorist attack on that chemical facility, including—

''(A) a description of the methods to reduce the consequences of a terrorist attack implemented and considered for implementation by the covered chemical facility;

''(B) the degree to which each method to reduce the consequences of a terrorist attack, if already implemented, has reduced, or, if implemented, could reduce, the potential extent of death, injury, or serious adverse effects to human health resulting from a release of a substance of concern;

''(C) the technical feasibility, costs, avoided costs (including liabilities), personnel implications, savings, and applicability of implementing each method to reduce the consequences of a terrorist attack; and

''(D) any other information that the owner or operator of the covered chemical facility considered in conducting the assessment.

''(2) FEASIBLE.—For the purposes of this section, the term 'feasible' means feasible with the use of best technology, techniques, and other means that the Secretary finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available for use at the covered chemical facility.

''(b) IMPLEMENTATION.—

''(1) IMPLEMENTATION.—

''(A) IN GENERAL.—The owner or operator of a covered chemical facility that is assigned to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility, shall implement methods to reduce the consequences of a terrorist attack on the chemical facility if the Director of the Office of Chemical Facility Security determines, in his or her discretion, using the assessment conducted pursuant to subsection (a), that the implementation of such methods at the facility—

''(i) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting from a chemical facility terrorist incident but—

''(I) would not increase the interim storage of a substance of concern outside the facility;

''(II) would not directly result in the creation of a new covered chemical facility assigned to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility;

''(III) would not result in the reassignment of an existing covered chemical facility from tier 3 or tier 4 to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility; and

''(IV) would not significantly increase the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern due to a terrorist attack on the transportation infrastructure of the United States;

''(ii) can feasibly be incorporated into the operation of the covered chemical facility; and

''(iii) would not significantly and demonstrably impair the ability of the owner or operator of the covered chemical facility to continue the business of the facility at its location.

''(B) WRITTEN DETERMINATION.—A determination by the Director of the Office of Chemical Facility Security pursuant to subparagraph (A) shall be made in writing and include the basis and reasons for such determination, including the Director's analysis of the covered chemical facility's assessment of the technical feasibility, costs, avoided costs (including liabilities), personnel implications, savings, and applicability of implementing each method to reduce the consequences of a terrorist attack.

''(C) MARITIME FACILITIES.—With respect to a covered chemical facility for which a security plan is required under section 70103(c) of title 46, United States Code, a written determination pursuant to subparagraph (A) shall be made only after consultation with the Captain of the Port for the area in which the covered chemical facility is located.

''(2) REVIEW OF INABILITY TO COMPLY.—

''(A) IN GENERAL.—An owner or operator of a covered chemical facility who is unable to comply with the Director's determination under paragraph (1) shall, within 120 days of receipt of the Director's determination, provide to the Secretary a written explanation that includes the reasons therefor. Such written explanation shall specify whether the owner or operator's inability to comply arises under clause (ii) or (iii) of paragraph (1)(A), or both.

''(B) REVIEW.—Not later than 120 days after receipt of an explanation submitted under subparagraph (A), the Secretary, after consulting with the owner or operator of the covered chemical facility who submitted such explanation, as well as experts in the subjects of environmental health and safety, security, chemistry, design and engineering, process controls and implementation, maintenance, production and operations, chemical process safety, and occupational health, as appropriate, shall provide to the owner or operator a written determination, in his or her discretion, of whether implementation shall be required pursuant to paragraph (1). If the Secretary determines that implementation is required, the Secretary shall issue an order that establishes the basis for such determination, including the findings of the relevant experts, the specific methods selected for implementation, and a schedule for implementation of the methods at the facility.

''(c) AGRICULTURAL SECTOR.—

''(1) GUIDANCE FOR FARM SUPPLIES MERCHANT WHOLESALERS.—The Secretary shall provide guidance and, as appropriate, tools, methodologies or computer software, to assist farm supplies merchant wholesalers in complying with the requirements of this section. The Secretary may award grants to farm supplies merchant wholesalers to assist with compliance with subsection (a), and in awarding such grants, shall give priority to farm supplies merchant wholesalers that have the greatest need for such grants.

''(2) ASSESSMENT OF AGRICULTURAL IMPACTS.—Not later than 6 months after the date of the enactment of this title, the Secretary shall transmit an assessment of the potential impacts of compliance with provisions of this section regarding the assessment and, as appropriate, implementation, of methods to reduce the consequences of a terrorist attack on the agricultural sector to the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition and Forestry of the Senate. Such assessment shall be conducted by the Secretary in consultation with other appropriate Federal agencies and shall include the following:

''(A) Data on the scope of agricultural facilities covered by this title, including the number and type of manufacturers, retailers, aerial commercial applicators and distributors of pesticide and fertilizer required to assess methods to reduce the consequences of a terrorist attack under subsection (a) and the number and type of manufacturers, retailers, aerial commercial applicators and distributors of pesticide and fertilizer assigned to tier 1 or tier 2 by the Secretary because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from the release of a substance of concern at the facility.

''(B) A survey of known methods, processes or practices, other than elimination of or cessation of manufacture of the pesticide or fertilizer, that manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer could use to reduce the consequences of a terrorist attack, including an assessment of the costs and technical feasibility of each such method, process, or practice.

''(C) An analysis of how the assessment of methods to reduce the consequences of a terrorist attack under subsection (a) by manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer, and, as appropriate, the implementation of methods to reduce the consequences of a terrorist attack by such manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer subject to subsection (b), are likely to impact agricultural endusers.

''(D) Recommendations for how to mitigate any adverse impacts identified pursuant to subparagraph (C).

''(3) DEFINITIONS.—In this subsection:

''(A) FARM SUPPLIES MERCHANT WHOLESALER.—The term 'farm supplies merchant wholesaler' means a covered chemical facility that is primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.

''(B) AGRICULTURAL END-USERS.—The term 'agricultural end-users' means facilities such as—

''(i) farms, including crop, fruit, nut, and vegetable farms;

''(ii) ranches and rangeland;

''(iii) poultry, dairy, and equine facilities;

''(iv) turfgrass growers;

''(v) golf courses;

''(vi) nurseries;

''(vii) floricultural operations; and

''(viii) public and private parks.

''(d) SMALL COVERED CHEMICAL FACILITIES.—

''(1) GUIDANCE FOR SMALL COVERED CHEMICAL FACILITIES.—The Secretary may provide guidance and, as appropriate, tools, methodologies, or computer software, to assist small covered chemical facilities in complying with the requirements of this section.

''(2) ASSESSMENT OF IMPACTS ON SMALL COVERED CHEMICAL FACILITIES.—Not later than 6 months after the date of the enactment of this title, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the potential effects on small covered chemical facilities of compliance with provisions of this section regarding the assessment and, as appropriate, implementation, of methods to reduce the consequences of a terrorist attack. Such assessment shall include—

''(A) data on the scope of facilities covered by this title, including the number and type of small covered chemical facilities that are required to assess methods to reduce the consequences of a terrorist attack under subsection (a) and the number and type of small covered chemical facilities assigned to tier 1 or tier 2 under section 2102(c)(1) by the Secretary because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from the release of a substance of concern at the facility; and

''(B) a discussion of how the Secretary plans to apply the requirement that before requiring a small covered chemical facility that is required to implement methods to reduce the consequences of a terrorist attack under subsection (b) the Secretary shall first determine that the implementation of such methods at the small covered chemical facility not significantly and demonstrably impair the ability of the owner or operator of the covered chemical facility to continue the business of the facility at its location.

''(3) DEFINITION.—For purposes of this subsection, the term 'small covered chemical facility' means a covered chemical facility that has fewer than 350 employees employed at the covered chemical facility, and is not a branch or subsidiary of another entity.

''(e) PROVISION OF INFORMATION ON ALTERNATIVE APPROACHES.—

''(1) IN GENERAL.—The Secretary shall make available information on the use and availability of methods to reduce the consequences of a chemical facility terrorist incident.

''(2) INFORMATION TO BE INCLUDED.—The information under paragraph (1) may include information about—

''(A) general and specific types of such methods;

''(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which such methods could be appropriate;

''(C) the availability of specific methods to reduce the consequences of a terrorist attack;

''(D) the costs and cost savings resulting from the use of such methods;

''(E) emerging technologies that could be transferred from research models or prototypes to practical applications;

''(F) the availability of technical assistance and best practices; and

''(G) such other matters that the Secretary determines are appropriate.

''(3) PUBLIC AVAILABILITY.—Information made available under this subsection shall not identify any specific chemical facility, violate the protection of information provisions under section 2110, or disclose any proprietary information.

''(f) FUNDING FOR METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—The Secretary may make funds available to help defray the cost of implementing methods to reduce the consequences of a terrorist attack to covered chemical facilities that are required by the Secretary to implement such methods.

''SEC. 2112. APPLICABILITY.

''This title shall not apply to—

''(1) any chemical facility that is owned and operated by the Secretary of Defense;

''(2) the transportation in commerce, including incidental storage, of any substance of concern regulated as a hazardous material under chapter 51 of title 49, United States Code;

''(3) all or a specified portion of any chemical facility that—

''(A) is subject to regulation by the Nuclear Regulatory Commission (hereinafter in this paragraph referred to as the 'Commission') or a State that has entered into an agreement with the Commission under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021 b.);

''(B) has had security controls imposed by the Commission or State, whichever has the regulatory authority, on the entire facility or the specified portion of the facility; and

''(C) has been designated by the Commission, after consultation with the State, if any, that regulates the facility, and the Secretary, as excluded from the application of this title;

''(4) any public water system subject to the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

''(5) any treatment works, as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

''SEC. 2113. SAVINGS CLAUSE.

''(a) IN GENERAL.—Nothing in this title shall affect or modify in any way any obligation or liability of any person under any other Federal law, including section 112 of the Clean Air Act (42 U.S.C. 7412), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Occupational Safety and Health Act (29 U.S.C. 651 et seq.), the National Labor Relations Act (29 U.S.C. 151 et seq.), the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Maritime Transportation Security Act of 2002 (Public Law 107–295), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

''(b) OTHER REQUIREMENTS.—Nothing in this title shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance relating to environmental protection, health, or safety.

''(c) ACCESS.—Nothing in this title shall abridge or deny access to a chemical facility site to any person where required or permitted under any other law or regulation.

''SEC. 2114. OFFICE OF CHEMICAL FACILITY SECURITY.

''(a) IN GENERAL.—There is established in the Department an Office of Chemical Facility Security, headed by a Director, who shall be a member of the Senior Executive Service in accordance with subchapter VI of chapter 53 of title 5, United States Code, under section 5382 of that title, and who shall be responsible for carrying out the responsibilities of the Secretary under this title.

''(b) PROFESSIONAL QUALIFICATIONS.—The individual selected by the Secretary as the Director of the Office of Chemical Facility Security shall have professional qualifications and experience necessary for effectively directing the Office of Chemical Facility Security and carrying out the requirements of this title, including a demonstrated knowledge of physical infrastructure protection, cybersecurity, chemical facility security, hazard analysis, chemical process engineering, chemical process safety reviews, or other such qualifications that the Secretary determines to be necessary.

''(c) SELECTION PROCESS.—The Secretary shall make a reasonable effort to select an individual to serve as the Director from among a group of candidates that is diverse with respect to race, ethnicity, age, gender, and disability characteristics and submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the selection process, including details on efforts to assure diversity among the candidates considered for this position.

''(d) OUTREACH SUPPORT.—

''(1) POINT OF CONTACT.—The Secretary shall designate a point of contact for the Administrator of the Environmental Protection Agency, and the head of any other agency designated by the Secretary, with respect to the requirements of this title.

''(2) OUTREACH.—The Secretary shall, as appropriate, and in accordance with this

title, inform State emergency response commissions appointed pursuant to section 301(a) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) and local emergency planning committees appointed pursuant to section 301(c) of such Act, and any other entity designated by the Secretary, of the findings of the Office of Chemical Facility Security so that such commissions and committees may update emergency planning and training procedures.

"SEC. 2115. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS AT CERTAIN CHEMICAL FACILITIES.

''(a) REGULATIONS ISSUED BY THE SECRETARY.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary shall issue regulations to require covered chemical facilities to establish personnel surety for individuals described in subparagraph (B) by conducting appropriate security background checks and ensuring appropriate credentials for unescorted visitors and chemical facility personnel, including permanent and part-time personnel, temporary personnel, and contract personnel, including—

''(i) measures designed to verify and validate identity;

''(ii) measures designed to check criminal history;

''(iii) measures designed to verify and validate legal authorization to work; and

''(iv) measures designed to identify people with terrorist ties.

''(B) INDIVIDUALS DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is—

''(i) a covered individual who has unescorted access to restricted areas or critical assets or who is provided with a copy of a security vulnerability assessment or site security plan;

''(ii) a person associated with a covered chemical facility, including any designated employee representative, who is provided with a copy of a security vulnerability assessment or site security plan; or

''(iii) a person who is determined by the Secretary to require a security background check based on chemical facility security performance standards.

''(2) REGULATIONS.—The regulations required by paragraph (1) shall set forth—

''(A) the scope of the security background checks, including the types of disqualifying offenses and the time period covered for each person subject to a security background check under paragraph (1);

''(B) the processes to conduct the security background checks;

''(C) the necessary biographical information and other data required in order to conduct the security background checks;

''(D) a redress process for an adversely-affected person consistent with subsections (b) and (c); and

''(E) a prohibition on an owner or operator of a covered chemical facility misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

''(b) MISREPRESENTATION OF ADVERSE EMPLOYMENT DECISIONS.—The regulations required by subsection (a)(1) shall set forth that it shall be a misrepresentation under subsection (a)(2)(E) to attribute an adverse employment decision, including removal or suspension of the employee, to such regulations unless the owner or operator finds, after opportunity for appropriate redress under the processes provided under subsection (c)(1) and (c)(2), that the person subject to such adverse employment decision—

''(1) has been convicted of, has been found not guilty of by reason of insanity, or is under want, warrant, or indictment for, a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

''(2) was convicted of, or found not guilty of by reason of insanity, an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date on which the covered chemical facility performs the security background check;

''(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the chemical facility performs the security background check;

''(4) is determined by the Secretary to be on the consolidated terrorist watchlist; or

''(5) is determined, as a result of the security background check, not to be legally authorized to work in the United States.

''(c) REDRESS PROCESSES.—Upon the issuance of regulations under subsection (a), the Secretary shall—

''(1) require the owner or operator to provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to such regulations that is consistent with the appeals process established for employees subject to consumer reports under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as in force on the date of the enactment of this title;

''(2) provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to a determination by the Secretary under subsection (b)(4), that is consistent with the appeals process established under section 70105(c) of title 46, United States Code, including all rights to hearings before an administrative law judge, scope of review, and a review of an unclassified summary of classified evidence equivalent to the summary provided in part 1515 of title 49, Code of Federal Regulations;

''(3) provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to a violation of subsection (a)(2)(E), which shall not preclude the exercise of any other rights available under collective bargaining agreements or applicable laws;

''(4) establish a reconsideration process described in subsection (d) for a person subject to an adverse employment decision that was attributed by an owner or operator to the regulations required by subsection (a)(1);

''(5) have the authority to order an appropriate remedy, including reinstatement of the person subject to a security background check under subsection (a)(1), if the Secretary determines that the adverse employment decision was made in violation of the regulations required under subsection (a)(1) or as a result of an erroneous determination by the Secretary under subsection (b)(4);

''(6) ensure that the redress processes required under paragraphs (1), (2), or (3) afford to the person a full disclosure of any public-record event covered by subsection (b) that provides the basis for an adverse employment decision; and

''(7) ensure that the person subject to a security background check under subsection (a)(1) receives the person's full wages and benefits until all redress processes under this subsection are exhausted.

''(d) RECONSIDERATION PROCESS.—

''(1) IN GENERAL.—The reconsideration process required under subsection (c)(4) shall—

''(A) require the Secretary to determine, within 30 days after receiving a petition submitted by a person subject to an adverse employment decision that was attributed by an owner or operator to the regulations required by subsection (a)(1), whether such person poses a security risk to the covered chemical facility; and

''(B) include procedures consistent with section 70105(c) of title 46, United States Code, including all rights to hearings before an administrative law judge, scope of review, and a review of an unclassified summary of classified evidence equivalent to the summary provided in part 1515 of title 49, Code of Federal Regulations.

''(2) DETERMINATION BY THE SECRETARY.—In making a determination described under paragraph (1)(A), the Secretary shall—

''(A) give consideration to the circumstance of any disqualifying act or offense, restitution made by the person, Federal and State mitigation remedies, and other factors from which it may be concluded that the person does not pose a security risk to the covered chemical facility; and

''(B) provide his or her determination as to whether such person poses a security risk to the covered chemical facility to the petitioner and to the owner or operator of the covered chemical facility.

''(3) OWNER OR OPERATOR RECONSIDERATION.—If the Secretary determines pursuant to paragraph (1)(A) that the person does not pose a security risk to the covered chemical facility, it shall thereafter constitute a prohibited misrepresentation for the owner or operator of the covered chemical facility to continue to attribute the adverse employment decision to the regulations under subsection (a)(1).

''(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—Information obtained under this section by the Secretary or the owner or operator of a covered chemical facility shall be handled as follows:

''(1) Such information may not be made available to the public.

''(2) Such information may not be accessed by employees of the facility except for such employees who are directly involved with collecting the information or conducting or evaluating security background checks.

''(3) Such information shall be maintained confidentially by the facility and the Secretary and may be used only for making determinations under this section.

''(4) The Secretary may share such information with other Federal, State, local, and tribal law enforcement agencies.

''(f) SAVINGS CLAUSE.—

''(1) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge any right or responsibility of a person subject to a security background check under subsection (a)(1) or an owner or operator of a covered chemical facility under any other Federal, State, local, or tribal law or collective bargaining agreement.

''(2) EXISTING RIGHTS.—Nothing in this section shall be construed as creating any new right or modifying any existing right of an individual to appeal a determination by the Secretary as a result of a check against a terrorist watch list.

''(g) PREEMPTION.—Nothing in this section shall be construed to preempt, alter, or affect a Federal, State, local, or tribal law that requires criminal history background checks, checks on the authorization of an individual to work in the United States, or

other background checks of persons subject to security background checks under subsection (a)(1).

''(h) DEFINITION OF SECURITY BACKGROUND CHECK.—The term 'security background check' means a review at no cost to any person subject to a security background check under subsection (a)(1) of the following for the purpose of identifying individuals who may pose a threat to chemical facility security, to national security, or of terrorism:

''(1) Relevant databases to verify and validate identity.

''(2) Relevant criminal history databases.

''(3) In the case of an alien (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))), the relevant databases to determine the status of the alien under the immigration laws of the United States.

''(4) The consolidated terrorist watchlist.

''(5) Other relevant information or databases, as determined by the Secretary.

''(i) DEPARTMENT-CONDUCTED SECURITY BACKGROUND CHECK.—The regulations under subsection (a)(1) shall set forth a process by which the Secretary, on an ongoing basis, shall determine whether alternate security background checks conducted by the Secretary are sufficient to meet the requirements of this section such that no additional security background check under this section is required for an individual for whom such a qualifying alternate security background check was conducted. The Secretary may require the owner or operator of a covered chemical facility to which the individual will have unescorted access to sensitive or restricted areas to submit identifying information about the individual and the alternate security background check conducted for that individual to the Secretary in order to enable the Secretary to verify the validity of the alternate security background check. Such regulations shall provide that no security background check under this section is required for an individual holding a transportation security card issued under section 70105 of title 46, United States Code.

''(j) TERMINATION OF EMPLOYMENT.—If, as the result of a security background check, an owner or operator of a covered chemical facility finds that a covered individual is not legally authorized to work in the United States, the owner or operator shall cease to employ the covered individual, subject to the appropriate redress processes available to such individual under this section.

''SEC. 2116. CITIZEN ENFORCEMENT.

''(a) IN GENERAL.—Except as provided in subsection (c), any person may commence a civil action on such person's own behalf—

''(1) against any governmental entity (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and any federally owned-contractor operated facility) alleged to be in violation of any order that has become effective pursuant to this title; or

''(2) against the Secretary, for an alleged failure to perform any act or duty under this title that is not discretionary for the Secretary.

''(b) COURT OF JURISDICTION.—

''(1) IN GENERAL.—Any action under subsection (a)(1) shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under subsection (a)(2) may be brought in the district court for the district in which the alleged violation occurred or in the United States District Court for the District of Columbia.

''(2) RELIEF.—The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties to enforce the order referred to in subsection (a)(1), to order such governmental entity to take such action as may be necessary, or both, or, in an action commenced under subsection (a)(2), to order the Secretary to perform the non-discretionary act or duty, and to order any civil penalties, as appropriate, under section 2107.

''(c) ACTIONS PROHIBITED.—No action may be commenced under subsection (a) prior to 60 days after the date on which the person commencing the action has given notice of the alleged violation to—

''(1) the Secretary; and

''(2) in the case of an action under subsection (a)(1), any governmental entity alleged to be in violation of an order.

''(d) NOTICE.—Notice under this section shall be given in such manner as the Secretary shall prescribe by regulation.

''(e) INTERVENTION.—In any action under this section, the Secretary, if not a party, may intervene as a matter of right.

''(f) COSTS; BOND.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(g) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law.

''SEC. 2117. CITIZEN PETITIONS.

''(a) REGULATIONS.—The Secretary shall issue regulations to establish a citizen petition process for petitions described in subsection (b). Such regulations shall include—

''(1) the format for such petitions;

''(2) the procedure for investigation of petitions;

''(3) the procedure for response to such petitions, including timelines;

''(4) the procedure for referral to and review by the Office of the Inspector General of the Department without deference to the Secretary's determination with respect to the petition; and

''(5) the procedure for rejection or acceptance by the Secretary of the recommendation of the Office of the Inspector General.

''(b) PETITIONS.—The regulations issued pursuant to subsection (a) shall allow any person to file a petition with the Secretary—

''(1) identifying any person (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) alleged to be in violation of any standard, regulation, condition, requirement, prohibition, plan, or order that has become effective under this title; and

''(2) describing the alleged violation of any standard, regulation, condition, requirement, prohibition, plan, or order that has become effective under this title by that person.

''(c) REQUIREMENTS.—Upon issuance of regulations under subsection (a), the Secretary shall—

''(1) accept all petitions described under subsection (b) that meet the requirements of the regulations promulgated under subsection (a);

''(2) investigate all allegations contained in accepted petitions;

''(3) determine whether enforcement action will be taken concerning the alleged violation or violations;

''(4) respond to all accepted petitions promptly and in writing;

''(5) include in all responses to petitions a brief and concise statement, to the extent permitted under section 2110, of the allegations, the steps taken to investigate, the determination made, and the reasons for such determination;

''(6) maintain an internal record including all protected information related to the determination;

''(7) with respect to any petition for which the Secretary has not made a timely response or the Secretary's response is unsatisfactory to the petitioner, provide the petitioner with the opportunity to request—

''(A) a review of the full record by the Inspector General of the Department, including a review of protected information; and

''(B) the formulation of recommendations by the Inspector General and submittal of such recommendations to the Secretary and, to the extent permitted under section 2110, to the petitioner; and

''(8) respond to a recommendation submitted by the Inspector General under paragraph (7) by adopting or rejecting the recommendation.

''SEC. 2118. NOTIFICATION SYSTEM TO ADDRESS PUBLIC CONCERNS.

''(a) ESTABLISHMENT.—The Secretary shall establish a notification system, which shall provide any individual the ability to report a suspected security deficiency or suspected non-compliance with this title. Such notification system shall provide for the ability to report the suspected security deficiency or non-compliance via telephonic and Internet-based means.

''(b) ACKNOWLEDGMENT.—When the Secretary receives a report through the notification system established under subsection (a), the Secretary shall respond to such report in a timely manner, but in no case shall the Secretary respond to such a report later than 30 days after receipt of the report.

''(c) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review each report received through the notification system established under subsection (a) and shall, as necessary, take appropriate enforcement action under section 2107.

''(d) FEEDBACK REQUIRED.—Upon request, the Secretary shall provide the individual who reported the suspected security deficiency or non-compliance through the notification system established under subsection (a) a written response that includes the Secretary's findings with respect to the report submitted by the individual and what, if any, compliance action was taken in response to such report.

''(e) INSPECTOR GENERAL REPORT REQUIRED.—The Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the reports received under the notification system established under subsection (a) and the Secretary's disposition of such reports.

''SEC. 2119. ANNUAL REPORT TO CONGRESS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this title, annually thereafter for the next four years, and biennially thereafter, the Secretary shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on progress in achieving compliance with this title. Each such report shall include the following:

''(1) A qualitative discussion of how covered chemical facilities, differentiated by tier, have reduced the risks of chemical facility terrorist incidents at such facilities, including—

''(A) a generalized summary of measures implemented by covered chemical facilities in order to meet each risk-based chemical facility performance standard established by this title, and those that the facilities already had in place—

''(i) in the case of the first report under this section, before the issuance of the final rule implementing the regulations known as the 'Chemical Facility Anti-Terrorism Standards', issued on April 9, 2007; and

''(ii) in the case of each subsequent report, since the submittal of the most recent report submitted under this section; and

''(B) any other generalized summary the Secretary deems appropriate to describe the measures covered chemical facilities are implementing to comply with the requirements of this title.

''(2) A quantitative summary of how the covered chemical facilities, differentiated by tier, are complying with the requirements of this title during the period covered by the report and how the Secretary is implementing and enforcing such requirements during such period, including—

''(A) the number of chemical facilities that provided the Secretary with information about possessing substances of concern, as described in section 2102(b)(2);

''(B) the number of covered chemical facilities assigned to each tier;

''(C) the number of security vulnerability assessments and site security plans submitted by covered chemical facilities;

''(D) the number of security vulnerability assessments and site security plans approved and disapproved by the Secretary;

''(E) the number of covered chemical facilities without approved security vulnerability assessments or site security plans;

''(F) the number of chemical facilities that have been assigned to a different tier or are no longer regulated by the Secretary due to implementation of a method to reduce the consequences of a terrorist attack and a description of such implemented methods;

''(G) the number of orders for compliance issued by the Secretary;

''(H) the administrative penalties assessed by the Secretary for non-compliance with the requirements of this title;

''(I) the civil penalties assessed by the court for non-compliance with the requirements of this title;

''(J) the number of terrorist watchlist checks conducted by the Secretary in order to comply with the requirements of this title, the number of appeals conducted by the Secretary pursuant to the processes described under paragraphs (2), (3) and (4) of section 2115(c), aggregate information regarding the time taken for such appeals, aggregate information regarding the manner in which such appeals were resolved, and, based on information provided to the Secretary annually by each owner or operator of a covered chemical facility, the number of persons subjected to adverse employment decisions that were attributed by the owner or operator to the regulations required by section 2115; and

''(K) any other regulatory data the Secretary deems appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements.

''(b) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

"SEC. 2120. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary of Homeland Security to carry out this title—

''(1) $325,000,000 for fiscal year 2011, of which $100,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1);

''(2) $300,000,000 for fiscal year 2012, of which $75,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1); and

''(3) $275,000,000 for fiscal year 2013, of which $50,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

''TITLE XXI—REGULATION OF SECURITY PRACTICES AT CHEMICAL FACILITIES

''Sec. 2101. Definitions.
''Sec. 2102. Risk-based designation and ranking of chemical facilities.
''Sec. 2103. Security vulnerability assessments and site security plans.
''Sec. 2104. Site inspections.
''Sec. 2105. Records.
''Sec. 2106. Timely sharing of threat information.
''Sec. 2107. Enforcement.
''Sec. 2108. Whistleblower protections.
''Sec. 2109. Federal preemption.
''Sec. 2110. Protection of information.
''Sec. 2111. Methods to reduce the consequences of a terrorist attack.
''Sec. 2112. Applicability.
''Sec. 2113. Savings clause.
''Sec. 2114. Office of Chemical Facility Security.
''Sec. 2115. Security background checks of covered individuals at certain chemical facilities.
''Sec. 2116. Citizen enforcement.
''Sec. 2117. Citizen petitions.
''Sec. 2118. Notification system to address public concerns.
''Sec. 2119. Annual report to Congress.
''Sec. 2120. Authorization of appropriations.''.

(c) CONFORMING REPEAL.—

(1) REPEAL.—The Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking section 550.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this title.

(d) REGULATIONS.—

(1) DEADLINE.—The Secretary shall issue proposed rules to carry out title XXI of the Homeland Security Act of 2002, as added by subsection (a), by not later than 6 months after the date of the enactment of this Act, and shall issue final rules to carry out such title by not later than 18 months after the date of the enactment of this Act.

(2) CONSULTATION.—In developing and implementing the rules required under paragraph (1), the Secretary shall consult with the Administrator of the Environmental Protection Agency, and other persons, as appropriate, regarding—

(A) the designation of substances of concern;

(B) methods to reduce the consequences of a terrorist attack;

(C) security at drinking water facilities and wastewater treatment works;

(D) the treatment of protected information; and

(E) such other matters as the Secretary determines necessary.

(3) SENSE OF CONGRESS REGARDING CFATS.—It is the sense of Congress that the Secretary of Homeland Security was granted statutory authority under section 550 of the Department of Homeland Security Appropriations Act (Public Law 109–295) to regulate security practices at chemical facilities until October 1, 2009. Pursuant to that section the Secretary prescribed regulations known as the Chemical Facility Anti-Terrorism Standards, or ''CFATS'' (referred to in this section as ''CFATS regulations'').

(4) INTERIM USE AND AMENDMENT OF CFATS.—Until the final rules prescribed pursuant to paragraph (1) take effect, in carrying out title XXI of the Homeland Security Act of 2002, as added by subsection (a), the Secretary may, to the extent the Secretary determines appropriate—

(A) continue to carry out the CFATS regulations, as in effect immediately before the date of the enactment of this title;

(B) amend any of such regulations as may be necessary to ensure that such regulations are consistent with the requirements of this title and the amendments made by this title; and

(C) continue using any tools developed for purposes of such regulations, including the list of substances of concern, usually referred to as ''Appendix A'', and the chemical security assessment tool (which includes facility registration, a top-screen questionnaire, a security vulnerability assessment tool, a site security plan template, and a chemical vulnerability information repository).

(5) UPDATE OF FACILITY PLANS ASSESSMENTS AND PLANS PREPARED UNDER CFATS.—The owner or operator of a covered chemical facility, who, before the effective date of the final regulations issued under title XXI of the Homeland Security Act of 2002, as added by subsection (a), submits a security vulnerability assessment or site security plan under the CFATS regulations, shall be required to update or amend the facility's security vulnerability assessment and site security plan to reflect any additional requirements of this title or the amendments made by this title, according to a timeline established by the Secretary.

(e) REVIEW OF DESIGNATION OF SODIUM FLUOROACETATE AS A SUBSTANCE OF CONCERN.—The Secretary of Homeland Security shall review the designation of sodium fluoroacetate as a substance of concern pursuant to subsection (d) of section 2102 of the Homeland Security Act of 2002, as added by subsection (a), by the earlier of the following dates:

(1) The date of the first periodic review conducted pursuant to such subsection after the date of the enactment of this title.

(2) The date that is one year after the date of the enactment of this title.

TITLE II—DRINKING WATER SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Drinking Water System Security Act of 2009''.

SEC. 202. INTENTIONAL ACTS AFFECTING THE SECURITY OF COVERED WATER SYSTEMS.

(a) AMENDMENT OF SAFE DRINKING WATER ACT.—Section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i–2) is amended to read as follows:

"SEC. 1433. INTENTIONAL ACTS.

''(a) RISK-BASED PERFORMANCE STANDARDS; VULNERABILITY ASSESSMENTS; SITE SECURITY PLANS; EMERGENCY RESPONSE PLANS.—

''(1) IN GENERAL.—The Administrator shall issue regulations—

''(A) establishing risk-based performance standards for the security of covered water systems; and

''(B) establishing requirements and deadlines for each covered water system—

''(i) to conduct a vulnerability assessment or, if the system already has a vulnerability assessment, to revise the assessment to be in accordance with this section, and

submit such assessment to the Administrator;

''(ii) to update and resubmit the vulnerability assessment not less than every 5 years and promptly after any change at the system that could cause the reassignment of the system to a different risk-based tier under subsection (d);

''(iii) to develop, implement, and, as appropriate, revise a site security plan not less than every 5 years and promptly after a revision to the vulnerability assessment and submit such plan to the Administrator;

''(iv) to develop an emergency response plan or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section, and revise the plan not less than every 5 years thereafter; and

''(v) to provide annual training to employees and contractor employees of covered water systems on implementing site security plans and emergency response plans.

''(2) COVERED WATER SYSTEMS.—For purposes of this section, the term 'covered water system' means a public water system that—

''(A) is a community water system serving a population greater than 3,300; or

''(B) in the discretion of the Administrator, presents a security risk making regulation under this section appropriate.

''(3) CONSULTATION WITH STATE AUTHORITIES.—In developing and carrying out the regulations under paragraph (1), the Administrator shall consult with States exercising primary enforcement responsibility for public water systems.

''(4) CONSULTATION WITH OTHER PERSONS.—In developing and carrying out the regulations under paragraph (1), the Administrator shall consult with the Secretary of Homeland Security, and, as appropriate, other persons regarding—

''(A) provision of threat-related and other baseline information to covered water systems;

''(B) designation of substances of concern;

''(C) development of risk-based performance standards;

''(D) establishment of risk-based tiers and process for the assignment of covered water systems to risk-based tiers;

''(E) process for the development and evaluation of vulnerability assessments, site security plans, and emergency response plans;

''(F) treatment of protected information; and

''(G) such other matters as the Administrator determines necessary.

''(5) SUBSTANCES OF CONCERN.—For purposes of this section, the Administrator, in consultation with the Secretary of Homeland Security—

''(A) may designate any chemical substance as a substance of concern;

''(B) at the time any substance is designated pursuant to subparagraph (A), shall establish by rule a threshold quantity for the release or theft of the substance, taking into account the toxicity, reactivity, volatility, dispersability, combustibility, and flammability of the substance and the amount of the substance that, as a result of a release, is known to cause or may be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment; and

''(C) in making such a designation, shall take into account appendix A to part 27 of title 6, Code of Federal Regulations (or any successor regulations).

''(6) BASELINE INFORMATION.—The Administrator, after consultation with appropriate departments and agencies of the Federal Government and with State, local, and tribal governments, shall, for purposes of facilitating compliance with the requirements of this section, promptly after the effective date of the regulations under subsection (a)(1) and as appropriate thereafter, provide baseline information to covered water systems regarding which kinds of intentional acts are the probable threats to—

''(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water;

''(B) cause the release of a substance of concern at the covered water system; or

''(C) cause the theft, misuse, or misappropriation of a substance of concern.

''(b) RISK-BASED PERFORMANCE STANDARDS.—The regulations under subsection (a)(1) shall set forth risk-based performance standards for site security plans required by this section. The standards shall be separate and, as appropriate, increasingly stringent based on the level of risk associated with the covered water system's risk-based tier assignment under subsection (d). In developing such standards, the Administrator shall take into account section 27.230 of title 6, Code of Federal Regulations (or any successor regulations).

''(c) VULNERABILITY ASSESSMENT.—The regulations under subsection (a)(1) shall require each covered water system to assess the system's vulnerability to a range of intentional acts, including an intentional act that results in a release of a substance of concern that is known to cause or may be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment. At a minimum, the vulnerability assessment shall include a review of—

''(1) pipes and constructed conveyances;

''(2) physical barriers;

''(3) water collection, pretreatment, treatment, storage, and distribution facilities, including fire hydrants;

''(4) electronic, computer, and other automated systems that are used by the covered water system;

''(5) the use, storage, or handling of various chemicals, including substances of concern;

''(6) the operation and maintenance of the covered water system; and

''(7) the covered water system's resiliency and ability to ensure continuity of operations in the event of a disruption caused by an intentional act.

''(d) RISK-BASED TIERS.—The regulations under subsection (a)(1) shall provide for 4 risk-based tiers applicable to covered water systems, with tier one representing the highest degree of security risk.

''(1) ASSIGNMENT OF RISK-BASED TIERS.—

''(A) SUBMISSION OF INFORMATION.—The Administrator may require a covered water system to submit information in order to determine the appropriate risk-based tier for the covered water system.

''(B) FACTORS TO CONSIDER.—The Administrator shall assign (and reassign when appropriate) each covered water system to one of the risk-based tiers established pursuant to this subsection. In assigning a covered water system to a risk-based tier, the Administrator shall consider the potential consequences (such as death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, and the national economy) from—

''(i) an intentional act to cause a release, including a worst-case release, of a substance of concern at the covered water system;

''(ii) an intentional act to introduce a contaminant into the drinking water supply or disrupt the safe and reliable supply of drinking water; and

''(iii) an intentional act to steal, misappropriate, or misuse substances of concern.

''(2) EXPLANATION FOR RISK-BASED TIER ASSIGNMENT.—The Administrator shall provide each covered water system assigned to a risk-based tier with the reasons for the tier assignment and whether such system is required to submit an assessment under subsection (g)(2).

''(e) DEVELOPMENT AND IMPLEMENTATION OF SITE SECURITY PLANS.—The regulations under subsection (a)(1) shall permit each covered water system, in developing and implementing its site security plan required by this section, to select layered security and preparedness measures that, in combination, appropriately—

''(1) address the security risks identified in its vulnerability assessment; and

''(2) comply with the applicable risk-based performance standards required under this section.

''(f) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE.—Site security plans and emergency response plans required under this section shall describe the appropriate roles or responsibilities that employees and contractor employees are expected to perform to deter or respond to the intentional acts described in subsection (d)(1)(B).

''(2) TRAINING FOR EMPLOYEES.—Each covered water system shall annually provide employees and contractor employees with roles or responsibilities described in paragraph (1) with a minimum of 8 hours of training on carrying out those roles or responsibilities.

''(3) EMPLOYEE PARTICIPATION.—In developing, revising, or updating a vulnerability assessment, site security plan, and emergency response plan required under this section, a covered water system shall include—

''(A) at least one supervisory and at least one non-supervisory employee of the covered water system; and

''(B) at least one representative of each certified or recognized bargaining agent representing facility employees or contractor employees with roles or responsibilities described in paragraph (1), if any, in a collective bargaining relationship with the private or public owner or operator of the system or with a contractor to that system.

''(g) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—

''(1) DEFINITION.—In this section, the term 'method to reduce the consequences of a chemical release from an intentional act' means a measure at a covered water system that reduces or eliminates the potential consequences of a release of a substance of concern from an intentional act such as—

''(A) the elimination or reduction in the amount of a substance of concern possessed or planned to be possessed by a covered water system through the use of alternate substances, formulations, or processes;

''(B) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(C) the reduction or elimination of onsite handling of a substance of concern through improvement of inventory control or chemical use efficiency.

''(2) ASSESSMENT.—For each covered water system that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (a)(5), the regulations under subsection (a)(1) shall require the covered water system to include in its site security plan an assessment of methods to reduce the consequences of a chemical release from an intentional act at the covered water system. The covered water system shall provide such assessment to the Administrator and the State exercising primary enforcement responsibility for the covered water system, if any. The regulations under subsection (a)(1) shall require the system, in preparing the assessment, to consider factors appropriate to the system's security, public

health, or environmental mission, and include—

''(A) a description of the methods to reduce the consequences of a chemical release from an intentional act;

''(B) how each described method to reduce the consequences of a chemical release from an intentional act could, if applied, reduce the potential extent of death, injury, or serious adverse effects to human health resulting from a chemical release;

''(C) how each described method to reduce the consequences of a chemical release from an intentional act could, if applied, affect the presence of contaminants in treated water, human health, or the environment;

''(D) whether each described method to reduce the consequences of a chemical release from an intentional act at the covered water system is feasible, as defined in section 1412(b)(4)(D), but not including cost calculations under subparagraph (E);

''(E) the costs (including capital and operational costs) and avoided costs (including savings and liabilities) associated with applying each described method to reduce the consequences of a chemical release from an intentional act at the covered water system;

''(F) any other relevant information that the covered water system relied on in conducting the assessment; and

''(G) a statement of whether the covered water system has implemented or plans to implement one or more methods to reduce the consequences of a chemical release from an intentional act, a description of any such methods, and, in the case of a covered water system described in paragraph (3)(A), an explanation of the reasons for any decision not to implement any such methods.

''(3) REQUIRED METHODS.—

''(A) APPLICATION.—This paragraph applies to a covered water system—

''(i) that is assigned to one of the two highest risk-based tiers under subsection (d); and

''(ii) that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (a)(5).

''(B) HIGHEST-RISK SYSTEMS.—If, on the basis of its assessment under paragraph (2), a covered water system described in subparagraph (A) decides not to implement methods to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall, in accordance with a timeline set by the Administrator—

''(i) determine whether to require the covered water system to implement the methods; and

''(ii) for States exercising primary enforcement responsibility, report such determination to the Administrator.

''(C) STATE OR ADMINISTRATOR'S CONSIDERATIONS.—Before requiring, pursuant to subparagraph (B), the implementation of a method to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall consider factors appropriate to the security, public health, and environmental missions of covered water systems, including an examination of whether the method—

''(i) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting directly from a chemical release from an intentional act at the covered water system;

''(ii) would not increase the interim storage of a substance of concern by the covered water system;

''(iii) would not render the covered water system unable to comply with other requirements of this Act or drinking water standards established by the State or political subdivision in which the system is located; and

''(iv) is feasible, as defined in section 1412(b)(4)(D), to be incorporated into the operation of the covered water system.

''(D) APPEAL.—Before requiring, pursuant to subparagraph (B), the implementation of a method to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall provide such covered water system an opportunity to appeal the determination to require such implementation made pursuant to subparagraph (B) by such State or the Administrator.

''(4) INCOMPLETE OR LATE ASSESSMENTS.—

''(A) INCOMPLETE ASSESSMENTS.—If the Administrator finds that the covered water system, in conducting its assessment under paragraph (2), did not meet the requirements of paragraph (2) and the applicable regulations, the Administrator shall, after notifying the covered water system and the State exercising primary enforcement responsibility for that system, if any, require the covered water system to submit a revised assessment not later than 60 days after the Administrator notifies such system. The Administrator may require such additional revisions as are necessary to ensure that the system meets the requirements of paragraph (2) and the applicable regulations.

''(B) LATE ASSESSMENTS.—If the Administrator finds that a covered water system, in conducting its assessment pursuant to paragraph (2), did not complete such assessment in accordance with the deadline set by the Administrator, the Administrator may, after notifying the covered water system and the State exercising primary enforcement responsibility for that system, if any, take appropriate enforcement action under subsection (o).

''(C) REVIEW.—The State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the system is not located in such a State, shall review a revised assessment that meets the requirements of paragraph (2) and applicable regulations to determine whether the covered water system will be required to implement methods to reduce the consequences of an intentional act pursuant to paragraph (3).

''(5) ENFORCEMENT.—

''(A) FAILURE BY STATE TO MAKE DETERMINATION.—Whenever the Administrator finds that a State exercising primary enforcement responsibility for a covered water system has failed to determine whether to require the covered water system to implement methods to reduce the consequences of a chemical release from an intentional act, as required by paragraph (3)(B), the Administrator shall so notify the State and covered water system. If, beyond the thirtieth day after the Administrator's notification under the preceding sentence, the State has failed to make the determination described in such sentence, the Administrator shall so notify the State and covered water system and shall determine whether to require the covered water system to implement methods to reduce the consequences of a chemical release from an intentional act based on the factors described in paragraph (3)(C).

''(B) FAILURE BY STATE TO BRING ENFORCEMENT ACTION.—If the Administrator finds, with respect to a period in which a State has primary enforcement responsibility for a covered water system, that the system has failed to implement methods to reduce the consequences of a chemical release from an intentional act (as required by the State or the Administrator under paragraph (3)(B) or the Administrator under subparagraph (A)), the Administrator shall so notify the State and the covered water system. If, beyond the thirtieth day after the Administrator's notification under the preceding sentence, the State has not commenced appropriate enforcement action, the Administrator shall so notify the State and may take appropriate enforcement action under subsection (o), to require implementation of such methods.

''(C) CONSIDERATION OF CONTINUED PRIMARY ENFORCEMENT RESPONSIBILITY.—For a State with primary enforcement responsibility for a covered water system, the Administrator may consider the failure of such State to make a determination as described under subparagraph (A) or to bring enforcement action as described under subparagraph (B) when determining whether a State may retain primary enforcement responsibility under this Act.

''(6) GUIDANCE FOR COVERED WATER SYSTEMS ASSIGNED TO TIER 3 AND TIER 4.—For covered water systems required to conduct an assessment under paragraph (2) and assigned by the Administrator to tier 3 or tier 4 under subsection (d), the Administrator shall issue guidance and, as appropriate, provide or recommend tools, methodologies, or computer software, to assist such covered water systems in complying with the requirements of this section.

''(h) REVIEW BY ADMINISTRATOR.—

''(1) IN GENERAL.—The regulations under subsection (a)(1) shall require each covered water system to submit its vulnerability assessment and site security plan to the Administrator for review according to deadlines set by the Administrator. The Administrator shall review each vulnerability assessment and site security plan submitted under this section and—

''(A) if the assessment or plan has any significant deficiency described in paragraph (2), require the covered water system to correct the deficiency; or

''(B) approve such assessment or plan.

''(2) SIGNIFICANT DEFICIENCIES.—A vulnerability assessment or site security plan of a covered water system has a significant deficiency under this subsection if the Administrator, in consultation, as appropriate, with the State exercising primary enforcement responsibility for such system, if any, determines that—

''(A) such assessment does not comply with the regulations established under section (a)(1); or

''(B) such plan—

''(i) fails to address vulnerabilities identified in a vulnerability assessment; or

''(ii) fails to meet applicable risk-based performance standards.

''(3) STATE, REGIONAL, OR LOCAL GOVERNMENTAL ENTITIES.—No covered water system shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described in this section to any State, regional, local, or tribal governmental entity solely by reason of the requirement set forth in paragraph (1) that the system submit such an assessment and plan to the Administrator.

''(i) EMERGENCY RESPONSE PLAN.—

''(1) IN GENERAL.—Each covered water system shall prepare or revise, as appropriate, an emergency response plan that incorporates the results of the system's most current vulnerability assessment and site security plan.

''(2) CERTIFICATION.—Each covered water system shall certify to the Administrator that the system has completed an emergency response plan. The system shall submit such certification to the Administrator not later than 6 months after the system's first completion or revision of a vulnerability assessment under this section and shall submit an additional certification following any update of the emergency response plan.

''(3) CONTENTS.—A covered water system's emergency response plan shall include—

''(A) plans, procedures, and identification of equipment that can be implemented or used in the event of an intentional act at the covered water system; and

''(B) actions, procedures, and identification of equipment that can obviate or significantly lessen the impact of intentional acts on public health and the safety and supply of drinking water provided to communities and individuals.

''(4) COORDINATION.—As part of its emergency response plan, each covered water system shall provide appropriate information to any local emergency planning committee, local law enforcement officials, and local emergency response providers to ensure an effective, collective response.

''(j) MAINTENANCE OF RECORDS.—Each covered water system shall maintain an updated copy of its vulnerability assessment, site security plan, and emergency response plan.

''(k) AUDIT; INSPECTION.—

''(1) IN GENERAL.—Notwithstanding section 1445(b)(2), the Administrator, or duly designated representatives of the Administrator, shall audit and inspect covered water systems, as necessary, for purposes of determining compliance with this section.

''(2) ACCESS.—In conducting an audit or inspection of a covered water system, the Administrator or duly designated representatives of the Administrator, as appropriate, shall have access to the owners, operators, employees and contractor employees, and employee representatives, if any, of such covered water system.

''(3) CONFIDENTIAL COMMUNICATION OF INFORMATION; AIDING INSPECTIONS.—The Administrator, or a duly designated representative of the Administrator, shall offer non-supervisory employees of a covered water system the opportunity confidentially to communicate information relevant to the employer's compliance or noncompliance with this section, including compliance or noncompliance with any regulation or requirement adopted by the Administrator in furtherance of the purposes of this section. A representative of each certified or recognized bargaining agent described in subsection (f)(3)(B), if any, or, if none, a non-supervisory employee, shall be given an opportunity to accompany the Administrator, or the duly designated representative of the Administrator, during the physical inspection of any covered water system for the purpose of aiding such inspection, if representatives of the covered water system will also be accompanying the Administrator or the duly designated representative of the Administrator on such inspection.

''(l) PROTECTION OF INFORMATION.—

''(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information shall—

''(A) be exempt from disclosure under section 552 of title 5, United States Code; and

''(B) not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(2) INFORMATION SHARING.—

''(A) IN GENERAL.—The Administrator shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information.

''(B) SHARING OF PROTECTED INFORMATION.—The regulations under subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with and between Federal, State, local, and tribal authorities, first responders, law enforcement officials, designated supervisory and non-supervisory covered water system personnel with security, operational, or fiduciary responsibility for the system, and designated facility employee representatives, if any. Such standards shall include procedures for the sharing of all portions of a covered water system's vulnerability assessment and site security plan relating to the roles and responsibilities of system employees or contractor employees under subsection (f)(1) with a representative of each certified or recognized bargaining agent representing such employees, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles and responsibilities under subsection (f)(1).

''(C) PENALTIES.—Protected information shall not be shared except in accordance with the standards provided by the regulations under subparagraph (A). Whoever discloses protected information in knowing violation of the regulations and orders issued under subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(3) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information shall be treated in a manner consistent with the treatment of Sensitive Security Information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1381).

''(4) OTHER OBLIGATIONS UNAFFECTED.—Except as provided in subsection (h)(3), nothing in this section amends or affects an obligation of a covered water system—

''(A) to submit or make available information to system employees, employee organizations, or a Federal, State, tribal, or local government agency under any other provision of law; or

''(B) to comply with any other provision of law.

''(5) CONGRESSIONAL OVERSIGHT.—Nothing in this section permits or authorizes the withholding of information from Congress or any committee or subcommittee thereof.

''(6) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section amends or affects any authority or obligation of a Federal, State, local, or tribal agency to protect or disclose any record or information that the Federal, State, local, or tribal agency obtains from a covered water system or the Administrator under any other provision of law.

''(7) PROTECTED INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, the term 'protected information' means any of the following:

''(i) Vulnerability assessments and site security plans under this section, including any assessment developed pursuant to subsection (g)(2).

''(ii) Documents directly related to the Administrator's review of assessments and plans described in clause (i) and, as applicable, the State's review of an assessment prepared under subsection (g)(2).

''(iii) Documents directly related to inspections and audits under this section.

''(iv) Orders, notices, or letters regarding the compliance of a covered water system with the requirements of this section.

''(v) Information, documents, or records required to be provided to or created by, the Administrator under subsection (d).

''(vi) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(vii) Other information, documents, and records developed exclusively for the purposes of this section that the Administrator has determined by regulation would be detrimental to the security of one or more covered water systems if disclosed.

''(B) DETRIMENT REQUIREMENT.—For purposes of clauses (ii), (iii), (iv), (v), and (vi) of subparagraph (A), the only portions of documents, records, orders, notices, and letters that shall be considered protected information are those portions that—

''(i) the Secretary has determined by regulation would be detrimental to the security of one or more covered water systems if disclosed; and

''(ii) are developed by the Administrator, the State, or the covered water system for the purposes of this section.

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe system compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more covered water systems if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a covered water system has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

''(m) RELATION TO CHEMICAL FACILITY SECURITY REQUIREMENTS.—Title XXI of the Homeland Security Act of 2002 and title I of the Chemical and Water Security Act of 2009 shall not apply to any public water system subject to this Act.

''(n) PREEMPTION.—This section does not preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a covered water system that is more stringent than a regulation, requirement, or standard of performance under this section.

''(o) VIOLATIONS.—

''(1) IN GENERAL.—A covered water system that violates any requirement of this section, including by not implementing all or part of its site security plan by such date as the Administrator requires, shall be liable for a civil penalty of not more than $25,000 for each day on which the violation occurs.

''(2) PROCEDURE.—When the Administrator determines that a covered water system is subject to a civil penalty under paragraph (1), the Administrator, after consultation with the State, for covered water systems located in a State exercising primary responsibility for the covered water system, and, after considering the severity of the violation or deficiency and the record of the

covered water system in carrying out the requirements of this section, may—

''(A) after notice and an opportunity for the covered water system to be heard, issue an order assessing a penalty under such paragraph for any past or current violation, requiring compliance immediately or within a specified time period; or

''(B) commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including temporary or permanent injunction.

''(3) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—Except as provided in subsections (g)(4) and (g)(5), if a covered water system is located in a State exercising primary enforcement responsibility for the system, the Administrator may not issue an order or commence a civil action under this section for any deficiency in the content or implementation of the portion of the system's site security plan relating to methods to reduce the consequences of a chemical release from an intentional act (as defined in subsection (g)(1)).

''(p) REPORT TO CONGRESS.—

''(1) PERIODIC REPORT.—Not later than 3 years after the effective date of the regulations under subsection (a)(1), and every 3 years thereafter, the Administrator shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress in achieving compliance with this section. Each such report shall include, at a minimum, the following:

''(A) A generalized summary of measures implemented by covered water systems in order to meet each risk-based performance standard established by this section.

''(B) A summary of how the covered water systems, differentiated by risk-based tier assignment, are complying with the requirements of this section during the period covered by the report and how the Administrator is implementing and enforcing such requirements during such period including—

''(i) the number of public water systems that provided the Administrator with information pursuant to subsection (d)(1);

''(ii) the number of covered water systems assigned to each risk-based tier;

''(iii) the number of vulnerability assessments and site security plans submitted by covered water systems;

''(iv) the number of vulnerability assessments and site security plans approved and disapproved by the Administrator;

''(v) the number of covered water systems without approved vulnerability assessments or site security plans;

''(vi) the number of covered water systems that have been assigned to a different risk-based tier due to implementation of a method to reduce the consequences of a chemical release from an intentional act and a description of the types of such implemented methods;

''(vii) the number of audits and inspections conducted by the Administrator or duly designated representatives of the Administrator;

''(viii) the number of orders for compliance issued by the Administrator;

''(ix) the administrative penalties assessed by the Administrator for non-compliance with the requirements of this section;

''(x) the civil penalties assessed by courts for non-compliance with the requirements of this section; and

''(xi) any other regulatory data the Administrator determines appropriate to describe covered water system compliance with the requirements of this section and the Administrator's implementation of such requirements.

''(2) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

''(q) GRANT PROGRAMS.—

''(1) IMPLEMENTATION GRANTS TO STATES.—The Administrator may award grants to, or enter into cooperative agreements with, States, based on an allocation formula established by the Administrator, to assist the States in implementing this section.

''(2) RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE GRANTS.—The Administrator may award grants to, or enter into cooperative agreements with, non-profit organizations to provide research, training, and technical assistance to covered water systems to assist them in carrying out their responsibilities under this section.

''(3) PREPARATION GRANTS.—

''(A) GRANTS.—The Administrator may award grants to, or enter into cooperative agreements with, covered water systems to assist such systems in—

''(i) preparing and updating vulnerability assessments, site security plans, and emergency response plans;

''(ii) assessing and implementing methods to reduce the consequences of a release of a substance of concern from an intentional act; and

''(iii) implementing any other security reviews and enhancements necessary to comply with this section.

''(B) PRIORITY.—

''(i) NEED.—The Administrator, in awarding grants or entering into cooperative agreements for purposes described in subparagraph (A)(i), shall give priority to covered water systems that have the greatest need.

''(ii) SECURITY RISK.—The Administrator, in awarding grants or entering into cooperative agreements for purposes described in subparagraph (A)(ii), shall give priority to covered water systems that pose the greatest security risk.

''(4) WORKER TRAINING GRANTS PROGRAM AUTHORITY.—

''(A) IN GENERAL.—The Administrator shall establish a grant program to award grants to eligible entities to provide for training and education of employees and contractor employees with roles or responsibilities described in subsection (f)(1) and first responders and emergency response providers who would respond to an intentional act at a covered water system.

''(B) ADMINISTRATION.—The Administrator shall enter into an agreement with the National Institute of Environmental Health Sciences to make and administer grants under this paragraph.

''(C) USE OF FUNDS.—The recipient of a grant under this paragraph shall use the grant to provide for—

''(i) training and education of employees and contractor employees with roles or responsibilities described in subsection (f)(1), including the annual mandatory training specified in subsection (f)(2) or training for first responders in protecting nearby persons, property, or the environment from the effects of a release of a substance of concern at the covered water system, with priority given to covered water systems assigned to tier one or tier two under subsection (d); and

''(ii) appropriate training for first responders and emergency response providers who would respond to an intentional act at a covered water system.

''(D) ELIGIBLE ENTITIES.—For purposes of this paragraph, an eligible entity is a non-profit organization with demonstrated experience in implementing and operating successful worker or first responder health and safety or security training programs.

''(r) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated—

''(A) $315,000,000 for fiscal year 2011, of which up to—

''(i) $30,000,000 may be used for administrative costs incurred by the Administrator or the States, as appropriate; and

''(ii) $125,000,000 may be used to implement methods to reduce the consequences of a chemical release from an intentional act at covered water systems with priority given to covered water systems assigned to tier one or tier two under subsection (d); and

''(B) such sums as may be necessary for fiscal years 2012 through 2015.

''(2) SECURITY ENHANCEMENTS.—Funding under this subsection for basic security enhancements shall not include expenditures for personnel costs or monitoring, operation, or maintenance of facilities, equipment, or systems.''.

(b) REGULATIONS; TRANSITION.—

(1) REGULATIONS.—Not later than 2 years after the date of the enactment of this title, the Administrator of the Environmental Protection Agency shall promulgate final regulations to carry out section 1433 of the Safe Drinking Water Act, as amended by subsection (a).

(2) EFFECTIVE DATE.—Until the effective date of the regulations promulgated under paragraph (1), section 1433 of the Safe Drinking Water Act, as in effect on the day before the date of the enactment of this title, shall continue to apply.

(3) SAVINGS PROVISION.—Nothing in this section or the amendment made by this section shall affect the application of section 1433 of the Safe Drinking Water Act, as in effect before the effective date of the regulations promulgated under paragraph (1), to any violation of such section 1433 occurring before such effective date, and the requirements of such section 1433 shall remain in force and effect with respect to such violation until the violation has been corrected or enforcement proceedings completed, whichever is later.

SEC. 203. STUDY TO ASSESS THE THREAT OF CONTAMINATION OF DRINKING WATER DISTRIBUTION SYSTEMS.

Not later than 180 days after the date of the enactment of this title, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, shall—

(1) conduct a study to assess the threat to drinking water posed by an intentional act of contamination, and the vulnerability of public water systems, including fire hydrants, to such a threat; and

(2) submit a report to the Congress on the results of such study.

TITLE III—WASTEWATER TREATMENT WORKS SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Wastewater Treatment Works Security Act of 2009''.

SEC. 302. WASTEWATER TREATMENT WORKS SECURITY.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

''(a) ASSESSMENT OF TREATMENT WORKS VULNERABILITY AND IMPLEMENTATION OF SITE SECURITY AND EMERGENCY RESPONSE PLANS.—

''(1) IN GENERAL.—Each owner or operator of a treatment works with either a treatment capacity of at least 2,500,000 gallons per day or, in the discretion of the Administrator, that presents a security risk

making coverage under this section appropriate shall, consistent with regulations developed under subsection (b)—

''(A) conduct and, as required, update a vulnerability assessment of its treatment works;

''(B) develop, periodically update, and implement a site security plan for the treatment works; and

''(C) develop and, as required, revise an emergency response plan for the treatment works.

''(2) VULNERABILITY ASSESSMENT.—

''(A) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to intentional acts that may—

''(i) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(ii) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(B) REVIEW.—A vulnerability assessment shall include an identification of the vulnerability of the treatment works'—

''(i) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

''(ii) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances under the control of the owner or operator of the treatment works;

''(iii) electronic, computer, and other automated systems;

''(iv) pumping, power, and other equipment;

''(v) use, storage, and handling of various chemicals, including substances of concern, as identified by the Administrator;

''(vi) operation and maintenance procedures; and

''(vii) ability to ensure continuity of operations.

''(3) SITE SECURITY PLAN.—

''(A) DEFINITION.—In this section, the term 'site security plan' means a process developed by the owner or operator of a treatment works to address security risks identified in a vulnerability assessment developed for the treatment works.

''(B) IDENTIFICATION OF SECURITY ENHANCEMENTS.—A site security plan carried out under paragraph (1)(B) shall identify specific security enhancements, including procedures, countermeasures, or equipment, that, when implemented or utilized, will reduce the vulnerabilities identified in a vulnerability assessment (including the identification of the extent to which implementation or utilization of such security enhancements may impact the operations of the treatment works in meeting the goals and requirements of this Act).

''(b) RULEMAKING AND GUIDANCE DOCUMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2010, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations—

''(A) establishing risk-based performance standards for the security of a treatment works identified under subsection (a)(1); and

''(B) establishing requirements and deadlines for each owner or operator of a treatment works identified under subsection (a)(1)—

''(i) to conduct and submit to the Administrator a vulnerability assessment or, if the owner or operator of a treatment works already has conducted a vulnerability assessment, to revise and submit to the Administrator such assessment in accordance with this section;

''(ii) to update and submit to the Administrator the vulnerability assessment not less than every 5 years and promptly after any change at the treatment works that could cause the reassignment of the treatment works to a different risk-based tier under paragraph (2)(B);

''(iii) to develop and implement a site security plan and to update such plan not less than every 5 years and promptly after an update to the vulnerability assessment;

''(iv) to develop an emergency response plan (or, if the owner or operator of a treatment works has already developed an emergency response plan, to revise the plan to be in accordance with this section) and to revise the plan not less than every 5 years and promptly after an update to the vulnerability assessment; and

''(v) to provide annual training to employees of the treatment works on implementing site security plans and emergency response plans.

''(2) RISK-BASED TIERS AND PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—In developing regulations under this subsection, the Administrator shall—

''(i) provide for 4 risk-based tiers applicable to treatment works identified under subsection (a)(1), with tier one representing the highest degree of security risk; and

''(ii) establish risk-based performance standards for site security plans and emergency response plans required under this section.

''(B) RISK-BASED TIERS.—

''(i) ASSIGNMENT OF RISK-BASED TIERS.—The Administrator shall assign (and reassign when appropriate) each treatment works identified under subsection (a)(1) to one of the risk-based tiers established pursuant to this paragraph.

''(ii) FACTORS TO CONSIDER.—In assigning a treatment works to a risk-based tier, the Administrator shall consider—

''(I) the size of the treatment works;

''(II) the proximity of the treatment works to large population centers;

''(III) the adverse impacts of an intentional act, including a worst-case release of a substance of concern designated under subsection (c), on the operation of the treatment works or on critical infrastructure, public health or safety, or the environment; and

''(IV) any other factor that the Administrator determines to be appropriate.

''(iii) INFORMATION REQUEST FOR TREATMENT WORKS.—The Administrator may require the owner or operator of a treatment works identified under subsection (a)(1) to submit information in order to determine the appropriate risk-based tier for the treatment works.

''(iv) EXPLANATION FOR RISK-BASED TIER ASSIGNMENT.—The Administrator shall provide the owner or operator of each treatment works assigned to a risk-based tier with the reasons for the tier assignment and whether such owner or operator of a treatment works is required to submit an assessment under paragraph (3)(B).

''(C) RISK-BASED PERFORMANCE STANDARDS.—

''(i) CLASSIFICATION.—In establishing risk-based performance standards under subparagraph (A)(ii), the Administrator shall ensure that the standards are separate and, as appropriate, increasingly more stringent based on the level of risk associated with the risk-based tier assignment under subparagraph (B) for the treatment works.

''(ii) CONSIDERATION.—In carrying out this subparagraph, the Administrator shall take into account section 27.230 of title 6, Code of Federal Regulations (or any successor regulation).

''(D) SITE SECURITY PLANS.—

''(i) IN GENERAL.—In developing regulations under this subsection, the Administrator shall permit the owner or operator of a treatment works identified under subsection (a)(1), in developing and implementing a site security plan, to select layered security and preparedness measures that, in combination—

''(I) address the security risks identified in its vulnerability assessment; and

''(II) comply with the applicable risk-based performance standards required by this subsection.

''(3) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—

''(A) DEFINITION.—In this section, the term 'method to reduce the consequences of a chemical release from an intentional act' means a measure at a treatment works identified under subsection (a)(1) that reduces or eliminates the potential consequences of a release of a substance of concern designated under subsection (c) from an intentional act, such as—

''(i) the elimination of or a reduction in the amount of a substance of concern possessed or planned to be possessed by a treatment works through the use of alternate substances, formulations, or processes;

''(ii) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(iii) the reduction or elimination of onsite handling of a substance of concern through the improvement of inventory control or chemical use efficiency.

''(B) ASSESSMENT.—

''(i) IN GENERAL.—In developing the regulations under this subsection, for each treatment works identified under subsection (a)(1) that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (c)(2), the Administrator shall require the treatment works to include in its site security plan an assessment of methods to reduce the consequences of a chemical release from an intentional act at the treatment works.

''(ii) CONSIDERATIONS FOR ASSESSMENT.—In developing the regulations under this subsection, the Administrator shall require the owner or operator of each treatment works, in preparing the assessment, to consider factors appropriate to address the responsibilities of the treatment works to meet the goals and requirements of this Act and to include—

''(I) a description of the methods to reduce the consequences of a chemical release from an intentional act;

''(II) a description of how each described method to reduce the consequences of a chemical release from an intentional act could, if applied—

''(aa) reduce the extent of death, injury, or serious adverse effects to human health or the environment as a result of a release, theft, or misappropriation of a substance of concern designated under subsection (c); and

''(bb) impact the operations of the treatment works in meeting the goals and requirements of this Act;

''(III) whether each described method to reduce the consequences of a chemical release from an intentional act at the treatment works is feasible, as determined by the Administrator;

''(IV) the costs (including capital and operational costs) and avoided costs (including potential savings) associated with applying each described method to reduce the consequences of a chemical release from an intentional act at the treatment works;

''(V) any other relevant information that the owner or operator of a treatment works relied on in conducting the assessment; and

''(VI) a statement of whether the owner or operator of a treatment works has implemented or plans to implement a method to

reduce the consequences of a chemical release from an intentional act, a description of any such method, and, in the case of a treatment works described in subparagraph (C)(i), an explanation of the reasons for any decision not to implement any such method.

''(C) REQUIRED METHODS.—

''(i) APPLICATION.—This subparagraph applies to a treatment works identified under subsection (a)(1) that—

''(I) is assigned to one of the two highest risk-based tiers established under paragraph (2)(A); and

''(II) possesses or plans to possess a substance of concern in excess of the threshold quantity set by the Administrator under subsection (c)(2).

''(ii) HIGHEST-RISK SYSTEMS.—If, on the basis of its assessment developed pursuant to subparagraph (B), the owner or operator of a treatment works described in clause (i) decides not to implement a method to reduce the consequences of a chemical release from an intentional act, in accordance with a timeline set by the Administrator—

''(I) the Administrator or, where applicable, a State with an approved program under section 402, shall determine whether to require the owner or operator of a treatment works to implement such method; and

''(II) in the case of a State with such approved program, the State shall report such determination to the Administrator.

''(iii) CONSIDERATIONS.—Before requiring the implementation of a method to reduce the consequences of a chemical release from an intentional act under clause (ii), the Administrator or a State, as the case may be, shall consider factors appropriate to address the responsibilities of the treatment works to meet the goals and requirements of this Act, including an examination of whether the method—

''(I) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting from a chemical release from an intentional act at the treatment works;

''(II) would not increase the interim storage by the treatment works of a substance of concern designated under subsection (c);

''(III) could impact the operations of the treatment works in meeting the goals and requirements of this Act or any more stringent standards established by the State or municipality in which the treatment works is located; and

''(IV) is feasible, as determined by the Administrator, to be incorporated into the operations of the treatment works.

''(D) APPEAL.—Before requiring the implementation of a method to reduce the consequences of a chemical release from an intentional act under clause (ii), the Administrator or a State, as the case may be, shall provide the owner or operator of the treatment works an opportunity to appeal the determination to require such implementation.

''(E) INCOMPLETE OR LATE ASSESSMENTS.—

''(i) INCOMPLETE ASSESSMENTS.—If the Administrator determines that a treatment works fails to meet the requirements of subparagraph (B) and the applicable regulations, the Administrator shall, after notifying the owner or operator of a treatment works and the State in which the treatment works is located, require the owner or operator of the treatment works to submit a revised assessment not later than 60 days after the Administrator notifies the owner or operator. The Administrator may require such additional revisions as are necessary to ensure that the treatment works meets the requirements of subparagraph (B) and the applicable regulations.

''(ii) LATE ASSESSMENTS.—If the Administrator finds that the owner or operator of a treatment works, in conducting an assessment pursuant to subparagraph (B), did not complete such assessment in accordance with the deadline set by the Administrator, the Administrator may, after notifying the owner or operator of the treatment works and the State in which the treatment works is located, take appropriate enforcement action under subsection (j).

''(iii) REVIEW.—A State with an approved program under section 402 or the Administrator, as the case may be, shall review a revised assessment that meets the requirements of subparagraph (B) and applicable regulations to determine whether the treatment works will be required to implement methods to reduce the consequences of a chemical release from an intentional act pursuant to subparagraph (C).

''(F) ENFORCEMENT.—

''(i) FAILURE BY STATE TO MAKE DETERMINATION.—

''(I) IN GENERAL.—If the Administrator determines that a State with an approved program under section 402 failed to determine whether to require a treatment works to implement a method to reduce the consequences of a chemical release from an intentional act, as required by subparagraph (C)(ii), the Administrator shall notify the State and the owner or operator of the treatment works.

''(II) ADMINISTRATIVE ACTION.—If, after 30 days after the notification described in subclause (I), a State fails to make the determination described in that subclause, the Administrator shall notify the State and the owner or operator of the treatment works and shall determine whether to require the owner or operator to implement a method to reduce the consequences of a chemical release from an intentional act based on the factors described in subparagraph (C)(iii).

''(ii) FAILURE BY STATE TO BRING ENFORCEMENT ACTION.—

''(I) IN GENERAL.—If, in a State with an approved program under section 402, the Administrator determines that the owner or operator of a treatment works fails to implement a method to reduce the consequences of a chemical release from an intentional act (as required by the State or the Administrator under subparagraph (C)(ii) or the Administrator under clause (i)(II)), the Administrator shall notify the State and the owner or operator of the treatment works.

''(II) ADMINISTRATIVE ENFORCEMENT ACTION.—If, after 30 days after the notification described in subclause (I), the State has not commenced appropriate enforcement action, the Administrator shall notify the State and may commence an enforcement action against the owner or operator of the treatment works, including by seeking or imposing civil penalties under subsection (j), to require implementation of such method.

''(4) CONSULTATION WITH STATE AUTHORITIES.—In developing the regulations under this subsection, the Administrator shall consult with States with approved programs under section 402.

''(5) CONSULTATION WITH OTHER PERSONS.—In developing the regulations under this subsection, the Administrator shall consult with the Secretary of Homeland Security, and, as appropriate, other persons regarding—

''(A) the provision of threat-related and other baseline information to treatment works identified under subsection (a)(1);

''(B) the designation of substances of concern under subsection (c);

''(C) the development of risk-based performance standards;

''(D) the establishment of risk-based tiers and the process for the assignment of treatment works identified under subsection (a)(1) to such tiers;

''(E) the process for the development and evaluation of vulnerability assessments, site security plans, and emergency response plans;

''(F) the treatment of protected information; and

''(G) any other factor that the Administrator determines to be appropriate.

''(6) CONSIDERATION.—In developing the regulations under this subsection, the Administrator shall ensure that such regulations are consistent with the goals and requirements of this Act.

''(c) SUBSTANCES OF CONCERN.—For purposes of this section, the Administrator, in consultation with the Secretary of Homeland Security—

''(1) may designate any chemical substance as a substance of concern;

''(2) at the time any chemical substance is designated pursuant to paragraph (1), shall establish by rulemaking a threshold quantity for the release or theft of a substance, taking into account the toxicity, reactivity, volatility, dispersability, combustability, and flammability of the substance and the amount of the substance, that, as a result of the release or theft, is known to cause, or may be reasonably anticipated to cause, death, injury, or serious adverse impacts to human health or the environment; and

''(3) in making such a designation, shall take into account appendix A to part 27 of title 6, Code of Federal Regulations (or any successor regulation).

''(d) REVIEW OF VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) IN GENERAL.—Each owner or operator of a treatment works identified under subsection (a)(1) shall submit its vulnerability assessment and site security plan to the Administrator for review in accordance with deadlines established by the Administrator.

''(2) STANDARD OF REVIEW.—The Administrator shall review each vulnerability assessment and site security plan submitted under this subsection and—

''(A) if the assessment or plan has a significant deficiency described in paragraph (3), require the owner or operator of the treatment works to correct the deficiency; or

''(B) approve such assessment or plan.

''(3) SIGNIFICANT DEFICIENCY.—A vulnerability assessment or site security plan of a treatment works has a significant deficiency under this subsection if the Administrator, in consultation, as appropriate, with a State with an approved program under section 402, determines that—

''(A) such assessment does not comply with the regulations promulgated under subsection (b); or

''(B) such plan—

''(i) fails to address vulnerabilities identified in a vulnerability assessment; or

''(ii) fails to meet applicable risk-based performance standards.

''(4) IDENTIFICATION OF DEFICIENCIES.—If the Administrator identifies a significant deficiency in the vulnerability assessment or site security plan of an owner or operator of a treatment works under paragraph (3), the Administrator shall provide the owner or operator with a written notification of the deficiency that—

''(A) includes a clear explanation of the deficiency in the vulnerability assessment or site security plan;

''(B) provides guidance to assist the owner or operator in addressing the deficiency; and

''(C) requires the owner or operator to correct the deficiency and, by such date as the Administrator determines appropriate, to submit to the Administrator a revised vulnerability assessment or site security plan.

''(5) STATE, LOCAL, OR TRIBAL GOVERNMENTAL ENTITIES.—No owner or operator of a

treatment works identified under subsection (a)(1) shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described in this section to any State, local, or tribal governmental entity solely by reason of the requirement set forth in paragraph (1) that the owner or operator of a treatment works submit such an assessment and plan to the Administrator.

''(e) EMERGENCY RESPONSE PLAN.—

''(1) IN GENERAL.—The owner or operator of a treatment works identified under subsection (a)(1) shall develop or revise, as appropriate, an emergency response plan that incorporates the results of the current vulnerability assessment and site security plan for the treatment works.

''(2) CERTIFICATION.—The owner or operator of a treatment works identified under subsection (a)(1) shall certify to the Administrator that the owner or operator has completed an emergency response plan, shall submit such certification to the Administrator not later than 6 months after the first completion or revision of a vulnerability assessment under this section, and shall submit an additional certification following any update of the emergency response plan.

''(3) CONTENTS.—An emergency response plan shall include a description of—

''(A) plans, procedures, and identification of equipment that can be implemented or used in the event of an intentional act at the treatment works; and

''(B) actions, procedures, and identification of equipment that can obviate or significantly reduce the impact of intentional acts to—

''(i) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(ii) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(4) COORDINATION.—As part of its emergency response plan, the owner or operator of a treatment works shall provide appropriate information to any local emergency planning committee, local law enforcement officials, and local emergency response providers to ensure an effective, collective response.

''(f) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE.—Site security plans and emergency response plans required under this section shall describe the appropriate roles or responsibilities that employees and contractor employees of treatment works are expected to perform to deter or respond to the intentional acts identified in a current vulnerability assessment.

''(2) TRAINING FOR EMPLOYEES.—The owner or operator of a treatment works identified under subsection (a)(1) shall annually provide employees and contractor employees with the roles or responsibilities described in paragraph (1) with sufficient training, as determined by the Administrator, on carrying out those roles or responsibilities.

''(3) EMPLOYEE PARTICIPATION.—In developing, revising, or updating a vulnerability assessment, site security plan, and emergency response plan required under this section, the owner or operator of a treatment works shall include—

''(A) at least one supervisory and at least one nonsupervisory employee of the treatment works; and

''(B) at least one representative of each certified or recognized bargaining agent representing facility employees or contractor employees with roles or responsibilities described in paragraph (1), if any, in a collective bargaining relationship with the owner or operator of the treatment works or with a contractor to the treatment works.

''(g) MAINTENANCE OF RECORDS.—The owner or operator of a treatment works identified under subsection (a)(1) shall maintain an updated copy of its vulnerability assessment, site security plan, and emergency response plan on the premises of the treatment works.

''(h) AUDIT; INSPECTION.—

''(1) IN GENERAL.—The Administrator shall audit and inspect a treatment works identified under subsection (a)(1), as necessary, for purposes of determining compliance with this section.

''(2) ACCESS.—In conducting an audit or inspection of a treatment works under paragraph (1), the Administrator shall have access to the owners, operators, employees and contractor employees, and employee representatives, if any, of such treatment works.

''(3) CONFIDENTIAL COMMUNICATION OF INFORMATION; AIDING INSPECTIONS.—The Administrator shall offer nonsupervisory employees of a treatment works the opportunity confidentially to communicate information relevant to the compliance or noncompliance of the owner or operator of the treatment works with this section, including compliance or noncompliance with any regulation or requirement adopted by the Administrator in furtherance of the purposes of this section. A representative of each certified or recognized bargaining agent described in subsection (f)(3)(B), if any, or, if none, a nonsupervisory employee, shall be given an opportunity to accompany the Administrator during the physical inspection of any treatment works for the purpose of aiding such inspection, if representatives of the treatment works will also be accompanying the Administrator on such inspection.

''(i) PROTECTION OF INFORMATION.—

''(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information shall—

''(A) be exempt from disclosure under section 552 of title 5, United States Code; and

''(B) not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(2) INFORMATION SHARING.—

''(A) IN GENERAL.—The Administrator shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in paragraph (7).

''(B) SHARING OF PROTECTED INFORMATION.—The regulations under subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with and among Federal, State, local, and tribal authorities, first responders, law enforcement officials, supervisory and nonsupervisory treatment works personnel with security, operational, or fiduciary responsibility for the system designated by the owner or operator of the treatment works, and facility employee representatives designated by the owner or operator of the treatment works, if any.

''(C) INFORMATION SHARING PROCEDURES.—Such standards shall include procedures for the sharing of all portions of the vulnerability assessment and site security plan of a treatment works relating to the roles and responsibilities of the employees or contractor employees of a treatment works under subsection (f)(1) with a representative of each certified or recognized bargaining agent representing such employees, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles and responsibilities under subsection (f)(1).

''(D) PENALTIES.—Protected information, as described in paragraph (7), shall not be shared except in accordance with the standards provided by the regulations under subparagraph (A). Whoever discloses protected information in knowing violation of the regulations and orders issued under subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(3) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information, as described in paragraph (7), shall be treated in a manner consistent with the treatment of sensitive security information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (120 Stat. 1381).

''(4) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects an obligation of the owner or operator of a treatment works to—

''(A) submit or make available information to employees of the treatment works, employee organizations, or a Federal, State, local, or tribal government agency under any other provision of law; or

''(B) comply with any other provision of law.

''(5) CONGRESSIONAL OVERSIGHT.—Nothing in this section permits or authorizes the withholding of information from Congress or any committee or subcommittee thereof.

''(6) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section amends or affects any authority or obligation of a Federal, State, local, or tribal agency to protect or disclose any record or information that the Federal, State, local, or tribal agency obtains from a treatment works or the Administrator under any other provision of law except as provided in subsection (d)(5).

''(7) PROTECTED INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, the term 'protected information' means any of the following:

''(i) Vulnerability assessments and site security plans under this section, including any assessment developed under subsection (b)(3)(B).

''(ii) Documents directly related to the Administrator's review of assessments and plans described in clause (i) and, as applicable, the State's review of an assessment developed under subsection (b)(3)(B).

''(iii) Documents directly related to inspections and audits under this section.

''(iv) Orders, notices, or letters regarding the compliance of a treatment works described in subsection (a)(1) with the requirements of this section.

''(v) Information required to be provided to, or documents and records created by, the Administrator under subsection (b)(2).

''(vi) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(vii) Other information, documents, and records developed for the purposes of this section that the Administrator has determined by regulation would be detrimental to the security of a treatment works if disclosed.

''(B) DETRIMENT REQUIREMENT.—For purposes of clauses (ii), (iii), (iv), (v), and (vi) of subparagraph (A), the only portions of documents, records, orders, notices, and letters that shall be considered protected information are those portions that—

''(i) the Secretary has determined by regulation would be detrimental to the security of a treatment works if disclosed; and

''(ii) are developed by the Administrator, the State, or the treatment works for the purposes of this section.

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security

plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe treatment works compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more treatment works if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a treatment works has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

''(j) VIOLATIONS.—For the purposes of section 309 of this Act, any violation of any requirement of this section, including any regulations promulgated pursuant to this section, by an owner or operator of a treatment works described in subsection (a)(1) shall be treated in the same manner as a violation of a permit condition under section 402 of this Act.

''(k) REPORT TO CONGRESS.—

''(1) PERIODIC REPORT.—Not later than 3 years after the effective date of the regulations issued under subsection (b) and every 3 years thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress in achieving compliance with this section.

''(2) CONTENTS OF THE REPORT.—Each such report shall include, at a minimum, the following:

''(A) A generalized summary of measures implemented by the owner or operator of a treatment works identified under subsection (a)(1) in order to meet each risk-based performance standard established by this section.

''(B) A summary of how the treatment works, differentiated by risk-based tier assignment, are complying with the requirements of this section during the period covered by the report and how the Administrator is implementing and enforcing such requirements during such period, including—

''(i) the number of treatment works that provided the Administrator with information pursuant to subsection (b)(2)(B)(iii);

''(ii) the number of treatment works assigned to each risk-based tier;

''(iii) the number of vulnerability assessments and site security plans submitted by treatment works;

''(iv) the number of vulnerability assessments and site security plans approved or found to have a significant deficiency under subsection (d)(2) by the Administrator;

''(v) the number of treatment works without approved vulnerability assessments or site security plans;

''(vi) the number of treatment works that have been assigned to a different risk-based tier due to implementation of a method to reduce the consequences of a chemical release from an intentional act and a description of the types of such implemented methods;

''(vii) the number of audits and inspections conducted by the Administrator; and

''(viii) any other regulatory data the Administrator determines appropriate to describe the compliance of owners or operators of treatment works with the requirements of this section and the Administrator's implementation of such requirements.

''(3) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

''(l) GRANTS FOR VULNERABILITY ASSESSMENTS, SECURITY ENHANCEMENTS, AND WORKER TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Administrator may make a grant to a State, municipality, or intermunicipal or interstate agency—

''(A) to conduct or update a vulnerability assessment, site security plan, or emergency response plan for a publicly owned treatment works identified under subsection (a)(1);

''(B) to implement a security enhancement at a publicly owned treatment works identified under subsection (a)(1), including a method to reduce the consequences of a chemical release from an intentional act, identified in an approved site security plan and listed in paragraph (2);

''(C) to implement an additional security enhancement at a publicly owned treatment works identified under subsection (a)(1), including a method to reduce the consequences of a chemical release from an intentional act, identified in an approved site security plan; and

''(D) to provide for security-related training of employees or contractor employees of the treatment works and training for first responders and emergency response providers.

''(2) GRANTS FOR SECURITY ENHANCEMENTS.—

''(A) PREAPPROVED SECURITY ENHANCEMENTS.—The Administrator may make a grant under paragraph (1)(B) to implement a security enhancement of a treatment works for one or more of the following:

''(i) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

''(I) barriers, fencing, and gates;

''(II) security lighting and cameras;

''(III) metal grates, wire mesh, and outfall entry barriers;

''(IV) securing of manhole covers and fill and vent pipes;

''(V) installation and re-keying of doors and locks; and

''(VI) smoke, chemical, and explosive mixture detection systems.

''(ii) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

''(iii) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

''(iv) Security screening of employees or contractor support services.

''(B) ADDITIONAL SECURITY ENHANCEMENTS.—The Administrator may make a grant under paragraph (1)(C) for additional security enhancements not listed in subparagraph (A) that are identified in an approved site security plan. The additional security enhancements may include the implementation of a method to reduce the consequences of a chemical release from an intentional act.

''(C) LIMITATION ON USE OF FUNDS.—Grants under this subsection may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

''(D) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under paragraph (1) may not exceed 75 percent.

''(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State, municipality, or intermunicipal or interstate agency shall submit information to the Administrator at such time, in such form, and with such assurances as the Administrator may require.

''(m) PREEMPTION.—This section does not preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a treatment works that is more stringent than a regulation, requirement, or standard of performance under this section.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $200,000,000 for each of fiscal years 2010 through 2014 for making grants under subsection (l). Such sums shall remain available until expended.

''(o) RELATION TO CHEMICAL FACILITY SECURITY REQUIREMENTS.—Title XXI of the Homeland Security Act of 2002 and title I of the Chemical and Water Security Act of 2009 shall not apply to any treatment works.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DENT moved to recommit the bill to the Committee on Homeland Security with instructions to report the bill back to the House forthwith with the following amendments:

Page 52, line 16, strike ''and''.

Page 52, line 21, strike the period and insert ''; and''.

Page 52, after line 21, insert the following: ''(iv) would not significantly or demonstrably reduce the operations of the covered chemical facility or result in any net reduction in private sector employment when national unemployment is above 4 percent.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. DENT demanded a recorded vote on the motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 189 / Nays 236

¶141.34 [Roll No. 874]

AYES—189

Akin	Brown (SC)	Deal (GA)
Alexander	Brown-Waite, Ginny	Dent
Austria	Buchanan	Diaz-Balart, L.
Bachmann	Burgess	Diaz-Balart, M.
Bachus	Burton (IN)	Donnelly (IN)
Baird	Buyer	Dreier
Barrett (SC)	Calvert	Duncan
Bartlett	Camp	Emerson
Barton (TX)	Campbell	Fallin
Biggert	Cantor	Flake
Bilbray	Cao	Fleming
Bilirakis	Capito	Forbes
Bishop (UT)	Cassidy	Fortenberry
Blackburn	Castle	Foxx
Blunt	Chaffetz	Franks (AZ)
Boehner	Childers	Frelinghuysen
Bonner	Coble	Gallegly
Bono Mack	Coffman (CO)	Garrett (NJ)
Boozman	Cole	Gerlach
Boren	Costa	Gingrey (GA)
Boustany	Crenshaw	Gohmert
Brady (TX)	Culberson	Goodlatte
Bright	Davis (KY)	Granger
Broun (GA)		Graves

Griffith
Guthrie
Hall (TX)
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Aderholt
Carter
Chandler
Conaway
Ehlers
Issa
Murphy, Patrick
Rogers (MI)
Sánchez, Linda T.

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. DENT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 193

¶141.35 [Roll No. 875]

AYES—230

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Aderholt	Conaway	Rogers (MI)
Carter	Ehlers	Sánchez, Linda T.
Chandler	McDermott	Waters
Cleaver	Murphy, Patrick	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶141.36 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶141.37 CLERK TO CORRECT ENGROSSMENT—H.R. 2868

On motion of Mr. THOMPSON of Mississippi, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶141.38 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SCHRADER, laid before the House the following communication from Mr. STARK.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and production of documents issued by the Superior Court of California, County of Yolo, in connection with a traffic court matter now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

PETE STARK,
Member of Congress.

¶141.39 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore, Mr. SCHRADER, laid before the House a message from the President, which was read as follows:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2009.

BARACK OBAMA.

THE WHITE HOUSE, *November 6, 2009.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–75).

¶141.40 HUANG QI AND TAN ZUOREN

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 877):

Whereas Chinese human rights activists Huang Qi and Tan Zuoren both sought to help the parents whose children were killed as a result of the collapse of numerous school buildings during the Sichuan earthquake of May 12, 2008;

Whereas the parents allege that school buildings collapsed at a much higher rate than other types of buildings during the Sichuan earthquake;

Whereas the parents also allege that poor construction contributed to the higher rate of school building collapses and that possible corruption among local officials and builders contributed to inferior construction and poor maintenance of the school buildings;

Whereas Chinese courts have refused to hear lawsuits brought by parents seeking accountability for the school collapses, and Chinese officials have warned lawyers not to take on these cases;

Whereas local Chinese officials have taken steps to prevent parents from petitioning to higher authorities and have kept some parents in arbitrary detention;

Whereas, Huang Qi, founder of the human rights advocacy website Tianwang Human Rights Center (64tianwang.com), traveled to the earthquake zone after the Sichuan earthquake and later posted articles on his website about the demands by parents for an investigation into the collapse of school buildings that killed thousands of children;

Whereas plainclothes police took Huang into custody on June 10, 2008, and Chengdu public security officials formally arrested him on July 18, 2008, on charges of illegally possessing state secrets;

Whereas Huang's lawyer said that during Huang's detention, authorities questioned him about interviews he conducted during visits to areas affected by the quake;

Whereas Chinese officials have considerable discretion to declare information a state secret, and their power to use such a charge to deny defendants access to counsel and an open trial is subject to few limitations;

Whereas Huang's closed trial was held on August 5, 2009, and according to the international nongovernmental organization Human Rights in China, four police officers kidnapped a volunteer for the Tianwang Human Rights Center, Pu Fei, to prevent him from testifying on Huang's behalf;

Whereas Huang suffers from numerous serious medical conditions, but Chinese authorities reportedly have denied him adequate treatment;

Whereas Chinese officials denied requests to allow Huang to visit his seriously ill father, who passed away in early September 2009;

Whereas following the Sichuan earthquake, writer and environmental activist Tan Zuoren was active in calling for the government to investigate the cause of the large number of school building collapses during the earthquake;

Whereas Tan was quoted in a May 27, 2008, South China Morning Post article as saying that ''the government and the public must work together to find an answer'' regarding why so many school buildings collapsed and urging local governments to inspect other school buildings for poor construction;

Whereas in February 2009, Tan issued a proposal via the Internet calling on volunteers to travel to Sichuan to compile lists of students killed in the quake, research the treatment of the deceased students' parents, and conduct an independent investigation into the quality of school building construction;

Whereas Tan issued a preliminary report in March 2009 that criticized officials for failing to follow through on a commitment to fully investigate the role that inferior construction played in the school building collapses and for failure to deal with parents' demands;

Whereas authorities detained Tan on March 28, 2009, three days after the report was published;

Whereas the indictment, dated July 17, 2009, said Tan was charged with inciting subversion of state power in part because he gave interviews to international media after the earthquake in which he allegedly harmed the image of the Communist Party of China and the Chinese Government;

Whereas Tan's trial, held by the Chengdu Intermediate People's Court on August 12, 2009, was marred by procedural violations;

Whereas the court reportedly rejected requests by Tan's lawyers to call three witnesses, including Ai Weiwei, a noted artist who helped design the Beijing Olympics' National Stadium, or Bird's Nest, and who also was investigating student deaths in the Sichuan earthquake;

Whereas Ai told various news agencies that police came to his hotel and used force to prevent him and 10 other volunteers from leaving until after the trial ended;

Whereas Tan's lawyers reported that the judge frequently cut them off during the trial and that their request to show video evidence was not accepted;

Whereas the parents of earthquake victims who attempted to attend Tan's trial were detained;

Whereas court officials reportedly did not allow reporters into the courtroom, and police also barred hundreds of supporters from entering the courtroom, saying the supporters needed passes even though court officials had told them earlier that no passes were necessary;

Whereas the courts have not yet issued judgments in either Huang's case or Tan's case; and

Whereas the Chinese Government's own National Human Rights Action Plan, issued by the State Council Information Office in April 2009, says that ''the state will guarantee citizens' rights to criticize, give advice to, complain of, and accuse state organs and civil servants, and give full play to the role of mass organizations, social organizations and the news media in supervising state organs and civil servants'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; and

(2) calls on the Government of the People's Republic of China to—

(A) provide Huang Qi and Tan Zuoren with the rights that all Chinese citizens have under article 35 and article 41 of China's Constitution, namely freedom of speech and association and the right to make suggestions to officials free from suppression and retaliation;

(B) ensure that Huang Qi and Tan Zuoren are afforded the rights guaranteed to all defendants under the Criminal Procedure Law of the People's Republic of China; and

(C) implement its own National Human Rights Action Plan by allowing parents, concerned citizens, and the news media to conduct their own investigations into the role inferior construction and corruption may have played in the collapse of school buildings during the Sichuan earthquake, free from government harassment and official interference, and by ensuring that citizens have full access to effective legal remedies for their grievances.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.41 COLD WAR 20TH ANNIVERSARY

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 892):

Whereas the year 1989 witnessed a series of remarkable events in Europe that helped lead to the end of the Cold War and the beginning of the creation of a Europe whole, free, and at peace;

Whereas, on February 6, 1989, after almost 10 years of unarmed struggle, the Polish free trade union Solidarity finally succeeded in forcing the Government of Poland to begin talks on broad political and economic change;

Whereas, on April 6, 1989, Solidarity was legalized, enabling it to contest elections for 35 percent of the seats in the Sejm and all the seats in the Senat, resulting in the historic election victory for Solidarity on June 4 in which Solidarity won all the seats available to it in the Sejm and 99 out of 100 seats in the Senat, leading to the installation of the first non-Communist government since January 1945;

Whereas, on May 2, 1989, the Hungarian government began dismantling the barbed wire fence separating Hungary in the Soviet-controlled East from Austria in the free West, causing a ''tear in the Iron Curtain'' that was never to be closed again;

Whereas, following the exodus of several hundred East Germans from Hungary between May and mid-July 1989, the Hungarian government announced on September 10, that as of midnight, the border to the West would be open for all East Germans wishing to leave, leading to the departure of thousands of East Germans and representing the first break in the Warsaw Pact policy of preventing each other's citizens from fleeing to the West;

Whereas, on August 23, 1989, 2,000,000 people living in the Baltic states of Estonia, Latvia, and Lithuania linked hands to form a human chain almost 400 miles long in a peaceful protest of Soviet rule and in order to demand the restoration of independent statehood;

Whereas, on November 9, 1989, in response to protests that had grown to include over a million people in Berlin's Alexanderplatz, now referred to as the ''Peaceful Revolution'', Gunter Schabowski, the communist East German Minister of Propaganda, announced that the border would be opened for ''private trips abroad'';

Whereas, on November 9, 1989, thousands of East Germans streamed into West Berlin, following the opening of checkpoints between the two halves of the divided city and resulting in the days that followed in one of the most momentous events of the 20th century, the tearing down of the Berlin Wall;

Whereas, on November 24, 1989, months of protests by pro-democracy forces in Czechoslovakia led by visionary leader Vaclav Havel resulted in the culmination of the ''Velvet Revolution'' and the en masse resignation of the entire Czechoslovak ruling Politburo, followed by the resignation of President Gustav Husak on December 10, and a new democratic beginning with the election of President Havel on December 29;

Whereas in November 1989, the first-known post-war public protests in Bulgaria organized by civil rights groups led to the ouster and resignation of Communist Party leader Todor Zhivkov after 34 years in power, and the first free elections since 1946 in Bulgaria the following June;

Whereas, on December 17, 1989, in the town of Timisoara, Romania, citizens protesting against the arrest of a local priest were brutally killed by Romanian security forces under orders of President Ceausescu, causing international outrage and condemnation, and leading to mass protests and escalating violence throughout the country, resulting at the end of the year in the overthrow of the Ceausescu regime and his execution;

Whereas the events of 1989 prove that the will and the desire of millions of people for freedom cannot be forever repressed and that the actions of a few courageous leaders can inspire millions of others to join the inexorable struggle to be free;

Whereas in the past 20 years, most of the countries of Central and Eastern Europe have become stable, prosperous, and vibrant democracies, with many becoming members of the North Atlantic Treaty Organization (NATO) and the European Union (EU);

Whereas in the past 20 years, the prospect of membership in NATO and the EU has been a major stabilizing force and has helped promote greater peace and prosperity within Europe; and

Whereas there is still much work that needs to be done to overcome the remaining challenges within Europe and to create a Europe whole, free, and at peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the events of 1989 that helped lead to the end of the Cold War;

(2) congratulates the countries of Central and Eastern Europe who have made great progress in the past 20 years and emerged as strong, vibrant democracies;

(3) expresses strong support and friendship for the countries of Central and Eastern Europe, and reaffirms its commitment to the solemn obligations set forth in article 5 of the North Atlantic Treaty;

(4) welcomes the commitment by the European Union (EU) and the North Atlantic Treaty Organization (NATO) to keep the door to membership open for all European countries which meet the conditions for accession; and

(5) supports the continued efforts to create a Europe whole, free and at peace.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.42 HASHEMITE KINGDOM OF JORDAN AND HIS MAJESTY KING ABDULLAH II IBN AL HUSSEIN

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 833); as amended:

Whereas the Hashemite Kingdom of Jordan achieved independence on May 25, 1946;

Whereas the United States recognized Jordan as an independent state in a White House announcement on January 31, 1949;

Whereas diplomatic relations and the American Legation in Jordan were established on February 18, 1949, when United States diplomat Wells Stabler presented his credentials as Chargé d'Affaires in Amman;

Whereas for 60 years, the United States and Jordan have enjoyed a close relationship. spanning a gamut of issues from the search for peace in the Middle East, the socio-economic development of the Jordanian people, and the threat to both posed by al Qaeda and other foreign terrorist organizations;

Whereas King Hussein charted a moderate path for his country during his many years on the throne;

Whereas the United States has been Jordan's strongest international partner for over 50 years;

Whereas throughout his reign, King Hussein looked for opportunities to realize his dream of a more peaceful Middle East by working to solve intra-Arab disputes and engaging with successive Israeli Prime Ministers in the search for peace;

Whereas King Hussein and Israeli Prime Minister Yitzhak Rabin signed the historic Jordan-Israel peace treaty in 1994, ending nearly 50 years of a formal state of war between the neighboring countries;

Whereas the United States lost a close friend and a crucial partner when King Hussein passed away in 1999;

Whereas King Hussein was succeeded by his son, King Abdullah II, who has continued his father's work to improve the lives of the Jordanian people while also seeking to bring peace to the region;

Whereas in the aftermath of the September 11, 2001, terrorist attacks, Jordan has been an instrumental partner in the fight against al Qaeda, has provided crucial assistance in Iraq, and has coped with the responsibility of hosting more than a half-million Iraqi refugees, a total equal to roughly 10 percent of Jordan's population;

Whereas King Abdullah II has been a leading Arab voice in trying to reaffirm that, as stated in his 2004 Amman Message, ''True Islam forbids wanton aggression and terrorism, [and] enjoins freedom of religion, peace, justice and good-will to non-Muslims.'';

Whereas in November 2005, al Qaeda terrorists struck three hotels in Amman, Jordan, killing 60 individuals—including four Americans—and wounding 115, and uniting the people of Jordan and the United States in grief; and

Whereas King Abdullah II begins his second decade on the Jordanian throne by redoubling his efforts for peace in the region as the Jordan-United States partnership enters its seventh decade: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 60th anniversary of the close relationship between the United States and the Hashemite Kingdom of Jordan;

(2) expresses its profound admiration and gratitude for the friendship of the Jordanian people;

(3) congratulates His Majesty King Abdullah II on 10 years of enlightened and progressive rule; and

(4) shares the hope of His Majesty King Abdullah II and the Jordanian people for a more peaceful and free Middle East.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.43 30TH ANNIVERSARY OF HOSTAGES IN IRAN

Mr. MCMAHON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 209):

Whereas, in the face of internal political upheaval in Iran, the United States Government maintained a diplomatic presence in Tehran following the fall of Shah Mohammed Reza Pahlavi in January 1979, and sought to engage the new provisional government of Prime Minister Mehdi Bazargan;

Whereas, on November 4, 1979, Iranian militants scaled the walls of the United States Embassy in Tehran and took 63 United States citizens and diplomats hostage;

Whereas three more United States citizens were taken prisoner at the Iranian Foreign Ministry, for a total of 66 hostages;

Whereas the occupiers bound and blindfolded the embassy staff and military personnel and paraded them in front of photographers;

Whereas a total of 52 United States citizens were held hostage for 444 days until January 20, 1981, in isolated and under psychologically intimidating and onerous conditions;

Whereas Iranian militants violated the principle of diplomatic immunity and United States sovereignty;

Whereas Ayatollah Khomeini endorsed the seizure of the United States Embassy and detention of United States hostages and toppled the Bazargan government, instructing that no Iranian officials hold discussions with United States representatives;

Whereas the Soviet Union vetoed United States initiatives at the United Nations Security Council to impose collective economic sanctions on Iran;

Whereas the United States broke off diplomatic relations with Iran on April 7, 1980, following unsuccessful diplomatic efforts to free the hostages;

Whereas, on April 24, 1980, the United States launched Operation Eagle Claw, a high-risk rescue operation to free the hostages;

Whereas the rescue mission was aborted when three helicopters malfunctioned;

Whereas the following United States military personnel from the all-volunteer Joint Special Operations Group lost their lives and three more were injured in the Great Salt Desert near Tabas, Iran, on April 25, 1980, in the aborted attempt to rescue the United States hostages—

(1) Capt. Richard L. Bakke, 34, Long Beach, CA, Air Force;

(2) Sgt. John D. Harvey, 21, Roanoke, VA, Marine Corps;

(3) Cpl. George N. Holmes, Jr., 22 Pine Bluff, AR, Marine Corps;

(4) Staff Sgt. Dewey L. Johnson, 32, Jacksonville, NC, Marine Corps;

(5) Capt. Harold L. Lewis, 35, Mansfield, CT, Air Force;

(6) Tech. Sgt. Joel C. Mayo, 34, Bonifay, FL, Air Force;

(7) Capt. Lynn D. McIntosh, 33, Valdosta, GA, Air Force; and

(8) Capt. Charles T. McMillan II, 28, Corrytown, TN, Air Force;

Whereas the Algerian Government brokered a January 19, 1981, agreement between Iran and the United States, to which the United States agreed, under duress, resulting in the release of the hostages on January 20, 1981;

Whereas President Reagan asked former President Carter to welcome the released hostages at Rhein-Mein Air Base; and

Whereas the Iranian Government's commemoration of the 30th anniversary of the Iranian hostage crisis was met with street protests against the repressive Iranian regime: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 30th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days;

(2) honors the sacrifice and service of the United States diplomats and military personnel held hostage and servicemen who lost their lives and were wounded in a valiant attempt to free the United States hostages;

(3) in recognition of this sacrifice, hopes that the people of the United States and Iran may embark on a new relationship that fully reflects their most noble aspirations for life and liberty;

(4) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law; and

(5) urges the Secretary of State to make every effort to assist United States citizens held hostage in Iran at any time during the period beginning on November 4, 1979, and ending on January 20, 1981, and their survivors in matters of compensation related to such citizens' detention.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Saturday, November 7, 2009.

The point of no quorum was considered as withdrawn.

¶141.44 RECESS—11:34 P.M.

The SPEAKER pro tempore, Mr. MURPHY of New York, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 34 minutes p.m., subject to the call of the Chair.

SATURDAY, NOVEMBER 7 (LEGISLATIVE DAY OF NOVEMBER 6), 2009

¶141.45 AFTER RECESS—2:25 A.M.

The SPEAKER pro tempore, Mr. ARCURI, called the House to order.

¶141.46 PROVIDING FOR CONSIDERATION OF H.R. 3962 AND 3961

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–330) the resolution (H. Res. 903) providing for consideration of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, and providing for consideration of the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians.

When said resolution and report were referred to the House Calendar and ordered printed.

¶141.47 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARTER, for today; and

To Mr. Patrick J. MURPHY of Pennsylvania, for today.

And then,

¶141.48 ADJOURNMENT

On motion of Mr. POLIS, at 2 o'clock and 26 minutes a.m. Saturday, November 7 (legislative day of November 6), 2009, the House adjourned.

¶141.49 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

WILLIAM L. OWENS, New York, Twenty-Third.

¶141.50 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on November 7 (legislative day of November 6), 2009]

Ms. SLAUGHTER: Committee on Rules. House Resolution 903. Resolution providing for consideration of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, and providing for consideration of the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians (Rept. 111–330).

Referred to the House Calendar.

¶141.51 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YARMUTH (for himself, Mr. POLIS, and Mr. GEORGE MILLER of California):

H.R. 4037. A bill to establish a comprehensive literacy program, and for other purposes; to the Committee on Education and Labor.

By Mr. CAMP (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mr. CARTER, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. DREIER, Mr. HERGER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. BOUSTANY, Mr. SCALISE, Mr. BRADY of Texas, Mr. REICHERT, Mr. ROSKAM, Mr. LINDER, Mr. STEARNS, and Mr. BUYER):

H.R. 4038. A bill to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. LEE of New York, and Mr. TIBERI):

H.R. 4039. A bill to improve the medical justice system by encouraging the prompt and fair resolution of disputes, enhancing the quality of care, ensuring patient access to health care services, fostering alternatives to litigation, and combating defensive medicine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR:

H.R. 4040. A bill to redesignate the Monterey Ranger District of Los Padres National Forest in the State of California as the Big Sur Management Unit, to transfer certain Bureau of Land Management land for inclusion in the management unit, to adjust the boundaries of the Ventana and Silver Peak Wilderness Areas, to designate segments of Arroyo Seco River, Big Creek, Carmel River, San Antonio River, San Carpoforo Creek, and their tributaries as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. BARROW:

H.R. 4041. A bill to authorize certain improvements in the Federal Recovery Coordinator Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KLEIN of Florida (for himself, Mr. CLAY, Mr. RODRIGUEZ, Mr. WELCH, Mr. SIRES, Mr. PETERS, Mr. BRALEY of Iowa, Mr. SCHAUER, Mr. BOCCIERI, Mr. HODES, Mr. SHULER, Mr. ALTMIRE, Ms. BEAN, Mr. SPACE, Mr. BOREN, Ms. SCHWARTZ, Mr. MAFFEI, Mr. ADLER of New Jersey, Mr. BARROW, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. DELAHUNT, Mr. HALL of New York, Mr. BISHOP of New York, Mr. MILLER of Florida, Mr. ROONEY, Mr. JONES, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. ELLSWORTH, Mr. MCCARTHY of California, Mr. DENT, Mr. BROUN of Georgia, Mrs. MCMORRIS RODGERS, and Mr. MCGOVERN):

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to extend the employer wage credit for employees who are active duty; to the Committee on Ways and Means.

By Ms. SHEA-PORTER (for herself and Mr. JONES):

H.R. 4043. A bill to amend title 10, United States Code, to recognize the spouses of members of the Armed Forces who are serving in combat or have served in combat through the presentation of an official lapel button; to the Committee on Armed Services.

By Ms. BERKLEY (for herself, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. MICHAUD, Mr. COURTNEY, Mr. NYE, Mr. HARE, Mr. TEAGUE, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mr. CROWLEY, Mr. ENGEL, Mr. SPACE, Mr. GRAYSON, Mr. WU, Mr. DRIEHAUS, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SERRANO, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. HIGGINS, Mr. MCNERNEY, Mr. CARDOZA, Mrs. KIRKPATRICK of Arizona, Ms. KILPATRICK of Michigan, and Mr. SARBANES):

H.R. 4044. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war and to restore the headstone or marker allowance for eligible persons; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. MICHAUD, Mr. NYE, Mr. HARE, Mr. TEAGUE, Mr. SNYDER, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mr. CROWLEY, Mr. ENGEL, Mr. SPACE, Mr. GRAYSON, Mr. WU, Mr. DRIEHAUS, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SERRANO, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. HIGGINS, Mr. MCNERNEY, Mr. CARDOZA, Mrs. MALONEY, Mrs. KIRKPATRICK of Arizona, Ms. KILPATRICK of Michigan, and Mr. SARBANES):

H.R. 4045. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr. WEINER, Mrs. MYRICK, and Ms. ROS-LEHTINEN):

H.R. 4046. A bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel; to the Committee on Ways and Means.

By Mr. CAO (for himself, Mr. SCALISE, Mr. ALEXANDER, Mr. CASSIDY, Mr. SESSIONS, Mr. MICA, and Mr. BOUSTANY):

H.R. 4047. A bill to use historical averages to calculate the Federal Medical Assistance Percentage for disaster affected States for purposes of the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. CAPITO (for herself, Ms. SCHAKOWSKY, Mr. MASSA, Mr. THORNBERRY, Mr. RODRIGUEZ, Mr. SESSIONS, and Ms. NORTON):

H.R. 4048. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of traumatic brain injury care in rural areas; to the Committee on Veterans' Affairs.

By Mrs. CAPITO:

H.R. 4049. A bill to extend temporarily the duty suspension on 2-(Methoxycarbonyl)benzylsulfonamide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 4050. A bill to extend temporarily the duty suspension on Diaminodecane; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4051. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. CARNAHAN, Mr. DAVIS of Alabama, Mr. HERGER, Mr. MELANCON, Mr. PAUL, and Mr. TANNER):

H.R. 4052. A bill to amend the Internal Revenue Code of 1986 to make certain disaster relief provisions permanent; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself and Mr. PASCRELL):

H.R. 4053. A bill to establish the Office of Childhood Overweight and Obesity Prevention and Treatment within the Office of Public Health and Science of the Department of Health and Human Services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. COURTNEY, Mr. LOEBSACK, Mr. CUMMINGS, Mr. MCGOVERN, Mr. PETERSON, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. PLATTS, Mr. MCINTYRE, Mr. KRATOVIL, Mr. BISHOP of New York, Mr. RUPPERSBERGER, Mr. NYE, Ms. BERKLEY, Mr. COHEN, Mr. SCHIFF, Mr. YOUNG of Florida, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. BLUMENAUER, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. KAGEN, Ms. SHEA-PORTER, Mr. MCCOTTER, Mr. WALZ, Mr. WILSON of Ohio, Mr. GEORGE MILLER of California, Mr. ARCURI, Mr. GORDON of Tennessee, Mr. HASTINGS of Washington, Mrs. CHRISTENSEN, Mr. SHULER, Mr. GRIJALVA, Mr. KIND, Mr. MCNERNEY, Mr. VAN HOLLEN, Mr. ELLISON, Mr. HALL of New York, Mr. BARTLETT, Mr. SCOTT of Virginia, Mr. PASCRELL, Mr. WELCH, Mr. PERLMUTTER, Mr. CARSON of Indiana, Mr. WEINER, and Mr. YARMUTH):

H.R. 4054. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself and Mr. POE of Texas):

H.R. 4055. A bill to authorize a national HOPE Program to reduce drug use, crime, and the costs of incarceration; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4056. A bill to amend the Internal Revenue Code of 1986 to allow small businesses a credit against income tax for increasing employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 4057. A bill to amend the Wool Suit and Textile Trade Extension Act of 2004 to provide for certain payments from the Wool Apparel Manufacturers Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 4058. A bill to amend title 10, United States Code, to establish the Veterans to Work Program providing for the employment of individuals, especially veterans, who participate in apprenticeship programs on designated military construction projects, and for other purposes; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 4059. A bill to enhance Internet safety and security and to prevent exploitation of children online through the use of technology; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. HELLER):

H.R. 4060. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts; to the Committee on Natural Resources.

By Mr. EDWARDS of Texas:

H. Con. Res. 210. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GEORGE MILLER of California (for himself, Ms. LEE of California, Mr. MCNERNEY, Mr. STARK, and Mr. GARAMENDI):

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTER (for himself and Mr. EDWARDS of Texas):

H. Res. 895. A resolution honoring the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009, at Fort Hood, Texas; to the Committee on Armed Services.

By Mrs. DAVIS of California (for herself, Mr. BRADY of Pennsylvania, and Ms. CASTOR of Florida):

H. Res. 896. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1299, with an amendment; considered and agreed to.

By Mr. GUTHRIE:

H. Res. 897. A resolution recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation; to the Committee on Education and Labor.

By Mr. KING of New York (for himself, Mr. CROWLEY, Mr. MANZULLO, Mr. WOLF, Mr. ROHRABACHER, and Mr. PITTS):

H. Res. 898. A resolution expressing the sense of Congress regarding the immediate and unconditional release of Aung San Suu Kyi, a meaningful tripartite political dialogue toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself and Mr. HODES):

H. Res. 899. A resolution honoring the members of the New Hampshire National Guard for their service to the State of New Hampshire and the contributions of the New Hampshire National Guard to the domestic and international missions of the Armed Forces through the patriotic service of its members and its innovative programs and dedication to military families; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Res. 900. A resolution supporting the goals and ideals of a Cold War Veterans Recognition Day to honor the sacrifices and contributions made by members of the Armed Forces during the Cold War and encouraging the people of the United States to participate in local and national activities honoring the sacrifices and contributions of those individuals; to the Committee on Armed Services.

By Ms. MOORE of Wisconsin (for herself, Mr. KIND, Ms. BALDWIN, Mr. CAO, and Mr. MELANCON):

H. Res. 901. A resolution recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H. Res. 902. A resolution expressing support for the designation of January 28, 2010, as National Data Privacy Day; to the Committee on Energy and Commerce.

¶141.52 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. LUMMIS, Mr. CHILDERS, Mr. HELLER, Ms. KOSMAS, Ms. PINGREE of Maine, Mr. FLAKE, Mr. CASTLE, Mr. EDWARDS of Texas, Mr. GRAYSON, Mr. GRAVES, Mr. GRIFFITH, Mr. BUCHANAN, Mr. PASTOR of Arizona, Ms. WATSON, and Mr. CLEAVER.

H.R. 108: Mr. RODRIGUEZ.

H.R. 147: Mr. SERRANO, Mr. BOUCHER, and Mr. CAO.

H.R. 235: Mr. MILLER of Florida.

H.R. 391: Mr. CHAFFETZ.

H.R. 500: Ms. KILPATRICK of Michigan.

H.R. 622: Mr. BUTTERFIELD.

H.R. 669: Ms. KILPATRICK of Michigan.

H.R. 745: Mr. FATTAH.

H.R. 789: Ms. BORDALLO.

H.R. 881: Mr. GUTHRIE and Mr. LUETKEMEYER.

H.R. 930: Mr. HOLDEN.

H.R. 932: Mr. QUIGLEY, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 980: Mr. DINGELL, Mr. GORDON of Tennessee, and Mr. BRADY of Pennsylvania.

H.R. 1020: Mr. LEWIS of Georgia, Ms. WATERS, and Ms. RICHARDSON.

H.R. 1024: Mr. GRAYSON.

H.R. 1067: Mr. CHILDERS.

H.R. 1074: Mr. GRIFFITH.

H.R. 1086: Mr. CRENSHAW.

H.R. 1126: Mrs. NAPOLITANO.

H.R. 1175: Mr. SHULER.

H.R. 1203: Mr. MURPHY of Connecticut.

H.R. 1205: Mr. TOWNS and Mr. MEEKS of New York.

H.R. 1396: Mr. SMITH of Texas.

H.R. 1478: Mr. THOMPSON of California.

H.R. 1479: Mr. LYNCH.

H.R. 1521: Mr. CHILDERS and Mr. HARPER.

H.R. 1526: Mr. COURTNEY, Mrs. MALONEY, and Mr. FRANK of Massachusetts.

H.R. 1584: Mrs. CHRISTENSEN.

H.R. 1625: Mr. BACHUS.

H.R. 1677: Mrs. CAPITO.

H.R. 1766: Mr. JOHNSON of Georgia and Mr. QUIGLEY.

H.R. 1799: Ms. FALLIN.

H.R. 1835: Mr. ROONEY, Mr. TIAHRT, and Mr. BISHOP of Utah.

H.R. 1874: Ms. KAPTUR.

H.R. 1908: Mr. POLIS of Colorado.

H.R. 1924: Ms. RICHARDSON.

H.R. 1925: Mr. TONKO.

H.R. 1974: Mr. BOREN and Mr. DINGELL.
H.R. 1995: Mr. CONYERS.
H.R. 2000: Mr. VISCLOSKY.
H.R. 2139: Mr. DAVIS of Illinois and Ms. HARMAN.
H.R. 2246: Mr. NEAL of Massachusetts.
H.R. 2377: Mr. FILNER.
H.R. 2378: Mr. MOLLOHAN.
H.R. 2414: Mr. POLIS of Colorado.
H.R. 2452: Mr. ROYCE, Mr. PAYNE, and Mr. LAMBORN.
H.R. 2480: Ms. SUTTON.
H.R. 2492: Mr. YARMUTH.
H.R. 2517: Mr. PIERLUISI.
H.R. 2519: Mr. DOGGETT.
H.R. 2520: Mr. BRADY of Texas.
H.R. 2531: Mr. LUJÁN, Mr. BERMAN, Mr. MORAN of Virginia, Mr. SALAZAR, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. MARKEY of Massachusetts, and Mrs. LOWEY.
H.R. 2542: Ms. CASTOR of Florida, Mr. HERGER, Mr. MCCOTTER, and Mr. RYAN of Wisconsin.
H.R. 2562: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2567: Mr. GRAYSON.
H.R. 2573: Mr. THOMPSON of California.
H.R. 2625: Mr. ADLER of New Jersey, Mr. CONNOLLY of Virginia, Ms. LEE of California, and Mr. COURTNEY.
H.R. 2628: Mr. CARNAHAN.
H.R. 2642: Ms. ROS-LEHTINEN.
H.R. 2674: Mr. MCCOTTER.
H.R. 2733: Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Ms. BERKLEY, Mr. KING of Iowa, Mr. PETERS, Mr. BOOZMAN, Mr. TIBERI, and Mrs. MYRICK.
H.R. 2788: Mr. AL GREEN of Texas, Mr. CAO, Mr. DELAHUNT, Mr. PUTNAM, Ms. MARKEY of Colorado, Mr. FILNER, Mr. CAMPBELL, Mr. WITTMAN, Ms. FUDGE, Mr. HALL of New York, Mr. DAVIS of Tennessee, Mr. LANCE, Mr. DUNCAN, Mr. JOHNSON of Georgia, Mr. GALLEGLY, Ms. NORTON, and Mr. CARNAHAN.
H.R. 2842: Mr. GALLEGLY.
H.R. 2866: Mr. WILSON of South Carolina.
H.R. 2906: Ms. NORTON and Mr. RYAN of Ohio.
H.R. 2909: Ms. LEE of California.
H.R. 3012: Mr. SERRANO.
H.R. 3025: Mr. COHEN.
H.R. 3035: Mr. FATTAH.
H.R. 3116: Mr. TIM MURPHY of Pennsylvania.
H.R. 3126: Ms. CHU.
H.R. 3217: Mr. WITTMAN, Mr. HENSARLING, and Mr. CRENSHAW.
H.R. 3218: Mr. GOODLATTE and Mr. WITTMAN.
H.R. 3226: Mr. HALL of Texas.
H.R. 3227: Mr. MARSHALL.
H.R. 3240: Mr. TIERNEY and Mr. SHUSTER.
H.R. 3286: Mr. ROTHMAN of New Jersey.
H.R. 3312: Mr. BLUMENAUER.
H.R. 3321: Mr. BOYD and Mr. GRAYSON.
H.R. 3328: Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Ms. BALDWIN, and Mr. FATTAH.
H.R. 3339: Mr. SIMPSON and Mr. COSTA.
H.R. 3367: Mr. BOREN.
H.R. 3408: Mr. STARK and Ms. SCHAKOWSKY.
H.R. 3427: Mr. LIPINSKI.
H.R. 3488: Mr. POLIS of Colorado.
H.R. 3502: Mr. BACHUS.
H.R. 3503: Mr. GUTIERREZ.
H.R. 3519: Mr. SCHAUER and Mr. YOUNG of Florida.
H.R. 3554: Mr. COHEN.
H.R. 3560: Mr. GRAYSON.
H.R. 3567: Mr. BAIRD.
H.R. 3609: Mr. KIND.
H.R. 3610: Mr. TURNER.
H.R. 3612: Mrs. BLACKBURN, Mr. SIMPSON, and Mr. COBLE.
H.R. 3613: Mr. TURNER.
H.R. 3641: Mr. COSTA, Mr. CUELLAR, and Ms. BERKLEY.
H.R. 3646: Ms. ESHOO.
H.R. 3650: Mr. YOUNG of Florida.
H.R. 3668: Ms. MCCOLLUM, Mr. GENE GREEN of Texas, Mrs. BONO MACK, Ms. SCHAKOWSKY, and Mrs. CAPPS.
H.R. 3709: Mr. DEFAZIO.
H.R. 3715: Mr. QUIGLEY.
H.R. 3731: Mr. PRICE of North Carolina and Mrs. HALVORSON.
H.R. 3737: Mr. HINOJOSA and Mr. WELCH.
H.R. 3758: Mr. PAUL and Mr. LOBIONDO.
H.R. 3766: Mr. HOLT and Mr. GUTIERREZ.
H.R. 3790: Mr. WILSON of South Carolina, Mr. ROTHMAN of New Jersey, and Mr. GRAYSON.
H.R. 3791: Mr. LATOURETTE, Mr. OLVER, Mr. FILNER, Mr. KRATOVIL, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HEINRICH, Mr. HODES, Mr. CASTLE, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Mr. INSLEE, Mr. SCHIFF, Mr. LOBIONDO, Mr. MARIO DIAZ-BALART of Florida, and Mr. CAO.
H.R. 3821: Mr. CRENSHAW.
H.R. 3837: Mr. AL GREEN of Texas, Mr. LANGEVIN, and Mr. WELCH.
H.R. 3904: Ms. NORTON.
H.R. 3905: Mr. BOSWELL.
H.R. 3916: Mr. DENT.
H.R. 3922: Mr. NADLER of New York.
H.R. 3933: Ms. DELAURO, Mr. CROWLEY, and Mr. WELCH.
H.R. 3936: Mr. CROWLEY, Mr. KIND, Mr. DAVIS of Alabama, Ms. BEAN, Mr. MCCOTTER, and Mr. LATOURETTE.
H.R. 3940: Mrs. CHRISTENSEN.
H.R. 3942: Ms. ROS-LEHTINEN and Mrs. CHRISTENSEN.
H.R. 3943: Mr. SCHIFF, Mr. KLEIN of Florida, Mr. LEE of New York, and Mr. COHEN.
H.R. 3947: Mr. SHUSTER.
H.R. 4000: Ms. NORTON.
H.R. 4004: Mr. COHEN, Mr. DAVIS of Illinois, and Mr. PAYNE.
H.R. 4021: Mr. TEAGUE and Mr. CARNAHAN.
H.R. 4022: Mr. MELANCON, Mr. BONNER, and Mr. SCALISE.
H.R. 4034: Mr. MCINTYRE, Mr. LARSON of Connecticut, and Mr. INGLIS.
H.J. Res. 47: Mr. RAHALL.
H. Con. Res. 169: Mr. WAMP, Mr. CAO, and Mr. JONES.
H. Con. Res. 197: Mr. FORBES and Mr. SCOTT of Virginia.
H. Con. Res. 199: Ms. CHU and Mr. HASTINGS of Florida.
H. Res. 35: Mr. ORTIZ, Mrs. NAPOLITANO, Mr. BACA, Mr. CUELLAR, Ms. DEGETTE, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. SIRES, Ms. KAPTUR, Mr. SPACE, Mr. GUTIERREZ, Mr. LUJÁN, Mr. REYES, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. GRIJALVA, Mr. ENGEL, Mr. DAVIS of Tennessee, Mr. ETHERIDGE, Ms. LEE of California, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. BRALEY of Iowa, Mr. HODES, Mr. YARMUTH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TITUS, Mr. WELCH, Mr. OWENS, Mr. HARE, Ms. SUTTON, Mr. COURTNEY, Mr. FATTAH, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. HOLT, Ms. CASTOR of Florida, Mr. AL GREEN of Texas, Mr. BARTON of Texas, and Mr. TERRY.
H. Res. 263: Mr. YOUNG of Florida, Mr. SMITH of New Jersey, Mr. MORAN of Kansas, and Mr. MCCLINTOCK.
H. Res. 664: Mr. RUSH, Mr. RAHALL, Mr. MOLLOHAN, Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Mr. ELLISON, Mrs. NAPOLITANO, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. JACKSON-LEE of Texas, Mr. GRAYSON, Mr. SCOTT of Georgia, Mr. CUELLAR, Mr. MCHENRY, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. STARK, Mr. GRIJALVA, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. CONYERS, Mr. PAYNE, Mr. MEEKS of New York, Mr. TOWNS, Ms. WATERS, Mr. HASTINGS of Florida, Mr. CLYBURN, Mrs. HALVORSON, Mr. KANJORSKI, Mr. MURTHA, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. BURGESS, and Mr. INSLEE.
H. Res. 699: Ms. BORDALLO.
H. Res. 716: Ms. BALDWIN.
H. Res. 777: Ms. BERKLEY.
H. Res. 870: Mr. NUNES, Mr. JOHNSON of Illinois, Mr. KINGSTON, Mr. LEE of New York, Mr. SHUSTER, Mr. BOUSTANY, Mrs. EMERSON, Mr. DENT, Mr. DANIEL E. LUNGREN of California, and Mr. SCALISE.
H. Res. 874: Mr. SOUDER.
H. Res. 877: Ms. SPEIER.
H. Res. 882: Ms. WATSON.
H. Res. 888: Mr. SHULER, Mr. WOLF, and Mr. MANZULLO.
H. Res. 890: Ms. ROS-LEHTINEN.
H. Res. 892: Mr. TANNER, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. ENGEL, Mr. SHIMKUS, Mr. WOLF, Mr. CARNAHAN, Mrs. EMERSON, Mr. MCMAHON, Mr. SIRES, Mr. KLEIN of Florida, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. GALLEGLY, Mr. SHUSTER, Mr. COBLE, Ms. SCHAKOWSKY, and Mr. BURTON of Indiana.

SATURDAY, NOVEMBER 7, 2009 (142)

¶142.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
November 7, 2009.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶142.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Friday, November 6, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶142.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4638. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Government Rights on the Design of DoD Vessels [DFARS Case 2008–D039] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4639. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4640. A letter from the Department Director, Regulations Policy Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Respiratory Viral Panel Multiplex Nucleic Acid Assay [Docket No.: FDA-2009-N-0119] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4641. A letter from the Acting Archivist of the United States, National Archives and

Records Administration, transmitting Administration's FY 2009 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

4642. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Strategic Plan for 2009 through 2014; to the Committee on Oversight and Government Reform.

4643. A letter from the Administrator, Federal Railroad Administration, Department of Transportation, transmitting a report entitled ''Preliminary National Rail Plan'' as required by the Passenger Rail Investment and Improvement Act of 2008 (PRIIA); to the Committee on Transportation and Infrastructure.

¶142.4 H.R. 3737—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3737) to amend the Small Business Act to improve the Microloan Program, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 23

¶142.5 [Roll No. 876]

YEAS—405

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—23

Bachmann
Broun (GA)
Burgess
Campbell
Chaffetz
Conaway
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Hensarling
Jordan (OH)
Lamborn
McClintock
McHenry
Myrick
Neugebauer
Paul
Price (GA)
Rohrabacher
Royce
Shadegg

NOT VOTING—6

Conyers
Cummings
Engel
Hinchey
Langevin
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶142.6 H.R. 1838—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1838) to amend the Small Business Act to improve the Microloan Program, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. CLEAVER demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 4

¶142.7 [Roll No. 877]

AYES—428

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette

Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—2

Hinchey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶142.8 H.R. 1845—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1845) to amend the Small Business Act to modernize Small Business Development Centers, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. CLEAVER demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 20

¶142.9 [Roll No. 878]

AYES—412

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry

Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—20

Akin
Bachmann
Broun (GA)
Campbell
Conaway
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Lamborn
Lummis
McClintock
Neugebauer
Paul
Rohrabacher
Royce
Shadegg

NOT VOTING—2

Stark
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶142.10 H. RES. 700—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 700) expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 431 / Nays 1

¶142.11 [Roll No. 879]

AYES—431

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Paul

NOT VOTING—2

Bono Mack
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶142.12 H. RES. 877—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 877) expressing support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 1

¶142.13 [Roll No. 880]

AYES—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry

Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Paul

NOT VOTING—7

Blackburn
Braley (IA)
Green, Gene
Marchant
Moore (KS)
Rush
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶142.14 PROVIDING FOR CONSIDERATION OF H.R. 3962 AND H.R. 3961

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 903):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution, perfected by the modification printed in part B of such report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) four hours of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on Education and Labor; (2) the further amendment printed in part C of the report of the Committee on Rules, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 of rule XXI, shall be considered as read, shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the further amendment in the nature of a substitute printed in part D of the report of the Committee on Rules, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit, with or without instructions, which shall be considered as read.

SEC. 2. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 4. In the engrossment of H.R. 3961, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of H.R. 3961;

(b) conform the title of H.R. 3961 to reflect the addition to the engrossment of the text of H.R. 2920;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. DINGELL, announced that the yeas had it.

Mr. TAYLOR, demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 247 / Nays 187

¶142.15 [Roll No. 881]

AYES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn

Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DINGELL, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 242 / Nays 192

¶142.16 [Roll No. 882]

AYES—242

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce

Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶142.17 H. RES. 892—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 892) recognizing the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 431 / Nays 1

¶142.18 [Roll No. 883]

AYES—431

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—2

Gingrey (GA)
Moran (VA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶142.19 AFFORDABLE HEALTH CARE FOR AMERICA

Mr. WAXMAN, pursuant to House Resolution 903, called up for consideration the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 903, the following amendment, printed in part A of House Report 111-330, of the Committee on Rules, perfected by the modification printed in part B of the report, was considered as agreed to:

SECTION 1. SHORT TITLE; TABLE OF DIVISIONS, TITLES, AND SUBTITLES.

(a) SHORT TITLE.—This Act may be cited as the ''Affordable Health Care for America Act''.

(b) TABLE OF DIVISIONS, TITLES, AND SUBTITLES.—This Act is divided into divisions, titles, and subtitles as follows:

DIVISION A—AFFORDABLE HEALTH CARE CHOICES

TITLE I—IMMEDIATE REFORMS
TITLE II—PROTECTIONS AND STANDARDS FOR QUALIFIED HEALTH BENEFITS PLANS
Subtitle A—General Standards
Subtitle B—Standards Guaranteeing Access to Affordable Coverage
Subtitle C—Standards Guaranteeing Access to Essential Benefits
Subtitle D—Additional Consumer Protections
Subtitle E—Governance
Subtitle F—Relation to Other Requirements; Miscellaneous
TITLE III—HEALTH INSURANCE EXCHANGE AND RELATED PROVISIONS
Subtitle A—Health Insurance Exchange
Subtitle B—Public Health Insurance Option
Subtitle C—Individual Affordability Credits
TITLE IV—SHARED RESPONSIBILITY
Subtitle A—Individual Responsibility
Subtitle B—Employer Responsibility
TITLE V—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986
Subtitle A—Shared Responsibility
Subtitle B—Credit for Small Business Employee Health Coverage Expenses
Subtitle C—Disclosures To Carry Out Health Insurance Exchange Subsidies
Subtitle D—Other Revenue Provisions

DIVISION B—MEDICARE AND MEDICAID IMPROVEMENTS

TITLE I—IMPROVING HEALTH CARE VALUE
Subtitle A—Provisions related to Medicare part A

Subtitle B—Provisions Related to Part B
Subtitle C—Provisions Related to Medicare Parts A and B
Subtitle D—Medicare Advantage Reforms
Subtitle E—Improvements to Medicare Part D
Subtitle F—Medicare Rural Access Protections
TITLE II—MEDICARE BENEFICIARY IMPROVEMENTS
Subtitle A—Improving and Simplifying Financial Assistance for Low Income Medicare Beneficiaries
Subtitle B—Reducing Health Disparities
Subtitle C—Miscellaneous Improvements
TITLE III—PROMOTING PRIMARY CARE, MENTAL HEALTH SERVICES, AND COORDINATED CARE
TITLE IV—QUALITY
Subtitle A—Comparative Effectiveness Research
Subtitle B—Nursing Home Transparency
Subtitle C—Quality Measurements
Subtitle D—Physician Payments Sunshine Provision
Subtitle E—Public Reporting on Health Care-Associated Infections
TITLE V—MEDICARE GRADUATE MEDICAL EDUCATION
TITLE VI—PROGRAM INTEGRITY
Subtitle A—Increased funding to fight waste, fraud, and abuse
Subtitle B—Enhanced penalties for fraud and abuse
Subtitle C—Enhanced Program and Provider Protections
Subtitle D—Access to Information Needed to Prevent Fraud, Waste, and Abuse
TITLE VII—MEDICAID AND CHIP
Subtitle A—Medicaid and Health Reform
Subtitle B—Prevention
Subtitle C—Access
Subtitle D—Coverage
Subtitle E—Financing
Subtitle F—Waste, Fraud, and Abuse
Subtitle G—Puerto Rico and the Territories
Subtitle H—Miscellaneous
TITLE VIII—REVENUE-RELATED PROVISIONS
TITLE IX—MISCELLANEOUS PROVISIONS
DIVISION C—PUBLIC HEALTH AND WORKFORCE DEVELOPMENT
TITLE I—COMMUNITY HEALTH CENTERS
TITLE II—WORKFORCE
Subtitle A—Primary Care Workforce
Subtitle B—Nursing Workforce
Subtitle C—Public Health Workforce
Subtitle D—Adapting Workforce to Evolving Health System Needs
TITLE III—PREVENTION AND WELLNESS
TITLE IV—QUALITY AND SURVEILLANCE
TITLE V—OTHER PROVISIONS
Subtitle A—Drug Discount for Rural and Other Hospitals; 340B Program Integrity
Subtitle B—Programs
Subtitle C—Food and Drug Administration
Subtitle D—Community Living Assistance Services and Supports
Subtitle E—Miscellaneous
DIVISION D—INDIAN HEALTH CARE IMPROVEMENT
TITLE I—AMENDMENTS TO INDIAN LAWS
TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

DIVISION A—AFFORDABLE HEALTH CARE CHOICES

SEC. 100. PURPOSE; TABLE OF CONTENTS OF DIVISION; GENERAL DEFINITIONS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this division is to provide affordable, quality health care for all Americans and reduce the growth in health care spending.

(2) BUILDING ON CURRENT SYSTEM.—This division achieves this purpose by building on what works in today's health care system, while repairing the aspects that are broken.

(3) INSURANCE REFORMS.—This division—

(A) enacts strong insurance market reforms;

(B) creates a new Health Insurance Exchange, with a public health insurance option alongside private plans;

(C) includes sliding scale affordability credits; and

(D) initiates shared responsibility among workers, employers, and the Government;

so that all Americans have coverage of essential health benefits.

(4) HEALTH DELIVERY REFORM.—This division institutes health delivery system reforms both to increase quality and to reduce growth in health spending so that health care becomes more affordable for businesses, families, and Government.

(b) TABLE OF CONTENTS OF DIVISION.—The table of contents of this division is as follows:

Sec. 100. Purpose; table of contents of division; general definitions.
TITLE I—IMMEDIATE REFORMS
Sec. 101. National high-risk pool program.
Sec. 102. Ensuring value and lower premiums.
Sec. 103. Ending health insurance rescission abuse.
Sec. 104. Sunshine on price gouging by health insurance issuers.
Sec. 105. Requiring the option of extension of dependent coverage for uninsured young adults.
Sec. 106. Limitations on preexisting condition exclusions in group health plans in advance of applicability of new prohibition of preexisting condition exclusions.
Sec. 107. Prohibiting acts of domestic violence from being treated as preexisting conditions.
Sec. 108. Ending health insurance denials and delays of necessary treatment for children with deformities.
Sec. 109. Elimination of lifetime limits.
Sec. 110. Prohibition against postretirement reductions of retiree health benefits by group health plans.
Sec. 111. Reinsurance program for retirees.
Sec. 112. Wellness program grants.
Sec. 113. Extension of COBRA continuation coverage.
Sec. 114. State Health Access Program grants.
Sec. 115. Administrative simplification.
TITLE II—PROTECTIONS AND STANDARDS FOR QUALIFIED HEALTH BENEFITS PLANS
Subtitle A—General Standards
Sec. 201. Requirements reforming health insurance marketplace.
Sec. 202. Protecting the choice to keep current coverage.
Subtitle B—Standards Guaranteeing Access to Affordable Coverage
Sec. 211. Prohibiting preexisting condition exclusions.
Sec. 212. Guaranteed issue and renewal for insured plans and prohibiting rescissions.
Sec. 213. Insurance rating rules.
Sec. 214. Nondiscrimination in benefits; parity in mental health and substance abuse disorder benefits.
Sec. 215. Ensuring adequacy of provider networks.
Sec. 216. Requiring the option of extension of dependent coverage for uninsured young adults.
Sec. 217. Consistency of costs and coverage under qualified health benefits plans during plan year.
Subtitle C—Standards Guaranteeing Access to Essential Benefits
Sec. 221. Coverage of essential benefits package.
Sec. 222. Essential benefits package defined.
Sec. 223. Health Benefits Advisory Committee.
Sec. 224. Process for adoption of recommendations; adoption of benefit standards.
Subtitle D—Additional Consumer Protections
Sec. 231. Requiring fair marketing practices by health insurers.
Sec. 232. Requiring fair grievance and appeals mechanisms.
Sec. 233. Requiring information transparency and plan disclosure.
Sec. 234. Application to qualified health benefits plans not offered through the Health Insurance Exchange.
Sec. 235. Timely payment of claims.
Sec. 236. Standardized rules for coordination and subrogation of benefits.
Sec. 237. Application of administrative simplification.
Sec. 238. State prohibitions on discrimination against health care providers.
Sec. 239. Protection of physician prescriber information.
Sec. 240. Dissemination of advance care planning information.
Subtitle E—Governance
Sec. 241. Health Choices Administration; Health Choices Commissioner.
Sec. 242. Duties and authority of Commissioner.
Sec. 243. Consultation and coordination.
Sec. 244. Health Insurance Ombudsman.
Subtitle F—Relation to Other Requirements; Miscellaneous
Sec. 251. Relation to other requirements.
Sec. 252. Prohibiting discrimination in health care.
Sec. 253. Whistleblower protection.
Sec. 254. Construction regarding collective bargaining.
Sec. 255. Severability.
Sec. 256. Treatment of Hawaii Prepaid Health Care Act.
Sec. 257. Actions by State attorneys general.
Sec. 258. Application of State and Federal laws regarding abortion.
Sec. 259. Nondiscrimination on abortion and respect for rights of conscience.
Sec. 260. Authority of Federal Trade Commission.
Sec. 261. Construction regarding standard of care.
Sec. 262. Restoring application of antitrust laws to health sector insurers.
Sec. 263. Study and report on methods to increase EHR use by small health care providers.
Sec. 264. Performance Assessment and Accountability; Application of GPRA
TITLE III—HEALTH INSURANCE EXCHANGE AND RELATED PROVISIONS
Subtitle A—Health Insurance Exchange
Sec. 301. Establishment of Health Insurance Exchange; outline of duties; definitions.
Sec. 302. Exchange-eligible individuals and employers.
Sec. 303. Benefits package levels.
Sec. 304. Contracts for the offering of Exchange-participating health benefits plans.
Sec. 305. Outreach and enrollment of Exchange-eligible individuals and employers in Exchange-participating health benefits plan.
Sec. 306. Other functions.
Sec. 307. Health Insurance Exchange Trust Fund.

Sec. 308. Optional operation of State-based health insurance exchanges.
Sec. 309. Interstate health insurance compacts.
Sec. 310. Health insurance cooperatives.
Sec. 311. Retention of DOD and VA authority.

Subtitle B—Public Health Insurance Option

Sec. 321. Establishment and administration of a public health insurance option as an Exchange-qualified health benefits plan.
Sec. 322. Premiums and financing.
Sec. 323. Payment rates for items and services.
Sec. 324. Modernized payment initiatives and delivery system reform.
Sec. 325. Provider participation.
Sec. 326. Application of fraud and abuse provisions.
Sec. 327. Application of HIPAA insurance requirements.
Sec. 328. Application of health information privacy, security, and electronic transaction requirements.
Sec. 329. Enrollment in public health insurance option is voluntary.
Sec. 330. Enrollment in public health insurance option by Members of Congress.
Sec. 331. Reimbursement of Secretary of Veterans Affairs.

Subtitle C—Individual Affordability Credits

Sec. 341. Availability through Health Insurance Exchange.
Sec. 342. Affordable credit eligible individual.
Sec. 343. Affordability premium credit.
Sec. 344. Affordability cost-sharing credit.
Sec. 345. Income determinations.
Sec. 346. Special rules for application to territories.
Sec. 347. No Federal payment for undocumented aliens.

TITLE IV—SHARED RESPONSIBILITY

Subtitle A—Individual Responsibility

Sec. 401. Individual responsibility.

Subtitle B—Employer Responsibility

PART 1—HEALTH COVERAGE PARTICIPATION REQUIREMENTS

Sec. 411. Health coverage participation requirements.
Sec. 412. Employer responsibility to contribute toward employee and dependent coverage.
Sec. 413. Employer contributions in lieu of coverage.
Sec. 414. Authority related to improper steering.
Sec. 415. Impact study on employer responsibility requirements.
Sec. 416. Study on employer hardship exemption.

PART 2—SATISFACTION OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS

Sec. 421. Satisfaction of health coverage participation requirements under the Employee Retirement Income Security Act of 1974.
Sec. 422. Satisfaction of health coverage participation requirements under the Internal Revenue Code of 1986.
Sec. 423. Satisfaction of health coverage participation requirements under the Public Health Service Act.
Sec. 424. Additional rules relating to health coverage participation requirements.

TITLE V—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Subtitle A—Provisions Relating to Health Care Reform

PART 1—SHARED RESPONSIBILITY

SUBPART A—INDIVIDUAL RESPONSIBILITY

Sec. 501. Tax on individuals without acceptable health care coverage.

SUBPART B—EMPLOYER RESPONSIBILITY

Sec. 511. Election to satisfy health coverage participation requirements.
Sec. 512. Health care contributions of non-electing employers.

PART 2—CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH COVERAGE EXPENSES

Sec. 521. Credit for small business employee health coverage expenses.

PART 3—LIMITATIONS ON HEALTH CARE RELATED EXPENDITURES

Sec. 531. Distributions for medicine qualified only if for prescribed drug or insulin.
Sec. 532. Limitation on health flexible spending arrangements under cafeteria plans.
Sec. 533. Increase in penalty for nonqualified distributions from health savings accounts.
Sec. 534. Denial of deduction for federal subsidies for prescription drug plans which have been excluded from gross income.

PART 4—OTHER PROVISIONS TO CARRY OUT HEALTH INSURANCE REFORM

Sec. 541. Disclosures to carry out health insurance exchange subsidies.
Sec. 542. Offering of exchange-participating health benefits plans through cafeteria plans.
Sec. 543. Exclusion from gross income of payments made under reinsurance program for retirees.
Sec. 544. CLASS program treated in same manner as long-term care insurance.
Sec. 545. Exclusion from gross income for medical care provided for Indians.

Subtitle B—Other Revenue Provisions

PART 1—GENERAL PROVISIONS

Sec. 551. Surcharge on high income individuals.
Sec. 552. Excise tax on medical devices.
Sec. 553. Expansion of information reporting requirements.
Sec. 554. Repeal of Worldwide Allocation of Interest.
Sec. 555. Exclusion of Unprocessed fuel from the Cellulosic Biofuel Producer Credit.

PART 2—PREVENTION OF TAX AVOIDANCE

Sec. 561. Limitation on treaty benefits for certain deductible payments.
Sec. 562. Codification of economic substance doctrine; penalties.
Sec. 563. Certain large or publicly traded persons made subject to a more likely than not standard for avoiding penalties on underpayments.

PART 3—PARITY IN HEALTH BENEFITS

Sec. 571. Certain health related benefits applicable to spouses and dependents extended to eligible beneficiaries.

(c) GENERAL DEFINITIONS.—Except as otherwise provided, in this division:

(1) ACCEPTABLE COVERAGE.—The term ''acceptable coverage'' has the meaning given such term in section 302(d)(2).

(2) BASIC PLAN.—The term ''basic plan'' has the meaning given such term in section 303(c).

(3) COMMISSIONER.—The term ''Commissioner'' means the Health Choices Commissioner established under section 241.

(4) COST-SHARING.—The term ''cost-sharing'' includes deductibles, coinsurance, copayments, and similar charges, but does not include premiums, balance billing amounts for non-network providers, or spending for non-covered services.

(5) DEPENDENT.—The term ''dependent'' has the meaning given such term by the Commissioner and includes a spouse.

(6) EMPLOYMENT-BASED HEALTH PLAN.—The term ''employment-based health plan''—

(A) means a group health plan (as defined in section 733(a)(1) of the Employee Retirement Income Security Act of 1974);

(B) includes such a plan that is the following:

(i) FEDERAL, STATE, AND TRIBAL GOVERNMENTAL PLANS.—A governmental plan (as defined in section 3(32) of the Employee Retirement Income Security Act of 1974), including a health benefits plan offered under chapter 89 of title 5, United States Code.

(ii) CHURCH PLANS.—A church plan (as defined in section 3(33) of the Employee Retirement Income Security Act of 1974); and

(C) excludes coverage described in section 302(d)(2)(E) (relating to TRICARE).

(7) ENHANCED PLAN.—The term ''enhanced plan'' has the meaning given such term in section 303(c).

(8) ESSENTIAL BENEFITS PACKAGE.—The term ''essential benefits package'' is defined in section 222(a).

(9) EXCHANGE-PARTICIPATING HEALTH BENEFITS PLAN.—The term ''Exchange-participating health benefits plan'' means a qualified health benefits plan that is offered through the Health Insurance Exchange and may be purchased directly from the entity offering the plan or through enrollment agents and brokers.

(10) FAMILY.—The term ''family'' means an individual and includes the individual's dependents.

(11) FEDERAL POVERTY LEVEL; FPL.—The terms ''Federal poverty level'' and ''FPL'' have the meaning given the term ''poverty line'' in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(12) HEALTH BENEFITS PLAN.—The term ''health benefits plan'' means health insurance coverage and an employment-based health plan and includes the public health insurance option.

(13) HEALTH INSURANCE COVERAGE.—The term ''health insurance coverage'' has the meaning given such term in section 2791 of the Public Health Service Act, but does not include coverage in relation to its provision of excepted benefits—

(A) described in paragraph (1) of subsection (c) of such section; or

(B) described in paragraph (2), (3), or (4) of such subsection if the benefits are provided under a separate policy, certificate, or contract of insurance.

(14) HEALTH INSURANCE ISSUER.—The term ''health insurance issuer'' has the meaning given such term in section 2791(b)(2) of the Public Health Service Act.

(15) HEALTH INSURANCE EXCHANGE.—The term ''Health Insurance Exchange'' means the Health Insurance Exchange established under section 301.

(16) INDIAN.—The term ''Indian'' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (24 U.S.C. 1603).

(17) INDIAN HEALTH CARE PROVIDER.—The term ''Indian health care provider'' means a health care program operated by the Indian Health Service, an Indian tribe, tribal organization, or urban Indian organization as such terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(18) MEDICAID.—The term ''Medicaid'' means a State plan under title XIX of the Social Security Act (whether or not the plan is operating under a waiver under section 1115 of such Act).

(19) MEDICAID ELIGIBLE INDIVIDUAL.—The term ''Medicaid eligible individual'' means an individual who is eligible for medical assistance under Medicaid.

(20) MEDICARE.—The term ''Medicare'' means the health insurance programs under title XVIII of the Social Security Act.

(21) PLAN SPONSOR.—The term ''plan sponsor'' has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

(22) PLAN YEAR.—The term ''plan year'' means—

(A) with respect to an employment-based health plan, a plan year as specified under such plan; or

(B) with respect to a health benefits plan other than an employment-based health plan, a 12-month period as specified by the Commissioner.

(23) PREMIUM PLAN; PREMIUM-PLUS PLAN.—The terms ''premium plan'' and ''premium-plus plan'' have the meanings given such terms in section 303(c).

(24) QHBP OFFERING ENTITY.—The terms ''QHBP offering entity'' means, with respect to a health benefits plan that is—

(A) a group health plan (as defined, subject to subsection (d), in section 733(a)(1) of the Employee Retirement Income Security Act of 1974), the plan sponsor in relation to such group health plan, except that, in the case of a plan maintained jointly by 1 or more employers and 1 or more employee organizations and with respect to which an employer is the primary source of financing, such term means such employer;

(B) health insurance coverage, the health insurance issuer offering the coverage;

(C) the public health insurance option, the Secretary of Health and Human Services;

(D) a non-Federal governmental plan (as defined in section 2791(d) of the Public Health Service Act), the State or political subdivision of a State (or agency or instrumentality of such State or subdivision) which establishes or maintains such plan; or

(E) a Federal governmental plan (as defined in section 2791(d) of the Public Health Service Act), the appropriate Federal official.

(25) QUALIFIED HEALTH BENEFITS PLAN.—The term ''qualified health benefits plan'' means a health benefits plan that—

(A) meets the requirements for such a plan under title II and includes the public health insurance option; and

(B) is offered by a QHBP offering entity that meets the applicable requirements of such title with respect to such plan.

(26) PUBLIC HEALTH INSURANCE OPTION.—The term ''public health insurance option'' means the public health insurance option as provided under subtitle B of title III.

(27) SERVICE AREA; PREMIUM RATING AREA.—The terms ''service area'' and ''premium rating area'' mean with respect to health insurance coverage—

(A) offered other than through the Health Insurance Exchange, such an area as established by the QHBP offering entity of such coverage in accordance with applicable State law; and

(B) offered through the Health Insurance Exchange, such an area as established by such entity in accordance with applicable State law and applicable rules of the Commissioner for Exchange-participating health benefits plans.

(28) STATE.—The term ''State'' means the 50 States and the District of Columbia and includes—

(A) for purposes of title I, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands; and

(B) for purposes of titles II and III, as elected under and subject to section 346, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(29) STATE MEDICAID AGENCY.—The term ''State Medicaid agency'' means, with respect to a Medicaid plan, the single State agency responsible for administering such plan under title XIX of the Social Security Act.

(30) Y1, Y2, ETC.—The terms ''Y1'', ''Y2'', ''Y3'', ''Y4'', ''Y5'', and similar subsequently numbered terms, mean 2013 and subsequent years, respectively.

TITLE I—IMMEDIATE REFORMS

SEC. 101. NATIONAL HIGH-RISK POOL PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a temporary national high-risk pool program (in this section referred to as the ''program'') to provide health benefits to eligible individuals during the period beginning on January 1, 2010, and, subject to subsection (h)(3)(B), ending on the date on which the Health Insurance Exchange is established.

(b) ADMINISTRATION.—The Secretary may carry out this section directly or, pursuant to agreements, grants, or contracts with States, through State high-risk pool programs provided that the requirements of this section are met. ''For a State without a high-risk pool program, the Secretary may work with the State to coordinate with other forms of coverage expansions, such as State public-private partnerships.''.

(c) ELIGIBILITY.—For purposes of this section, the term ''eligible individual'' means an individual ''who meets the requirements of subsection (i)(1)''.

(1) who—

(A) is not eligible for—

(i) benefits under title XVIII, XIX, or XXI of the Social Security Act; or

(ii) coverage under an employment-based health plan (not including coverage under a COBRA continuation provision, as defined in section 107(d)(1)); and

(B) who—

(i) is an eligible individual under section 2741(b) of the Public Health Service Act; or

(ii) is medically eligible for the program by virtue of being an individual described in subsection (d) at any time during the 6-month period ending on the date the individual applies for high-risk pool coverage under this section;

(2) who is the spouse or dependent of an individual who is described in paragraph (1);

(3) who has not had health insurance coverage or coverage under an employment-based health plan for at least the 6-month period immediately preceding the date of the individual's application for high-risk pool coverage under this section; ''or.''

(4) who on or after October 29, 2009, had employment-based retiree health coverage (as defined in subsection (i)) and the annual increase in premiums for such individual under such coverage (for any coverage period beginning on or after such date) exceeds such excessive percentage as the Secretary shall specify.

For purposes of paragraph (1)(A)(ii), a person who is in a waiting period as defined in section 2701(b)(4) of the Public Health Service Act shall not be considered to be eligible for coverage under an employment-based health plan.

(d) MEDICALLY ELIGIBLE REQUIREMENTS.—For purposes of subsection (c)(1)(B)(ii), an individual described in this subsection is an individual—

(1) who, during the 6-month period ending on the date the individual applies for high-risk pool coverage under this section applied for individual health insurance coverage and—

(A) was denied such coverage because of a preexisting condition or health status; or

(B) was offered such coverage—

(i) under terms that limit the coverage for such a preexisting condition; or

(ii) at a premium rate that is above the premium rate for high risk pool coverage under this section; or

(2) who has an eligible medical condition as defined by the Secretary.

In making a determination under paragraph (1) of whether an individual was offered individual coverage at a premium rate above the premium rate for high risk pool coverage, the Secretary shall make adjustments to offset differences in premium rating that are attributable solely to differences in age rating.

(e) ENROLLMENT.—To enroll in coverage in the program, an individual shall—

(1) submit to the Secretary an application for participation in the program, at such time, in such manner, and containing such information as the Secretary shall require;

(2) attest '', consistent with subsection (i)(2),'' that the individual is an eligible individual and is a resident of one of the 50 States or the District of Columbia; and

(3) if the individual had other prior health insurance coverage or coverage under an employment-based health plan during the previous 6 months, provide information as to the nature and source of such coverage and reasons for its discontinuance.

(f) PROTECTION AGAINST DUMPING RISKS BY INSURERS.—

(1) IN GENERAL.—The Secretary shall establish criteria for determining whether health insurance issuers and employment-based health plans have discouraged an individual from remaining enrolled in prior coverage based on that individual's health status.

(2) SANCTIONS.—An issuer or employment-based health plan shall be responsible for reimbursing the program for the medical expenses incurred by the program for an individual who, based on criteria established by the Secretary, the Secretary finds was encouraged by the issuer to disenroll from health benefits coverage prior to enrolling in the program. The criteria shall include at least the following circumstances:

(A) In the case of prior coverage obtained through an employer, the provision by the employer, group health plan, or the issuer of money or other financial consideration for disenrolling from the coverage.

(B) In the case of prior coverage obtained directly from an issuer or under an employment-based health plan—

(i) the provision by the issuer or plan of money or other financial consideration for disenrolling from the coverage; or

(ii) in the case of an individual whose premium for the prior coverage exceeded the premium required by the program (adjusted based on the age factors applied to the prior coverage)—

(I) the prior coverage is a policy that is no longer being actively marketed (as defined by the Secretary) by the issuer; or

(II) the prior coverage is a policy for which duration of coverage form issue or health status are factors that can be considered in determining premiums at renewal.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as constituting exclusive remedies for violations of criteria established under paragraph (1) or as preventing States from applying or enforcing such paragraph or other provisions under law with respect to health insurance issuers.

(g) COVERED BENEFITS, COST-SHARING, PREMIUMS, AND CONSUMER PROTECTIONS.—

(1) PREMIUM.—The monthly premium charged to eligible individuals for coverage under the program—

(A) may vary by age so long as the ratio of the highest such premium to the lowest such premium does not exceed the ratio of 2 to 1;

(B) shall be set at a level that does not exceed 125 percent of the prevailing standard rate for comparable coverage in the individual market; and

(C) shall be adjusted for geographic variation in costs.

Health insurance issuers shall provide such information as the Secretary may require to determine prevailing standard rates under this paragraph. The Secretary shall establish standard rates in consultation with the National Association of Insurance Commissioners.

(2) COVERED BENEFITS.—Covered benefits under the program shall be determined by the Secretary and shall be consistent with the basic categories in the essential benefits package described in section 222. Under such benefits package—

(A) the annual deductible for such benefits may not be higher than $1,500 for an individual or such higher amount for a family as determined by the Secretary;

(B) there may not be annual or lifetime limits; and

(C) the maximum cost-sharing with respect to an individual (or family) for a year shall not exceed $5,000 for an individual (or $10,000 for a family).

(3) NO PREEXISTING CONDITION EXCLUSION PERIODS.—No preexisting condition exclusion period shall be imposed on coverage under the program.

(4) APPEALS.—The Secretary shall establish an appeals process for individuals to appeal a determination of the Secretary—

(A) with respect to claims submitted under this section; and

(B) with respect to eligibility determinations made by the Secretary under this section.

(5) STATE CONTRIBUTION, MAINTENANCE OF EFFORT.—As a condition of providing health benefits under this section to eligible individual residing in a State—

(A) in the case of a State in which a qualified high-risk pool (as defined under section 2744(c)(2) of the Public Health Service Act) was in effect as of July 1, 2009, the Secretary shall require the State make a maintenance of effort payment each year that the high-risk pool is in effect equal to an amount not less than the amount of all sources of funding for high-risk pool coverage made by that State in the year ending July 1, 2009; and

(B) in the case of a State which required health insurance issuers to contribute to a State high-risk pool or similar arrangement for the assessment against such issuers for pool losses, the State shall maintain such a contribution arrangement among such issuers.

(6) LIMITING PROGRAM EXPENDITURES.—The Secretary shall, with respect to the program—

(A) establish procedures to protect against fraud, waste, and abuse under the program; and

(B) provide for other program integrity methods.

(7) TREATMENT AS CREDITABLE COVERAGE.—Coverage under the program shall be treated, for purposes of applying the definition of ''creditable coverage'' under the provisions of title XXVII of the Public Health Service Act, part 6 of subtitle B of title I of Employee Retirement Income Security Act of 1974, and chapter 100 of the Internal Revenue Code of 1986 (and any other provision of law that references such provisions) in the same manner as if it were coverage under a State health benefits risk pool described in section 2701(c)(1)(G) of the Public Health Service Act.

(h) FUNDING; TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—There is appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, $5,000,000,000 to pay claims against (and administrative costs of) the high-risk pool under this section in excess of the premiums collected with respect to eligible individuals enrolled in the high-risk pool. Such funds shall be available without fiscal year limitation.

(2) INSUFFICIENT FUNDS.—If the Secretary estimates for any fiscal year that the aggregate amounts available for payment of expenses of the high-risk pool will be less than the amount of the expenses, the Secretary shall make such adjustments as are necessary to eliminate such deficit, including reducing benefits, increasing premiums, or establishing waiting lists.

(3) TERMINATION OF AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), coverage of eligible individuals under a high-risk pool shall terminate as of the date on which the Health Insurance Exchange is established.

(B) TRANSITION TO EXCHANGE.—The Secretary shall develop procedures to provide for the transition of eligible individuals who are enrolled in health insurance coverage offered through a high-risk pool established under this section to be enrolled in acceptable coverage. Such procedures shall ensure that there is no lapse in coverage with respect to the individual and may extend coverage offered through such a high-risk pool beyond 2012 if the Secretary determines necessary to avoid such a lapse.

(i) APPLICATION AND VERIFICATION OF REQUIREMENT OF CITIZENSHIP OR LAWFUL PRESENCE IN THE UNITED STATES.—

(1) REQUIREMENT.—No individual shall be an eligible individual under this section unless the individual is a citizen or national of the United States or is lawfully present in a State in the United States (other than as a nonimmigrant described in a subparagraph (excluding subparagraphs (K), (T), (U), and (V)) of section 101(a)(15) of the Immigration and Nationality Act.)

(2) APPLICATION OF VERIFICATION PROCESS FOR AFFORDABILITY CREDIT.—The provisions of paragraphs (4) (other than subparagraphs (F) and (H)(i)) and (5)(A) of section 341(b), and of subsections (v) (other than paragraph (3)) and (x) of section 205 of the Social Security Act, shall apply to the verification of eligibility of an eligible individual by the Secretary (or by a State agency approved by the Secretary) for benefits under this section in the same manner as such provisions apply to the verification of eligibility of a affordable credit eligible individual for affordability credits by the Commissioner under section 341(b). The agreement referred to in section 205(v)(2)(A) of the Social Security Act (as applied under this paragraph) shall also provide for funding, to be payable for the amount made available under subsection (h)(1), to the Commissioner of Social Security in such amount as is agreed to by such Commissioner and the Secretary.

(j) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—In this section, the term ''employment-based retiree health coverage'' means health insurance or other coverage of health care costs (whether provided by voluntary insurance or pursuant to statutory or contractual obligation) for individuals (or for such individuals and their spouses and dependents) under a group health plan based on their status as retired participants in such plan.

SEC. 102. ENSURING VALUE AND LOWER PREMIUMS.

(a) GROUP HEALTH INSURANCE COVERAGE.—Title XXVII of the Public Health Service Act is amended by inserting after section 2713 the following new section:

''SEC. 2714. ENSURING VALUE AND LOWER PREMIUMS.

''(a) IN GENERAL.—Each health insurance issuer that offers health insurance coverage in the small or large group market shall provide that for any plan year in which the coverage has a medical loss ratio below a level specified by the Secretary (but not less than 85 percent), the issuer shall provide in a manner specified by the Secretary for rebates to enrollees of the amount by which the issuer's medical loss ratio is less than the level so specified.

''(b) IMPLEMENTATION.—The Secretary shall establish a uniform definition of medical loss ratio and methodology for determining how to calculate it based on the average medical loss ratio in a health insurance issuer's book of business for the small and large group market. Such methodology shall be designed to take into account the special circumstances of smaller plans, different types of plans, and newer plans. In determining the medical loss ratio, the Secretary shall exclude State taxes and licensing or regulatory fees. Such methodology shall be designed and exceptions shall be established to ensure adequate participation by health insurance issuers, competition in the health insurance market, and value for consumers so that their premiums are used for services.

''(c) SUNSET.—Subsections (a) and (b) shall not apply to health insurance coverage on and after the first date that health insurance coverage is offered through the Health Insurance Exchange.''.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Such title is further amended by inserting after section 2753 the following new section:

''SEC. 2754. ENSURING VALUE AND LOWER PREMIUMS.

''The provisions of section 2714 shall apply to health insurance coverage offered in the individual market in the same manner as such provisions apply to health insurance coverage offered in the small or large group market except to the extent the Secretary determines that the application of such section may destabilize the existing individual market.''.

(c) IMMEDIATE IMPLEMENTATION.—The amendments made by this section shall apply in the group and individual market for plan years beginning on or after January 1, 2010, or as soon as practicable after such date.

SEC. 103. ENDING HEALTH INSURANCE RESCISSION ABUSE.

(a) CLARIFICATION REGARDING APPLICATION OF GUARANTEED RENEWABILITY OF INDIVIDUAL AND GROUP HEALTH INSURANCE COVERAGE.—Sections 2712 and 2742 of the Public Health Service Act (42 U.S.C. 300gg–12, 300gg–42) are each amended—

(1) in its heading, by inserting ''**AND CONTINUATION IN FORCE, INCLUDING PROHIBITION OF RESCISSION,**'' after ''**GUARANTEED RENEWABILITY**''; and

(2) in subsection (a), by inserting '', including without rescission,'' after ''continue in force''.

(b) SECRETARIAL GUIDANCE REGARDING RESCISSIONS.—

(1) GROUP HEALTH INSURANCE MARKET.—Section 2712 of such Act (42 U.S.C. 300gg–12) is amended by adding at the end the following:

''(f) RESCISSION.—A health insurance issuer may rescind group health insurance coverage only upon clear and convincing evidence of fraud described in subsection (b)(2), under procedures that provide for independent, external third-party review.''.

(2) INDIVIDUAL HEALTH MARKET.—Section 2742 of such Act (42 U.S.C. 300gg–42) is amended by adding at the end the following:

''(f) RESCISSION.—A health insurance issuer may rescind individual health insurance coverage only upon clear and convincing evidence of fraud described in subsection (b)(2), under procedures that provide for independent, external third-party review.''.

(3) GUIDANCE.—The Secretary of Health and Human Services, no later than 90 days after the date of the enactment of this Act, shall issue guidance implementing the amendments made by paragraphs (1) and (2), including procedures for independent, external third-party review.

(c) OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD-PARTY REVIEW IN CERTAIN CASES.—

(1) INDIVIDUAL MARKET.—Subpart 1 of part B of title XXVII of such Act (42 U.S.C. 300gg–41 et seq.) is amended by adding at the end the following:

''SEC. 2746. OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD-PARTY REVIEW IN CASES OF RESCISSION.

''(a) NOTICE AND REVIEW RIGHT.—If a health insurance issuer determines to rescind health insurance coverage for an individual in the individual market, before such rescission may take effect the issuer shall provide the individual with notice of such proposed rescission and an opportunity for a review of such determination by an independent, external third-party under procedures specified by the Secretary under section 2742(f).

''(b) INDEPENDENT DETERMINATION.—If the individual requests such review by an independent, external third-party of a rescission of health insurance coverage, the coverage shall remain in effect until such third party determines that the coverage may be rescinded under the guidance issued by the Secretary under section 2742(f).''.

(2) APPLICATION TO GROUP HEALTH INSURANCE.—Such title is further amended by adding after section 2702 the following new section:

''SEC. 2703. OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD-PARTY REVIEW IN CASES OF RESCISSION.

''The provisions of section 2746 shall apply to group health insurance coverage in the same manner as such provisions apply to individual health insurance coverage, except that any reference to section 2742(f) is deemed a reference to section 2712(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to rescissions occurring on and after July 1, 2010, with respect to health insurance coverage issued before, on, or after such date.

SEC. 104. SUNSHINE ON PRICE GOUGING BY HEALTH INSURANCE ISSUERS.

(a) INITIAL PREMIUM REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in conjunction with States, shall establish a process for the annual review, beginning with 2010 and subject to subsection (c)(3)(A), of increases in premiums for health insurance coverage.

(2) JUSTIFICATION AND DISCLOSURE.—Such process shall require health insurance issuers to submit a justification for any premium increase prior to implementation of the increase. Such issuers shall prominently post such information on their websites. The Secretary shall ensure the public disclosure of information on such increase and justifications for all health insurance issuers.

(b) CONTINUING PREMIUM REVIEW PROCESS.—

(1) INFORMING COMMISSIONER OF PREMIUM INCREASE PATTERNS.—As a condition of receiving a grant under subsection (c)(1), a State, through its Commissioner of Insurance, shall—

(A) provide the Health Choices commissioner with information about trends in premium increases in health insurance coverage in premium rating areas in the State; and

(B) make recommendations, as appropriate, to such Commissioner about whether particular health insurance issuers should be excluded from participation in the Health Insurance Exchange based on a pattern of excessive or unjustified premium increases.

(2) COMMISSIONER AUTHORITY REGARDING EXCHANGE PARTICIPATION.—In making determinations concerning entering into contracts with QHBP offering entities for the offering of Exchange-participating health plans under section 304, the Commissioner shall take into account the information and recommendations provided under paragraph (1).

(3) MONITORING BY COMMISSIONER OF PREMIUM INCREASES.—

(A) IN GENERAL.—Beginning in 2014, the Commissioner, in conjunction with the States and in place of the monitoring by the Secretary under subsection (a)(1) and consistent with the provisions of subsection (a)(2), shall monitor premium increases of health insurance coverage offered inside the Health Insurance Exchange under section 304 and outside of the Exchange.

(B) CONSIDERATION IN OPENING EXCHANGE.—In determining under section 302(e)(4) whether to make additional larger employers eligible to participate in the Health Insurance Exchange, the Commissioner shall take into account any excess of premium growth outside the Exchange as compared to the rate of such growth inside the Exchange, including information reported by the States.

(c) GRANTS IN SUPPORT OF PROCESS.—

(1) PREMIUM REVIEW GRANTS DURING 2010 THROUGH 2014.—The Secretary shall carry out a program of grants to States during the 5-year period beginning with 2010 to assist them in carrying out subsection (a), including—

(A) in reviewing and, if appropriate under State law, approving premium increases for health insurance coverage; and

(B) in providing information and recommendations to the Commissioner under subsection (b)(1).

(2) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary $1,000,000,000, to be available for expenditure for grants under paragraph (1) and subparagraph (B).

(B) FURTHER AVAILABILITY FOR INSURANCE REFORM AND CONSUMER PROTECTION GRANTS.—If the amounts appropriated under subparagraph (A) are not fully obligated under grants under paragraph (1) by the end of 2014, any remaining funds shall remain available to the Secretary for grants to States for planning and implementing the insurance reforms and consumer protections under title II.

(C) ALLOCATION.—The Secretary shall establish a formula for determining the amount of any grant to a State under this subsection. Under such formula—

(i) the Secretary shall consider the number of plans of health insurance coverage offered in each State and the population of the State; and

(ii) no State qualifying for a grant under paragraph (1) shall receive less than $1,000,000, or more than $5,000,000 for a grant year.

SEC. 105. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

(a) UNDER GROUP HEALTH PLANS.—

(1) PHSA.—Title XXVII of the Public Health Service Act is amended by inserting after section 2702 the following new section:

''SEC. 2703. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering health insurance coverage in connection with a group health plan that provides coverage for dependent children shall make available such coverage, at the option of the participant involved, for one or more qualified children (as defined in subsection (b)) of the participant.

''(b) QUALIFIED CHILD DEFINED.—In this section, the term 'qualified child' means, with respect to a participant in a group health plan or group health insurance coverage, an individual who (but for age) would be treated as a dependent child of the participant under such plan or coverage and who—

''(1) is under 27 years of age; and

''(2) is not enrolled as a participant, beneficiary, or enrollee (other than under this section, section 2746, or section 704 of the Employee Retirement Income Security Act of 1974) under any health insurance coverage or group health plan.

''(c) PREMIUMS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer with respect to group health insurance coverage from increasing the premiums otherwise required for coverage provided under this section consistent with standards established by the Secretary based upon family size.''.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(A) IN GENERAL.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 703 the following new section:

''SEC. 704. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering health insurance coverage in connection with a group health plan that provides coverage for dependent children shall make available such coverage, at the option of the participant involved, for one or more qualified children (as defined in subsection (b)) of the participant.

''(b) QUALIFIED CHILD DEFINED.—In this section, the term 'qualified child' means, with respect to a participant in a group health plan or group health insurance coverage, an individual who (but for age) would be treated as a dependent child of the participant under such plan or coverage and who—

''(1) is under 27 years of age; and

''(2) is not enrolled as a participant, beneficiary, or enrollee (other than under this section) under any health insurance coverage or group health plan.

''(c) PREMIUMS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer with respect to group health insurance coverage from increasing the premiums otherwise required for coverage provided under this section consistent with standards established by the Secretary based upon family size.''.

(B) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 703 the following new item:

''Sec. 704. Requiring the option of extension of dependent coverage for uninsured young adults.''.

(3) IRC.—

(A) IN GENERAL.—Subchapter A of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9804. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

''(a) IN GENERAL.—A group health plan that provides coverage for dependent children shall make available such coverage, at the option of the participant involved, for one or more qualified children (as defined in subsection (b)) of the participant.

''(b) QUALIFIED CHILD DEFINED.—In this section, the term 'qualified child' means,

with respect to a participant in a group health plan, an individual who (but for age) would be treated as a dependent child of the participant under such plan and who—

''(1) is under 27 years of age; and

''(2) is not enrolled as a participant, beneficiary, or enrollee (other than under this section, section 704 of the Employee Retirement Income Security Act of 1974, or section 2704 or 2746 of the Public Health Service Act) under any health insurance coverage or group health plan.

''(c) PREMIUMS.—Nothing in this section shall be construed as preventing a group health plan from increasing the premiums otherwise required for coverage provided under this section consistent with standards established by the Secretary based upon family size.''.

(B) CLERICAL AMENDMENT.—The table of sections of such chapter is amended by inserting after the item relating to section 9803 the following:

''Sec. 9804. Requiring the option of extension of dependent coverage for uninsured young adults.''.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Title XXVII of the Public Health Service Act is amended by inserting after section 2745 the following new section:

''SEC. 2746. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

''The provisions of section 2703 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—The amendments made by subsection (a) shall apply to group health plans for plan years beginning on or after January 1, 2010.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2746 of the Public Health Service Act, as inserted by subsection (b), shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2010.

SEC. 106. LIMITATIONS ON PREEXISTING CONDITION EXCLUSIONS IN GROUP HEALTH PLANS IN ADVANCE OF APPLICABILITY OF NEW PROHIBITION OF PREEXISTING CONDITION EXCLUSIONS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 701(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 701(a)(2) of such Act (29 U.S.C. 1181(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(3) SUNSET OF INTERIM LIMITATION.—Section 701 of such Act (29 U.S.C. 1181) is amended by adding at the end the following new subsection:

''(h) TERMINATION.—This section shall cease to apply to any group health plan as of the date that such plan becomes subject to the requirements of section 211 of the (relating to prohibiting preexisting condition exclusions).''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 9801(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 9801(a)(2) of such Code is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(3) SUNSET OF INTERIM LIMITATION.—Section 9801 of such Code is amended by adding at the end the following new subsection:

''(g) TERMINATION.—This section shall cease to apply to any group health plan as of the date that such plan becomes subject to the requirements of section 211 of the ''Affordable Health Care for America Act'' (relating to prohibiting preexisting condition exclusions).''.

(c) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(3) SUNSET OF INTERIM LIMITATION.—Section 2701 of such Act (42 U.S.C. 300gg) is amended by adding at the end the following new subsection:

''(h) TERMINATION.—This section shall cease to apply to any group health plan as of the date that such plan becomes subject to the requirements of section 211 of the (relating to prohibiting preexisting condition exclusions).''.

(4) MISCELLANEOUS TECHNICAL AMENDMENT.—Section 2702(a)(2) of such Act (42 U.S.C. 300gg–1) is amended by striking ''701'' and inserting ''2701''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2010.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act);

(B) 3 years after the date of the enactment of this Act.

SEC. 107. PROHIBITING ACTS OF DOMESTIC VIOLENCE FROM BEING TREATED AS PREEXISTING CONDITIONS.

(a) ERISA.—Section 701(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.) is amended—

(1) in the heading, by inserting ''OR DOMESTIC VIOLENCE'' after ''PREGNANCY''; and

(2) by inserting ''or domestic violence'' after ''relating to pregnancy''.

(b) PHSA.—

(1) GROUP MARKET.—Section 2701(d)(3) of the Public Health Service Act (42 U.S.C. 300gg(d)(3)) is amended—

(A) in the heading, by inserting ''OR DOMESTIC VIOLENCE'' after ''PREGNANCY''; and

(B) by inserting ''or domestic violence'' after ''relating to pregnancy''.

(2) INDIVIDUAL MARKET.—Title XXVII of such Act is amended by inserting after section 2753 the following new section:

''SEC. 2754. PROHIBITION ON DOMESTIC VIOLENCE AS PREEXISTING CONDITION.

''A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of domestic violence, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.''.

(c) IRC.—Section 9801(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) in the heading, by inserting ''OR DOMESTIC VIOLENCE'' after ''PREGNANCY''; and

(2) by inserting ''or domestic violence'' after ''relating to pregnancy''.

(d) EFFECTIVE DATES.—

(1) Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to group health plans (and health insurance issuers offering group health insurance coverage) for plan years beginning on or after January 1, 2010.

(2) The amendment made by subsection (b)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

SEC. 108. ENDING HEALTH INSURANCE DENIALS AND DELAYS OF NECESSARY TREATMENT FOR CHILDREN WITH DEFORMITIES.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

''SEC. 715. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR TREATMENT FOR CHILDREN WITH DEFORMITIES.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual who is 21 years of age or younger.

''(2) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(b) (other than paragraph (3)) with respect to the requirements of this section.''.

(2) CONFORMING AMENDMENT.—

(A) Subsection (c) of section 731 of such Act is amended by striking ''section 711'' and inserting ''sections 711 and 715''.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 714 the following new item:

''Sec. 715. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9814. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR TREATMENT FOR CHILDREN WITH DEFORMITIES.—A group health plan that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual who is 21 years of age or younger.

"(b) TREATMENT DEFINED.—

"(1) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(A) procedures that do not materially affect the function of the body part being treated, and

"(B) procedures for secondary conditions and follow-up treatment.

"(2) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by adding at the end the following new item:

"Sec. 9814. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.".

(c) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2708. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"(a) REQUIREMENTS FOR TREATMENT FOR CHILDREN WITH DEFORMITIES.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual who is 21 years of age or younger.

"(2) TREATMENT DEFINED.—

"(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 715(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.".

(2) INDIVIDUAL HEALTH INSURANCE.—Subpart 2 of part B of title XXVII of the Public Health Service Act, as amended by section 161(b), is further amended by adding at the end the following new section:

"SEC. 2755. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

"The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as such provisions apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(3) CONFORMING AMENDMENTS.—

(A) Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2708".

(B) Section 2762(b)(2) of such Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2755".

(d) EFFECTIVE DATES.—

(1) The amendments made by this section shall apply with respect to group health plans (and health insurance issuers offering group health insurance coverage) for plan years beginning on or after January 1, 2010.

(2) The amendment made by subsection (c)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(e) COORDINATION.—Section 104(1) of the Health Insurance Portability and Accountability Act of 1996 is amended by striking "(and the amendments made by this subtitle and section 401)" and inserting ", part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986".

SEC. 109. ELIMINATION OF LIFETIME LIMITS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by section 108, is amended by adding at the end the following:

"SEC. 716. ELIMINATION OF LIFETIME AGGREGATE LIMITS.

"(a) IN GENERAL.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not impose an aggregate dollar lifetime limit with respect to benefits payable under the plan or coverage.

"(b) DEFINITION.—In this section, the term 'aggregate dollar lifetime limit' means, with respect to benefits under a group health plan or health insurance coverage offered in connection with a group health plan, a dollar limitation on the total amount that may be paid with respect to such benefits under the plan or health insurance coverage with respect to an individual or other coverage unit on a lifetime basis.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, is amended by inserting after the item relating to section 715 the following new item:

"Sec. 716. Elimination of lifetime aggregate limits.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 108(b), is amended by adding at the end the following new section:

"SEC. 9815. ELIMINATION OF LIFETIME AGGREGATE LIMITS.

"(a) IN GENERAL.—A group health plan may not impose an aggregate dollar lifetime limit with respect to benefits payable under the plan.

"(b) DEFINITION.—In this section, the term 'aggregate dollar lifetime limit' means, with respect to benefits under a group health plan a dollar limitation on the total amount that may be paid with respect to such benefits under the plan with respect to an individual or other coverage unit on a lifetime basis.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code, as amended by section 108(b), is amended by adding at the end the following new item:

"Sec. 9854. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) as amended by section 108(c)(1), is amended by adding at the end the following:

"SEC. 2709. ELIMINATION OF LIFETIME AGGREGATE LIMITS.

"(a) IN GENERAL.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not impose an aggregate dollar lifetime limit with respect to benefits payable under the plan or coverage.

"(b) DEFINITION.—In this section, the term 'aggregate dollar lifetime limit' means, with respect to benefits under a group health plan or health insurance coverage, a dollar limitation on the total amount that may be paid with respect to such benefits under the plan or health insurance coverage with respect to an individual or other coverage unit on a lifetime basis.".

(2) INDIVIDUAL MARKET.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.), as amended by section 108(c)(2), is amended by adding at the end the following:

"SEC. 2756. ELIMINATION OF LIFETIME AGGREGATE LIMITS.

"The provisions of section 2709 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(d) EFFECTIVE DATES.—

(1) The amendments made by this section shall apply with respect to group health plans (and health insurance issuers offering group health insurance coverage) for plan years beginning on or after January 1, 2010.

(2) The amendment made by subsection (c)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

SEC. 110. PROHIBITION AGAINST POSTRETIREMENT REDUCTIONS OF RETIREE HEALTH BENEFITS BY GROUP HEALTH PLANS.

(a) IN GENERAL.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by sections 108 and 109, is amended by inserting after section 716 the following new section:

"SEC. 717. PROTECTION AGAINST POSTRETIREMENT REDUCTION OF RETIREE HEALTH BENEFITS.

"(a) IN GENERAL.—Every group health plan shall contain a provision which expressly bars the plan, or any fiduciary of the plan, from reducing the benefits provided under the plan to a retired participant, or beneficiary of such participant, if such reduction affects the benefits provided to the participant or beneficiary as of the date the participant retired for purposes of the plan and

such reduction occurs after the participant's retirement unless such reduction is also made with respect to active participants. Nothing in this section shall prohibit a plan from enforcing a total aggregate cap on amounts paid for retiree health coverage that is part of the plan at the time of retirement.

''(b) NO REDUCTION.—Notwithstanding that a group health plan may contain a provision reserving the general power to amend or terminate the plan or a provision specifically authorizing the plan to make post-retirement reductions in retiree health benefits, it shall be prohibited for any group health plan, whether through amendment or otherwise, to reduce the benefits provided to a retired participant or the participant's beneficiary under the terms of the plan if such reduction of benefits occurs after the date the participant retired for purposes of the plan and reduces benefits that were provided to the participant, or the participant's beneficiary, as of the date the participant retired unless such reduction is also made with respect to active participants.

''(c) REDUCTION DESCRIBED.— For purposes of this section, a reduction in benefits—

''(1) with respect to premiums occurs under a group health plan when a participant's (or beneficiary's) share of the total premium (or, in the case of a self-insured plan, the costs of coverage) of the plan substantially increases; or

''(2) with respect to other cost-sharing and benefits under a group health plan occurs when there is a substantial decrease in the actuarial value of the benefit package under the plan.

For purposes of this section, the term 'substantial' means an increase in the total premium share or a decrease in the actuarial value of the benefit package that is greater than 5 percent.''

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by sections 108 and 109, is amended by inserting after the item relating to section 716 the following new item:

''Sec. 717. Protection against postretirement reduction of retiree health benefits.''.

(c) WAIVER.—An employer may, in a form and manner which shall be prescribed by the Secretary of Labor, apply for a waiver from this provision if the employer can reasonably demonstrate that meeting the requirements of this section would impose an undue hardship on the employer.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 111. REINSURANCE PROGRAM FOR RETIREES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a temporary reinsurance program (in this section referred to as the ''reinsurance program'') to provide reimbursement to assist participating employment-based plans with the cost of providing health benefits to retirees and to eligible spouses, surviving spouses and dependents of such retirees.

(2) DEFINITIONS.—For purposes of this section:

(A) The term ''eligible employment-based plan'' means a group health plan or employment-based health plan that—

(i) is —

(I) maintained by one or more employers (including without limitation any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing), former employers or employee organizations or associations, or a voluntary employees' beneficiary association, or a committee or board of individuals appointed to administer such plan; or

(II) a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974); and

(ii) provides health benefits to retirees.

(B) The term ''health benefits'' means medical, surgical, hospital, prescription drug, and such other benefits as shall be determined by the Secretary, whether self-funded or delivered through the purchase of insurance or otherwise.

(C) The term ''participating employment-based plan'' means an eligible employment-based plan that is participating in the reinsurance program.

(D) The term ''retiree'' means, with respect to a participating employment-benefit plan, an individual who—

(i) is 55 years of age or older;

(ii) is not eligible for coverage under title XVIII of the Social Security Act; and

(iii) is not an active employee of an employer maintaining the plan or of any employer that makes or has made substantial contributions to fund such plan.

(E) The term ''Secretary'' means Secretary of Health and Human Services.

(b) PARTICIPATION.—To be eligible to participate in the reinsurance program, an eligible employment-based plan shall submit to the Secretary an application for participation in the program, at such time, in such manner, and containing such information as the Secretary shall require.

(c) PAYMENT.—

(1) SUBMISSION OF CLAIMS.—

(A) IN GENERAL.—Under the reinsurance program, a participating employment-based plan shall submit claims for reimbursement to the Secretary which shall contain documentation of the actual costs of the items and services for which each claim is being submitted.

(B) BASIS FOR CLAIMS.—Each claim submitted under subparagraph (A) shall be based on the actual amount expended by the participating employment-based plan involved within the plan year for the appropriate employment based health benefits provided to a retiree or to the spouse, surviving spouse, or dependent of a retiree. In determining the amount of any claim for purposes of this subsection, the participating employment-based plan shall take into account any negotiated price concessions (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations) obtained by such plan with respect to such health benefits. For purposes of calculating the amount of any claim, the costs paid by the retiree or by the spouse, surviving spouse, or dependent of the retiree in the form of deductibles, copayments, and coinsurance shall be included along with the amounts paid by the participating employment-based plan.

(2) PROGRAM PAYMENTS AND LIMIT.—If the Secretary determines that a participating employment-based plan has submitted a valid claim under paragraph (1), the Secretary shall reimburse such plan for 80 percent of that portion of the costs attributable to such claim that exceeds $15,000, but is less than $90,000. Such amounts shall be adjusted each year based on the percentage increase in the medical care component of the Consumer Price Index (rounded to the nearest multiple of $1,000) for the year involved.

(3) USE OF PAYMENTS.—Amounts paid to a participating employment-based plan under this subsection shall only be used to reduce the costs of health care provided by the plan by reducing premium costs for the employer or employee association maintaining the plan, and reducing premium contributions, deductibles, copayments, coinsurance, or other out-of-pocket costs for plan participants and beneficiaries. Where the benefits are provided by an employer to members of a represented bargaining unit, the allocation of payments among these purposes shall be subject to collective bargaining. Amounts paid to the plan under this subsection shall not be used as general revenues by the employer or employee association maintaining the plan or for any other purposes. The Secretary shall develop a mechanism to monitor the appropriate use of such payments by such plans.

(4) APPEALS AND PROGRAM PROTECTIONS.—The Secretary shall establish—

(A) an appeals process to permit participating employment-based plans to appeal a determination of the Secretary with respect to claims submitted under this section; and

(B) procedures to protect against fraud, waste, and abuse under the program.

(5) AUDITS.—The Secretary shall conduct annual audits of claims data submitted by participating employment-based plans under this section to ensure that they are in compliance with the requirements of this section.

(d) RETIREE RESERVE TRUST FUND.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Retiree Reserve Trust Fund'' (referred to in this section as the ''Trust Fund''), that shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided for in this subsection to enable the Secretary to carry out the reinsurance program. Such amounts shall remain available until expended.

(B) FUNDING.—There are hereby appropriated to the Trust Fund, out of any moneys in the Treasury not otherwise appropriated, an amount requested by the Secretary as necessary to carry out this section, except that the total of all such amounts requested shall not exceed $10,000,000,000.

(C) APPROPRIATIONS FROM THE TRUST FUND.—

(i) IN GENERAL.—Amounts in the Trust Fund are appropriated to provide funding to carry out the reinsurance program and shall be used to carry out such program.

(ii) LIMITATION TO AVAILABLE FUNDS.—The Secretary has the authority to stop taking applications for participation in the program or take such other steps in reducing expenditures under the reinsurance program in order to ensure that expenditures under the reinsurance program do not exceed the funds available under this subsection.

SEC. 112. WELLNESS PROGRAM GRANTS.

(a) ALLOWANCE OF GRANT.—

(1) IN GENERAL.—For purposes of this section, the Secretaries of Health and Human Services and Labor shall jointly award wellness grants as determined under this section. Wellness program grants shall be awarded to small employers (as defined by the Secretary) for any plan year in an amount equal to 50 percent of the costs paid or incurred by such employers in connection with a qualified wellness program during the plan year. For purposes of the preceding sentence, in the case of any qualified wellness program offered as part of an employment-based health plan, only costs attributable to the qualified wellness program and not to the health plan, or health insurance coverage offered in connection with such a plan, may be taken into account.

(2) LIMITATIONS.—

(A) PERIOD.—A wellness grant awarded to an employer under this section shall be for up to 3 years.

(B) AMOUNT.—The amount of the grant under paragraph (1) for an employer shall not exceed—

(i) the product of $150 and the number of employees of the employer for any plan year; and

(ii) $50,000 for the entire period of the grant.

(b) QUALIFIED WELLNESS PROGRAM.—For purposes of this section:

(1) QUALIFIED WELLNESS PROGRAM.—The term ''qualified wellness program'' means a program that —

(A) includes any 3 wellness components described in subsection (c); and

(B) is to be certified jointly by the Secretary of Health and Human Services and the Secretary of Labor, in coordination with the Director of the Centers for Disease Control and Prevention, as a qualified wellness program under this section.

(2) PROGRAMS MUST BE CONSISTENT WITH RESEARCH AND BEST PRACTICES.—

(A) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Labor shall not certify a program as a qualified wellness program unless the program—

(i) is consistent with evidence-based research and best practices, as identified by persons with expertise in employer health promotion and wellness programs;

(ii) includes multiple, evidence-based strategies which are based on the existing and emerging research and careful scientific reviews, including the Guide to Community Preventative Services, the Guide to Clinical Preventative Services, and the National Registry for Effective Programs, and

(iii) includes strategies which focus on prevention and support for employee populations at risk of poor health outcomes.

(B) PERIODIC UPDATING AND REVIEW.—The Secretaries of Health and Human Services and Labor, in consultation with other appropriate agencies shall jointly establish procedures for periodic review, evaluation, and update of the programs under this subsection.

(3) HEALTH LITERACY AND ACCESSIBILITY.—The Secretaries of Health and Human Services and Labor shall jointly, as part of the certification process—

(A) ensure that employers make the programs culturally competent, physically and programmatically accessible (including for individuals with disabilities), and appropriate to the health literacy needs of the employees covered by the programs;

(B) require a health literacy component to provide special assistance and materials to employees with low literacy skills, limited English and from underserved populations; and

(C) require the Secretaries to compile and disseminate to employer health plans information on model health literacy curricula, instructional programs, and effective intervention strategies.

(c) WELLNESS PROGRAM COMPONENTS.—For purposes of this section, the wellness program components described in this subsection are the following:

(1) HEALTH AWARENESS COMPONENT.—A health awareness component which provides for the following:

(A) HEALTH EDUCATION.—The dissemination of health information which addresses the specific needs and health risks of employees.

(B) HEALTH SCREENINGS.—The opportunity for periodic screenings for health problems and referrals for appropriate follow-up measures.

(2) EMPLOYEE ENGAGEMENT COMPONENT.—An employee engagement component which provides for the active engagement of employees in worksite wellness programs through worksite assessments and program planning, onsite delivery, evaluation, and improvement efforts.

(3) BEHAVIORAL CHANGE COMPONENT.—A behavioral change component which encourages healthy living through counseling, seminars, on-line programs, self-help materials, or other programs which provide technical assistance and problem solving skills. Such component may include programs relating to—

(A) tobacco use;

(B) obesity;

(C) stress management;

(D) physical fitness;

(E) nutrition;

(F) substance abuse;

(G) depression; and

(H) mental health promotion.

(4) SUPPORTIVE ENVIRONMENT COMPONENT.—A supportive environment component which includes the following:

(A) ON-SITE POLICIES.—Policies and services at the worksite which promote a healthy lifestyle, including policies relating to—

(i) tobacco use at the worksite;

(ii) the nutrition of food available at the worksite through cafeterias and vending options;

(iii) minimizing stress and promoting positive mental health in the workplace; and

(iv) the encouragement of physical activity before, during, and after work hours.

(d) PARTICIPATION REQUIREMENT.—No grant shall be allowed under subsection (a) unless the Secretaries of Health and Human Services and Labor, in consultation with other appropriate agencies, jointly certify, as a part of any certification described in subsection (b), that each wellness program component of the qualified wellness program—

(1) shall be available to all employees of the employer;

(2) shall not mandate participation by employees; and

(3) may provide a financial reward for participation of an individual in such program so long as such reward is not tied to the premium or cost-sharing of the individual under the health benefits plan.

(e) PRIVACY PROTECTIONS.—Data gathered for purposes of the employer wellness program may be used solely for the purposes of administering the program. The Secretaries of Health and Human Services and Labor shall develop standards to ensure such data remain confidential and are not used for purposes beyond those for administering the program.

(f) CERTAIN COSTS NOT INCLUDED.—For purposes of this section, costs paid or incurred by an employer for food or health insurance shall not be taken into account under subsection (a).

(g) OUTREACH.—The Secretaries of Health and Human Services and Labor, in conjunction with other appropriate agencies and members of the business community, shall jointly institute an outreach program to inform businesses about the availability of the wellness program grant as well as to educate businesses on how to develop programs according to recognized and promising practices and on how to measure the success of implemented programs.

(h) EFFECTIVE DATE.—This section shall take effect on July 1, 2010.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 113. EXTENSION OF COBRA CONTINUATION COVERAGE.

(a) EXTENSION OF CURRENT PERIODS OF CONTINUATION COVERAGE.—

(1) IN GENERAL.—In the case of any individual who is, under a COBRA continuation coverage provision, covered under COBRA continuation coverage on or after the date of the enactment of this Act, the required period of any such coverage which has not subsequently terminated under the terms of such provision for any reason other than the expiration of a period of a specified number of months shall, notwithstanding such provision and subject to subsection (b), extend to the earlier of the date on which such individual becomes eligible for acceptable coverage or the date on which such individual becomes eligible for health insurance coverage through the Health Insurance Exchange (or a State-based Health Insurance Exchange operating in a State or group of States).

(2) NOTICE.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules setting forth the form and manner in which prompt notice to individuals of the continued availability of COBRA continuation coverage to such individuals under paragraph (1).

(b) CONTINUED EFFECT OF OTHER TERMINATING EVENTS.—Notwithstanding subsection (a), any required period of COBRA continuation coverage which is extended under such subsection shall terminate upon the occurrence, prior to the date of termination otherwise provided in such subsection, of any terminating event specified in the applicable continuation coverage provision other than the expiration of a period of a specified number of months.

(c) ACCESS TO STATE HEALTH BENEFITS RISK POOLS.—This section shall supersede any provision of the law of a State or political subdivision thereof to the extent that such provision has the effect of limiting or precluding access by a qualified beneficiary whose COBRA continuation coverage has been extended under this section to a State health benefits risk pool recognized by the Commissioner for purposes of this section solely by reason of the extension of such coverage beyond the date on which such coverage otherwise would have expired.

(d) DEFINITIONS.—For purposes of this section—

(1) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 905a of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(2) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in paragraph (1).

SEC. 114. STATE HEALTH ACCESS PROGRAM GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall provide grants to States (as defined for purposes of title XIX of the Social Security Act) to establish programs to expand access to affordable health care coverage for the uninsured populations in that State in a manner consistent with reforms to take effect under this division in Y1.

(b) TYPES OF PROGRAMS.—The types of programs for which grants are available under subsection (a) include the following:

(1) STATE INSURANCE EXCHANGES.—State insurance exchanges that develop new, less expensive, portable benefit packages for small employers and part-time and seasonal workers.

(2) COMMUNITY COVERAGE PROGRAM.—Community coverage with shared responsibility

between employers, governmental or nonprofit entity, and the individual.

(3) REINSURANCE PLAN PROGRAM.—Reinsurance plans that subsidize a certain share of carrier losses within a certain risk corridor health insurance premium assistance.

(4) TRANSPARENT MARKETPLACE PROGRAM.—Transparent marketplace that provides an organized structure for the sale of insurance products such as a Web exchange or portal.

(5) AUTOMATED ENROLLMENT PROGRAM.—Statewide or automated enrollment systems for public assistance programs.

(6) INNOVATIVE STRATEGIES.—Innovative strategies to insure low-income childless adults.

(7) PURCHASING COLLABORATIVES.—Not-for-profit business, consumer collaborative that provides direct contract health care service purchasing options for group plan sponsors.

(c) ELIGIBILITY AND ADMINISTRATION.—

(1) IMPLEMENTATION OF KEY STATUTORY OR REGULATORY CHANGES.—In order to be awarded a grant under this section for a program, a State shall demonstrate that—

(A) it has achieved the key State and local statutory or regulatory changes required to begin implementing the new program within 1 year after the initiation of funding under the grant; and

(B) it will be able to sustain the program without Federal funding after the end of the period of the grant.

(2) INELIGIBILITY.—A State that has already developed a comprehensive health insurance access program is not eligible for a grant under this section.

(3) APPLICATION REQUIRED.—No State shall receive a grant under this section unless the State has approved by the Secretary such an application, in such form and manner as the Secretary specifies.

(4) ADMINISTRATION BASED ON CURRENT PROGRAM.—The program under this section is intended to build on the State Health Access Program funded under the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(d) FUNDING LIMITATIONS.—

(1) IN GENERAL.—A grant under this section shall—

(A) only be available for expenditures before Y1; and

(B) only be used to supplement, and not supplant, funds otherwise provided.

(2) MATCHING FUND REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), no grant may be awarded to a State unless the State demonstrates the seriousness of its effort by matching at least 20 percent of the grant amount through non-Federal resources, which may be a combination of State, local, private dollars from insurers, providers, and other private organizations.

(B) WAIVER.—The Secretary may waive the requirement of subparagraph (A) if the State demonstrates to the Secretary financial hardship in complying with such requirement.

(e) STUDY.—The Secretary shall review, study, and benchmark the progress and results of the programs funded under this section.

(f) REPORT.—Each State receiving a grant under this section shall submit to the Secretary a report on best practices and lessons learned through the grant to inform the health reform coverage expansions under this division beginning in Y1.

(g) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 115. ADMINISTRATIVE SIMPLIFICATION.

(a) STANDARDIZING ELECTRONIC ADMINISTRATIVE TRANSACTIONS.—

(1) IN GENERAL.—Part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) is amended by inserting after section 1173 the following new sections:

"SEC. 1173A. STANDARDIZE ELECTRONIC ADMINISTRATIVE TRANSACTIONS.

''(a) STANDARDS FOR FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—

''(1) IN GENERAL.—The Secretary shall adopt and regularly update standards consistent with the goals described in paragraph (2).

''(2) GOALS FOR FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—The goals for standards under paragraph (1) are that such standards shall, to the extent practicable—

''(A) be unique with no conflicting or redundant standards;

''(B) be authoritative, permitting no additions or constraints for electronic transactions, including companion guides;

''(C) be comprehensive, efficient and robust, requiring minimal augmentation by paper transactions or clarification by further communications;

''(D) enable the real-time (or near real-time) determination of an individual's financial responsibility at the point of service and, to the extent possible, prior to service, including whether the individual is eligible for a specific service with a specific physician at a specific facility, on a specific date or range of dates, include utilization of a machine-readable health plan beneficiary identification card or similar mechanism;

''(E) enable, where feasible, near real-time adjudication of claims;

''(F) provide for timely acknowledgment, response, and status reporting applicable to any electronic transaction deemed appropriate by the Secretary;

''(G) describe all data elements (such as reason and remark codes) in unambiguous terms, not permit optional fields, require that data elements be either required or conditioned upon set values in other fields, and prohibit additional conditions except where required by (or to implement) State or Federal law or to protect against fraud and abuse; and

''(H) harmonize all common data elements across administrative and clinical transaction standards.

''(3) TIME FOR ADOPTION.—Not later than 2 years after the date of the enactment of this section, the Secretary shall adopt standards under this section by interim, final rule.

''(4) REQUIREMENTS FOR SPECIFIC STANDARDS.—The standards under this section shall be developed, adopted, and enforced so as to—

''(A) clarify, refine, complete, and expand, as needed, the standards required under section 1173;

''(B) require paper versions of standardized transactions to comply with the same standards as to data content such that a fully compliant, equivalent electronic transaction can be populated from the data from a paper version;

''(C) enable electronic funds transfers, in order to allow automated reconciliation with the related health care payment and remittance advice;

''(D) require timely and transparent claim and denial management processes, including uniform claim edits, uniform reason and remark denial codes, tracking, adjudication, and appeal processing;

''(E) require the use of a standard electronic transaction with which health care providers may quickly and efficiently enroll with a health plan to conduct the other electronic transactions provided for in this part; and

''(F) provide for other requirements relating to administrative simplification as identified by the Secretary, in consultation with stakeholders.

''(5) BUILDING ON EXISTING STANDARDS.—In adopting the standards under this section, the Secretary shall consider existing and planned standards.

''(6) IMPLEMENTATION AND ENFORCEMENT.—Not later than 6 months after the date of the enactment of this section, the Secretary shall submit to the appropriate committees of Congress a plan for the implementation and enforcement, by not later than 5 years after such date of enactment, of the standards under this section. Such plan shall include—

''(A) a process and timeframe with milestones for developing the complete set of standards;

''(B) a proposal for accommodating necessary changes between version changes and a process for upgrading standards as often as annually by interim, final rulemaking;

''(C) programs to provide incentives for, and ease the burden of, implementation for certain health care providers, with special consideration given to such providers serving rural or underserved areas and ensure coordination with standards, implementation specifications, and certification criteria being adopted under the HITECH Act;

''(D) programs to provide incentives for, and ease the burden of, health care providers who volunteer to participate in the process of setting standards for electronic transactions;

''(E) an estimate of total funds needed to ensure timely completion of the implementation plan; and

''(F) an enforcement process that includes timely investigation of complaints, random audits to ensure compliance, civil monetary and programmatic penalties for noncompliance consistent with existing laws and regulations, and a fair and reasonable appeals process building off of enforcement provisions under this part, and concurrent State enforcement jurisdiction.

The Secretary may promulgate an annual audit and certification process to ensure that all health plans and clearinghouses are both syntactically and functionally compliant with all the standard transactions mandated pursuant to the administrative simplification provisions of this part and the Health Insurance Portability and Accountability Act of 1996.

''(b) LIMITATIONS ON USE OF DATA.—Nothing in this section shall be construed to permit the use of information collected under this section in a manner that would violate State or Federal law.

''(c) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) are used and disclosed in a manner that meets the HIPAA privacy and security law (as defined in section 3009(a)(2) of the Public Health Service Act), including any privacy or security standard adopted under section 3004 of such Act.

"SEC. 1173B. INTERIM COMPANION GUIDES, INCLUDING OPERATING RULES.

''(a) IN GENERAL.—The Secretary shall adopt a single, binding, comprehensive companion guide, that includes operating rules for each X12 Version 5010 transaction described in section 1173(a)(2), to be effective until the new version of these transactions which comply with section 1173A are adopted and implemented.

''(b) COMPANION GUIDE AND OPERATING RULES DEVELOPMENT.—In adopting such interim companion guide and rules, the Secretary shall comply with section 1172, except that a nonprofit entity that meets the following criteria shall also be consulted:

''(1) The entity focuses its mission on administrative simplification.

''(2) The entity uses a multistakeholder process that creates consensus-based companion guides, including operating rules using a voting process that ensures balanced representation by the critical stakeholders

(including health plans and health care providers) so that no one group dominates the entity and shall include others such as standards development organizations, and relevant Federal or State agencies.

''(3) The entity has in place a public set of guiding principles that ensure the companion guide and operating rules and process are open and transparent.

''(4) The entity coordinates its activities with the HIT Policy Committee, and the HIT Standards Committee (established under title XXX of the Public Health Service Act) and complements the efforts of the Office of the National Healthcare Coordinator and its related health information exchange goals.

''(5) The entity incorporates the standards issued under Health Insurance Portability and Accountability Act of 1996 and this part, and in developing the companion guide and operating rules does not change the definition, data condition or use of a data element or segment in a standard, add any elements or segments to the maximum defined data set, use any codes or data elements that are either marked 'not used' in the standard's implementation specifications or are not in the standard's implementation specifications, or change the meaning or intent of the standard's implementation specifications.

''(6) The entity uses existing market research and proven best practices.

''(7) The entity has a set of measures that allow for the evaluation of their market impact and public reporting of aggregate stakeholder impact.

''(8) The entity supports nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory practices.

''(9) The entity allows for public reviews and comment on updates of the companion guide, including the operating rules.

''(c) IMPLEMENTATION.—The Secretary shall adopt a single, binding companion guide, including operating rules under this section, for each transaction, to become effective with the X12 Version 5010 transaction implementation, or as soon thereafter as feasible. The companion guide, including operating rules for the transactions for eligibility for health plan and health claims status under this section shall be adopted not later than October 1, 2011, in a manner such that such set of rules is effective beginning not later than January 1, 2013. The companion guide, including operating rules for the remainder of the transactions described in section 1173(a)(2) shall be adopted not later than October 1, 2012, in a manner such that such set of rules is effective beginning not later than January 1, 2014.''.

(2) DEFINITIONS.—Section 1171 of such Act (42 U.S.C. 1320d) is amended—

(A) in paragraph (1), by inserting '', and associated operational guidelines and instructions, as determined appropriate by the Secretary'' after ''medical procedure codes''; and

(B) by adding at the end the following new paragraph:

''(10) OPERATING RULES.—The term 'operating rules' means business rules for using and processing transactions, such as service level requirements, which do not impact the implementation specifications or other data content requirements.''.

(3) CONFORMING AMENDMENT.—Section 1179(a) of such Act (42 U.S.C. 1320d–8(a)) is amended, in the matter before paragraph (1)—

(A) by inserting ''on behalf of an individual'' after ''1978)''; and

(B) by inserting ''on behalf of an individual'' after ''for a financial institution'' and

(b) STANDARDS FOR CLAIMS ATTACHMENTS AND COORDINATION OF BENEFITS.—

(1) STANDARD FOR HEALTH CLAIMS ATTACHMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim, final rule to establish a standard for health claims attachment transaction described in section 1173(a)(2)(B) of the Social Security Act (42 U.S.C. 1320d–2(a)(2)(B)) and coordination of benefits.

(2) REVISION IN PROCESSING PAYMENT TRANSACTIONS BY FINANCIAL INSTITUTIONS.—

(A) IN GENERAL.—Section 1179 of the Social Security Act (42 U.S.C. 1320d–8) is amended, in the matter before paragraph (1)—

(i) by striking ''or is engaged'' and inserting ''and is engaged''; and

(ii) by inserting ''(other than as a business associate for a covered entity)'' after ''for a financial institution''.

(B) COMPLIANCE DATE.—The amendments made by subparagraph (A) shall apply to transactions occurring on or after such date (not later than January 1, 2014) as the Secretary of Health and Human Services shall specify.

(c) STANDARDS FOR FIRST REPORT OF INJURY.—Not later than January 1, 2014, the Secretary of Health and Human Services shall promulgate an interim final rule to establish a standard for the first report of injury transaction described in section 1173(a)(2)(G) of the Social Security Act (42 U.S.C. 1320d–2(a)(2)(G)).

(d) UNIQUE HEALTH PLAN IDENTIFIER.—Not later October 1, 2012, the Secretary of Health and Human Services shall promulgate an interim final rule to establish a unique health plan identifier described in section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) based on the input of the National Committee of Vital and Health Statistics and consultation with health plans, health care providers, and other interested parties.

(e) EXPANSION OF ELECTRONIC TRANSACTIONS IN MEDICARE.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (23), by striking ''or'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (24) the following new paragraph:

''(25) subject to subsection (h), not later than January 1, 2015, for which the payment is other than by electronic funds transfer (EFT) so long as the Secretary has adopted and implemented a standard for electronic funds transfer under section 1173A.''.

(f) EXPANSION OF PENALTIES.—Section 1176 of such Act (42 U.S.C. 1320d–5) is amended by adding at the end the following new subsection:

''(c) EXPANSION OF PENALTY AUTHORITY.—The Secretary may, in addition to the penalties provided under subsections (a) and (b), provide for the imposition of penalties for violations of this part that are comparable—

''(1) in the case of health plans, to the sanctions the Secretary is authorized to impose under part C or D of title XVIII in the case of a plan that violates a provision of such part; or

''(2) in the case of a health care provider, to the sanctions the Secretary is authorized to impose under part A, B, or D of title XVIII in the case of a health care provider that violations a provision of such part with respect to that provider.''.

TITLE II—PROTECTIONS AND STANDARDS FOR QUALIFIED HEALTH BENEFITS PLANS

Subtitle A—General Standards

SEC. 201. REQUIREMENTS REFORMING HEALTH INSURANCE MARKETPLACE.

(a) PURPOSE.—The purpose of this title is to establish standards to ensure that new health insurance coverage and employment-based health plans that are offered meet standards guaranteeing access to affordable coverage, essential benefits, and other consumer protections.

(b) REQUIREMENTS FOR QUALIFIED HEALTH BENEFITS PLANS.—On or after the first day of Y1, a health benefits plan shall not be a qualified health benefits plan under this division unless the plan meets the applicable requirements of the following subtitles for the type of plan and plan year involved:

(1) Subtitle B (relating to affordable coverage).

(2) Subtitle C (relating to essential benefits).

(3) Subtitle D (relating to consumer protection).

(c) TERMINOLOGY.—In this division:

(1) ENROLLMENT IN EMPLOYMENT-BASED HEALTH PLANS.—An individual shall be treated as being ''enrolled'' in an employment-based health plan if the individual is a participant or beneficiary (as such terms are defined in section 3(7) and 3(8), respectively, of the Employee Retirement Income Security Act of 1974) in such plan.

(2) INDIVIDUAL AND GROUP HEALTH INSURANCE COVERAGE.—The terms ''individual health insurance coverage'' and ''group health insurance coverage'' mean health insurance coverage offered in the individual market or large or small group market, respectively, as defined in section 2791 of the Public Health Service Act.

(d) TREATMENT OF QUALIFIED DIRECT PRIMARY CARE MEDICAL HOME PLANS.—The Commissioner may permit a qualified health benefits plan to provide coverage through a qualified direct primary care medical home plan so long as the qualified health benefits plan meets all requirements that are otherwise applicable and the services covered by the medical home plan are coordinated with the QHBP offering entity.

SEC. 202. PROTECTING THE CHOICE TO KEEP CURRENT COVERAGE.

(a) GRANDFATHERED HEALTH INSURANCE COVERAGE DEFINED.—Subject to the succeeding provisions of this section, for purposes of establishing acceptable coverage under this division, the term ''grandfathered health insurance coverage'' means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met:

(1) LIMITATION ON NEW ENROLLMENT.—

(A) IN GENERAL.—Except as provided in this paragraph, the individual health insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1.

(B) DEPENDENT COVERAGE PERMITTED.—Subparagraph (A) shall not affect the subsequent enrollment of a dependent of an individual who is covered as of such first day.

(2) LIMITATION ON CHANGES IN TERMS OR CONDITIONS.—Subject to paragraph (3) and except as required by law, the issuer does not change any of its terms or conditions, including benefits and cost-sharing, from those in effect as of the day before the first day of Y1.

(3) RESTRICTIONS ON PREMIUM INCREASES.—The issuer cannot vary the percentage increase in the premium for a risk group of enrollees in specific grandfathered health insurance coverage without changing the premium for all enrollees in the same risk group at the same rate, as specified by the Commissioner.

(b) GRACE PERIOD FOR CURRENT EMPLOYMENT-BASED HEALTH PLANS.—

(1) GRACE PERIOD.—

(A) IN GENERAL.—The Commissioner shall establish a grace period whereby, for plan years beginning after the end of the 5-year period beginning with Y1, an employment-based health plan in operation as of the day before the first day of Y1 must meet the

same requirements as apply to a qualified health benefits plan under section 201, including the essential benefit package requirement under section 221.

(B) EXCEPTION FOR LIMITED BENEFITS PLANS.—Subparagraph (A) shall not apply to an employment-based health plan in which the coverage consists only of one or more of the following:

(i) Any coverage described in section 3001(a)(1)(B)(ii)(IV) of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(ii) Excepted benefits (as defined in section 733(c) of the Employee Retirement Income Security Act of 1974), including coverage under a specified disease or illness policy described in paragraph (3)(A) of such section.

(iii) Such other limited benefits as the Commissioner may specify.

In no case shall an employment-based health plan in which the coverage consists only of one or more of the coverage or benefits described in clauses (i) through (iii) be treated as acceptable coverage under this division.

(2) TRANSITIONAL TREATMENT AS ACCEPTABLE COVERAGE.—During the grace period specified in paragraph (1)(A), an employment-based health plan (which may be a high deducible health plan, as defined in section 223(c)(2) of the Internal Revenue Code of 1986) that is described in such paragraph shall be treated as acceptable coverage under this division.

(c) LIMITATION ON INDIVIDUAL HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Individual health insurance coverage that is not grandfathered health insurance coverage under subsection (a) may only be offered on or after the first day of Y1 as an Exchange-participating health benefits plan.

(2) SEPARATE, EXCEPTED COVERAGE PERMITTED.—Nothing in—

(A) paragraph (1) shall prevent the offering of excepted benefits described in section 2791(c) of the Public Health Service Act so long as such benefits are offered outside the Health Insurance Exchange and are priced separately from health insurance coverage; and

(B) this division shall be construed—

(i) to prevent the offering of a stand-alone plan that offers coverage of excepted benefits described in section 2791(c)(2)(A) of the Public Health Service Act (relating to limited scope dental or vision benefits) for individuals and families from a State-licensed dental and vision carrier; or

(ii) as applying requirements for a qualified health benefits plan to such a stand-alone plan that is offered and priced separately from a qualified health benefits plan.

Subtitle B—Standards Guaranteeing Access to Affordable Coverage

SEC. 211. PROHIBITING PREEXISTING CONDITION EXCLUSIONS.

A qualified health benefits plan may not impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A) of the Public Health Service Act) or otherwise impose any limit or condition on the coverage under the plan with respect to an individual or dependent based on any of the following: health status, medical condition, claims experience, receipt of health care, medical history, genetic information, evidence of insurability, disability, or source of injury (including conditions arising out of acts of domestic violence) or any similar factors.

SEC. 212. GUARANTEED ISSUE AND RENEWAL FOR INSURED PLANS AND PROHIBITING RESCISSIONS.

The requirements of sections 2711 (other than subsections (e) and (f)) and 2712 (other than paragraphs (3), and (6) of subsection (b) and subsection (e)) of the Public Health Service Act, relating to guaranteed availability and renewability of health insurance coverage, shall apply to individuals and employers in all individual and group health insurance coverage, whether offered to individuals or employers through the Health Insurance Exchange, through any employment-based health plan, or otherwise, in the same manner as such sections apply to employers and health insurance coverage offered in the small group market, except that such section 2712(b)(1) shall apply only if, before nonrenewal or discontinuation of coverage, the issuer has provided the enrollee with notice of nonpayment of premiums and there is a grace period during which the enrollee has an opportunity to correct such nonpayment. Rescissions of such coverage shall be prohibited except in cases of fraud as defined in section 2712(b)(2) of such Act.

SEC. 213. INSURANCE RATING RULES.

(a) IN GENERAL.—The premium rate charged for a qualified health benefits plan that is health insurance coverage may not vary except as follows:

(1) LIMITED AGE VARIATION PERMITTED.—By age (within such age categories as the Commissioner shall specify) so long as the ratio of the highest such premium to the lowest such premium does not exceed the ratio of 2 to 1.

(2) BY AREA.—By premium rating area (as permitted by State insurance regulators or, in the case of Exchange-participating health benefits plans, as specified by the Commissioner in consultation with such regulators).

(3) BY FAMILY ENROLLMENT.—By family enrollment (such as variations within categories and compositions of families) so long as the ratio of the premium for family enrollment (or enrollments) to the premium for individual enrollment is uniform, as specified under State law and consistent with rules of the Commissioner.

(b) ACTUARIAL VALUE OF OPTIONAL SERVICE COVERAGE.—

(1) IN GENERAL.—The Commissioner shall estimate the basic per enrollee, per month cost, determined on an average actuarial basis, for including coverage under a basic plan of the services described in section 222(e)(4)(A).

(2) CONSIDERATIONS.—In making such estimate the Commissioner—

(A) may take into account the impact on overall costs of the inclusion of such coverage, but may not take into account any cost reduction estimated to result from such services, including prenatal care, delivery, or postnatal care;

(B) shall estimate such costs as if such coverage were included for the entire population covered; and

(C) may not estimate such a cost at less than $1 per enrollee, per month.

(c) STUDY AND REPORTS.—

(1) STUDY.—The Commissioner, in coordination with the Secretary of Health and Human Services and the Secretary of Labor, shall conduct a study of the large-group-insured and self-insured employer health care markets. Such study shall examine the following:

(A) The types of employers by key characteristics, including size, that purchase insured products versus those that self-insure.

(B) The similarities and differences between typical insured and self-insured health plans.

(C) The financial solvency and capital reserve levels of employers that self-insure by employer size.

(D) The risk of self-insured employers not being able to pay obligations or otherwise becoming financially insolvent.

(E) The extent to which rating rules are likely to cause adverse selection in the large group market or to encourage small and midsize employers to self-insure.

(2) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall submit to Congress and the applicable agencies a report on the study conducted under paragraph (1). Such report shall include any recommendations the Commissioner deems appropriate to ensure that the law does not provide incentives for small and midsize employers to self-insure or create adverse selection in the risk pools of large group insurers and self-insured employers. Not later than 18 months after the first day of Y1, the Commissioner shall submit to Congress and the applicable agencies an updated report on such study, including updates on such recommendations.

SEC. 214. NONDISCRIMINATION IN BENEFITS; PARITY IN MENTAL HEALTH AND SUBSTANCE ABUSE DISORDER BENEFITS.

(a) NONDISCRIMINATION IN BENEFITS.—A qualified health benefits plan shall comply with standards established by the Commissioner to prohibit discrimination in health benefits or benefit structures for qualifying health benefits plans, building from section 702 of the Employee Retirement Income Security Act of 1974, section 2702 of the Public Health Service Act, and section 9802 of the Internal Revenue Code of 1986.

(b) PARITY IN MENTAL HEALTH AND SUBSTANCE ABUSE DISORDER BENEFITS.—To the extent such provisions are not superceded by or inconsistent with subtitle C, the provisions of section 2705 (other than subsections (a)(1), (a)(2), and (c)) of the Public Health Service Act shall apply to a qualified health benefits plan, regardless of whether it is offered in the individual or group market, in the same manner as such provisions apply to health insurance coverage offered in the large group market.

SEC. 215. ENSURING ADEQUACY OF PROVIDER NETWORKS.

(a) IN GENERAL.—A qualified health benefits plan that uses a provider network for items and services shall meet such standards respecting provider networks as the Commissioner may establish to assure the adequacy of such networks in ensuring enrollee access to such items and services and transparency in the cost-sharing differentials among providers participating in the network and policies for accessing out-of-network providers.

(b) INTERNET ACCESS TO INFORMATION.—A qualified health benefits plan that uses a provider network shall provide a current listing of all providers in its network on its Website and such data shall be available on the Health Insurance Exchange Website as a part of the basic information on that plan. The Commissioner shall also establish an online system whereby an individual may select by name any medical provider (as defined by the Commissioner) and be informed of the plan or plans with which that provider is contracting.

(c) PROVIDER NETWORK DEFINED.—In this division, the term ''provider network'' means the providers with respect to which covered benefits, treatments, and services are available under a health benefits plan.

SEC. 216. REQUIRING THE OPTION OF EXTENSION OF DEPENDENT COVERAGE FOR UNINSURED YOUNG ADULTS.

(a) IN GENERAL.—A qualified health benefits plan shall make available, at the option of the principal enrollee under the plan, coverage for one or more qualified children (as defined in subsection (b)) of the enrollee.

(b) QUALIFIED CHILD DEFINED.—In this section, the term ''qualified child'' means, with respect to a principal enrollee in a qualified health benefits plan, an individual who (but for age) would be treated as a dependent child of the enrollee under such plan and who—

(1) is under 27 years of age; and

(2) is not enrolled in a health benefits plan other than under this section.

(c) PREMIUMS.—Nothing in this section shall be construed as preventing a qualified health benefits plan from increasing the premiums otherwise required for coverage provided under this section consistent with standards established by the Commissioner based upon family size under section 213(a)(3).

SEC. 217. CONSISTENCY OF COSTS AND COVERAGE UNDER QUALIFIED HEALTH BENEFITS PLANS DURING PLAN YEAR.

In the case of health insurance coverage offered under a qualified health benefits plan, if the coverage decreases or the cost-sharing increases, the issuer of the coverage shall notify enrollees of the change at least 90 days before the change takes effect (or such shorter period of time in cases where the change is necessary to ensure the health and safety of enrollees).

Subtitle C—Standards Guaranteeing Access to Essential Benefits

SEC. 221. COVERAGE OF ESSENTIAL BENEFITS PACKAGE.

(a) IN GENERAL.—A qualified health benefits plan shall provide coverage that at least meets the benefit standards adopted under section 224 for the essential benefits package described in section 222 for the plan year involved.

(b) CHOICE OF COVERAGE.—

(1) NON-EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS.—In the case of a qualified health benefits plan that is not an Exchange-participating health benefits plan, such plan may offer such coverage in addition to the essential benefits package as the QHBP offering entity may specify.

(2) EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS.—In the case of an Exchange-participating health benefits plan, such plan is required under section 203 to provide specified levels of benefits and, in the case of a plan offering a premium-plus level of benefits, provide additional benefits.

(3) CONTINUATION OF OFFERING OF SEPARATE EXCEPTED BENEFITS COVERAGE.—Nothing in this division shall be construed as affecting the offering outside of the Health Insurance Exchange and under State law of health benefits in the form of excepted benefits (described in section 202(b)(1)(B)(ii)) if such benefits are offered under a separate policy, contract, or certificate of insurance.

(c) CLINICAL APPROPRIATENESS.—Nothing in this Act shall be construed to prohibit a group health plan or health insurance issuer from using medical management practices so long as such management practices are based on valid medical evidence and are relevant to the patient whose medical treatment is under review.

(d) PROVISION OF BENEFITS.—Nothing in this division shall be construed as prohibiting a qualified health benefits plan from subcontracting with stand-alone health insurance issuers or insurers for the provision of dental, vision, mental health, and other benefits and services.

SEC. 222. ESSENTIAL BENEFITS PACKAGE DEFINED.

(a) IN GENERAL.—In this division, the term ''essential benefits package'' means health benefits coverage, consistent with standards adopted under section 224, to ensure the provision of quality health care and financial security, that—

(1) provides payment for the items and services described in subsection (b) in accordance with generally accepted standards of medical or other appropriate clinical or professional practice;

(2) limits cost-sharing for such covered health care items and services in accordance with such benefit standards, consistent with subsection (c);

(3) does not impose any annual or lifetime limit on the coverage of covered health care items and services;

(4) complies with section 215(a) (relating to network adequacy); and

(5) is equivalent in its scope of benefits, as certified by Office of the Actuary of the Centers for Medicare & Medicaid Services, to the average prevailing employer-sponsored coverage in Y1.

In order to carry out paragraph (5), the Secretary of Labor shall conduct a survey of employer-sponsored coverage to determine the benefits typically covered by employers, including multiemployer plans, and provide a report on such survey to the Health Benefits Advisory Committee and to the Secretary of Health and Human Services.

(b) MINIMUM SERVICES TO BE COVERED.—Subject to subsection (d), the items and services described in this subsection are the following:

(1) Hospitalization.

(2) Outpatient hospital and outpatient clinic services, including emergency department services.

(3) Professional services of physicians and other health professionals.

(4) Such services, equipment, and supplies incident to the services of a physician's or a health professional's delivery of care in institutional settings, physician offices, patients' homes or place of residence, or other settings, as appropriate.

(5) Prescription drugs.

(6) Rehabilitative and habilitative services.

(7) Mental health and substance use disorder services, including behavioral health treatments.

(8) Preventive services, including those services recommended with a grade of A or B by the Task Force on Clinical Preventive Services and those vaccines recommended for use by the Director of the Centers for Disease Control and Prevention.

(9) Maternity care.

(10) Well-baby and well-child care and oral health, vision, and hearing services, equipment, and supplies for children under 21 years of age.

(11) Durable medical equipment, prosthetics, orthotics and related supplies.

(c) REQUIREMENTS RELATING TO COST-SHARING AND MINIMUM ACTUARIAL VALUE.—

(1) NO COST-SHARING FOR PREVENTIVE SERVICES.—There shall be no cost-sharing under the essential benefits package for—

(A) preventive items and services recommended with a grade of A or B by the Task Force on Clinical Preventive Services and those vaccines recommended for use by the Director of the Centers for Disease Control and Prevention; or

(B) well-baby and well-child care.

(2) ANNUAL LIMITATION.—

(A) ANNUAL LIMITATION.—The cost-sharing incurred under the essential benefits package with respect to an individual (or family) for a year does not exceed the applicable level specified in subparagraph (B).

(B) APPLICABLE LEVEL.—The applicable level specified in this subparagraph for Y1 is not to exceed $5,000 for an individual and not to exceed $10,000 for a family. Such levels shall be increased (rounded to the nearest $100) for each subsequent year by the annual percentage increase in the enrollment-weighted average of premium increases for basic plans applicable to such year, except that Secretary shall adjust such increase to ensure that the applicable level specified in this subparagraph meets the minimum actuarial value required under paragraph (3).

(C) USE OF COPAYMENTS.—In establishing cost-sharing levels for basic, enhanced, and premium plans under this subsection, the Secretary shall, to the maximum extent possible, use only copayments and not coinsurance.

(3) MINIMUM ACTUARIAL VALUE.—

(A) IN GENERAL.—The cost-sharing under the essential benefits package shall be designed to provide a level of coverage that is designed to provide benefits that are actuarially equivalent to approximately 70 percent of the full actuarial value of the benefits provided under the reference benefits package described in subparagraph (B).

(B) REFERENCE BENEFITS PACKAGE DESCRIBED.—The reference benefits package described in this subparagraph is the essential benefits package if there were no cost-sharing imposed.

(d) ASSESSMENT AND COUNSELING FOR DOMESTIC VIOLENCE.—The Secretary shall support the need for an assessment and brief counseling for domestic violence as part of a behavioral health assessment or primary care visit and determine the appropriate coverage for such assessment and counseling.

(e) ABORTION COVERAGE PROHIBITED AS PART OF MINIMUM BENEFITS PACKAGE.—

(1) PROHIBITION OF REQUIRED COVERAGE.—The Health Benefits Advisory Committee may not recommend under section 223(b), and the Secretary may not adopt in standards under section 224(b), the services described in paragraph (4)(A) or (4)(B) as part of the essential benefits package and the Commissioner may not require such services for qualified health benefits plans to participate in the Health Insurance Exchange.

(2) VOLUNTARY CHOICE OF COVERAGE BY PLAN.—In the case of a qualified health benefits plan, the plan is not required (or prohibited) under this Act from providing coverage of services described in paragraph (4)(A) or (4)(B) and the QHBP offering entity shall determine whether such coverage is provided.

(3) COVERAGE UNDER PUBLIC HEALTH INSURANCE OPTION.—The public health insurance option shall provide coverage for services described in paragraph (4)(B). Nothing in this Act shall be construed as preventing the public health insurance option from providing for or prohibiting coverage of services described in paragraph (4)(A).

(4) ABORTION SERVICES.—

(A) ABORTIONS FOR WHICH PUBLIC FUNDING IS PROHIBITED.—The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

(B) ABORTIONS FOR WHICH PUBLIC FUNDING IS ALLOWED.—The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

(f) REPORT REGARDING INCLUSION OF ORAL HEALTH CARE IN ESSENTIAL BENEFITS PACKAGE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing the results of a study determining the need and cost of providing accessible and affordable oral health care to adults as part of the essential benefits package.

SEC. 223. HEALTH BENEFITS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a private-public advisory committee which shall be a panel of medical and other experts to be known as the Health Benefits Advisory Committee to recommend covered benefits and essential, enhanced, and premium plans.

(2) CHAIR.—The Surgeon General shall be a member and the chair of the Health Benefits Advisory Committee.

(3) MEMBERSHIP.—The Health Benefits Advisory Committee shall be composed of the following members, in addition to the Surgeon General:

(A) Nine members who are not Federal employees or officers and who are appointed by the President.

(B) Nine members who are not Federal employees or officers and who are appointed by the Comptroller General of the United States in a manner similar to the manner in which the Comptroller General appoints members to the Medicare Payment Advisory Commission under section 1805(c) of the Social Security Act.

(C) Such even number of members (not to exceed 8) who are Federal employees and officers, as the President may appoint.

Such initial appointments shall be made not later than 60 days after the date of the enactment of this Act.

(4) TERMS.—Each member of the Health Benefits Advisory Committee shall serve a 3-year term on the Committee, except that the terms of the initial members shall be adjusted in order to provide for a staggered term of appointment for all such members.

(5) PARTICIPATION.—The membership of the Health Benefits Advisory Committee shall at least reflect providers, patient representatives, employers (including small employers), labor, health insurance issuers, experts in health care financing and delivery, experts in oral health care, experts in racial and ethnic disparities, experts on health care needs and disparities of individuals with disabilities, representatives of relevant governmental agencies, and at least one practicing physician or other health professional and an expert in child and adolescent health and shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of such Committee.

(b) DUTIES.—

(1) RECOMMENDATIONS ON BENEFIT STANDARDS.—The Health Benefits Advisory Committee shall recommend to the Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') benefit standards (as defined in paragraph (5)), and periodic updates to such standards. In developing such recommendations, the Committee shall take into account innovation in health care and consider how such standards could reduce health disparities.

(2) DEADLINE.—The Health Benefits Advisory Committee shall recommend initial benefit standards to the Secretary not later than 1 year after the date of the enactment of this Act.

(3) STATE INPUT.—The Health Benefits Advisory Committee shall examine the health coverage laws and benefits of each State in developing recommendations under this subsection and may incorporate such coverage and benefits as the Committee determines to be appropriate and consistent with this Act. The Health Benefits Advisory Committee shall also seek input from the States and consider recommendations on how to ensure quality of health coverage in all States.

(4) PUBLIC INPUT.—The Health Benefits Advisory Committee shall allow for public input as a part of developing recommendations under this subsection.

(5) BENEFIT STANDARDS DEFINED.—In this subtitle, the term ''benefit standards'' means standards respecting—

(A) the essential benefits package described in section 222, including categories of covered treatments, items and services within benefit classes, and cost-sharing consistent with subsection (e) of such section; and

(B) the cost-sharing levels for enhanced plans and premium plans (as provided under section 303(c)) consistent with paragraph (5).

(6) LEVELS OF COST-SHARING FOR ENHANCED AND PREMIUM PLANS.—

(A) ENHANCED PLAN.—The level of cost-sharing for enhanced plans shall be designed so that such plans have benefits that are actuarially equivalent to approximately 85 percent of the actuarial value of the benefits provided under the reference benefits package described in section 222(c)(3)(B).

(B) PREMIUM PLAN.—The level of cost-sharing for premium plans shall be designed so that such plans have benefits that are actuarially equivalent to approximately 95 percent of the actuarial value of the benefits provided under the reference benefits package described in section 222(c)(3)(B).

(c) OPERATIONS.—

(1) PER DIEM PAY.—Each member of the Health Benefits Advisory Committee shall receive travel expenses, including per diem in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code, and shall otherwise serve without additional pay.

(2) MEMBERS NOT TREATED AS FEDERAL EMPLOYEES.—Members of the Health Benefits Advisory Committee shall not be considered employees of the Federal Government solely by reason of any service on the Committee, except such members shall be considered to be within the meaning of section 202(a) of title 18, United States Code, for the purposes of disclosure and management of conflicts of interest.

(3) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the Health Benefits Advisory Committee.

(d) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet Website of the Department of Health and Human Services of all recommendations made by the Health Benefits Advisory Committee under this section.

SEC. 224. PROCESS FOR ADOPTION OF RECOMMENDATIONS; ADOPTION OF BENEFIT STANDARDS.

(a) PROCESS FOR ADOPTION OF RECOMMENDATIONS.—

(1) REVIEW OF RECOMMENDED STANDARDS.—Not later than 45 days after the date of receipt of benefit standards recommended under section 223 (including such standards as modified under paragraph (2)(B)), the Secretary shall review such standards and shall determine whether to propose adoption of such standards as a package.

(2) DETERMINATION TO ADOPT STANDARDS.—If the Secretary determines—

(A) to propose adoption of benefit standards so recommended as a package, the Secretary shall, by regulation under section 553 of title 5, United States Code, propose adoption of such standards; or

(B) not to propose adoption of such standards as a package, the Secretary shall notify the Health Benefits Advisory Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation and provide the Committee with a further opportunity to modify its previous recommendations and submit new recommendations to the Secretary on a timely basis.

(3) CONTINGENCY.—If, because of the application of paragraph (2)(B), the Secretary would otherwise be unable to propose initial adoption of such recommended standards by the deadline specified in subsection (b)(1), the Secretary shall, by regulation under section 553 of title 5, United States Code, propose adoption of initial benefit standards by such deadline.

(4) PUBLICATION.—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under this subsection.

(b) ADOPTION OF STANDARDS.—

(1) INITIAL STANDARDS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall, through the rulemaking process consistent with subsection (a), adopt an initial set of benefit standards.

(2) PERIODIC UPDATING STANDARDS.—Under subsection (a), the Secretary shall provide for the periodic updating of the benefit standards previously adopted under this section.

(3) REQUIREMENT.—The Secretary may not adopt any benefit standards for an essential benefits package or for level of cost-sharing that are inconsistent with the requirements for such a package or level under sections 222 (including subsection (e)) and 223(b)(5).

Subtitle D—Additional Consumer Protections

SEC. 231. REQUIRING FAIR MARKETING PRACTICES BY HEALTH INSURERS.

The Commissioner shall establish uniform marketing standards that all QHBP offering entities shall meet with respect to qualified health benefits plans that are health insurance coverage.

SEC. 232. REQUIRING FAIR GRIEVANCE AND APPEALS MECHANISMS.

(a) IN GENERAL.—A QHBP offering entity shall provide for timely grievance and appeals mechanisms with respect to qualified health benefits plans that the Commissioner shall establish consistent with this section. The Commissioner shall establish time limits for each of such mechanisms and implement them in a manner that is protective to the needs of patients.

(b) INTERNAL CLAIMS AND APPEALS PROCESS.—Under a qualified health benefits plan the QHBP offering entity shall provide an internal claims and appeals process that initially incorporates the claims and appeals procedures (including urgent claims) set forth at section 2560.503–1 of title 29, Code of Federal Regulations, as published on November 21, 2000 (65 Fed. Reg. 70246) and shall update such process in accordance with any standards that the Commissioner may establish.

(c) EXTERNAL REVIEW PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish an external review process (including procedures for expedited reviews of urgent claims) that provides for an impartial, independent, and de novo review of denied claims under this division.

(2) REQUIRING FAIR GRIEVANCE AND APPEALS MECHANISMS.—A determination made, with respect to a qualified health benefits plan offered by a QHBP offering entity, under the external review process established under this subsection shall be binding on the plan and the entity.

(d) TIME LIMITS.—The Commissioner shall establish time limits for each of these processes and implement them in a manner that is protective to the patient.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the availability of judicial review under State law for adverse decisions under subsection (b) or (c), subject to section 251.

SEC. 233. REQUIRING INFORMATION TRANSPARENCY AND PLAN DISCLOSURE.

(a) ACCURATE AND TIMELY DISCLOSURE.—

(1) FOR EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS.—A QHBP offering entity offering an Exchange-participating health benefits plan shall comply with standards established by the Commissioner for the accurate and timely disclosure to the Commissioner and the public of plan documents, plan terms and conditions, claims payment policies and practices, periodic financial disclosure, data on enrollment, data on disenrollment, data on the number of claims denials, data on rating practices, information on cost-sharing and payments with respect to any out-of-network coverage, and other information as determined appropriate by the Commissioner.

(2) EMPLOYMENT-BASED HEALTH PLANS.—The Secretary of Labor shall update and harmonize the Secretary's rules concerning the

accurate and timely disclosure to participants by group health plans of plan disclosure, plan terms and conditions, and periodic financial disclosure with the standards established by the Commissioner under paragraph (1).

(3) USE OF PLAIN LANGUAGE.—

(A) IN GENERAL.—The disclosures under paragraphs (1) and (2) shall be provided in plain language.

(B) DEFINITION.—In this paragraph, the term ''plain language'' means language that the intended audience, including individuals with limited English proficiency, can readily understand and use because that language is concise, well-organized, and follows other best practices of plain language writing.

(C) GUIDANCE.—The Commissioner and the Secretary of Labor shall jointly develop and issue guidance on best practices of plain language writing.

(4) INFORMATION ON RIGHTS.—The information disclosed under this subsection shall include information on enrollee and participant rights under this division.

(5) COST-SHARING TRANSPARENCY.—A qualified health benefits plan shall allow individuals to learn the amount of cost-sharing (including deductibles, copayments, and coinsurance) under the individual's plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon request. At a minimum, this information shall be made available to such individual via an Internet Website and other means for individuals without access to the Internet.

(b) CONTRACTING REIMBURSEMENT.—A qualified health benefits plan shall comply with standards established by the Commissioner to ensure transparency to each health care provider relating to reimbursement arrangements between such plan and such provider.

(c) PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.—

(1) IN GENERAL.—If a QHBP offering entity contracts with a pharmacy benefit manager or other entity (in this subsection referred to as a ''PBM'') to manage prescription drug coverage or otherwise control prescription drug costs under a qualified health benefits plan, the PBM shall provide at least annually to the Commissioner and to the QHBP offering entity offering such plan the following information, in a form and manner to be determined by the Commissioner:

(A) Information on the number and total cost of prescriptions under the contract that are filled via mail order and at retail pharmacies.

(B) An estimate of aggregate average payments under the contract, per prescription (weighted by prescription volume), made to mail order and retail pharmacies, and the average amount, per prescription, that the PBM was paid by the plan for prescriptions filled at mail order and retail pharmacists.

(C) An estimate of the aggregate average payment per prescription (weighted by prescription volume) under the contract received from pharmaceutical manufacturers, including all rebates, discounts, prices concessions, or administrative, and other payments from pharmaceutical manufacturers, and a description of the types of payments, and the amount of these payments that were shared with the plan, and a description of the percentage of prescriptions for which the PBM received such payments.

(D) Information on the overall percentage of generic drugs dispensed under the contract at retail and mail order pharmacies, and the percentage of cases in which a generic drug is dispensed when available.

(E) Information on the percentage and number of cases under the contract in which individuals were switched because of PBM policies or at the direct or indirect control of the PBM from a prescribed drug that had a lower cost for the QHBP offering entity to a drug that had a higher cost for the QHBP offering entity, the rationale for these switches, and a description of the PBM policies governing such switches.

(2) CONFIDENTIALITY OF INFORMATION.—Information disclosed by a PBM to the Commissioner or a QHBP offering entity under this subsection is confidential and shall not be disclosed by the Commissioner or the QHBP offering entity in a form which discloses the identity of a specific PBM or prices charged by such PBM or a specific retailer, manufacturer, or wholesaler, except only by the Commissioner—

(A) to permit State or Federal law enforcement authorities to use the information provided for program compliance purposes and for the purpose of combating waste, fraud, and abuse;

(B) to permit the Comptroller General, the Medicare Payment Advisory Commission, or the Secretary of Health and Human Services to review the information provided; and

(C) to permit the Director of the Congressional Budget Office to review the information provided.

(3) ANNUAL PUBLIC REPORT.—On an annual basis, the Commissioner shall prepare a public report providing industrywide aggregate or average information to be used in assessing the overall impact of PBMs on prescription drug prices and spending. Such report shall not disclose the identity of a specific PBM, or prices charged by such PBM, or a specific retailer, manufacturer, or wholesaler, or any other confidential or trade secret information.

(4) PENALTIES.—The provisions of subsection (b)(3)(C) of section 1927 shall apply to a PBM that fails to provide information required under subsection (a) or that knowingly provides false information in the same manner as such provisions apply to a manufacturer with an agreement under such section that fails to provide information under subsection (b)(3)(A) of such section or knowingly provides false information under such section, respectively.

SEC. 234. APPLICATION TO QUALIFIED HEALTH BENEFITS PLANS NOT OFFERED THROUGH THE HEALTH INSURANCE EXCHANGE.

The requirements of the previous provisions of this subtitle shall apply to qualified health benefits plans that are not being offered through the Health Insurance Exchange only to the extent specified by the Commissioner.

SEC. 235. TIMELY PAYMENT OF CLAIMS.

A QHBP offering entity shall comply with the requirements of section 1857(f) of the Social Security Act with respect to a qualified health benefits plan it offers in the same manner as a Medicare Advantage organization is required to comply with such requirements with respect to a Medicare Advantage plan it offers under part C of Medicare.

SEC. 236. STANDARDIZED RULES FOR COORDINATION AND SUBROGATION OF BENEFITS.

The Commissioner shall establish standards for the coordination and subrogation of benefits and reimbursement of payments in cases of qualified health benefits plans involving individuals and multiple plan coverage.

SEC. 237. APPLICATION OF ADMINISTRATIVE SIMPLIFICATION.

A QHBP offering entity is required to comply with administrative simplification provisions under part C of title XI of the Social Security Act with respect to qualified health benefits plans it offers.

SEC. 238. STATE PROHIBITIONS ON DISCRIMINATION AGAINST HEALTH CARE PROVIDERS.

This Act (and the amendments made by this Act) shall not be construed as superseding laws, as they now or hereinafter exist, of any State or jurisdiction designed to prohibit a qualified health benefits plan from discriminating with respect to participation, reimbursement, covered services, indemnification, or related requirements under such plan against a health care provider that is acting within the scope of that provider's license or certification under applicable State law.

SEC. 239. PROTECTION OF PHYSICIAN PRESCRIBER INFORMATION.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the use of physician prescriber information in sales and marketing practices of pharmaceutical manufacturers.

(b) REPORT.—Based on the study conducted under subsection (a), the Secretary shall submit to Congress a report on actions needed to be taken by the Congress or the Secretary to protect providers from biased marketing and sales practices.

SEC. 240. DISSEMINATION OF ADVANCE CARE PLANNING INFORMATION.

(a) IN GENERAL.—The QHBP offering entity —

(1) shall provide for the dissemination of information related to end-of-life planning to individuals seeking enrollment in Exchange-participating health benefits plans offered through the Exchange;

(2) shall present such individuals with—

(A) the option to establish advanced directives and physician's orders for life sustaining treatment according to the laws of the State in which the individual resides; and

(B) information related to other planning tools; and

(3) shall not promote suicide, assisted suicide, euthanasia, or mercy killing.

The information presented under paragraph (2) shall not presume the withdrawal of treatment and shall include end-of-life planning information that includes options to maintain all or most medical interventions.

(b) CONSTRUCTION.— Nothing in this section shall be construed—

(1) to require an individual to complete an advanced directive or a physician's order for life sustaining treatment or other end-of-life planning document;

(2) to require an individual to consent to restrictions on the amount, duration, or scope of medical benefits otherwise covered under a qualified health benefits plan; or

(3) to promote suicide, assisted suicide, euthanasia, or mercy killing.

(c) ADVANCED DIRECTIVE DEFINED.—In this section, the term ''advanced directive'' includes a living will, a comfort care order, or a durable power of attorney for health care.

(d) PROHIBITION ON THE PROMOTION OF ASSISTED SUICIDE.—

(1) IN GENERAL.—Subject to paragraph (3), information provided to meet the requirements of subsection (a)(2) shall not include advanced directives or other planning tools that list or describe as an option suicide, assisted suicide, euthanasia, or mercy killing, regardless of legality.

(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to apply to or affect any option to—

(A) withhold or withdraw of medical treatment or medical care;

(B) withhold or withdraw of nutrition or hydration; and

(C) provide palliative or hospice care or use an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit,

or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

(3) NO PREEMPTION OF STATE LAW.—Nothing in this section shall be construed to preempt or otherwise have any effect on State laws regarding advance care planning, palliative care, or end-of-life decision-making.

Subtitle E—Governance

SEC. 241. HEALTH CHOICES ADMINISTRATION; HEALTH CHOICES COMMISSIONER.

(a) IN GENERAL.—There is hereby established, as an independent agency in the executive branch of the Government, a Health Choices Administration (in this division referred to as the ''Administration'').

(b) COMMISSIONER.—

(1) IN GENERAL.—The Administration shall be headed by a Health Choices Commissioner (in this division referred to as the ''Commissioner'') who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION; ETC.—The provisions of paragraphs (2), (5), and (7) of subsection (a) (relating to compensation, terms, general powers, rulemaking, and delegation) of section 702 of the Social Security Act (42 U.S.C. 902) shall apply to the Commissioner and the Administration in the same manner as such provisions apply to the Commissioner of Social Security and the Social Security Administration.

(c) INSPECTOR GENERAL.—For provision establishing an Office of the Inspector General for the Health Choices Administration, see section 1647.

SEC. 242. DUTIES AND AUTHORITY OF COMMISSIONER.

(a) DUTIES.—The Commissioner is responsible for carrying out the following functions under this division:

(1) QUALIFIED PLAN STANDARDS.—The establishment of qualified health benefits plan standards under this title, including the enforcement of such standards in coordination with State insurance regulators and the Secretaries of Labor and the Treasury.

(2) HEALTH INSURANCE EXCHANGE.—The establishment and operation of a Health Insurance Exchange under subtitle A of title III.

(3) INDIVIDUAL AFFORDABILITY CREDITS.—The administration of individual affordability credits under subtitle C of title III, including determination of eligibility for such credits.

(4) ADDITIONAL FUNCTIONS.—Such additional functions as may be specified in this division.

(b) PROMOTING ACCOUNTABILITY.—

(1) IN GENERAL.—The Commissioner shall undertake activities in accordance with this subtitle to promote accountability of QHBP offering entities in meeting Federal health insurance requirements, regardless of whether such accountability is with respect to qualified health benefits plans offered through the Health Insurance Exchange or outside of such Exchange.

(2) COMPLIANCE EXAMINATION AND AUDITS.—

(A) IN GENERAL.—The Commissioner shall, in coordination with States, conduct audits of qualified health benefits plan compliance with Federal requirements. Such audits may include random compliance audits and targeted audits in response to complaints or other suspected noncompliance.

(B) RECOUPMENT OF COSTS IN CONNECTION WITH EXAMINATION AND AUDITS.—The Commissioner is authorized to recoup from qualified health benefits plans reimbursement for the costs of such examinations and audit of such QHBP offering entities.

(c) DATA COLLECTION.—The Commissioner shall collect data for purposes of carrying out the Commissioner's duties, including for purposes of promoting quality and value, protecting consumers, and addressing disparities in health and health care and may share such data with the Secretary of Health and Human Services.

(d) SANCTIONS AUTHORITY.—

(1) IN GENERAL.—In the case that the Commissioner determines that a QHBP offering entity violates a requirement of this title, the Commissioner may, in coordination with State insurance regulators and the Secretary of Labor, provide, in addition to any other remedies authorized by law, for any of the remedies described in paragraph (2).

(2) REMEDIES.—The remedies described in this paragraph, with respect to a qualified health benefits plan offered by a QHBP offering entity, are—

(A) civil money penalties of not more than the amount that would be applicable under similar circumstances for similar violations under section 1857(g) of the Social Security Act;

(B) suspension of enrollment of individuals under such plan after the date the Commissioner notifies the entity of a determination under paragraph (1) and until the Commissioner is satisfied that the basis for such determination has been corrected and is not likely to recur;

(C) in the case of an Exchange-participating health benefits plan, suspension of payment to the entity under the Health Insurance Exchange for individuals enrolled in such plan after the date the Commissioner notifies the entity of a determination under paragraph (1) and until the Secretary is satisfied that the basis for such determination has been corrected and is not likely to recur; or

(D) working with State insurance regulators to terminate plans for repeated failure by the offering entity to meet the requirements of this title.

(e) STANDARD DEFINITIONS OF INSURANCE AND MEDICAL TERMS.—The Commissioner shall provide for the development of standards for the definitions of terms used in health insurance coverage, including insurance-related terms.

(f) EFFICIENCY IN ADMINISTRATION.—The Commissioner shall issue regulations for the effective and efficient administration of the Health Insurance Exchange and affordability credits under subtitle C, including, with respect to the determination of eligibility for affordability credits, the use of personnel who are employed in accordance with the requirements of title 5, United States Code, to carry out the duties of the Commissioner or, in the case of sections 308 and 341(b)(2), the use of State personnel who are employed in accordance with standards prescribed by the Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

SEC. 243. CONSULTATION AND COORDINATION.

(a) CONSULTATION.—In carrying out the Commissioner's duties under this division, the Commissioner, as appropriate, shall consult at least with the following:

(1) State attorneys general and State insurance regulators, including concerning the standards for health insurance coverage that is a qualified health benefits plan under this title and enforcement of such standards.

(2) The National Association of Insurance Commissioners, including for purposes of using model guidelines established by such association for purposes of subtitles B and D.

(3) Appropriate State agencies, specifically concerning the administration of individual affordability credits under subtitle C of title III and the offering of Exchange-participating health benefits plans, to Medicaid eligible individuals under subtitle A of such title.

(4) The Federal Trade Commission, specifically concerning the development and issuance of guidance, rules, or standards regarding fair marketing practices under section 231 or otherwise, or any consumer disclosure requirements under section 233 or otherwise.

(5) Other appropriate Federal agencies.

(6) Indian tribes and tribal organizations.

(b) COORDINATION.—

(1) IN GENERAL.—In carrying out the functions of the Commissioner, including with respect to the enforcement of the provisions of this division, the Commissioner shall work in coordination with existing Federal and State entities to the maximum extent feasible consistent with this division and in a manner that prevents conflicts of interest in duties and ensures effective enforcement.

(2) UNIFORM STANDARDS.—The Commissioner, in coordination with such entities, shall seek to achieve uniform standards that adequately protect consumers in a manner that does not unreasonably affect employers and insurers.

SEC. 244. HEALTH INSURANCE OMBUDSMAN.

(a) IN GENERAL.—The Commissioner shall appoint within the Health Choices Administration a Qualified Health Benefits Plan Ombudsman who shall have expertise and experience in the fields of health care and education of (and assistance to) individuals.

(b) DUTIES.—The Qualified Health Benefits Plan Ombudsman shall, in a linguistically appropriate manner—

(1) receive complaints, grievances, and requests for information submitted by individuals through means such as the mail, by telephone, electronically, and in person;

(2) provide assistance with respect to complaints, grievances, and requests referred to in paragraph (1), including—

(A) helping individuals determine the relevant information needed to seek an appeal of a decision or determination;

(B) assistance to such individuals in choosing a qualified health benefits plan in which to enroll;

(C) assistance to such individuals with any problems arising from disenrollment from such a plan; and

(D) assistance to such individuals in presenting information under subtitle C (relating to affordability credits); and

(3) submit annual reports to Congress and the Commissioner that describe the activities of the Ombudsman and that include such recommendations for improvement in the administration of this division as the Ombudsman determines appropriate. The Ombudsman shall not serve as an advocate for any increases in payments or new coverage of services, but may identify issues and problems in payment or coverage policies.

Subtitle F—Relation to Other Requirements; Miscellaneous

SEC. 251. RELATION TO OTHER REQUIREMENTS.

(a) COVERAGE NOT OFFERED THROUGH EXCHANGE.—

(1) IN GENERAL.—In the case of health insurance coverage not offered through the Health Insurance Exchange (whether or not offered in connection with an employment-based health plan), and in the case of employment-based health plans, the requirements of this title do not supercede any requirements applicable under titles XXII and XXVII of the Public Health Service Act, parts 6 and 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or State law, except insofar as such requirements prevent the application of a requirement of this division, as determined by the Commissioner.

(2) CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed as affecting the application of section 514 of the Employee Retirement Income Security Act of 1974.

(b) COVERAGE OFFERED THROUGH EXCHANGE.—

(1) IN GENERAL.—In the case of health insurance coverage offered through the Health Insurance Exchange—

(A) the requirements of this title do not supercede any requirements (including requirements relating to genetic information nondiscrimination and mental health parity) applicable under title XXVII of the Public Health Service Act or under State law, except insofar as such requirements prevent the application of a requirement of this division, as determined by the Commissioner; and

(B) individual rights and remedies under State laws shall apply.

(2) CONSTRUCTION.—In the case of coverage described in paragraph (1), nothing in such paragraph shall be construed as preventing the application of rights and remedies under State laws to health insurance issuers generally with respect to any requirement referred to in paragraph (1)(A). The previous sentence shall not be construed as providing for the applicability of rights or remedies under State laws with respect to requirements applicable to employers or other plan sponsors in connection with arrangements which are treated as group health plans under section 802(a)(1) of the Employee Retirement Income Security Act of 1974.

SEC. 252. PROHIBITING DISCRIMINATION IN HEALTH CARE.

(a) IN GENERAL.—Except as otherwise explicitly permitted by this Act and by subsequent regulations consistent with this Act, all health care and related services (including insurance coverage and public health activities) covered by this Act shall be provided without regard to personal characteristics extraneous to the provision of high quality health care or related services.

(b) IMPLEMENTATION.—To implement the requirement set forth in subsection (a), the Secretary of Health and Human Services shall, not later than 18 months after the date of the enactment of this Act, promulgate such regulations as are necessary or appropriate to insure that all health care and related services (including insurance coverage and public health activities) covered by this Act are provided (whether directly or through contractual, licensing, or other arrangements) without regard to personal characteristics extraneous to the provision of high quality health care or related services.

SEC. 253. WHISTLEBLOWER PROTECTION.

(a) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or other privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, or regulation promulgated under this Act;

(2) testified or is about to testify in a proceeding concerning such violation;

(3) assisted or participated or is about to assist or participate in such a proceeding; or

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act or any order, rule, or regulation promulgated under this Act.

(b) ENFORCEMENT ACTION.—An employee covered by this section who alleges discrimination by an employer in violation of subsection (a) may bring an action governed by the rules, procedures, legal burdens of proof, and remedies set forth in section 40(b) of the Consumer Product Safety Act (15 U.S.C. 2087(b)).

(c) EMPLOYER DEFINED.—As used in this section, the term ''employer'' means any person (including one or more individuals, partnerships, associations, corporations, trusts, professional membership organization including a certification, disciplinary, or other professional body, unincorporated organizations, nongovernmental organizations, or trustees) engaged in profit or nonprofit business or industry whose activities are governed by this Act, and any agent, contractor, subcontractor, grantee, or consultant of such person.

(d) RULE OF CONSTRUCTION.—The rule of construction set forth in section 20109(h) of title 49, United States Code, shall also apply to this section.

SEC. 254. CONSTRUCTION REGARDING COLLECTIVE BARGAINING.

Nothing in this division shall be construed to alter or supersede any statutory or other obligation to engage in collective bargaining over the terms or conditions of employment related to health care. Any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this division shall not be treated as a termination of such collective bargaining agreement.

SEC. 255. SEVERABILITY.

If any provision of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the application of the provision to any other person or circumstance shall not be affected.

SEC. 256. TREATMENT OF HAWAII PREPAID HEALTH CARE ACT.

(a) IN GENERAL.—Subject to this section—

(1) nothing in this division (or an amendment made by this division) shall be construed to modify or limit the application of the exemption for the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§ 393–1 et seq.) as provided for under section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)), and such exemption shall also apply with respect to the provisions of this division; and

(2) for purposes of this division (and the amendments made by this division), coverage provided pursuant to the Hawaii Prepaid Health Care Act shall be treated as a qualified health benefits plan providing acceptable coverage so long as the Secretary of Labor determines that such coverage for employees (taking into account the benefits and the cost to employees for such benefits) is substantially equivalent to or greater than the coverage provided for employees pursuant to the essential benefits package.

(b) COORDINATION WITH STATE LAW OF HAWAII.—The Commissioner shall, based on ongoing consultation with the appropriate officials of the State of Hawaii, make adjustments to rules and regulations of the Commissioner under this division as may be necessary, as determined by the Commissioner, to most effectively coordinate the provisions of this division with the provisions of the Hawaii Prepaid Health Care Act, taking into account any changes made from time to time to the Hawaii Prepaid Health Care Act and related laws of such State.

SEC. 257. ACTIONS BY STATE ATTORNEYS GENERAL.

Any State attorney general may bring a civil action in the name of such State as *parens patriae* on behalf of natural persons residing in such State, in any district court of the United States or State court having jurisdiction of the defendant to secure monetary or equitable relief for violation of any provisions of this title or regulations issued thereunder. Nothing in this section shall be construed as affecting the application of section 514 of the Employee Retirement Income Security Act of 1974.

SEC. 258. APPLICATION OF STATE AND FEDERAL LAWS REGARDING ABORTION.

(a) NO PREEMPTION OF STATE LAWS REGARDING ABORTION.—Nothing in this Act shall be construed to preempt or otherwise have any effect on State laws regarding the prohibition of (or requirement of) coverage, funding, or procedural requirements on abortions, including parental notification or consent for the performance of an abortion on a minor.

(b) NO EFFECT ON FEDERAL LAWS REGARDING ABORTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to have any effect on Federal laws regarding—

(A) conscience protection;

(B) willingness or refusal to provide abortion; and

(C) discrimination on the basis of the willingness or refusal to provide, pay for, cover, or refer for abortion or to provide or participate in training to provide abortion.

(c) NO EFFECT ON FEDERAL CIVIL RIGHTS LAW.—Nothing in this section shall alter the rights and obligations of employees and employers under title VII of the Civil Rights Act of 1964.

SEC. 259. NONDISCRIMINATION ON ABORTION AND RESPECT FOR RIGHTS OF CONSCIENCE.

(a) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not—

(1) subject any individual or institutional health care entity to discrimination; or

(2) require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any individual or institutional health care entity to discrimination,

on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(b) DEFINITION.—In this section, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

(c) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

SEC. 260. AUTHORITY OF FEDERAL TRADE COMMISSION.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''and prepare reports'' and all that follows and inserting the following: ''and prepare reports, and to share information under clauses (f) and (k), relating to insurance. Notwithstanding section 4, the Commission's authority shall include the authority to conduct studies and prepare reports, and to share information under clauses (f) and (k), relating to insurance, without regard to whether the subject of such studies, reports, or information is for-profit or not-for-profit entity.''.

SEC. 261. CONSTRUCTION REGARDING STANDARD OF CARE.

(a) IN GENERAL.—The development, recognition, or implementation of any guideline or other standard under a provision described in subsection (b) shall not be construed to establish the standard of care or duty of care owed by health care providers to

their patients in any medical malpractice action or claim (as defined in section 431(7) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151(7)).

(b) PROVISIONS DESCRIBED.—The provisions described in this subsection are the following:

(1) Section 324 (relating to modernized payment initiatives and delivery system reform under the public health option).

(2) The amendments made by section 1151 (relating to reducing potentially preventable hospital readmissions).

(3) The amendments made by section 1751 (relating to health care acquired conditions).

(4) Section 3131 of the Public Health Service Act (relating to the Task Force on Clinical Preventive Services), added by section 2301.

(5) Part D of title IX of the Public Health Service Act (relating to implementation of best practices in the delivery of health care), added by section 2401.

(c) SAVINGS CLAUSE FOR STATE MEDICAL MAL-PRACTICE LAWS.—Nothing in this Act or the amendments made by this Act shall be construed to modify or impair State law governing legal standards or procedures used in medical malpractice cases, including the authority of a State to make or implement such laws.

SEC. 262. RESTORING APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c)(1) Except as provided in paragraph (2), nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance or the business of medical malpractice insurance.

''(2) Paragraph (1) shall not apply to—

''(A) collecting, compiling, classifying, or disseminating historical loss data;

''(B) determining a loss development factor applicable to historical loss data; or

''(C) performing actuarial services if doing so does not involve a restraint of trade.

''(3) For purposes of this subsection—

''(A) the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition;

''(B) the term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance; and

''(C) the term 'loss development factor' means an adjustment to be made to the aggregate of losses incurred during a prior period of time that have been paid, or for which claims have been received and reserves are being held, in order to estimate the aggregate of the losses incurred during such period that will ultimately be paid.''.

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance, and with respect to the business of medical malpractice insurance, without regard to whether such business is carried on for profit, notwithstanding the definition of ''Corporation'' contained in section 4 of the Federal Trade Commission Act.

(c) RELATED PRESERVATION OF ANTITRUST LAWS.—Except as provided in subsections (a) and (b), nothing in this Act, or in the amendments made by this Act, shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ''antitrust laws'' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

SEC. 263. STUDY AND REPORT ON METHODS TO INCREASE EHR USE BY SMALL HEALTH CARE PROVIDERS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study of potential methods to increase the use of qualified electronic health records (as defined in section 3000(13) of the Public Health Service Act) by small health care providers. Such study shall consider at least the following methods:

(1) Providing for higher rates of reimbursement or other incentives for such health care providers to use electronic health records (taking into consideration initiatives by private health insurance companies and incentives provided under Medicare under title XVIII of the Social Security Act, Medicaid under title XIX of such Act, and other programs).

(2) Promoting low-cost electronic health record software packages that are available for use by such health care providers, including software packages that are available to health care providers through the Veterans Administration and other sources.

(3) Training and education of such health care providers on the use of electronic health records.

(4) Providing assistance to such health care providers on the implementation of electronic health records.

(b) REPORT.—Not later than December 31, 2013, the Secretary of Health and Human Services shall submit to Congress a report containing the results of the study conducted under subsection (a), including recommendations for legislation or administrative action to increase the use of electronic health records by small health care providers that include the use of both public and private funding sources.

SEC. 264. PREFORMANCE ASSESSMENT AND ACCOUNTABILITY: APPLICATION OF GPRA.

(a) APPLICATION OF GPRA.—Section 306 of title 5, United States Code, and sections 1115, 1116, 1117, and 9703 of title 31 of such Code (originally enacted by the Government Performance and Results Act of 1993, Public Law 103–62) apply to the executive agencies established by this Act, including the Health Choices Administration. Under such section 306, each such executive agency is required to provide for a strategic plan every 3 years.

(b) IMPROVING CONSUMER SERVICE AND STREAMLINING PROCEDURES.—Every 3 years each such executive agency shall—

(1)(A) assess the quality of customer service provided, (B) develop a strategy for improving such service, and (C) establish standards for high-quality customer service; and

(2)(A) identify redundant rules, regulations, and procedures, and (B) develop and implement a plan for eliminating or streamlining such redundancies.

TITLE III—HEALTH INSURANCE EXCHANGE AND RELATED PROVISIONS

Subtitle A—Health Insurance Exchange

SEC. 301. ESTABLISHMENT OF HEALTH INSURANCE EXCHANGE; OUTLINE OF DUTIES; DEFINITIONS.

(a) ESTABLISHMENT.—There is established within the Health Choices Administration and under the direction of the Commissioner a Health Insurance Exchange in order to facilitate access of individuals and employers, through a transparent process, to a variety of choices of affordable, quality health insurance coverage, including a public health insurance option.

(b) OUTLINE OF DUTIES OF COMMISSIONER.—In accordance with this subtitle and in coordination with appropriate Federal and State officials as provided under section 243(b), the Commissioner shall—

(1) under section 304 establish standards for, accept bids from, and negotiate and enter into contracts with, QHBP offering entities for the offering of health benefits plans through the Health Insurance Exchange, with different levels of benefits required under section 303, and including with respect to oversight and enforcement;

(2) under section 305 facilitate outreach and enrollment in such plans of Exchange-eligible individuals and employers described in section 302; and

(3) conduct such activities related to the Health Insurance Exchange as required, including establishment of a risk pooling mechanism under section 306 and consumer protections under subtitle D of title II.

SEC. 302. EXCHANGE-ELIGIBLE INDIVIDUALS AND EMPLOYERS.

(a) ACCESS TO COVERAGE.—In accordance with this section, all individuals are eligible to obtain coverage through enrollment in an Exchange-participating health benefits plan offered through the Health Insurance Exchange unless such individuals are enrolled in another qualified health benefits plan or certain other acceptable coverage.

(b) DEFINITIONS.—In this division:

(1) EXCHANGE-ELIGIBLE INDIVIDUAL.—The term ''Exchange-eligible individual'' means an individual who is eligible under this section to be enrolled through the Health Insurance Exchange in an Exchange-participating health benefits plan and, with respect to family coverage, includes dependents of such individual.

(2) EXCHANGE-ELIGIBLE EMPLOYER.—The term ''Exchange-eligible employer'' means an employer that is eligible under this section to enroll through the Health Insurance Exchange employees of the employer (and their dependents) in Exchange-eligible health benefits plans.

(3) EMPLOYMENT-RELATED DEFINITIONS.—The terms ''employer'', ''employee'', ''full-time employee'', and ''part-time employee'' have the meanings given such terms by the Commissioner for purposes of this division.

(c) TRANSITION.—Individuals and employers shall only be eligible to enroll or participate in the Health Insurance Exchange in accordance with the following transition schedule:

(1) FIRST YEAR.—In Y1 (as defined in section 100(c))—

(A) individuals described in subsection (d)(1), including individuals described in subsection (d)(3); and

(B) smallest employers described in subsection (e)(1).

(2) SECOND YEAR.—In Y2—

(A) individuals and employers described in paragraph (1); and

(B) smaller employers described in subsection (e)(2).

(3) THIRD AND SUBSEQUENT YEARS.—In Y3—

(A) individuals and employers described in paragraph (2);

(B) small employers described in subsection (e)(3); and

(C) larger employers as permitted by the Commissioner under subsection (e)(4).

(d) INDIVIDUALS.—

(1) INDIVIDUAL DESCRIBED.—Subject to the succeeding provisions of this subsection, an individual described in this paragraph is an individual who—

(A) is not enrolled in coverage described in subparagraph (C) or (D) of paragraph (2); and

(B) is not enrolled in coverage as a full-time employee (or as a dependent of such an employee) under a group health plan if the coverage and an employer contribution under the plan meet the requirements of section 412.

For purposes of subparagraph (B), in the case of an individual who is self-employed, who has at least 1 employee, and who meets the requirements of section 412, such individual shall be deemed a full-time employee described in such subparagraph.

(2) ACCEPTABLE COVERAGE.—For purposes of this division, the term ''acceptable coverage'' means any of the following:

(A) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—Coverage under a qualified health benefits plan.

(B) GRANDFATHERED HEALTH INSURANCE COVERAGE; COVERAGE UNDER CURRENT GROUP HEALTH PLAN.—Coverage under a grandfathered health insurance coverage (as defined in subsection (a) of section 202) or under a current group health plan (described in subsection (b) of such section).

(C) MEDICARE.—Coverage under part A of title XVIII of the Social Security Act.

(D) MEDICAID.—Coverage for medical assistance under title XIX of the Social Security Act, excluding such coverage that is only available because of the application of subsection (u), (z), or (aa), or (hh) of section 1902 of such Act.

(E) MEMBERS OF THE ARMED FORCES AND DEPENDENTS (INCLUDING TRICARE).—Coverage under chapter 55 of title 10, United States Code, including similar coverage furnished under section 1781 of title 38 of such Code.

(F) VA.—Coverage under the veteran's health care program under chapter 17 of title 38, United States Code.

(G) OTHER COVERAGE.—Such other health benefits coverage, such as a State health benefits risk pool, as the Commissioner, in coordination with the Secretary of the Treasury, recognizes for purposes of this paragraph.

The Commissioner shall make determinations under this paragraph in coordination with the Secretary of the Treasury.

(3) CONTINUING ELIGIBILITY PERMITTED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), once an individual qualifies as an Exchange-eligible individual under this subsection (including as an employee or dependent of an employee of an Exchange-eligible employer) and enrolls under an Exchange-participating health benefits plan through the Health Insurance Exchange, the individual shall continue to be treated as an Exchange-eligible individual until the individual is no longer enrolled with an Exchange-participating health benefits plan.

(B) EXCEPTIONS.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to an individual once the individual becomes eligible for coverage—

(I) under part A of the Medicare program;

(II) under the Medicaid program as a Medicaid-eligible individual, except as permitted under clause (ii); or

(III) in such other circumstances as the Commissioner may provide.

(ii) TRANSITION PERIOD.—In the case described in clause (i)(II), the Commissioner shall permit the individual to continue treatment under subparagraph (A) until such limited time as the Commissioner determines it is administratively feasible, consistent with minimizing disruption in the individual's access to health care.

(4) TRANSITION FOR CHIP ELIGIBLES.—An individual who is eligible for child health assistance under title XXI of the Social Security Act for a period during Y1 shall not be an Exchange-eligible individual during such period.

(e) EMPLOYERS.—

(1) SMALLEST EMPLOYER.—Subject to paragraph (5), smallest employers described in this paragraph are employers with 25 or fewer employees.

(2) SMALLER EMPLOYERS.—Subject to paragraph (5), smaller employers described in this paragraph are employers that are not smallest employers described in paragraph (1) and have 50 or fewer employees.

(3) SMALL EMPLOYERS.—Subject to paragraph (5), small employers described in this paragraph are employers that are not described in paragraph (1) or (2) and have 100 or fewer employees.

(4) LARGER EMPLOYERS.—

(A) IN GENERAL.—Beginning with Y3, the Commissioner may permit employers not described in paragraph (1), (2), or (3) to be Exchange-eligible employers.

(B) PHASE-IN.—In applying subparagraph (A), the Commissioner may phase-in the application of such subparagraph based on the number of full-time employees of an employer and such other considerations as the Commissioner deems appropriate.

(5) CONTINUING ELIGIBILITY.—Once an employer is permitted to be an Exchange-eligible employer under this subsection and enrolls employees through the Health Insurance Exchange, the employer shall continue to be treated as an Exchange-eligible employer for each subsequent plan year regardless of the number of employees involved unless and until the employer meets the requirement of section 411(a) through paragraph (1) of such section by offering a group health plan and not through offering an Exchange-participating health benefits plan.

(6) EMPLOYER PARTICIPATION AND CONTRIBUTIONS.—

(A) SATISFACTION OF EMPLOYER RESPONSIBILITY.—For any year in which an employer is an Exchange-eligible employer, such employer may meet the requirements of section 412 with respect to employees of such employer by offering such employees the option of enrolling with Exchange-participating health benefits plans through the Health Insurance Exchange consistent with the provisions of subtitle B of title IV.

(B) EMPLOYEE CHOICE.—Any employee offered Exchange-participating health benefits plans by the employer of such employee under subparagraph (A) may choose coverage under any such plan. That choice includes, with respect to family coverage, coverage of the dependents of such employee.

(7) AFFILIATED GROUPS.—Any employer which is part of a group of employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated, for purposes of this subtitle, as a single employer.

(8) TREATMENT OF MULTI-EMPLOYER PLANS.—The plan sponsor of a group health plan (as defined in section 773(a) of the Employee Retirement Income Security Act of 1974) that is a multi-employer plan (as defined in section 3(37) of such Act) may obtain health insurance coverage with respect to participants in the plan through the Exchange to the same extent that an employer not described in paragraph (1) or (2) is permitted by the Commissioner to obtain health insurance coverage through the Exchange as an Exchange-eligible employer.

(9) OTHER COUNTING RULES.—The Commissioner shall establish rules relating to how employees are counted for purposes of carrying out this subsection.

(f) SPECIAL SITUATION AUTHORITY.—The Commissioner shall have the authority to establish such rules as may be necessary to deal with special situations with regard to uninsured individuals and employers participating as Exchange-eligible individuals and employers, such as transition periods for individuals and employers who gain, or lose, Exchange-eligible participation status, and to establish grace periods for premium payment.

(g) SURVEYS OF INDIVIDUALS AND EMPLOYERS.—The Commissioner shall provide for periodic surveys of Exchange-eligible individuals and employers concerning satisfaction of such individuals and employers with the Health Insurance Exchange and Exchange-participating health benefits plans.

(h) EXCHANGE ACCESS STUDY.—

(1) IN GENERAL.—The Commissioner shall conduct a study of access to the Health Insurance Exchange for individuals and for employers, including individuals and employers who are not eligible and enrolled in Exchange-participating health benefits plans. The goal of the study is to determine if there are significant groups and types of individuals and employers who are not Exchange-eligible individuals or employers, but who would have improved benefits and affordability if made eligible for coverage in the Exchange.

(2) ITEMS INCLUDED IN STUDY.—Such study also shall examine—

(A) the terms, conditions, and affordability of group health coverage offered by employers and QHBP offering entities outside of the Exchange compared to Exchange-participating health benefits plans; and

(B) the affordability-test standard for access of certain employed individuals to coverage in the Health Insurance Exchange.

(3) REPORT.—Not later than January 1 of Y3, in Y6, and thereafter, the Commissioner shall submit to Congress a report on the study conducted under this subsection and shall include in such report recommendations regarding changes in standards for Exchange eligibility for individuals and employers.

SEC. 303. BENEFITS PACKAGE LEVELS.

(a) IN GENERAL.—The Commissioner shall specify the benefits to be made available under Exchange-participating health benefits plans during each plan year, consistent with subtitle C of title II and this section.

(b) LIMITATION ON HEALTH BENEFITS PLANS OFFERED BY OFFERING ENTITIES.—The Commissioner may not enter into a contract with a QHBP offering entity under section 304(c) for the offering of an Exchange-participating health benefits plan in a service area unless the following requirements are met:

(1) REQUIRED OFFERING OF BASIC PLAN.—The entity offers only one basic plan for such service area.

(2) OPTIONAL OFFERING OF ENHANCED PLAN.—If and only if the entity offers a basic plan for such service area, the entity may offer one enhanced plan for such area.

(3) OPTIONAL OFFERING OF PREMIUM PLAN.—If and only if the entity offers an enhanced plan for such service area, the entity may offer one premium plan for such area.

(4) OPTIONAL OFFERING OF PREMIUM-PLUS PLANS.—If and only if the entity offers a premium plan for such service area, the entity may offer one or more premium-plus plans for such area.

All such plans may be offered under a single contract with the Commissioner.

(c) SPECIFICATION OF BENEFIT LEVELS FOR PLANS.—

(1) IN GENERAL.—The Commissioner shall establish the following standards consistent with this subsection and title II:

(A) BASIC, ENHANCED, AND PREMIUM PLANS.—Standards for 3 levels of Exchange-participating health benefits plans: basic, enhanced, and premium (in this division referred to as a ''basic plan'', ''enhanced plan'', and ''premium plan'', respectively).

(B) PREMIUM-PLUS PLAN BENEFITS.—Standards for additional benefits that may be offered, consistent with this subsection and subtitle C of title II, under a premium plan (such a plan with additional benefits referred to in this division as a ''premium-plus plan'').

(2) BASIC PLAN.—

(A) IN GENERAL.—A basic plan shall offer the essential benefits package required

under title II for a qualified health benefits plan with an actuarial value of 70 percent of the full actuarial value of the benefits provided under the reference benefits package.

(B) TIERED COST-SHARING FOR AFFORDABLE CREDIT ELIGIBLE INDIVIDUALS.—In the case of an affordable credit eligible individual (as defined in section 342(a)(1)) enrolled in an Exchange-participating health benefits plan, the benefits under a basic plan are modified to provide for the reduced cost-sharing for the income tier applicable to the individual under section 324(c).

(3) ENHANCED PLAN.—An enhanced plan shall offer, in addition to the level of benefits under the basic plan, a lower level of cost-sharing as provided under title II consistent with section 223(b)(5)(A).

(4) PREMIUM PLAN.—A premium plan shall offer, in addition to the level of benefits under the basic plan, a lower level of cost-sharing as provided under title II consistent with section 223(b)(5)(B).

(5) PREMIUM-PLUS PLAN.—A premium-plus plan is a premium plan that also provides additional benefits, such as adult oral health and vision care, approved by the Commissioner. The portion of the premium that is attributable to such additional benefits shall be separately specified.

(6) RANGE OF PERMISSIBLE VARIATION IN COST-SHARING.—The Commissioner shall establish a permissible range of variation of cost-sharing for each basic, enhanced, and premium plan, except with respect to any benefit for which there is no cost-sharing permitted under the essential benefits package. Such variation shall permit a variation of not more than plus (or minus) 10 percent in cost-sharing with respect to each benefit category specified under section 222. Nothing in this subtitle shall be construed as prohibiting tiering in cost-sharing, including through preferred and participating providers and prescription drugs. In applying this paragraph, a health benefits plan may increase the cost-sharing by 10 percent within each category or tier, as applicable, and may decrease or eliminate cost-sharing in any category or tier as compared to the essential benefits package.

(d) TREATMENT OF STATE BENEFIT MANDATES.—Insofar as a State requires a health insurance issuer offering health insurance coverage to include benefits beyond the essential benefits package, such requirement shall continue to apply to an Exchange-participating health benefits plan, if the State has entered into an arrangement satisfactory to the Commissioner to reimburse the Commissioner for the amount of any net increase in affordability premium credits under subtitle C as a result of an increase in premium in basic plans as a result of application of such requirement.

(e) RULES REGARDING COVERAGE OF AND AFFORDABILITY CREDITS FOR SPECIFIED SERVICES.—

(1) ASSURED AVAILABILITY OF VARIED COVERAGE THROUGH THE HEALTH INSURANCE EXCHANGE.—The Commissioner shall assure that, of the Exchange participating health benefits plans offered in each premium rating area of the Health Insurance Exchange—

(A) there is at least one such plan that provides coverage of services described in subparagraphs (A) and (B) of section 222(e)(4); and

(B) there is at least one such plan that does not provide coverage of services described in section 222(e)(4)(A) which plan may also be one that does not provide coverage of services described in section 222(e)(4)(B).

(2) SEGREGATION OF FUNDS.—If a qualified health benefits plan provides coverage of services described in section 222(e)(4)(A), the plan shall provide assurances satisfactory to the Commissioner that—

(A) any affordability credits provided under subtitle C of title II are not used for purposes of paying for such services; and

(B) only premium amounts attributable to the actuarial value described in section 213(b) are used for such purpose.

SEC. 304. CONTRACTS FOR THE OFFERING OF EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS.

(a) CONTRACTING DUTIES.—In carrying out section 301(b)(1) and consistent with this subtitle:

(1) OFFERING ENTITY AND PLAN STANDARDS.—The Commissioner shall—

(A) establish standards necessary to implement the requirements of this title and title II for—

(i) QHBP offering entities for the offering of an Exchange-participating health benefits plan; and

(ii) Exchange-participating health benefits plans; and

(B) certify QHBP offering entities and qualified health benefits plans as meeting such standards and requirements of this title and title II for purposes of this subtitle.

(2) SOLICITING AND NEGOTIATING BIDS; CONTRACTS.—

(A) BID SOLICITATION.—The Commissioner shall solicit bids from QHBP offering entities for the offering of Exchange-participating health benefits plans. Such bids shall include justification for proposed premiums.

(B) BID REVIEW AND NEGOTIATION.—The Commissioner shall, based upon a review of such bids including the premiums and their affordability, negotiate with such entities for the offering of such plans.

(C) DENIAL OF EXCESSIVE PREMIUMS.—The Commissioner shall deny excessive premiums and premium increases.

(D) CONTRACTS.—The Commissioner shall enter into contracts with such entities for the offering of such plans through the Health Insurance Exchange under terms (consistent with this title) negotiated between the Commissioner and such entities.

(3) FEDERAL ACQUISITION REGULATION.—In carrying out this subtitle, the Commissioner may waive such provisions of the Federal Acquisition Regulation that the Commissioner determines to be inconsistent with the furtherance of this subtitle, other than provisions relating to confidentiality of information. Competitive procedures shall be used in awarding contracts under this subtitle to the extent that such procedures are consistent with this subtitle.

(b) STANDARDS FOR QHBP OFFERING ENTITIES TO OFFER EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS.—The standards established under subsection (a)(1)(A) shall require that, in order for a QHBP offering entity to offer an Exchange-participating health benefits plan, the entity must meet the following requirements:

(1) LICENSED.—The entity shall be licensed to offer health insurance coverage under State law for each State in which it is offering such coverage.

(2) DATA REPORTING.—The entity shall provide for the reporting of such information as the Commissioner may specify, including information necessary to administer the risk pooling mechanism described in section 306(b) and information to address disparities in health and health care.

(3) AFFORDABILITY.—The entity shall provide for affordable premiums.

(4) IMPLEMENTING AFFORDABILITY CREDITS.—The entity shall provide for implementation of the affordability credits provided for enrollees under subtitle C, including the reduction in cost-sharing under section 344(c).

(5) ENROLLMENT.—The entity shall accept all enrollments under this subtitle, subject to such exceptions (such as capacity limitations) in accordance with the requirements under title II for a qualified health benefits plan. The entity shall notify the Commissioner if the entity projects or anticipates reaching such a capacity limitation that would result in a limitation in enrollment.

(6) RISK POOLING PARTICIPATION.—The entity shall participate in such risk pooling mechanism as the Commissioner establishes under section 306(b).

(7) ESSENTIAL COMMUNITY PROVIDERS.—With respect to the basic plan offered by the entity, the entity shall include within the plan network those essential community providers, where available, that serve predominantly low-income, medically-underserved individuals, such as health care providers defined in section 340B(a)(4) of the Public Health Service Act and providers described in section 1927(c)(1)(D)(i)(IV) of the Social Security Act (as amended by section 221 of Public Law 111–8). The Commissioner shall specify the extent to which and manner in which the previous sentence shall apply in the case of a basic plan with respect to which the Commissioner determines provides substantially all benefits through a health maintenance organization, as defined in section 2791(b)(3) of the Public Health Service Act. This paragraph shall not be construed to require a basic plan to contract with a provider if such provider refuses to accept the generally applicable payment rates of such plan.

(8) CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES AND COMMUNICATIONS.—The entity shall provide for culturally and linguistically appropriate communication and health services.

(9) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS.—

(A) CHOICE OF PROVIDERS.—The entity shall—

(i) demonstrate to the satisfaction of the Commissioner that it has contracted with a sufficient number of Indian health care providers to ensure timely access to covered services furnished by such providers to individual Indians through the entity's Exchange-participating health benefits plan; and

(ii) agree to pay Indian health care providers, whether such providers are participating or nonparticipating providers with respect to the entity, for covered services provided to those enrollees who are eligible to receive services from such providers at a rate that is not less than the level and amount of payment which the entity would make for the services of a participating provider which is not an Indian health care provider.

(B) SPECIAL RULE RELATING TO INDIAN HEALTH CARE PROVIDERS.—Provision of services by an Indian health care provider exclusively to Indians and their dependents shall not constitute discrimination under this Act.

(10) PROGRAM INTEGRITY STANDARDS.—The entity shall establish and operate a program to protect and promote the integrity of Exchange-participating health benefits plans it offers, in accordance with standards and functions established by the Commissioner.

(11) ADDITIONAL REQUIREMENTS.—The entity shall comply with other applicable requirements of this title, as specified by the Commissioner, which shall include standards regarding billing and collection practices for premiums and related grace periods and which may include standards to ensure that the entity does not use coercive practices to force providers not to contract with other entities offering coverage through the Health Insurance Exchange.

(c) CONTRACTS.—

(1) BID APPLICATION.—To be eligible to enter into a contract under this section, a QHBP offering entity shall submit to the Commissioner a bid at such time, in such

manner, and containing such information as the Commissioner may require.

(2) TERM.—Each contract with a QHBP offering entity under this section shall be for a term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

(3) ENFORCEMENT OF NETWORK ADEQUACY.—In the case of a health benefits plan of a QHBP offering entity that uses a provider network, the contract under this section with the entity shall provide that if—

(A) the Commissioner determines that such provider network does not meet such standards as the Commissioner shall establish under section 215; and

(B) an individual enrolled in such plan receives an item or service from a provider that is not within such network;

then any cost-sharing for such item or service shall be equal to the amount of such cost-sharing that would be imposed if such item or service was furnished by a provider within such network.

(4) OVERSIGHT AND ENFORCEMENT RESPONSIBILITIES.—The Commissioner shall establish processes, in coordination with State insurance regulators, to oversee, monitor, and enforce applicable requirements of this title with respect to QHBP offering entities offering Exchange-participating health benefits plans, including the marketing of such plans. Such processes shall include the following:

(A) GRIEVANCE AND COMPLAINT MECHANISMS.—The Commissioner shall establish, in coordination with State insurance regulators, a process under which Exchange-eligible individuals and employers may file complaints concerning violations of such standards.

(B) ENFORCEMENT.—In carrying out authorities under this division relating to the Health Insurance Exchange, the Commissioner may impose one or more of the intermediate sanctions described in section 242(d).

(C) TERMINATION.—

(i) IN GENERAL.—The Commissioner may terminate a contract with a QHBP offering entity under this section for the offering of an Exchange-participating health benefits plan if such entity fails to comply with the applicable requirements of this title. Any determination by the Commissioner to terminate a contract shall be made in accordance with formal investigation and compliance procedures established by the Commissioner under which—

(I) the Commissioner provides the entity with the reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Commissioner's determination; and

(II) the Commissioner provides the entity with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before terminating the contract.

(ii) EXCEPTION FOR IMMINENT AND SERIOUS RISK TO HEALTH.—Clause (i) shall not apply if the Commissioner determines that a delay in termination, resulting from compliance with the procedures specified in such clause prior to termination, would pose an imminent and serious risk to the health of individuals enrolled under the qualified health benefits plan of the QHBP offering entity.

(D) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the application of other sanctions under subtitle E of title II with respect to an entity for a violation of such a requirement.

(5) SPECIAL RULE RELATED TO COST-SHARING AND INDIAN HEALTH CARE PROVIDERS.—The contract under this section with a QHBP offering entity for a health benefits plan shall provide that if an individual who is an Indian is enrolled in such a plan and such individual receives a covered item or service from an Indian health care provider (regardless of whether such provider is in the plan's provider network), the cost-sharing for such item or service shall be equal to the amount of cost-sharing that would be imposed if such item or service—

(A) had been furnished by another provider in the plan's provider network; or

(B) in the case that the plan has no such network, was furnished by a non-Indian provider.

(6) NATIONAL PLAN.—Nothing in this section shall be construed as preventing the Commissioner from entering into a contract under this subsection with a QHBP offering entity for the offering of a health benefits plan with the same benefits in every State so long as such entity is licensed to offer such plan in each State and the benefits meet the applicable requirements in each such State.

(d) NO DISCRIMINATION ON THE BASIS OF PROVISION OF ABORTION.—No Exchange participating health benefits plan may discriminate against any individual health care provider or health care facility because of its willingness or unwillingness to provide, pay for, provide coverage of, or refer for abortions.

SEC. 305. OUTREACH AND ENROLLMENT OF EXCHANGE-ELIGIBLE INDIVIDUALS AND EMPLOYERS IN EXCHANGE-PARTICIPATING HEALTH BENEFITS PLAN.

(a) IN GENERAL.—

(1) OUTREACH.—The Commissioner shall conduct outreach activities consistent with subsection (c), including through use of appropriate entities as described in paragraph (3) of such subsection, to inform and educate individuals and employers about the Health Insurance Exchange and Exchange-participating health benefits plan options. Such outreach shall include outreach specific to vulnerable populations, such as children, individuals with disabilities, individuals with mental illness, and individuals with other cognitive impairments.

(2) ELIGIBILITY.—The Commissioner shall make timely determinations of whether individuals and employers are Exchange-eligible individuals and employers (as defined in section 302).

(3) ENROLLMENT.—The Commissioner shall establish and carry out an enrollment process for Exchange-eligible individuals and employers, including at community locations, in accordance with subsection (b).

(b) ENROLLMENT PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process consistent with this title for enrollments in Exchange-participating health benefits plans. Such process shall provide for enrollment through means such as the mail, by telephone, electronically, and in person.

(2) ENROLLMENT PERIODS.—

(A) OPEN ENROLLMENT PERIOD.—The Commissioner shall establish an annual open enrollment period during which an Exchange-eligible individual or employer may elect to enroll in an Exchange-participating health benefits plan for the following plan year and an enrollment period for affordability credits under subtitle C. Such periods shall be during September through November of each year, or such other time that would maximize timeliness of income verification for purposes of such subtitle. The open enrollment period shall not be less than 30 days.

(B) SPECIAL ENROLLMENT.—The Commissioner shall also provide for special enrollment periods to take into account special circumstances of individuals and employers, such as an individual who—

(i) loses acceptable coverage;

(ii) experiences a change in marital or other dependent status;

(iii) moves outside the service area of the Exchange-participating health benefits plan in which the individual is enrolled; or

(iv) experiences a significant change in income.

(C) ENROLLMENT INFORMATION.—The Commissioner shall provide for the broad dissemination of information to prospective enrollees on the enrollment process, including before each open enrollment period. In carrying out the previous sentence, the Commissioner may work with other appropriate entities to facilitate such provision of information.

(3) AUTOMATIC ENROLLMENT FOR NON-MEDICAID ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—The Commissioner shall provide for a process under which individuals who are Exchange-eligible individuals described in subparagraph (B) are automatically enrolled under an appropriate Exchange-participating health benefits plan. Such process may involve a random assignment or some other form of assignment that takes into account the health care providers used by the individual involved or such other relevant factors as the Commissioner may specify.

(B) SUBSIDIZED INDIVIDUALS DESCRIBED.—An individual described in this subparagraph is an Exchange-eligible individual who is either of the following:

(i) AFFORDABILITY CREDIT ELIGIBLE INDIVIDUALS.—The individual—

(I) has applied for, and been determined eligible for, affordability credits under subtitle C;

(II) has not opted out from receiving such affordability credit; and

(III) does not otherwise enroll in another Exchange-participating health benefits plan.

(ii) INDIVIDUALS ENROLLED IN A TERMINATED PLAN.—The individual who is enrolled in an Exchange-participating health benefits plan that is terminated (during or at the end of a plan year) and who does not otherwise enroll in another Exchange-participating health benefits plan.

(4) DIRECT PAYMENT OF PREMIUMS TO PLANS.—Under the enrollment process, individuals enrolled in an Exchange-participating health benefits plan shall pay such plans directly, and not through the Commissioner or the Health Insurance Exchange.

(c) COVERAGE INFORMATION AND ASSISTANCE.—

(1) COVERAGE INFORMATION.—The Commissioner shall provide for the broad dissemination of information on Exchange-participating health benefits plans offered under this title. Such information shall be provided in a comparative manner, and shall include information on benefits, premiums, cost-sharing, quality, provider networks, and consumer satisfaction.

(2) CONSUMER ASSISTANCE WITH CHOICE.—To provide assistance to Exchange-eligible individuals and employers, the Commissioner shall—

(A) provide for the operation of a toll-free telephone hotline to respond to requests for assistance and maintain an Internet Web site through which individuals may obtain information on coverage under Exchange-participating health benefits plans and file complaints;

(B) develop and disseminate information to Exchange-eligible enrollees on their rights and responsibilities;

(C) assist Exchange-eligible individuals in selecting Exchange-participating health benefits plans and obtaining benefits through such plans; and

(D) ensure that the Internet Web site described in subparagraph (A) and the information described in subparagraph (B) is developed using plain language (as defined in section 233(a)(2)).

(3) USE OF OTHER ENTITIES.—In carrying out this subsection, the Commissioner may work with other appropriate entities to facilitate the dissemination of information under this subsection and to provide assistance as described in paragraph (2).

(d) COVERAGE FOR CERTAIN NEWBORNS UNDER MEDICAID.—

(1) IN GENERAL.—In the case of a child born in the United States who at the time of birth is not otherwise covered under acceptable coverage, for the period of time beginning on the date of birth and ending on the date the child otherwise is covered under acceptable coverage (or, if earlier, the end of the month in which the 60-day period, beginning on the date of birth, ends), the child shall be deemed—

(A) to be a Medicaid eligible individual for purposes of this division and Medicaid; and

(B) to be automatically enrolled in Medicaid as a traditional Medicaid eligible individual (as defined in section 1943(c) of the Social Security Act).

(2) EXTENDED TREATMENT AS MEDICAID ELIGIBLE INDIVIDUAL.—In the case of a child described in paragraph (1) who at the end of the period referred to in such paragraph is not otherwise covered under acceptable coverage, the child shall be deemed (until such time as the child obtains such coverage or the State otherwise makes a determination of the child's eligibility for medical assistance under its Medicaid plan pursuant to section 1943(b)(1) of the Social Security Act) to be a Medicaid eligible individual described in section 1902(l)(1)(B) of such Act.

(e) MEDICAID COVERAGE FOR MEDICAID ELIGIBLE INDIVIDUALS.—

(1) MEDICAID ENROLLMENT OBLIGATION.—An individual may apply, in the manner described in section 341(b)(1), for a determination of whether the individual is a Medicaid-eligible individual. If the individual is determined to be so eligible, the Commissioner, through the Medicaid memorandum of understanding under paragraph (2), shall provide for the enrollment of the individual under the State Medicaid plan in accordance with such memorandum of understanding. In the case of such an enrollment, the State shall provide for the same periodic redetermination of eligibility under Medicaid as would otherwise apply if the individual had directly applied for medical assistance to the State Medicaid agency.

(2) COORDINATED ENROLLMENT WITH STATE THROUGH MEMORANDUM OF UNDERSTANDING.—The Commissioner, in consultation with the Secretary of Health and Human Services, shall enter into a memorandum of understanding with each State with respect to coordinating enrollment of individuals in Exchange-participating health benefits plans and under the State's Medicaid program consistent with this section and to otherwise coordinate the implementation of the provisions of this division with respect to the Medicaid program. Such memorandum shall permit the exchange of information consistent with the limitations described in section 1902(a)(7) of the Social Security Act. Nothing in this section shall be construed as permitting such memorandum to modify or vitiate any requirement of a State Medicaid plan.

(f) EFFECTIVE CULTURALLY AND LINGUISTICALLY APPROPRIATE COMMUNICATION.—In carrying out this section, the Commissioner shall establish effective methods for communicating in plain language and a culturally and linguistically appropriate manner.

(g) ROLE FOR ENROLLMENT AGENTS AND BROKERS.—Nothing in this division shall be construed to affect the role of enrollment agents and brokers under State law, including with regard to the enrollment of individuals and employers in qualified health benefits plans including the public health insurance option.

(h) ASSISTANCE FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—The Commissioner, in consultation with the Small Business Administration, shall establish and carry out a program to provide to small employers counseling and technical assistance with respect to the provision of health insurance to employees of such employers through the Health Insurance Exchange.

(2) DUTIES.—The program established under paragraph (1) shall include the following services:

(A) Educational activities to increase awareness of the Health Insurance Exchange and available small employer health plan options.

(B) Distribution of information to small employers with respect to the enrollment and selection process for health plans available under the Health Insurance Exchange, including standardized comparative information on the health plans available under the Health Insurance Exchange.

(C) Distribution of information to small employers with respect to available affordability credits or other financial assistance.

(D) Referrals to appropriate entities of complaints and questions relating to the Health Insurance Exchange.

(E) Enrollment and plan selection assistance for employers with respect to the Health Insurance Exchange.

(F) Responses to questions relating to the Health Insurance Exchange and the program established under paragraph (1).

(3) AUTHORITY TO PROVIDE SERVICES DIRECTLY OR BY CONTRACT.—The Commissioner may provide services under paragraph (2) directly or by contract with nonprofit entities that the Commissioner determines capable of carrying out such services.

(4) SMALL EMPLOYER DEFINED.—In this subsection, the term ''small employer'' means an employer with less than 100 employees.

(i) PARTICIPATION OF SMALL EMPLOYER BENEFIT ARRANGEMENTS.—

(1) IN GENERAL.—The Commissioner may enter into contracts with small employer benefit arrangements to provide consumer information, outreach, and assistance in the enrollment of small employers (and their employees) who are members of such an arrangement under Exchange participating health benefits plans.

(2) SMALL EMPLOYER BENEFIT ARRANGEMENT DEFINED.—In this subsection, the term ''small employer benefit arrangement'' means a not-for-profit agricultural or other cooperative that—

(A) consists solely of its members and is operated for the primary purpose of providing affordable employee benefits to its members;

(B) only has as members small employers in the same industry or line of business;

(C) has no member that has more than a 5 percent voting interest in the cooperative; and

(D) is governed by a board of directors elected by its members.

SEC. 306. OTHER FUNCTIONS.

(a) COORDINATION OF AFFORDABILITY CREDITS.—The Commissioner shall coordinate the distribution of affordability premium and cost-sharing credits under subtitle C to QHBP offering entities offering Exchange-participating health benefits plans.

(b) COORDINATION OF RISK POOLING.—The Commissioner shall establish a mechanism whereby there is an adjustment made of the premium amounts payable among QHBP offering entities offering Exchange-participating health benefits plans of premiums collected for such plans that takes into account (in a manner specified by the Commissioner) the differences in the risk characteristics of individuals and employees enrolled under the different Exchange-participating health benefits plans offered by such entities so as to minimize the impact of adverse selection of enrollees among the plans offered by such entities. For purposes of the previous sentence, the Commissioner may utilize data regarding enrollee demographics, inpatient and outpatient diagnoses (in a similar manner as such data are used under parts C and D of title XVIII of the Social Security Act), and such other information as the Secretary determines may be necessary, such as the actual medical costs of enrollees during the previous year.

SEC. 307. HEALTH INSURANCE EXCHANGE TRUST FUND.

(a) ESTABLISHMENT OF HEALTH INSURANCE EXCHANGE TRUST FUND.—There is created within the Treasury of the United States a trust fund to be known as the ''Health Insurance Exchange Trust Fund'' (in this section referred to as the ''Trust Fund''), consisting of such amounts as may be appropriated or credited to the Trust Fund under this section or any other provision of law.

(b) PAYMENTS FROM TRUST FUND.—The Commissioner shall pay from time to time from the Trust Fund such amounts as the Commissioner determines are necessary to make payments to operate the Health Insurance Exchange, including payments under subtitle C (relating to affordability credits).

(c) TRANSFERS TO TRUST FUND.—

(1) DEDICATED PAYMENTS.—There are hereby appropriated to the Trust Fund amounts equivalent to the following:

(A) TAXES ON INDIVIDUALS NOT OBTAINING ACCEPTABLE COVERAGE.—The amounts received in the Treasury under section 59B of the Internal Revenue Code of 1986 (relating to requirement of health insurance coverage for individuals).

(B) EMPLOYMENT TAXES ON EMPLOYERS NOT PROVIDING ACCEPTABLE COVERAGE.—The amounts received in the Treasury under sections 3111(c) and 3221(c) of the Internal Revenue Code of 1986 (relating to employers electing to not provide health benefits).

(C) EXCISE TAX ON FAILURES TO MEET CERTAIN HEALTH COVERAGE REQUIREMENTS.—The amounts received in the Treasury under section 4980H(b) (relating to excise tax with respect to failure to meet health coverage participation requirements).

(2) APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS.—There are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Trust Fund, an amount equivalent to the amount of payments made from the Trust Fund under subsection (b) plus such amounts as are necessary reduced by the amounts deposited under paragraph (1).

(d) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subchapter B of chapter 98 of the Internal Revenue Code of 1986 shall apply with respect to the Trust Fund.

SEC. 308. OPTIONAL OPERATION OF STATE-BASED HEALTH INSURANCE EXCHANGES.

(a) IN GENERAL.—If—

(1) a State (or group of States, subject to the approval of the Commissioner) applies to the Commissioner for approval of a State-based Health Insurance Exchange to operate in the State (or group of States); and

(2) the Commissioner approves such State-based Health Insurance Exchange,

then, subject to subsections (c) and (d), the State-based Health Insurance Exchange shall operate, instead of the Health Insurance Exchange, with respect to such State (or group of States). The Commissioner shall approve a State-based Health Insurance Exchange if it meets the requirements for approval under subsection (b).

(b) REQUIREMENTS FOR APPROVAL.—

(1) IN GENERAL.—The Commissioner may not approve a State-based Health Insurance Exchange under this section unless the following requirements are met:

(A) The State-based Health Insurance Exchange must demonstrate the capacity to and provide assurances satisfactory to the Commissioner that the State-based Health Insurance Exchange will carry out the functions specified for the Health Insurance Exchange in the State (or States) involved, including—

(i) negotiating and contracting with QHBP offering entities for the offering of Exchange-participating health benefits plans, which satisfy the standards and requirements of this title and title II;

(ii) enrolling Exchange-eligible individuals and employers in such State in such plans;

(iii) the establishment of sufficient local offices to meet the needs of Exchange-eligible individuals and employers;

(iv) administering affordability credits under subtitle B using the same methodologies (and at least the same income verification methods) as would otherwise apply under such subtitle and at a cost to the Federal Government which does exceed the cost to the Federal Government if this section did not apply; and

(v) enforcement activities consistent with Federal requirements.

(B) There is no more than one Health Insurance Exchange operating with respect to any one State.

(C) The State provides assurances satisfactory to the Commissioner that approval of such an Exchange will not result in any net increase in expenditures to the Federal Government.

(D) The State provides for reporting of such information as the Commissioner determines and assurances satisfactory to the Commissioner that it will vigorously enforce violations of applicable requirements.

(E) Such other requirements as the Commissioner may specify.

(2) PRESUMPTION FOR CERTAIN STATE-OPERATED EXCHANGES.—

(A) IN GENERAL.—In the case of a State operating an Exchange prior to January 1, 2010, that seeks to operate the State-based Health Insurance Exchange under this section, the Commissioner shall presume that such Exchange meets the standards under this section unless the Commissioner determines, after completion of the process established under subparagraph (B), that the Exchange does not comply with such standards.

(B) PROCESS.—The Commissioner shall establish a process to work with a State described in subparagraph (A) to provide assistance necessary to assure that the State's Exchange comes into compliance with the standards for approval under this section.

(c) CEASING OPERATION.—

(1) IN GENERAL.—A State-based Health Insurance Exchange may, at the option of each State involved, and only after providing timely and reasonable notice to the Commissioner, cease operation as such an Exchange, in which case the Health Insurance Exchange shall operate, instead of such State-based Health Insurance Exchange, with respect to such State (or States).

(2) TERMINATION; HEALTH INSURANCE EXCHANGE RESUMPTION OF FUNCTIONS.—The Commissioner may terminate the approval (for some or all functions) of a State-based Health Insurance Exchange under this section if the Commissioner determines that such Exchange no longer meets the requirements of subsection (b) or is no longer capable of carrying out such functions in accordance with the requirements of this subtitle. In lieu of terminating such approval, the Commissioner may temporarily assume some or all functions of the State-based Health Insurance Exchange until such time as the Commissioner determines the State-based Health Insurance Exchange meets such requirements of subsection (b) and is capable of carrying out such functions in accordance with the requirements of this subtitle.

(3) EFFECTIVENESS.—The ceasing or termination of a State-based Health Insurance Exchange under this subsection shall be effective in such time and manner as the Commissioner shall specify.

(d) RETENTION OF AUTHORITY.—

(1) AUTHORITY RETAINED.—Enforcement authorities of the Commissioner shall be retained by the Commissioner.

(2) DISCRETION TO RETAIN ADDITIONAL AUTHORITY.—The Commissioner may specify functions of the Health Insurance Exchange that—

(A) may not be performed by a State-based Health Insurance Exchange under this section; or

(B) may be performed by the Commissioner and by such a State-based Health Insurance Exchange.

(e) REFERENCES.—In the case of a State-based Health Insurance Exchange, except as the Commissioner may otherwise specify under subsection (d), any references in this subtitle to the Health Insurance Exchange or to the Commissioner in the area in which the State-based Health Insurance Exchange operates shall be deemed a reference to the State-based Health Insurance Exchange and the head of such Exchange, respectively.

(f) FUNDING.—In the case of a State-based Health Insurance Exchange, there shall be assistance provided for the operation of such Exchange in the form of a matching grant with a State share of expenditures required.

SEC. 309. INTERSTATE HEALTH INSURANCE COMPACTS.

(a) IN GENERAL.—Effective January 1, 2015, 2 or more States may form Health Care Choice Compacts (in this section referred to as ''compacts'') to facilitate the purchase of individual health insurance coverage across State lines.

(b) MODEL GUIDELINES.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall consult with the National Association of Insurance Commissioners (in this section referred to as ''NAIC'') to develop not later than January 1, 2014 model guidelines for the creation of compacts. In developing such guidelines, the Secretary shall consult with consumers, health insurance issuers, and other interested parties. Such guidelines shall—

(1) provide for the sale of health insurance coverage to residents of all compacting States subject to the laws and regulations of a primary State designated by the compacting States;

(2) require health insurance issuers issuing health insurance coverage in secondary States to maintain licensure in every such State;

(3) preserve the authority of the State of an individual's residence to enforce law relating to—

(A) market conduct;

(B) unfair trade practices;

(C) network adequacy;

(D) consumer protection standards;

(E) grievance and appeals;

(F) fair claims payment requirements;

(G) prompt payment of claims;

(H) rate review; and

(I) fraud;

(4) permit State insurance commissioners and other State agencies in secondary States access to the records of a health insurance issuer to the same extent as if the policy were written in that State; and

(5) provide for clear and conspicuous disclosure to consumers that the policy may not be subject to all the laws and regulations of the State in which the purchaser resides.

(c) NO REQUIREMENT TO COMPACT.—Nothing in this section shall be construed to require a State to join a compact.

(d) STATE AUTHORITY.—A State may not enter into a compact under this subsection unless the State enacts a law after the date of enactment of this Act that specifically authorizes the State to enter into such compact.

(e) CONSUMER PROTECTIONS.—If a State enters into a compact it must retain responsibility for the consumer protections of its residents and its residents retain the right to bring a claim in a State court in the State in which the resident resides.

(f) ASSISTANCE TO COMPACTING STATES.—

(1) IN GENERAL.—Beginning January 1, 2015, the Secretary shall make awards, from amounts appropriated under paragraph (5), to States in the amount specified in paragraph (2) for the uses described in paragraph (3).

(2) AMOUNT SPECIFIED.—

(A) IN GENERAL.—For each fiscal year, the Secretary shall determine the total amount that the Secretary will make available for grants under this subsection.

(B) STATE AMOUNT.—For each State that is awarded a grant under paragraph (1), the amount of such grants shall be based on a formula established by the Secretary, not to exceed $1 million per State, under which States shall receive an award in the amount that is based on the following two components:

(i) A minimum amount for each State.

(ii) An additional amount based on population of the State.

(3) USE OF FUNDS.—A State shall use amounts awarded under this subsection for activities (including planning activities) related regulating health insurance coverage sold in secondary States.

(4) RENEWABILITY OF GRANT.—The Secretary may renew a grant award under paragraph (1) if the State receiving the grant continues to be a member of a compact.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in each of fiscal years 2015 through 2020.

SEC. 310. HEALTH INSURANCE COOPERATIVES.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary of the Treasury, shall establish a Consumer Operated and Oriented Plan program (in this section referred to as the ''CO–OP program'') under which the Commissioner may make grants and loans for the establishment and initial operation of not-for-profit, member–run health insurance cooperatives (in this section individually referred to as a ''cooperative'') that provide insurance through the Health Insurance Exchange or a State-based Health Insurance Exchange under section 308. Nothing in this section shall be construed as requiring a State to establish such a cooperative.

(b) START-UP AND SOLVENCY GRANTS AND LOANS.—

(1) IN GENERAL.—Not later than 36 months after the date of the enactment of this Act, the Commissioner, acting through the CO–OP program, may make—

(A) loans (of such period and with such terms as the Secretary may specify) to cooperatives to assist such cooperatives with start-up costs; and

(B) grants to cooperatives to assist such cooperatives in meeting State solvency requirements in the States in which such cooperative offers or issues insurance coverage.

(2) CONDITIONS.—A grant or loan may not be awarded under this subsection with respect to a cooperative unless the following conditions are met:

(A) The cooperative is structured as a not-for-profit, member organization under the law of each State in which such cooperative offers, intends to offer, or issues insurance coverage, with the membership of the cooperative being made up entirely of beneficiaries of the insurance coverage offered by such cooperative.

(B) The cooperative did not offer insurance on or before July 16, 2009, and the cooperative is not an affiliate or successor to an insurance company offering insurance on or before such date.

(C) The governing documents of the cooperative incorporate ethical and conflict of interest standards designed to protect against insurance industry involvement and interference in the governance of the cooperative.

(D) The cooperative is not sponsored by a State government.

(E) Substantially all of the activities of the cooperative consist of the issuance of qualified health benefits plans through the Health Insurance Exchange or a State-based health insurance exchange.

(F) The cooperative is licensed to offer insurance in each State in which it offers insurance.

(G) The governance of the cooperative must be subject to a majority vote of its members.

(H) As provided in guidance issued by the Secretary of Health and Human Services, the cooperative operates with a strong consumer focus, including timeliness, responsiveness, and accountability to members.

(I) Any profits made by the cooperative are used to lower premiums, improve benefits, or to otherwise improve the quality of health care delivered to members.

(3) PRIORITY.—The Commissioner, in making grants and loans under this subsection, shall give priority to cooperatives that—

(A) operate on a statewide basis;

(B) use an integrated delivery system; or

(C) have a significant level of financial support from nongovernmental sources.

(4) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a cooperative established in one State from integrating with a cooperative established in another State the administration, issuance of coverage, or other activities related to acting as a QHBP offering entity. Nothing in this section shall be construed as preventing State governments from taking actions to permit such integration.

(5) AMORTIZATION OF GRANTS AND LOANS.—The Secretary shall provide for the repayment of grants or loans provided under this subsection to the Treasury in an amortized manner over a 10-year period.

(6) REPAYMENT FOR VIOLATIONS OF TERMS OF PROGRAM.—If a cooperative violates the terms of the CO–OP program and fails to correct the violation within a reasonable period of time, as determined by the Commissioner, the cooperative shall repay the total amount of any loan or grant received by such cooperative under this section, plus interest (at a rate determined by the Secretary).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000,000 for the period of fiscal years 2010 through 2014 to provide for grants and loans under this subsection.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

(2) MEMBER.—The term ''member'', with respect to a cooperative, means an individual who, after the cooperative offers health insurance coverage, is enrolled in such coverage.

SEC. 311. RETENTION OF DOD AND VA AUTHORITY.

Nothing in this subtitle shall be construed as affecting any authority under title 38, United States Code, or chapter 55 of title 10, United States Code.

Subtitle B—Public Health Insurance Option

SEC. 321. ESTABLISHMENT AND ADMINISTRATION OF A PUBLIC HEALTH INSURANCE OPTION AS AN EXCHANGE-QUALIFIED HEALTH BENEFITS PLAN.

(a) ESTABLISHMENT.—For years beginning with Y1, the Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') shall provide for the offering of an Exchange-participating health benefits plan (in this division referred to as the ''public health insurance option'') that ensures choice, competition, and stability of affordable, high quality coverage throughout the United States in accordance with this subtitle. In designing the option, the Secretary's primary responsibility is to create a low-cost plan without compromising quality or access to care.

(b) OFFERING AS AN EXCHANGE-PARTICIPATING HEALTH BENEFITS PLAN.—

(1) EXCLUSIVE TO THE EXCHANGE.—The public health insurance option shall only be made available through the Health Insurance Exchange.

(2) ENSURING A LEVEL PLAYING FIELD.—Consistent with this subtitle, the public health insurance option shall comply with requirements that are applicable under this title to an Exchange-participating health benefits plan, including requirements related to benefits, benefit levels, provider networks, notices, consumer protections, and cost-sharing.

(3) PROVISION OF BENEFIT LEVELS.—The public health insurance option—

(A) shall offer basic, enhanced, and premium plans; and

(B) may offer premium-plus plans.

(c) ADMINISTRATIVE CONTRACTING.—The Secretary may enter into contracts for the purpose of performing administrative functions (including functions described in subsection (a)(4) of section 1874A of the Social Security Act) with respect to the public health insurance option in the same manner as the Secretary may enter into contracts under subsection (a)(1) of such section. The Secretary has the same authority with respect to the public health insurance option as the Secretary has under subsections (a)(1) and (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act. Contracts under this subsection shall not involve the transfer of insurance risk to such entity.

(d) OMBUDSMAN.—The Secretary shall establish an office of the ombudsman for the public health insurance option which shall have duties with respect to the public health insurance option similar to the duties of the Medicare Beneficiary Ombudsman under section 1808(c)(2) of the Social Security Act.

(e) DATA COLLECTION.—The Secretary shall collect such data as may be required to establish premiums and payment rates for the public health insurance option and for other purposes under this subtitle, including to improve quality and to reduce racial, ethnic, and other disparities in health and health care. Nothing in this subtitle may be construed as authorizing the Secretary (or any employee or contractor) to create or maintain lists of non-medical personal property.

(f) TREATMENT OF PUBLIC HEALTH INSURANCE OPTION.—With respect to the public health insurance option, the Secretary shall be treated as a QHBP offering entity offering an Exchange-participating health benefits plan.

(g) ACCESS TO FEDERAL COURTS.—The provisions of Medicare (and related provisions of title II of the Social Security Act) relating to access of Medicare beneficiaries to Federal courts for the enforcement of rights under Medicare, including with respect to amounts in controversy, shall apply to the public health insurance option and individuals enrolled under such option under this title in the same manner as such provisions apply to Medicare and Medicare beneficiaries.

SEC. 322. PREMIUMS AND FINANCING.

(a) ESTABLISHMENT OF PREMIUMS.—

(1) IN GENERAL.—The Secretary shall establish geographically adjusted premium rates for the public health insurance option—

(A) in a manner that complies with the premium rules established by the Commissioner under section 213 for Exchange-participating health benefits plans; and

(B) at a level sufficient to fully finance the costs of—

(i) health benefits provided by the public health insurance option; and

(ii) administrative costs related to operating the public health insurance option.

(2) CONTINGENCY MARGIN.—In establishing premium rates under paragraph (1), the Secretary shall include an appropriate amount for a contingency margin (which shall be not less than 90 days of estimated claims). Before setting such appropriate amount for years starting with Y3, the Secretary shall solicit a recommendation on such amount from the American Academy of Actuaries.

(b) ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an Account for the receipts and disbursements attributable to the operation of the public health insurance option, including the start-up funding under paragraph (2). Section 1854(g) of the Social Security Act shall apply to receipts described in the previous sentence in the same manner as such section applies to payments or premiums described in such section.

(2) START-UP FUNDING.—

(A) IN GENERAL.—In order to provide for the establishment of the public health insurance option, there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000. In order to provide for initial claims reserves before the collection of premiums, there are hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as necessary to cover 90 days worth of claims reserves based on projected enrollment.

(B) AMORTIZATION OF START-UP FUNDING.—The Secretary shall provide for the repayment of the startup funding provided under subparagraph (A) to the Treasury in an amortized manner over the 10-year period beginning with Y1.

(C) LIMITATION ON FUNDING.—Nothing in this section shall be construed as authorizing any additional appropriations to the Account, other than such amounts as are otherwise provided with respect to other Exchange-participating health benefits plans.

(3) NO BAILOUTS.—In no case shall the public health insurance option receive any Federal funds for purposes of insolvency in any manner similar to the manner in which entities receive Federal funding under the Troubled Assets Relief Program of the Secretary of the Treasury.

SEC. 323. PAYMENT RATES FOR ITEMS AND SERVICES.

(a) NEGOTIATION OF PAYMENT RATES.—

(1) IN GENERAL.—The Secretary shall negotiate payment for the public health insurance option for health care providers and items and services, including prescription drugs, consistent with this section and section 324.

(2) MANNER OF NEGOTIATION.—The Secretary shall negotiate such rates in a manner that results in payment rates that are not lower, in the aggregate, than rates under title XVIII of the Social Security Act, and not higher, in the aggregate, than the average rates paid by other QHBP offering entities for services and health care providers.

(3) INNOVATIVE PAYMENT METHODS.—Nothing in this subsection shall be construed as preventing the use of innovative payment methods such as those described in section 324 in connection with the negotiation of payment rates under this subsection.

(4) TREATMENT OF CERTAIN STATE WAIVERS.—In the case of any State operating a cost-containment waiver for health care providers in accordance with section 1814(b)(3) of the Social Security Act, the Secretary shall provide for payment to such providers under the public health insurance option consistent with the provisions and requirements of that waiver.

(b) ESTABLISHMENT OF A PROVIDER NETWORK.—

(1) IN GENERAL.—Health care providers (including physicians and hospitals) participating in Medicare are participating providers in the public health insurance option unless they opt out in a process established by the Secretary consistent with this subsection.

(2) REQUIREMENTS FOR OPT-OUT PROCESS.—Under the process established under paragraph (1)—

(A) providers described in such paragraph shall be provided at least a 1-year period prior to the first day of Y1 to opt out of participating in the public health insurance option;

(B) no provider shall be subject to a penalty for not participating in the public health insurance option;

(C) the Secretary shall include information on how providers participating in Medicare who chose to opt out of participating in the public health insurance option may opt back in; and

(D) there shall be an annual enrollment period in which providers may decide whether to participate in the public health insurance option.

(3) RULEMAKING.—Not later than 18 months before the first day of Y1, the Secretary shall promulgate rules (pursuant to notice and comment) for the process described in paragraph (1).

(c) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of a payment rate or methodology established under this section or under section 324.

SEC. 324. MODERNIZED PAYMENT INITIATIVES AND DELIVERY SYSTEM REFORM.

(a) IN GENERAL.—For plan years beginning with Y1, the Secretary may utilize innovative payment mechanisms and policies to determine payments for items and services under the public health insurance option. The payment mechanisms and policies under this section may include patient-centered medical home and other care management payments, accountable care organizations, value-based purchasing, bundling of services, differential payment rates, performance or utilization based payments, partial capitation, and direct contracting with providers.

(b) REQUIREMENTS FOR INNOVATIVE PAYMENTS.—The Secretary shall design and implement the payment mechanisms and policies under this section in a manner that—

(1) seeks to—

(A) improve health outcomes;

(B) reduce health disparities (including racial, ethnic, and other disparities);

(C) provide efficient and affordable care;

(D) address geographic variation in the provision of health services; or

(E) prevent or manage chronic illness; and

(2) promotes care that is integrated, patient-centered, quality, and efficient.

(c) ENCOURAGING THE USE OF HIGH VALUE SERVICES.—To the extent allowed by the benefit standards applied to all Exchange-participating health benefits plans, the public health insurance option may modify cost-sharing and payment rates to encourage the use of services that promote health and value.

(d) PROMOTION OF DELIVERY SYSTEM REFORM.—The Secretary shall monitor and evaluate the progress of payment and delivery system reforms under this Act and shall seek to implement such reforms subject to the following:

(1) To the extent that the Secretary finds a payment and delivery system reform successful in improving quality and reducing costs, the Secretary shall implement such reform on as large a geographic scale as practical and economical.

(2) The Secretary may delay the implementation of such a reform in geographic areas in which such implementation would place the public health insurance option at a competitive disadvantage.

(3) The Secretary may prioritize implementation of such a reform in high cost geographic areas or otherwise in order to reduce total program costs or to promote high value care.

(e) NON-UNIFORMITY PERMITTED.—Nothing in this subtitle shall prevent the Secretary from varying payments based on different payment structure models (such as accountable care organizations and medical homes) under the public health insurance option for different geographic areas.

SEC. 325. PROVIDER PARTICIPATION.

(a) IN GENERAL.—The Secretary shall establish conditions of participation for health care providers under the public health insurance option.

(b) LICENSURE OR CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not allow a health care provider to participate in the public health insurance option unless such provider is appropriately licensed, certified, or otherwise permitted to practice under State law.

(2) SPECIAL RULE FOR IHS FACILITIES AND PROVIDERS.—The requirements under paragraph (1) shall not apply to—

(A) a facility that is operated by the Indian Health Service;

(B) a facility operated by an Indian Tribe or tribal organization under the Indian Self-Determination Act (Public Law 93–638);

(C) a health care professional employed by the Indian Health Service; or

(D) a health care professional—

(i) who is employed to provide health care services in a facility operated by an Indian Tribe or tribal organization under the Indian Self-Determination Act; and

(ii) who is licensed or certified in any State.

(c) PAYMENT TERMS FOR PROVIDERS.—

(1) PHYSICIANS.—The Secretary shall provide for the annual participation of physicians under the public health insurance option, for which payment may be made for services furnished during the year, in one of 2 classes:

(A) PREFERRED PHYSICIANS.—Those physicians who agree to accept the payment under section 323 (without regard to cost-sharing) as the payment in full.

(B) PARTICIPATING, NON-PREFERRED PHYSICIANS.—Those physicians who agree not to impose charges (in relation to the payment described in section 323 for such physicians) that exceed the sum of the in-network cost-sharing plus 15 percent of the total payment for each item and service. The Secretary shall reduce the payment described in section 323 for such physicians.

(2) OTHER PROVIDERS.—The Secretary shall provide for the participation (on an annual or other basis specified by the Secretary) of health care providers (other than physicians) under the public health insurance option under which payment shall only be available if the provider agrees to accept the payment under section 323 (without regard to cost-sharing) as the payment in full.

(d) EXCLUSION OF CERTAIN PROVIDERS.—The Secretary shall exclude from participation under the public health insurance option a health care provider that is excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act).

SEC. 326. APPLICATION OF FRAUD AND ABUSE PROVISIONS.

Provisions of civil law identified by the Secretary by regulation, in consultation with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under Medicare, such as sections 3729 through 3733 of title 31, United States Code (commonly known as the False Claims Act), shall also apply to the public health insurance option.

SEC. 327. APPLICATION OF HIPAA INSURANCE REQUIREMENTS.

The requirements of sections 2701 through 2792 of the Public Health Service Act shall apply to the public health insurance option in the same manner as they apply to health insurance coverage offered by a health insurance issuer in the individual market.

SEC. 328. APPLICATION OF HEALTH INFORMATION PRIVACY, SECURITY, AND ELECTRONIC TRANSACTION REQUIREMENTS.

Part C of title XI of the Social Security Act, relating to standards for protections against the wrongful disclosure of individually identifiable health information, health information security, and the electronic exchange of health care information, shall apply to the public health insurance option in the same manner as such part applies to other health plans (as defined in section 1171(5) of such Act).

SEC. 329. ENROLLMENT IN PUBLIC HEALTH INSURANCE OPTION IS VOLUNTARY.

Nothing in this division shall be construed as requiring anyone to enroll in the public health insurance option. Enrollment in such option is voluntary.

SEC. 330. ENROLLMENT IN PUBLIC HEALTH INSURANCE OPTION BY MEMBERS OF CONGRESS.

Notwithstanding any other provision of this Act, Members of Congress may enroll in the public health insurance option.

SEC. 331. REIMBURSEMENT OF SECRETARY OF VETERANS AFFAIRS.

The Secretary of Health and Human Services shall seek to enter into a memorandum of understanding with the Secretary of Veterans Affairs regarding the recovery of costs related to non-service-connected care or services provided by the Secretary of Veterans Affairs to an individual covered under the public health insurance option in a manner consistent with recovery of costs related to non-service-connected care from private health insurance plans.

Subtitle C—Individual Affordability Credits

SEC. 341. AVAILABILITY THROUGH HEALTH INSURANCE EXCHANGE.

(a) IN GENERAL.—Subject to the succeeding provisions of this subtitle, in the case of an affordable credit eligible individual enrolled in an Exchange-participating health benefits plan—

(1) the individual shall be eligible for, in accordance with this subtitle, affordability credits consisting of—

(A) an affordability premium credit under section 343 to be applied against the premium for the Exchange-participating health

benefits plan in which the individual is enrolled; and

(B) an affordability cost-sharing credit under section 344 to be applied as a reduction of the cost-sharing otherwise applicable to such plan; and

(2) the Commissioner shall pay the QHBP offering entity that offers such plan from the Health Insurance Exchange Trust Fund the aggregate amount of affordability credits for all affordable credit eligible individuals enrolled in such plan.

(b) APPLICATION.—

(1) IN GENERAL.—An Exchange eligible individual may apply to the Commissioner through the Health Insurance Exchange or through another entity under an arrangement made with the Commissioner, in a form and manner specified by the Commissioner. The Commissioner through the Health Insurance Exchange or through another public entity under an arrangement made with the Commissioner shall make a determination as to eligibility of an individual for affordability credits under this subtitle. The Commissioner shall establish a process whereby, on the basis of information otherwise available, individuals may be deemed to be affordable credit eligible individuals. In carrying this subtitle, the Commissioner shall establish effective methods that ensure that individuals with limited English proficiency are able to apply for affordability credits.

(2) USE OF STATE MEDICAID AGENCIES.—If the Commissioner determines that a State Medicaid agency has the capacity to make a determination of eligibility for affordability credits under this subtitle and under the same standards as used by the Commissioner, under the Medicaid memorandum of understanding under section 305(e)(2)—

(A) the State Medicaid agency is authorized to conduct such determinations for any Exchange-eligible individual who requests such a determination; and

(B) the Commissioner shall reimburse the State Medicaid agency for the costs of conducting such determinations.

(3) MEDICAID SCREEN AND ENROLL OBLIGATION.—In the case of an application made under paragraph (1), there shall be a determination of whether the individual is a Medicaid-eligible individual. If the individual is determined to be so eligible, the Commissioner, through the Medicaid memorandum of understanding under section 305(e)(2), shall provide for the enrollment of the individual under the State Medicaid plan in accordance with such Medicaid memorandum of understanding. In the case of such an enrollment, the State shall provide for the same periodic redetermination of eligibility under Medicaid as would otherwise apply if the individual had directly applied for medical assistance to the State Medicaid agency.

(4) APPLICATION AND VERIFICATION OF REQUIREMENT OF CITIZENSHIP OR LAWFUL PRESENCE IN THE UNITED STATES.—

(A) REQUIREMENT.—No individual shall be an affordable credit eligible individual (as defined in section 342(a)(1)) unless the individual is a citizen or national of the United States or is lawfully present in a State in the United States (other than as a nonimmigrant described in a subparagraph (excluding subparagraphs (K), (T), (U), and (V)) of section 101(a)(15) of the Immigration and Nationality Act).

(B) DECLARATION OF CITIZENSHIP OR LAWFUL IMMIGRATION STATUS.—No individual shall be an affordable credit eligible individual unless there has been a declaration made, in a form and manner specified by the Health Choices Commissioner similar to the manner required under section 1137(d)(1) of the Social Security Act and under penalty of perjury, that the individual—

(i) is a citizen or national of the United States; or

(ii) is not such a citizen or national but is lawfully present in a State in the United States (other than as a nonimmigrant described in a subparagraph (excluding subparagraphs (K), (T), (U), and (V)) of section 101(a)(15) of the Immigration and Nationality Act).

Such declaration shall be verified in accordance with subparagraph (C) or (D), as the case may be.

(C) VERIFICATION PROCESS FOR CITIZENS.—

(i) IN GENERAL.—In the case of an individual making the declaration described in subparagraph (B)(i), subject to clause (ii), section 1902(ee) of the Social Security Act shall apply to such declaration in the same manner as such section applies to a declaration described in paragraph (1) of such section.

(ii) SPECIAL RULES.—In applying section 1902(ee) of such Act under clause (i)—

(I) any reference in such section to a State is deemed a reference to the Commissioner (or other public entity making the eligibility determination);

(II) any reference to medical assistance or enrollment under a State plan is deemed a reference to provision of affordability credits under this subtitle;

(III) a reference to a newly enrolled individual under paragraph (2)(A) of such section is deemed a reference to an individual newly in receipt of an affordability credit under this subtitle;

(IV) approval by the Secretary shall not be required in applying paragraph (2)(B)(ii) of such section;

(V) paragraph (3) of such section shall not apply; and

(VI) before the end of Y2, the Health Choices Commissioner, in consultation with the Commissioner of Social Security, may extend the periods specified in paragraph (1)(B)(ii) of such section.

(D) VERIFICATION PROCESS FOR NONCITIZENS.—

(i) IN GENERAL.—In the case of an individual making the declaration described in subparagraph (B)(ii), subject to clause (ii), the verification procedures of paragraphs (2) through (5) of section 1137(d) of the Social Security Act shall apply to such declaration in the same manner as such procedures apply to a declaration described in paragraph (1) of such section.

(ii) SPECIAL RULES.—In applying such paragraphs of section 1137(d) of such Act under clause (i)—

(I) any reference in such paragraphs to a State is deemed a reference to the Health Choices Commissioner; and

(II) any reference to benefits under a program is deemed a reference to affordability credits under this subtitle.

(iii) APPLICATION TO STATE-BASED EXCHANGES.—In the case of the application of the verification process under this subparagraph to a State-based Health Insurance Exchange approved under section 308, section 1137(e) of such Act shall apply to the Health Choices Commissioner in relation to the State.

(E) ANNUAL REPORTS.—The Health Choices Commissioner shall report to Congress annually on the number of applicants for affordability credits under this subtitle, their citizenship or immigration status, and the disposition of their applications. Such report shall be made publicly available and shall include information on—

(i) the number of applicants whose declaration of citizenship or immigration status, name, or social security account number was not consistent with records maintained by the Commissioner of Social Security or the Department of Homeland Security and, of such applicants, the number who contested the inconsistency and sought to document their citizenship or immigration status, name, or social security account number or to correct the information maintained in such records and, of those, the results of such contestations; and

(ii) the administrative costs of conducting the status verification under this paragraph.

(F) GAO REPORT.—Not later than the end of Y2, the Comptroller General of the United States shall submit to the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Education and Labor, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate a report examining the effectiveness of the citizenship and immigration verification systems applied under this paragraph. Such report shall include an analysis of the following:

(i) The causes of erroneous determinations under such systems.

(ii) The effectiveness of the processes used in remedying such erroneous determinations.

(iii) The impact of such systems on individuals, health care providers, and Federal and State agencies, including the effect of erroneous determinations under such systems.

(iv) The effectiveness of such systems in preventing ineligible individuals from receiving for affordability credits.

(v) The characteristics of applicants described in subparagraph (E)(i).

(G) PROHIBITION OF DATABASE.—Nothing in this paragraph or the amendments made by paragraph (6) shall be construed as authorizing the Health Choices Commissioner or the Commissioner of Social Security to establish a database of information on citizenship or immigration status.

(H) INITIAL FUNDING.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Commissioner of Social Security $30,000,000, to be available without fiscal year limit to carry out this paragraph and section 205(v) of the Social Security Act.

(ii) FUNDING LIMITATION.—In no case shall funds from the Social Security Administration's Limitation on Administrative Expenses be used to carry out activities related to this paragraph or section 205(v) of the Social Security Act.

(5) AGREEMENT WITH SOCIAL SECURITY COMMISSIONER.—

(A) IN GENERAL.—The Health Choices Commissioner shall enter into and maintain an agreement described in section 205(v)(2) of the Social Security Act with the Commissioner of Social Security.

(B) FUNDING.—The agreement entered into under subparagraph (A) shall, for each fiscal year (beginning with fiscal year 2013)—

(i) provide funds to the Commissioner of Social Security for the full costs of the responsibilities of the Commissioner of Social Security under paragraph (4), including—

(I) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner of Social Security under paragraph (4), but only that portion of such costs that are attributable to such responsibilities; and

(II) responding to individuals who contest with the Commissioner of Social Security a reported inconsistency with records maintained by the Commissioner of Social Security or the Department of Homeland Security relating to citizenship or immigration status, name, or social security account number under paragraph (4);

(ii) based on an estimating methodology agreed to by the Commissioner of Social Security and the Health Choices Commissioner,

provide such funds, within 10 calendar days of the beginning of the fiscal year for the first quarter and in advance for all subsequent quarters in that fiscal year; and

(iii) provide for an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement.

(C) REVIEW OF ACCOUNTING.—The annual accounting and reconciliation conducted pursuant to subparagraph (B)(iii) shall be reviewed by the Inspectors General of the Social Security Administration and the Health Choices Administration, including an analysis of consistency with the requirements of paragraph (4).

(D) CONTINGENCY.—In any case in which agreement with respect to the provisions required under subparagraph (B) for any fiscal year has not been reached as of the first day of such fiscal year, the latest agreement with respect to such provisions shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement relating to such provisions is subsequently reached. In any case in which an interim agreement applies for any fiscal year under this subparagraph, the Commissioner of Social Security shall, not later than the first day of such fiscal year, notify the appropriate Committees of the Congress of the failure to reach the agreement with respect to such provisions for such fiscal year. Until such time as the agreement with respect to such provisions has been reached for such fiscal year, the Commissioner of Social Security shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between such Commissioner and the Health Choices Commissioner in order to reach such an agreement.

(E) APPLICATION TO PUBLIC ENTITIES ADMINISTERING AFFORDABILITY CREDITS.—If the Health Choices Commissioner provides for the conduct of verifications under paragraph (4) through a public entity, the Health Choices Commissioner shall require the public entity to enter into an agreement with the Commissioner of Social Security which provides the same terms as the agreement described in this paragraph (and section 205(v) of the Social Security Act) between the Health Choices Commissioner and the Commissioner of Social Security, except that the Health Choices Commissioner shall be responsible for providing funds for the Commissioner of Social Security in accordance with subparagraphs (B) through (D).

(6) AMENDMENTS TO SOCIAL SECURITY ACT.—

(A) COORDINATION OF INFORMATION BETWEEN SOCIAL SECURITY ADMINISTRATION AND HEALTH CHOICES ADMINISTRATION.—

(i) IN GENERAL.—Section 205 of the Social Security Act (42 U.S.C. 405) is amended by adding at the end the following new subsection:

''Coordination of Information With Health Choices Administration

''(v)(1) The Health Choices Commissioner may collect and use the names and social security account numbers of individuals as required to provide for verification of citizenship under subsection (b)(4)(C) of section 341 of the Affordable Health Care for America Act in connection with determinations of eligibility for affordability credits under such section.

''(2)(A) The Commissioner of Social Security shall enter into and maintain an agreement with the Health Choices Commissioner for the purpose of establishing, in compliance with the requirements of section 1902(ee) as applied pursuant to section 341(b)(4)(C) of the Affordable Health Care for America Act, a program for verifying information required to be collected by the Health Choices Commissioner under such section 341(b)(4)(C).

''(B) The agreement entered into pursuant to subparagraph (A) shall include such safeguards as are necessary to ensure the maintenance of confidentiality of any information disclosed for purposes of verifying information described in subparagraph (A) and to provide procedures for permitting the Health Choices Commissioner to use the information for purposes of maintaining the records of the Health Choices Administration.

''(C) The agreement entered into pursuant to subparagraph (A) shall provide that information provided by the Commissioner of Social Security to the Health Choices Commissioner pursuant to the agreement shall be provided at such time, at such place, and in such manner as the Commissioner of Social Security determines appropriate.

''(D) Information provided by the Commissioner of Social Security to the Health Choices Commissioner pursuant to an agreement entered into pursuant to subparagraph (A) shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out such agreement. Any officer or employee or former officer or employee of the Health Choices Commissioner, or any officer or employee or former officer or employee of a contractor of the Health Choices Commissioner, who, without the written authority of the Commissioner of Social Security, publishes or communicates any information in such individual's possession by reason of such employment or position as such an officer shall be guilty of a felony and, upon conviction thereof, shall be fined or imprisoned, or both, as described in section 208.

''(3) The agreement entered into under paragraph (2) shall provide for funding to the Commissioner of Social Security consistent with section 341(b)(5) of Affordable Health Care for America Act.

''(4) This subsection shall apply in the case of a public entity that conducts verifications under section 341(b)(4) of the Affordable Health Care for America Act and the obligations of this subsection shall apply to such an entity in the same manner as such obligations apply to the Health Choices Commissioner when such Commissioner is conducting such verifications.''.

(ii) CONFORMING AMENDMENT.—Section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(x) For purposes of the administration of the verification procedures described in section 341(b)(4) of the Affordable Health Care for America Act, the Health Choices Commissioner may collect and use social security account numbers as provided for in section 205(v)(1).''.

(B) IMPROVING THE INTEGRITY OF DATA AND EFFECTIVENESS OF SAVE PROGRAM.—Section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) is amended by adding at the end the following new paragraphs:

''(6)(A) With respect to the use by any agency of the system described in subsection (b) by programs specified in subsection (b) or any other use of such system, the U.S. Citizenship and Immigration Services and any other agency charged with the management of the system shall establish appropriate safeguards necessary to protect and improve the integrity and accuracy of data relating to individuals by—

''(i) establishing a process through which such individuals are provided access to, and the ability to amend, correct, and update, their own personally identifiable information contained within the system;

''(ii) providing a written response, without undue delay, to any individual who has made such a request to amend, correct, or update such individual's own personally identifiable information contained within the system; and

''(iii) developing a written notice for user agencies to provide to individuals who are denied a benefit due to a determination of ineligibility based on a final verification determination under the system.

''(B) The notice described in subparagraph (A)(ii) shall include—

''(i) information about the reason for such notice;

''(ii) a description of the right of the recipient of the notice under subparagraph (A)(i) to contest such notice;

''(iii) a description of the right of the recipient under subparagraph (A)(i) to access and attempt to amend, correct, and update the recipient's own personally identifiable information contained within records of the system described in paragraph (3); and

''(iv) instructions on how to contest such notice and attempt to correct records of such system relating to the recipient, including contact information for relevant agencies.''.

(C) STREAMLINING ADMINISTRATION OF VERIFICATION PROCESS FOR UNITED STATES CITIZENS.—Section 1902(ee)(2) of the Social Security Act (42 U.S.C. 1396a(ee)(2)) is amended by adding at the end the following:

''(D) In carrying out the verification procedures under this subsection with respect to a State, if the Commissioner of Social Security determines that the records maintained by such Commissioner are not consistent with an individual's allegation of United States citizenship, pursuant to procedures which shall be established by the State in coordination with the Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of Health and Human Services—

''(i) the Commissioner of Social Security shall inform the State of the inconsistency;

''(ii) upon being so informed of the inconsistency, the State shall submit the information on the individual to the Secretary of Homeland Security for a determination of whether the records of the Department of Homeland Security indicate that the individual is a citizen;

''(iii) upon making such determination, the Department of Homeland Security shall inform the State of such determination; and

''(iv) information provided by the Commissioner of Social Security shall be considered as strictly confidential and shall only be used by the State and the Secretary of Homeland Security for the purposes of such verification procedures.

''(E) Verification of status eligibility pursuant to the procedures established under this subsection shall be deemed a verification of status eligibility for purposes of this title, title XXI, and affordability credits under section 341(b)(4) of the Affordable Health Care for America Act, regardless of the program in which the individual is applying for benefits.''.

(c) USE OF AFFORDABILITY CREDITS.—

(1) IN GENERAL.—In Y1 and Y2 an affordable credit eligible individual may use an affordability credit only with respect to a basic plan.

(2) FLEXIBILITY IN PLAN ENROLLMENT AUTHORIZED.—Beginning with Y3, the Commissioner shall establish a process to allow an affordability premium credit under section 343, but not the affordability cost-sharing credit under section 344, to be used for enrollees in enhanced or premium plans. In the case of an affordable credit eligible individual who enrolls in an enhanced or premium plan, the individual shall be responsible for any difference between the premium for such plan and the affordability credit amount otherwise applicable if the individual had enrolled in a basic plan.

(3) PROHIBITION OF USE OF PUBLIC FUNDS FOR ABORTION COVERAGE.—An affordability credit may not be used for payment for services described in section 222(e)(4)(A).

(d) ACCESS TO DATA.—In carrying out this subtitle, the Commissioner shall request from the Secretary of the Treasury consistent with section 6103 of the Internal Revenue Code of 1986 such information as may be required to carry out this subtitle.

(e) NO CASH REBATES.—In no case shall an affordable credit eligible individual receive any cash payment as a result of the application of this subtitle.

SEC. 342. AFFORDABLE CREDIT ELIGIBLE INDIVIDUAL.

(a) DEFINITION.—

(1) IN GENERAL.—For purposes of this division, the term ''affordable credit eligible individual'' means, subject to subsection (b) and section 346, an individual who is lawfully present in a State in the United States (other than as a nonimmigrant described in a subparagraph (excluding subparagraphs (K), (T), (U), and (V)) of section 101(a)(15) of the Immigration and Nationality Act)—

(A) who is enrolled under an Exchange-participating health benefits plan and is not enrolled under such plan as an employee (or dependent of an employee) through an employer qualified health benefits plan that meets the requirements of section 412;

(B) with modified adjusted gross income below 400 percent of the Federal poverty level for a family of the size involved;

(C) who is not a Medicaid eligible individual, other than an individual during a transition period under section 302(d)(3)(B)(ii); and

(D) subject to paragraph (3), who is not enrolled in acceptable coverage (other than an Exchange-participating health benefits plan).

(2) TREATMENT OF FAMILY.—Except as the Commissioner may otherwise provide, members of the same family who are affordable credit eligible individuals shall be treated as a single affordable credit individual eligible for the applicable credit for such a family under this subtitle.

(3) SPECIAL RULE FOR INDIANS.—Subparagraph (D) of paragraph (1) shall not apply to an individual who has coverage that is treated as acceptable coverage for purposes of section 59B(d)(2) of the Internal Revenue Code of 1986 but is not treated as acceptable coverage for purposes of this division.

(b) LIMITATIONS ON EMPLOYEE AND DEPENDENT DISQUALIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the term ''affordable credit eligible individual'' does not include a full-time employee of an employer if the employer offers the employee coverage (for the employee and dependents) as a full-time employee under a group health plan if the coverage and employer contribution under the plan meet the requirements of section 412.

(2) EXCEPTIONS.—

(A) FOR CERTAIN FAMILY CIRCUMSTANCES.—The Commissioner shall establish such exceptions and special rules in the case described in paragraph (1) as may be appropriate in the case of a divorced or separated individual or such a dependent of an employee who would otherwise be an affordable credit eligible individual.

(B) FOR UNAFFORDABLE EMPLOYER COVERAGE.—Beginning in Y2, in the case of full-time employees for which the cost of the employee premium for coverage under a group health plan would exceed 12 percent of current modified adjusted gross income (determined by the Commissioner on the basis of verifiable documentation), paragraph (1) shall not apply.

(c) INCOME DEFINED.—

(1) IN GENERAL.—In this title, the term ''income'' means modified adjusted gross income (as defined in section 59B of the Internal Revenue Code of 1986).

(2) STUDY OF INCOME DISREGARDS.—The Commissioner shall conduct a study that examines the application of income disregards for purposes of this subtitle. Not later than the first day of Y2, the Commissioner shall submit to Congress a report on such study and shall include such recommendations as the Commissioner determines appropriate.

(d) CLARIFICATION OF TREATMENT OF AFFORDABILITY CREDITS.—Affordability credits under this subtitle shall not be treated, for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to be a benefit provided under section 403 of such title.

SEC. 343. AFFORDABILITY PREMIUM CREDIT.

(a) IN GENERAL.—The affordability premium credit under this section for an affordable credit eligible individual enrolled in an Exchange-participating health benefits plan is in an amount equal to the amount (if any) by which the reference premium amount specified in subsection (c), exceeds the affordable premium amount specified in subsection (b) for the individual, except that in no case shall the affordable premium credit exceed the premium for the plan.

(b) AFFORDABLE PREMIUM AMOUNT.—

(1) IN GENERAL.—The affordable premium amount specified in this subsection for an individual for the annual premium in a plan year shall be equal to the product of—

(A) the premium percentage limit specified in paragraph (2) for the individual based upon the individual's modified adjusted gross income for the plan year; and

(B) the individual's modified adjusted gross income for such plan year.

(2) PREMIUM PERCENTAGE LIMITS BASED ON TABLE.—The Commissioner shall establish premium percentage limits so that for individuals whose modified adjusted gross income is within an income tier specified in the table in subsection (d) such percentage limits shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier.

(c) REFERENCE PREMIUM AMOUNT.—The reference premium amount specified in this subsection for a plan year for an individual in a premium rating area is equal to the average premium for the 3 basic plans in the area for the plan year with the lowest premium levels. In computing such amount the Commissioner may exclude plans with extremely limited enrollments.

(d) TABLE OF PREMIUM PERCENTAGE LIMITS, ACTUARIAL VALUE PERCENTAGES, AND OUT-OF-POCKET LIMITS FOR Y1 BASED ON INCOME TIER.—

(1) IN GENERAL.—For purposes of this subtitle, subject to paragraph (3) and section 346, the table specified in this subsection is as follows:

In the case of modified adjusted gross income (expressed as a percent of FPL) within the following income tier:	The initial premium percentage is—	The final premium percentage is—	The actuarial value percentage is—	The out-of-pocket limit for Y1 is—
133% through 150%	1.5%	3.0%	97%	$500
150% through 200%	3.0%	5.5%	93%	$1,000
200% through 250%	5.5%	8.0%	85%	$2,000
250% through 300%	8.0%	10.0%	78%	$4,000
300% through 350%	10.0%	11.0%	72%	$4,500
350% through 400%	11.0%	12.0%	70%	$5,000

(2) SPECIAL RULES.—For purposes of applying the table under paragraph (1):

(A) FOR LOWEST LEVEL OF INCOME.—In the case of an individual with income that does not exceed 133 percent of FPL, the individual shall be considered to have income that is 133 percent of FPL.

(B) APPLICATION OF HIGHER ACTUARIAL VALUE PERCENTAGE AT TIER TRANSITION POINTS.—If two actuarial value percentages may be determined with respect to an individual, the actuarial value percentage shall be the higher of such percentages.

(3) INDEXING.—For years after Y1, the Commissioner shall adjust the initial and final premium percentages to maintain the ratio of governmental to enrollee shares of premiums over time, for each income tier identified in the table in paragraph (1).

SEC. 344. AFFORDABILITY COST-SHARING CREDIT.

(a) IN GENERAL.—The affordability cost-sharing credit under this section for an affordable credit eligible individual enrolled in an Exchange-participating health benefits plan is in the form of the cost-sharing reduction described in subsection (b) provided under this section for the income tier in which the individual is classified based on the individual's modified adjusted gross income.

(b) COST-SHARING REDUCTIONS.—The Commissioner shall specify a reduction in cost-sharing amounts and the annual limitation on cost-sharing specified in section 222(c)(2)(B) under a basic plan for each income tier specified in the table under section 343(d), with respect to a year, in a manner so that, as estimated by the Commissioner—

(1) the actuarial value of the coverage with such reduced cost-sharing amounts (and the reduced annual cost-sharing limit) is equal to the actuarial value percentage (specified in the table under section 343(d) for the income tier involved) of the full actuarial value if there were no cost-sharing imposed under the plan; and

(2) the annual limitation on cost-sharing specified in section 222(c)(2)(B) is reduced to a level that does not exceed the maximum out-of-pocket limit specified in subsection (c).

(c) MAXIMUM OUT-OF-POCKET LIMIT.—

(1) IN GENERAL.—Subject to paragraph (2), the maximum out-of-pocket limit specified in this subsection for an individual within an income tier—

(A) for individual coverage—

(i) for Y1 is the out-of-pocket limit for Y1 specified in subsection (c) in the table under section 343(d) for the income tier involved; or

(ii) for a subsequent year is such out-of-pocket limit for the previous year under this subparagraph increased (rounded to the nearest $10) for each subsequent year by the percentage increase in the enrollment-weighted average of premium increases for basic plans applicable to such year; or

(B) for family coverage is twice the maximum out-of-pocket limit under subparagraph (A) for the year involved.

(2) ADJUSTMENT.—The Commissioner shall adjust the maximum out-of-pocket limits under paragraph (1) to ensure that such limits meet the actuarial value percentage specified in the table under section 343(d) for the income tier involved.

(d) DETERMINATION AND PAYMENT OF COST-SHARING AFFORDABILITY CREDIT.—In the case of an affordable credit eligible individual in a tier enrolled in an Exchange-participating

health benefits plan offered by a QHBP offering entity, the Commissioner shall provide for payment to the offering entity of an amount equivalent to the increased actuarial value of the benefits under the plan provided under section 303(c)(2)(B) resulting from the reduction in cost-sharing described in subsections (b) and (c).

SEC. 345. INCOME DETERMINATIONS.

(a) IN GENERAL.—In applying this subtitle for an affordability credit for an individual for a plan year, the individual's income shall be the income (as defined in section 342(c)) for the individual for the most recent taxable year (as determined in accordance with rules of the Commissioner). The Federal poverty level applied shall be such level in effect as of the date of the application.

(b) PROGRAM INTEGRITY; INCOME VERIFICATION PROCEDURES.—

(1) PROGRAM INTEGRITY.—The Commissioner shall take such steps as may be appropriate to ensure the accuracy of determinations and redeterminations under this subtitle.

(2) INCOME VERIFICATION.—

(A) IN GENERAL.—Upon an initial application of an individual for an affordability credit under this subtitle (or in applying section 342(b)) or upon an application for a change in the affordability credit based upon a significant change in modified adjusted gross income described in subsection (c)(1)—

(i) the Commissioner shall request from the Secretary of the Treasury the disclosure to the Commissioner of such information as may be permitted to verify the information contained in such application; and

(ii) the Commissioner shall use the information so disclosed to verify such information.

(B) ALTERNATIVE PROCEDURES.—The Commissioner shall establish procedures for the verification of income for purposes of this subtitle if no income tax return is available for the most recent completed tax year.

(c) SPECIAL RULES.—

(1) CHANGES IN INCOME AS A PERCENT OF FPL.—In the case that an individual's income (expressed as a percentage of the Federal poverty level for a family of the size involved) for a plan year is expected (in a manner specified by the Commissioner) to be significantly different from the income (as so expressed) used under subsection (a), the Commissioner shall establish rules requiring an individual to report, consistent with the mechanism established under paragraph (2), significant changes in such income (including a significant change in family composition) to the Commissioner and requiring the substitution of such income for the income otherwise applicable.

(2) REPORTING OF SIGNIFICANT CHANGES IN INCOME.—The Commissioner shall establish rules under which an individual determined to be an affordable credit eligible individual would be required to inform the Commissioner when there is a significant change in the modified adjusted gross income of the individual (expressed as a percentage of the FPL for a family of the size involved) and of the information regarding such change. Such mechanism shall provide for guidelines that specify the circumstances that qualify as a significant change, the verifiable information required to document such a change, and the process for submission of such information. If the Commissioner receives new information from an individual regarding the modified adjusted gross income of the individual, the Commissioner shall provide for a redetermination of the individual's eligibility to be an affordable credit eligible individual.

(3) TRANSITION FOR CHIP.—In the case of a child described in section 302(d)(4), the Commissioner shall establish rules under which the modified adjusted gross income of the child is deemed to be no greater than the family income of the child as most recently determined before Y1 by the State under title XXI of the Social Security Act.

(4) STUDY OF GEOGRAPHIC VARIATION IN APPLICATION OF FPL.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to examine the feasibility and implication of adjusting the application of the Federal poverty level under this subtitle for different geographic areas so as to reflect the variations in cost-of-living among different areas within the United States. If the Secretary determines that an adjustment is feasible, the study should include a methodology to make such an adjustment. Not later than the first day of Y1, the Secretary shall submit to Congress a report on such study and shall include such recommendations as the Secretary determines appropriate.

(B) INCLUSION OF TERRITORIES.—

(i) IN GENERAL.—The Secretary shall ensure that the study under subparagraph (A) covers the territories of the United States and that special attention is paid to the disparity that exists among poverty levels and the cost of living in such territories and to the impact of such disparity on efforts to expand health coverage and ensure health care.

(ii) TERRITORIES DEFINED.—In this subparagraph, the term ''territories of the United States'' includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other territory or possession of the United States.

(d) PENALTIES FOR MISREPRESENTATION.—In the case of an individual who intentionally misrepresents modified adjusted gross income or the individual fails (without regard to intent) to disclose to the Commissioner a significant change in modified adjusted gross income under subsection (c) in a manner that results in the individual becoming an affordable credit eligible individual when the individual is not or in the amount of the affordability credit exceeding the correct amount—

(1) the individual is liable for repayment of the amount of the improper affordability credit; and

(2) in the case of such an intentional misrepresentation or other egregious circumstances specified by the Commissioner, the Commissioner may impose an additional penalty.

SEC. 346. SPECIAL RULES FOR APPLICATION TO TERRITORIES.

(a) ONE-TIME ELECTION FOR TREATMENT AND APPLICATION OF FUNDING.—

(1) IN GENERAL.—A territory may elect, in a form and manner specified by the Commissioner in consultation with the Secretary of Health and Human Services and the Secretary of the Treasury and not later than October 1, 2012, either—

(A) to be treated as a State for purposes of applying this title and title II; or

(B) not to be so treated but instead, to have the dollar limitation otherwise applicable to the territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) for a fiscal year increased by a dollar amount equivalent to the cap amount determined under subsection (c)(2) for the territory as applied by the Secretary for the fiscal year involved.

(2) CONDITIONS FOR ACCEPTANCE.—The Commissioner has the nonreviewable authority to accept or reject an election described in paragraph (1)(A). Any such acceptance is—

(A) contingent upon entering into an agreement described in subsection (b) between the Commissioner and the territory and subsection (c); and

(B) subject to the approval of the Secretary of Health and Human Services and the Secretary of the Treasury and subject to such other terms and conditions as the Commissioner, in consultation with such Secretaries, may specify.

(3) DEFAULT RULE.—A territory failing to make such an election (or having an election under paragraph (1)(A) not accepted under paragraph (2)) shall be treated as having made the election described in paragraph (1)(B).

(b) AGREEMENT FOR SUBSTITUTION OF PERCENTAGES FOR AFFORDABILITY CREDITS.—

(1) NEGOTIATION.—In the case of a territory making an election under subsection (a)(1)(A) (in this section referred to as an ''electing territory'') , the Commissioner, in consultation with the Secretaries of Health and Human Services and the Treasury, shall enter into negotiations with the government of such territory so that, before Y1, there is an agreement reached between the parties on the percentages that shall be applied under paragraph (2) for that territory. The Commissioner shall not enter into such an agreement unless—

(A) payments made under this subtitle with respect to residents of the territory are consistent with the cap established under subsection (c) for such territory and with subsection (d); and

(B) the requirements of paragraphs (3) and (4) are met.

(2) APPLICATION OF SUBSTITUTE PERCENTAGES AND DOLLAR AMOUNTS.—In the case of an electing territory, there shall be substituted in section 342(a)(1)(B) and in the table in section 341(d)(1) for 400 percent, 133 percent, and other percentages and dollar amounts specified in such table, such respective percentages and dollar amounts as are established under the agreement under paragraph (1) consistent with the following:

(A) NO INCOME GAP BETWEEN MEDICAID AND AFFORDABILITY CREDITS.—The substituted percentages shall be specified in a manner so as to prevent any gap in coverage for individuals between income level at which medical assistance is available through Medicaid and the income level at which affordability credits are available.

(B) ADJUSTMENT FOR OUT-OF-POCKET RESPONSIBILITY FOR PREMIUMS AND COST-SHARING IN RELATION TO INCOME.—The substituted percentages of FPL for income tiers under such table shall be specified in a manner so that—

(i) affordable credit eligible individuals residing in the territory bear the same out-of-pocket responsibility for premiums and cost-sharing in relation to average income for residents in that territory, as

(ii) the out-of-pocket responsibility for premiums and cost-sharing for affordable credit eligible individuals residing in the 50 States or the District of Columbia in relation to average income for such residents.

(3) SPECIAL RULES WITH RESPECT TO APPLICATION OF TAX AND PENALTY PROVISIONS.—The electing territory shall enact one or more laws under which provisions similar to the following provisions apply with respect to such territory:

(A) Section 59B of the Internal Revenue Code of 1986, except that any resident of the territory who is not an affordable credit eligible individual but who would be an affordable credit eligible individual if such resident were a resident of one of the 50 States (and any qualifying child residing with such individual) may be treated as covered by acceptable coverage.

(B) Section 4980H of the Internal Revenue Code of 1986 and section 502(c)(11) of the Employee Retirement Income Security Act of 1974.

(C) Section 3121(c) of the Internal Revenue Code of 1986.

(4) IMPLEMENTATION OF INSURANCE REFORM AND CONSUMER PROTECTION REQUIREMENTS.—

The electing territory shall enact and implement such laws and regulations as may be required to apply the requirements of title II with respect to health insurance coverage offered in the territory.

(c) CAP ON ADDITIONAL EXPENDITURES.—

(1) IN GENERAL.—In entering into an agreement with an electing territory under subsection (b), the Commissioner shall ensure that the aggregate expenditures under this subtitle with respect to residents of such territory during the period beginning with Y1 and ending with 2019 will not exceed the cap amount specified in paragraph (2) for such territory. The Commissioner shall adjust from time to time the percentages applicable under such agreement as needed in order to carry out the previous sentence.

(2) CAP AMOUNT.—

(A) IN GENERAL.—The cap amount specified in this paragraph—

(i) for Puerto Rico is $3,700,000,000 increased by the amount (if any) elected under subparagraph (C); or

(ii) for another territory is the portion of $300,000,000 negotiated for such territory under subparagraph (B).

(B) NEGOTIATION FOR CERTAIN TERRITORIES.—The Commissioner in consultation with the Secretary of Health and Human Services shall negotiate with the governments of the territories (other than Puerto Rico) to allocate the amount specified in subparagraph (A)(ii) among such territories.

(C) OPTIONAL SUPPLEMENTATION FOR PUERTO RICO.—

(i) IN GENERAL.—Puerto Rico may elect, in a form and manner specified by the Secretary of Health and Human Services in consultation with the Commissioner to increase the dollar amount specified in subparagraph (A)(i) by up to $1,000,000,000.

(ii) OFFSET IN MEDICAID CAP.—If Puerto Rico makes the election described in clause (i), the Secretary shall decrease the dollar limitation otherwise applicable to Puerto Rico under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) for a fiscal year by the additional aggregate payments the Secretary estimates will be payable under this section for the fiscal year because of such election.

(d) LIMITATION ON FUNDING.—In no case shall this section (including the agreement under subsection (b)) permit—

(1) the obligation of funds for expenditures under this subtitle for periods beginning on or after January 1, 2020; or

(2) any increase in the dollar limitation described in subsection (a)(1)(B) for any portion of any fiscal year occurring on or after such date.

SEC. 347. NO FEDERAL PAYMENT FOR UNDOCUMENTED ALIENS.

Nothing in this subtitle shall allow Federal payments for affordability credits on behalf of individuals who are not lawfully present in the United States.

TITLE IV—SHARED RESPONSIBILITY

Subtitle A—Individual Responsibility

SEC. 401. INDIVIDUAL RESPONSIBILITY.

For an individual's responsibility to obtain acceptable coverage, see section 59B of the Internal Revenue Code of 1986 (as added by section 501 of this Act).

Subtitle B—Employer Responsibility

PART 1—HEALTH COVERAGE PARTICIPATION REQUIREMENTS

SEC. 411. HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

An employer meets the requirements of this section if such employer does all of the following:

(1) OFFER OF COVERAGE.—The employer offers each employee individual and family coverage under a qualified health benefits plan (or under a current employment-based health plan (within the meaning of section 202(b))) in accordance with section 412.

(2) CONTRIBUTION TOWARDS COVERAGE.—If an employee accepts such offer of coverage, the employer makes timely contributions towards such coverage in accordance with section 412.

(3) CONTRIBUTION IN LIEU OF COVERAGE.—Beginning with Y2, if an employee declines such offer but otherwise obtains coverage in an Exchange-participating health benefits plan (other than by reason of being covered by family coverage as a spouse or dependent of the primary insured), the employer shall make a timely contribution to the Health Insurance Exchange with respect to each such employee in accordance with section 413.

SEC. 412. EMPLOYER RESPONSIBILITY TO CONTRIBUTE TOWARD EMPLOYEE AND DEPENDENT COVERAGE.

(a) IN GENERAL.—An employer meets the requirements of this section with respect to an employee if the following requirements are met:

(1) OFFERING OF COVERAGE.—The employer offers the coverage described in section 411(1). In the case of an Exchange-eligible employer, the employer may offer such coverage either through an Exchange-participating health benefits plan or other than through such a plan.

(2) EMPLOYER REQUIRED CONTRIBUTION.—The employer timely pays to the issuer of such coverage an amount not less than the employer required contribution specified in subsection (b) for such coverage.

(3) PROVISION OF INFORMATION.—The employer provides the Health Choices Commissioner, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury, as applicable, with such information as the Commissioner may require to ascertain compliance with the requirements of this section, including the following:

(A) The name, date, and employer identification number of the employer.

(B) A certification as to whether the employer offers to its full-time employees (and their dependents) the opportunity to enroll in a qualified health benefits plan or a current employment-based health plan (within the meaning of section 202(b)).

(C) If the employer certifies that the employer did offer to its full-time employees (and their dependents) the opportunity to so enroll—

(i) the months during the calendar year for which such coverage was available; and

(ii) the monthly premium for the lowest cost option in each of the enrollment categories under each such plan offered to employees.

(D) The name, address, and TIN of each full-time employee during the calendar year and the months (if any) during which such employee (and any dependents) were covered under any such plans.

(4) AUTOENROLLMENT OF EMPLOYEES.—The employer provides for autoenrollment of the employee in accordance with subsection (c). This subsection shall supersede any law of a State which would prevent automatic payroll deduction of employee contributions to an employment-based health plan.

(b) REDUCTION OF EMPLOYEE PREMIUMS THROUGH MINIMUM EMPLOYER CONTRIBUTION.—

(1) FULL-TIME EMPLOYEES.—The minimum employer contribution described in this subsection for coverage of a full-time employee (and, if any, the employee's spouse and qualifying children (as defined in section 152(c) of the Internal Revenue Code of 1986)) under a qualified health benefits plan (or current employment-based health plan) is equal to—

(A) in case of individual coverage, not less than 72.5 percent of the applicable premium (as defined in section 4980B(f)(4) of such Code, subject to paragraph (2)) of the lowest cost plan offered by the employer that is a qualified health benefits plan (or is such current employment-based health plan); and

(B) in the case of family coverage which includes coverage of such spouse and children, not less 65 percent of such applicable premium of such lowest cost plan.

(2) APPLICABLE PREMIUM FOR EXCHANGE COVERAGE.—In this subtitle, the amount of the applicable premium of the lowest cost plan with respect to coverage of an employee under an Exchange-participating health benefits plan is the reference premium amount under section 343(c) for individual coverage (or, if elected, family coverage) for the premium rating area in which the individual or family resides.

(3) MINIMUM EMPLOYER CONTRIBUTION FOR EMPLOYEES OTHER THAN FULL-TIME EMPLOYEES.—In the case of coverage for an employee who is not a full-time employee, the amount of the minimum employer contribution under this subsection shall be a proportion (as determined in accordance with rules of the Health Choices Commissioner, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury, as applicable) of the minimum employer contribution under this subsection with respect to a full-time employee that reflects the proportion of—

(A) the average weekly hours of employment of the employee by the employer, to

(B) the minimum weekly hours specified by the Commissioner for an employee to be a full-time employee.

(4) SALARY REDUCTIONS NOT TREATED AS EMPLOYER CONTRIBUTIONS.—For purposes of this section, any contribution on behalf of an employee with respect to which there is a corresponding reduction in the compensation of the employee shall not be treated as an amount paid by the employer.

(c) AUTOMATIC ENROLLMENT FOR EMPLOYER SPONSORED HEALTH BENEFITS.—

(1) IN GENERAL.—The requirement of this subsection with respect to an employer and an employee is that the employer automatically enroll such employee into the employment-based health benefits plan for individual coverage under the plan option with the lowest applicable employee premium.

(2) OPT-OUT.—In no case may an employer automatically enroll an employee in a plan under paragraph (1) if such employee makes an affirmative election to opt out of such plan or to elect coverage under an employment-based health benefits plan offered by such employer. An employer shall provide an employee with a 30-day period to make such an affirmative election before the employer may automatically enroll the employee in such a plan.

(3) NOTICE REQUIREMENTS.—

(A) IN GENERAL.—Each employer described in paragraph (1) who automatically enrolls an employee into a plan as described in such paragraph shall provide the employees, within a reasonable period before the beginning of each plan year (or, in the case of new employees, within a reasonable period before the end of the enrollment period for such a new employee), written notice of the employees' rights and obligations relating to the automatic enrollment requirement under such paragraph. Such notice must be comprehensive and understood by the average employee to whom the automatic enrollment requirement applies.

(B) INCLUSION OF SPECIFIC INFORMATION.—The written notice under subparagraph (A) must explain an employee's right to opt out of being automatically enrolled in a plan and in the case that more than one level of benefits or employee premium level is offered by the employer involved, the notice must explain which level of benefits and employee

premium level the employee will be automatically enrolled in the absence of an affirmative election by the employee.

SEC. 413. EMPLOYER CONTRIBUTIONS IN LIEU OF COVERAGE.

(a) IN GENERAL.—A contribution is made in accordance with this section with respect to an employee if such contribution is equal to an amount equal to 8 percent of the average wages paid by the employer during the period of enrollment (determined by taking into account all employees of the employer and in such manner as the Commissioner provides, including rules providing for the appropriate aggregation of related employers) but not to exceed the minimum employer contribution described in section 412(b)(1)(A). Any such contribution—

(1) shall be paid to the Health Choices Commissioner for deposit into the Health Insurance Exchange Trust Fund; and

(2) shall not be applied against the premium of the employee under the Exchange-participating health benefits plan in which the employee is enrolled.

(b) SPECIAL RULES FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—In the case of any employer who is a small employer for any calendar year, subsection (a) shall be applied by substituting the applicable percentage determined in accordance with the following table for ''8 percent'':

If the annual payroll of such employer for the preceding calendar year:	The applicable percentage is:
Does not exceed $500,000	0 percent
Exceeds $500,000, but does not exceed $585,000	2 percent
Exceeds $585,000, but does not exceed $670,000	4 percent
Exceeds $670,000, but does not exceed $750,000	6 percent

(2) SMALL EMPLOYER.—For purposes of this subsection, the term ''small employer'' means any employer for any calendar year if the annual payroll of such employer for the preceding calendar year does not exceed $750,000.

(3) ANNUAL PAYROLL.—For purposes of this paragraph, the term ''annual payroll'' means, with respect to any employer for any calendar year, the aggregate wages paid by the employer during such calendar year.

(4) AGGREGATION RULES.—Related employers and predecessors shall be treated as a single employer for purposes of this subsection.

SEC. 414. AUTHORITY RELATED TO IMPROPER STEERING.

The Health Choices Commissioner (in coordination with the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury) shall have authority to set standards for determining whether employers or insurers are undertaking any actions to affect the risk pool within the Health Insurance Exchange by inducing individuals to decline coverage under a qualified health benefits plan (or current employment-based health plan (within the meaning of section 202(b)) offered by the employer and instead to enroll in an Exchange-participating health benefits plan. An employer violating such standards shall be treated as not meeting the requirements of this section.

SEC. 415. IMPACT STUDY ON EMPLOYER RESPONSIBILITY REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Labor shall conduct a study to examine the effect of the exemptions under section 512(a) and coverage thresholds under this division (in this section referred to collectively as ''employer responsibility requirements'' on employment-based health plan sponsorship, generally and within specific industries, and the effect of such requirements and thresholds on employers, employment-based health plans, and employees in each industry.

(b) ANNUAL REPORT.—The Secretary of Labor annually shall submit to Congress a report on findings on how employer responsibility requirements have impacted and are likely to impact employers, plans, and employees during the previous year and projected trends.

(c) LEGISLATIVE RECOMMENDATIONS.—No later than January 1, 2012 and on an annual basis thereafter, the Secretary of Labor shall submit legislative recommendations to Congress to modify the employer responsibility requirements if the Secretary determines that the requirements are detrimentally affecting or will detrimentally affect employer plan sponsorship or otherwise creating inequities among employers, health plans, and employees. The Secretary may also submit such recommendations as the Secretary determines necessary to improve and strengthen employment-based health plan sponsorship, employer responsibility, and related proposals that would enhance the delivery of health care benefits between employers and employees.

SEC. 416. STUDY ON EMPLOYER HARDSHIP EXEMPTION.

(a) IN GENERAL.—The Secretary of Labor together with the Secretary of Treasury, the Secretary of Health and Human Services, and the Commissioner, shall conduct a study to examine the impact of the employer responsibility requirements described in section 415(a) and make a recommendation to Congress about whether an employer hardship exemption would be appropriate.

(b) ITEMS INCLUDED IN STUDY.—Within such study the Secretaries and Commissioner shall examine cases where such employer responsibility requirements may pose a particular hardship, and specifically look at employers by industry, profit margin, length of time in business, and size. In this examination, the economic conditions shall be considered, including the rate of increase in business costs, the availability of short-term credit lines, and abilities to restructure debt. In addition, the study shall examine the impact an employer hardship waiver could have on employees.

(c) REPORT.—Not later than January 1, 2012, the Secretaries and Commissioner shall report to Congress on their findings and make a recommendation regarding the need or lack of need for a partial or complete employer hardship waiver. The Secretaries and Commissioner may also submit recommendations about the criteria Congress should include when developing eligibility requirements for the employer hardship waiver and what safeguards are necessary to protect the employees of that employer.

PART 2—SATISFACTION OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS

SEC. 421. SATISFACTION OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new part:

''PART 8—NATIONAL HEALTH COVERAGE PARTICIPATION REQUIREMENTS

''SEC. 801. ELECTION OF EMPLOYER TO BE SUBJECT TO NATIONAL HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

''(a) IN GENERAL.—An employer may make an election with the Secretary to be subject to the health coverage participation requirements.

''(b) TIME AND MANNER.—An election under subsection (a) may be made at such time and in such form and manner as the Secretary may prescribe.

''SEC. 802. TREATMENT OF COVERAGE RESULTING FROM ELECTION.

''(a) IN GENERAL.—If an employer makes an election to the Secretary under section 801—

''(1) such election shall be treated as the establishment and maintenance of a group health plan (as defined in section 733(a)) for purposes of this title, subject to section 251 of the Affordable Health Care for America Act; and

''(2) the health coverage participation requirements shall be deemed to be included as terms and conditions of such plan.

''(b) PERIODIC INVESTIGATIONS TO DISCOVER NONCOMPLIANCE.—The Secretary shall regularly audit a representative sampling of employers and group health plans and conduct investigations and other activities under section 504 with respect to such sampling of plans so as to discover noncompliance with the health coverage participation requirements in connection with such plans. The Secretary shall communicate findings of noncompliance made by the Secretary under this subsection to the Secretary of the Treasury and the Health Choices Commissioner. The Secretary shall take such timely enforcement action as appropriate to achieve compliance.

''(c) RECORDKEEPING.—To facilitate the audits described in subsection (b), the Secretary shall promulgate recordkeeping requirements for employers to account for both employees of the employer and individuals whom the employer has not treated as employees of the employer but with whom the employer, in the course of its trade or business, has engaged for the performance of labor or services. The scope and content of such recordkeeping requirements shall be determined by the Secretary and shall be designed to ensure that employees who are not properly treated as such may be identified and properly treated.

''SEC. 803. HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

''For purposes of this part, the term 'health coverage participation requirements' means the requirements of part 1 of subtitle B of title IV of division A of (as in effect on the date of the enactment of such Act).

''SEC. 804. RULES FOR APPLYING REQUIREMENTS.

''(a) AFFILIATED GROUPS.—In the case of any employer which is part of a group of employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986, the election under section 801 shall be made by such employer as the Secretary may provide. Any such election, once made, shall apply to all members of such group.

''(b) SEPARATE ELECTIONS.—Under regulations prescribed by the Secretary, separate elections may be made under section 801 with respect to—

''(1) separate lines of business, and

''(2) full-time employees and employees who are not full-time employees.

''SEC. 805. TERMINATION OF ELECTION IN CASES OF SUBSTANTIAL NONCOMPLIANCE.

''The Secretary may terminate the election of any employer under section 801 if the

Secretary (in coordination with the Health Choices Commissioner) determines that such employer is in substantial noncompliance with the health coverage participation requirements and shall refer any such determination to the Secretary of the Treasury as appropriate.

"SEC. 806. REGULATIONS.

"The Secretary may promulgate such regulations as may be necessary or appropriate to carry out the provisions of this part, in accordance with section 424(a) of the . The Secretary may promulgate any interim final rules as the Secretary determines are appropriate to carry out this part.".

(b) ENFORCEMENT OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "paragraph" and all that follows through "subsection (c)" and inserting "paragraph (2), (4), (5), (6), (7), (8), (9), (10), or (11) of subsection (c)"; and

(2) in subsection (c), by redesignating the second paragraph (10) as paragraph (12) and by inserting after the first paragraph (10) the following new paragraph:

"(11) HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—

"(A) CIVIL PENALTIES.—In the case of any employer who fails (during any period with respect to which an election under section 801(a) is in effect) to satisfy the health coverage participation requirements with respect to any employee, the Secretary may assess a civil penalty against the employer of $100 for each day in the period beginning on the date such failure first occurs and ending on the date such failure is corrected.

"(B) HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—For purposes of this paragraph, the term 'health coverage participation requirements' has the meaning provided in section 803.

"(C) LIMITATIONS ON AMOUNT OF PENALTY.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be assessed under subparagraph (A) with respect to any failure during any period for which it is established to the satisfaction of the Secretary that the employer did not know, or exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No penalty shall be assessed under subparagraph (A) with respect to any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect, and

"(II) such failure is corrected during the 30-day period beginning on the 1st date that the employer knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty assessed under subparagraph (A) for failures during any 1-year period shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding 1-year period for group health plans, or

"(II) $500,000.

"(D) ADVANCE NOTIFICATION OF FAILURE PRIOR TO ASSESSMENT.—Before a reasonable time prior to the assessment of any penalty under this paragraph with respect to any failure by an employer, the Secretary shall inform the employer in writing of such failure and shall provide the employer information regarding efforts and procedures which may be undertaken by the employer to correct such failure.

"(E) COORDINATION WITH EXCISE TAX.—Under regulations prescribed in accordance with section 424 of the Affordable Health Care for America Act, the Secretary and the Secretary of the Treasury shall coordinate the assessment of penalties under this section in connection with failures to satisfy health coverage participation requirements with the imposition of excise taxes on such failures under section 4980H(b) of the Internal Revenue Code of 1986 so as to avoid duplication of penalties with respect to such failures.

"(F) DEPOSIT OF PENALTY COLLECTED.—Any amount of penalty collected under this paragraph shall be deposited as miscellaneous receipts in the Treasury of the United States.".

(c) CLERICAL AMENDMENTS.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 734 the following new items:

"PART 8—NATIONAL HEALTH COVERAGE PARTICIPATION REQUIREMENTS

"Sec. 801. Election of employer to be subject to national health coverage participation requirements.
"Sec. 802. Treatment of coverage resulting from election.
"Sec. 803. Health coverage participation requirements.
"Sec. 804. Rules for applying requirements.
"Sec. 805. Termination of election in cases of substantial noncompliance.
"Sec. 806. Regulations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning after December 31, 2012.

SEC. 422. SATISFACTION OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.

(a) FAILURE TO ELECT, OR SUBSTANTIALLY COMPLY WITH, HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—For employment tax on employers who fail to elect, or substantially comply with, the health coverage participation requirements described in part 1, see section 3111(c) of the Internal Revenue Code of 1986 (as added by section 512 of this Act).

(b) OTHER FAILURES.—For excise tax on other failures of electing employers to comply with such requirements, see section 4980H of the Internal Revenue Code of 1986 (as added by section 511 of this Act).

SEC. 423. SATISFACTION OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part C of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2793. NATIONAL HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

"(a) ELECTION OF EMPLOYER TO BE SUBJECT TO NATIONAL HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—

"(1) IN GENERAL.—An employer may make an election with the Secretary to be subject to the health coverage participation requirements.

"(2) TIME AND MANNER.—An election under paragraph (1) may be made at such time and in such form and manner as the Secretary may prescribe.

"(b) TREATMENT OF COVERAGE RESULTING FROM ELECTION.—

"(1) IN GENERAL.—If an employer makes an election to the Secretary under subsection (a)—

"(A) such election shall be treated as the establishment and maintenance of a group health plan for purposes of this title, subject to section 251 of the Affordable Health Care for America Act; and

"(B) the health coverage participation requirements shall be deemed to be included as terms and conditions of such plan.

"(2) PERIODIC INVESTIGATIONS TO DETERMINE COMPLIANCE WITH HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—The Secretary shall regularly audit a representative sampling of employers and conduct investigations and other activities with respect to such sampling of employers so as to discover noncompliance with the health coverage participation requirements in connection with such employers (during any period with respect to which an election under subsection (a) is in effect). The Secretary shall communicate findings of noncompliance made by the Secretary under this subsection to the Secretary of the Treasury and the Health Choices Commissioner. The Secretary shall take such timely enforcement action as appropriate to achieve compliance.

"(3) RECORDKEEPING.—To facilitate the audits described in subsection (b), the Secretary shall promulgate recordkeeping requirements for employers to account for both employees of the employer and individuals whom the employer has not treated as employees of the employer but with whom the employer, in the course of its trade or business, has engaged for the performance of labor or services. The scope and content of such recordkeeping requirements shall be determined by the Secretary and shall be designed to ensure that employees who are not properly treated as such may be identified and properly treated.

"(c) HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—For purposes of this section, the term 'health coverage participation requirements' means the requirements of part 1 of subtitle B of title IV of division A of the (as in effect on the date of the enactment of this section).

"(d) SEPARATE ELECTIONS.—Under regulations prescribed by the Secretary, separate elections may be made under subsection (a) with respect to full-time employees and employees who are not full-time employees.

"(e) TERMINATION OF ELECTION IN CASES OF SUBSTANTIAL NONCOMPLIANCE.—The Secretary may terminate the election of any employer under subsection (a) if the Secretary (in coordination with the Health Choices Commissioner) determines that such employer is in substantial noncompliance with the health coverage participation requirements and shall refer any such determination to the Secretary of the Treasury as appropriate.

"(f) ENFORCEMENT OF HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—

"(1) CIVIL PENALTIES.—In the case of any employer who fails (during any period with respect to which the election under subsection (a) is in effect) to satisfy the health coverage participation requirements with respect to any employee, the Secretary may assess a civil penalty against the employer of $100 for each day in the period beginning on the date such failure first occurs and ending on the date such failure is corrected.

"(2) LIMITATIONS ON AMOUNT OF PENALTY.—

"(A) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be assessed under paragraph (1) with respect to any failure during any period for which it is established to the satisfaction of the Secretary that the employer did not know, or exercising reasonable diligence would not have known, that such failure existed.

"(B) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No penalty shall be assessed under paragraph (1) with respect to any failure if—

"(i) such failure was due to reasonable cause and not to willful neglect, and

"(ii) such failure is corrected during the 30-day period beginning on the 1st date that the employer knew, or exercising reasonable diligence would have known, that such failure existed.

"(C) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures

which are due to reasonable cause and not to willful neglect, the penalty assessed under paragraph (1) for failures during any 1-year period shall not exceed the amount equal to the lesser of—

''(i) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans, or

''(ii) $500,000.

''(3) ADVANCE NOTIFICATION OF FAILURE PRIOR TO ASSESSMENT.—Before a reasonable time prior to the assessment of any penalty under paragraph (1) with respect to any failure by an employer, the Secretary shall inform the employer in writing of such failure and shall provide the employer information regarding efforts and procedures which may be undertaken by the employer to correct such failure.

''(4) ACTIONS TO ENFORCE ASSESSMENTS.—The Secretary may bring a civil action in any District Court of the United States to collect any civil penalty under this subsection.

''(5) COORDINATION WITH EXCISE TAX.—Under regulations prescribed in accordance with section 424 of the Affordable Health Care for America Act, the Secretary and the Secretary of the Treasury shall coordinate the assessment of penalties under paragraph (1) in connection with failures to satisfy health coverage participation requirements with the imposition of excise taxes on such failures under section 4980H(b) of the Internal Revenue Code of 1986 so as to avoid duplication of penalties with respect to such failures.

''(6) DEPOSIT OF PENALTY COLLECTED.—Any amount of penalty collected under this subsection shall be deposited as miscellaneous receipts in the Treasury of the United States.

''(g) REGULATIONS.—The Secretary may promulgate such regulations as may be necessary or appropriate to carry out the provisions of this section, in accordance with section 424(a) of the . The Secretary may promulgate any interim final rules as the Secretary determines are appropriate to carry out this section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to periods beginning after December 31, 2012.

SEC. 424. ADDITIONAL RULES RELATING TO HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

(a) ASSURING COORDINATION.—The officers consisting of the Secretary of Labor, the Secretary of the Treasury, the Secretary of Health and Human Services, and the Health Choices Commissioner shall ensure, through the execution of an interagency memorandum of understanding among such officers, that—

(1) regulations, rulings, and interpretations issued by such officers relating to the same matter over which two or more of such officers have responsibility under subpart B of part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, section 4980H of the Internal Revenue Code of 1986, and section 2793 of the Public Health Service Act are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such officers in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(b) MULTIEMPLOYER PLANS.—In the case of a group health plan that is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the regulations prescribed in accordance with subsection (a) by the officers referred to in subsection (a) shall provide for the application of the health coverage participation requirements to the plan sponsor and contributing employers of such plan. For purposes of this division, contributions made pursuant to a collective bargaining agreement or other agreement to such a group health plan shall be treated as amounts paid by the employer.

TITLE V—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Subtitle A—Provisions Relating to Health Care Reform

PART 1—SHARED RESPONSIBILITY

Subpart A—Individual Responsibility

SEC. 501. TAX ON INDIVIDUALS WITHOUT ACCEPTABLE HEALTH CARE COVERAGE.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—HEALTH CARE RELATED TAXES

''SUBPART A. TAX ON INDIVIDUALS WITHOUT ACCEPTABLE HEALTH CARE COVERAGE.

"Subpart A—Tax on Individuals Without Acceptable Health Care Coverage

''Sec. 59B. Tax on individuals without acceptable health care coverage.

"SEC. 59B. TAX ON INDIVIDUALS WITHOUT ACCEPTABLE HEALTH CARE COVERAGE.

''(a) TAX IMPOSED.—In the case of any individual who does not meet the requirements of subsection (d) at any time during the taxable year, there is hereby imposed a tax equal to 2.5 percent of the excess of—

''(1) the taxpayer's modified adjusted gross income for the taxable year, over

''(2) the amount of gross income specified in section 6012(a)(1) with respect to the taxpayer.

''(b) LIMITATIONS.—

''(1) TAX LIMITED TO AVERAGE PREMIUM.—

''(A) IN GENERAL.—The tax imposed under subsection (a) with respect to any taxpayer for any taxable year shall not exceed the applicable national average premium for such taxable year.

''(B) APPLICABLE NATIONAL AVERAGE PREMIUM.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the 'applicable national average premium' means, with respect to any taxable year, the average premium (as determined by the Secretary, in coordination with the Health Choices Commissioner) for self-only coverage under a basic plan which is offered in a Health Insurance Exchange for the calendar year in which such taxable year begins.

''(ii) FAILURE TO PROVIDE COVERAGE FOR MORE THAN ONE INDIVIDUAL.—In the case of any taxpayer who fails to meet the requirements of subsection (d) with respect to more than one individual during the taxable year, clause (i) shall be applied by substituting 'family coverage' for 'self-only coverage'.

''(2) PRORATION FOR PART YEAR FAILURES.—The tax imposed under subsection (a) with respect to any taxpayer for any taxable year shall not exceed the amount which bears the same ratio to the amount of tax so imposed (determined without regard to this paragraph and after application of paragraph (1)) as—

''(A) the aggregate periods during such taxable year for which such individual failed to meet the requirements of subsection (d), bears to

''(B) the entire taxable year.

''(c) EXCEPTIONS.—

''(1) DEPENDENTS.—Subsection (a) shall not apply to any individual for any taxable year if a deduction is allowable under section 151 with respect to such individual to another taxpayer for any taxable year beginning in the same calendar year as such taxable year.

''(2) NONRESIDENT ALIENS.—Subsection (a) shall not apply to any individual who is a nonresident alien.

''(3) INDIVIDUALS RESIDING OUTSIDE UNITED STATES.—Any qualified individual (as defined in section 911(d)) (and any qualifying child residing with such individual) shall be treated for purposes of this section as covered by acceptable coverage during the period described in subparagraph (A) or (B) of section 911(d)(1), whichever is applicable.

''(4) INDIVIDUALS RESIDING IN POSSESSIONS OF THE UNITED STATES.—Any individual who is a bona fide resident of any possession of the United States (as determined under section 937(a)) for any taxable year (and any qualifying child residing with such individual) shall be treated for purposes of this section as covered by acceptable coverage during such taxable year.

''(5) RELIGIOUS CONSCIENCE EXEMPTION.—

''(A) IN GENERAL.—Subsection (a) shall not apply to any individual (and any qualifying child residing with such individual) for any period if such individual has in effect an exemption which certifies that such individual is a member of a recognized religious sect or division thereof described in section 1402(g)(1) and an adherent of established tenets or teachings of such sect or division as described in such section.

''(B) EXEMPTION.—An application for the exemption described in subparagraph (A) shall be filed with the Secretary at such time and in such form and manner as the Secretary may prescribe. The Secretary may treat an application for exemption under section 1402(g)(1) as an application for exemption under this section, or may otherwise coordinate applications under such sections, as the Secretary determines appropriate. Any such exemption granted by the Secretary shall be effective for such period as the Secretary determines appropriate.

''(d) ACCEPTABLE COVERAGE REQUIREMENT.—

''(1) IN GENERAL.—The requirements of this subsection are met with respect to any individual for any period if such individual (and each qualifying child of such individual) is covered by acceptable coverage at all times during such period.

''(2) ACCEPTABLE COVERAGE.—For purposes of this section, the term 'acceptable coverage' means any of the following:

''(A) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—Coverage under a qualified health benefits plan (as defined in section 100(c) of the).

''(B) GRANDFATHERED HEALTH INSURANCE COVERAGE; COVERAGE UNDER GRANDFATHERED EMPLOYMENT-BASED HEALTH PLAN.—Coverage under a grandfathered health insurance coverage (as defined in subsection (a) of section 202 of the Affordable Health Care for America Act) or under a current employment-based health plan (within the meaning of subsection (b) of such section).

''(C) MEDICARE.—Coverage under part A of title XVIII of the Social Security Act.

''(D) MEDICAID.—Coverage for medical assistance under title XIX of the Social Security Act.

''(E) MEMBERS OF THE ARMED FORCES AND DEPENDENTS (INCLUDING TRICARE).—Coverage under chapter 55 of title 10, United States Code, including similar coverage furnished under section 1781 of title 38 of such Code.

''(F) VA.—Coverage under the veteran's health care program under chapter 17 of title 38, United States Code.

''(G) MEMBERS OF INDIAN TRIBES.—Health care services made available through the Indian Health Service, a tribal organization (as defined in section 4 of the Indian Health Care Improvement Act), or an urban Indian organization (as defined in such section) to members of an Indian tribe (as defined in such section).

''(H) OTHER COVERAGE.—Such other health benefits coverage as the Secretary, in coordination with the Health Choices Commissioner, recognizes for purposes of this subsection.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—

''(1) QUALIFYING CHILD.—For purposes of this section, the term 'qualifying child' has the meaning given such term by section 152(c). With respect to any period during which health coverage for a child must be provided by an individual pursuant to a child support order, such child shall be treated as a qualifying child of such individual (and not as a qualifying child of any other individual).

''(2) BASIC PLAN.—For purposes of this section, the term 'basic plan' has the meaning given such term under section 100(c) of the Affordable Health Care for America Act.

''(3) HEALTH INSURANCE EXCHANGE.—For purposes of this section, the term 'Health Insurance Exchange' has the meaning given such term under section 100(c) of the Affordable Health Care for America Act, including any State-based health insurance exchange approved for operation under section 308 of such Act.

''(4) FAMILY COVERAGE.—For purposes of this section, the term 'family coverage' means any coverage other than self-only coverage.

''(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income increased by—

''(A) any amount excluded from gross income under section 911, and

''(B) any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

''(6) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance (developed in coordination with the Health Choices Commissioner) which provide—

''(1) exemption from the tax imposed under subsection (a) in cases of de minimis lapses of acceptable coverage, and

''(2) a waiver of the application of subsection (a) in cases of hardship, including a process for applying for such a waiver.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6050W the following new section:

"SEC. 6050X. RETURNS RELATING TO HEALTH INSURANCE COVERAGE.

''(a) REQUIREMENT OF REPORTING.—Every person who provides acceptable coverage (as defined in section 59B(d)) to any individual during any calendar year shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to such individual.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the primary insured and the name of each other individual obtaining coverage under the policy,

''(B) the period for which each such individual was provided with the coverage referred to in subsection (a), and

''(C) such other information as the Secretary may require.

''(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each primary insured whose name is required to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

''(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(d) COVERAGE PROVIDED BY GOVERNMENTAL UNITS.—In the case of coverage provided by any governmental unit or any agency or instrumentality thereof, the officer or employee who enters into the agreement to provide such coverage (or the person appropriately designated for purposes of this section) shall make the returns and statements required by this section.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Subparagraph (B) of section 6724(d)(1) of such Code is amended by striking ''or'' at the end of clause (xxii), by striking ''and'' at the end of clause (xxiii) and inserting ''or'', and by adding at the end the following new clause:

''(xxiv) section 6050X (relating to returns relating to health insurance coverage), and''.

(B) STATEMENT.—Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of subparagraph (EE), by striking the period at the end of subparagraph (FF) and inserting '', or'', and by inserting after subparagraph (FF) the following new subparagraph:

''(GG) section 6050X (relating to returns relating to health insurance coverage).''.

(c) RETURN REQUIREMENT.—Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

''(10) Every individual to whom section 59B(a) applies and who fails to meet the requirements of section 59B(d) with respect to such individual or any qualifying child (as defined in section 152(c)) of such individual.''.

(d) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VIII. HEALTH CARE RELATED TAXES.''.

(2) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new item:

''Sec. 6050X. Returns relating to health insurance coverage.''.

(e) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RETURNS.—The amendments made by subsection (b) shall apply to calendar years beginning after December 31, 2012.

Subpart B—Employer Responsibility

SEC. 511. ELECTION TO SATISFY HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 4980H. ELECTION WITH RESPECT TO HEALTH COVERAGE PARTICIPATION REQUIREMENTS.

''(a) ELECTION OF EMPLOYER RESPONSIBILITY TO PROVIDE HEALTH COVERAGE.—

''(1) IN GENERAL.—Subsection (b) shall apply to any employer with respect to whom an election under paragraph (2) is in effect.

''(2) TIME AND MANNER.—An employer may make an election under this paragraph at such time and in such form and manner as the Secretary may prescribe.

''(3) AFFILIATED GROUPS.—In the case of any employer which is part of a group of employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414, the election under paragraph (2) shall be made by such person as the Secretary may provide. Any such election, once made, shall apply to all members of such group.

''(4) SEPARATE ELECTIONS.—Under regulations prescribed by the Secretary, separate elections may be made under paragraph (2) with respect to—

''(A) separate lines of business, and

''(B) full-time employees and employees who are not full-time employees.

''(5) TERMINATION OF ELECTION IN CASES OF SUBSTANTIAL NONCOMPLIANCE.—The Secretary may terminate the election of any employer under paragraph (2) if the Secretary (in coordination with the Health Choices Commissioner) determines that such employer is in substantial noncompliance with the health coverage participation requirements.

''(b) EXCISE TAX WITH RESPECT TO FAILURE TO MEET HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—

''(1) IN GENERAL.—In the case of any employer who fails (during any period with respect to which the election under subsection (a) is in effect) to satisfy the health coverage participation requirements with respect to any employee to whom such election applies, there is hereby imposed on each such failure with respect to each such employee a tax of $100 for each day in the period beginning on the date such failure first occurs and ending on the date such failure is corrected.

''(2) LIMITATIONS ON AMOUNT OF TAX.—

''(A) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by paragraph (1) on any failure during any period for which it is established to the satisfaction of the Secretary that the employer neither knew, nor exercising reasonable diligence would have known, that such failure existed.

''(B) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by paragraph (1) on any failure if—

''(i) such failure was due to reasonable cause and not to willful neglect, and

''(ii) such failure is corrected during the 30-day period beginning on the 1st date that the employer knew, or exercising reasonable diligence would have known, that such failure existed.

''(C) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer shall not exceed the amount equal to the lesser of—

''(i) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for employment-based health plans, or

''(ii) $500,000.

''(D) COORDINATION WITH OTHER ENFORCEMENT PROVISIONS.—The tax imposed under paragraph (1) with respect to any failure shall be reduced (but not below zero) by the amount of any civil penalty collected under

section 502(c)(11) of the Employee Retirement Income Security Act of 1974 or section 2793(g) of the Public Health Service Act with respect to such failure.

''(c) HEALTH COVERAGE PARTICIPATION REQUIREMENTS.—For purposes of this section, the term 'health coverage participation requirements' means the requirements of part I of subtitle B of title IV of the (as in effect on the date of the enactment of this section).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

''Sec. 4980H. Election with respect to health coverage participation requirements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning after December 31, 2012.

SEC. 512. HEALTH CARE CONTRIBUTIONS OF NONELECTING EMPLOYERS.

(a) IN GENERAL.—Section 3111 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) EMPLOYERS ELECTING NOT TO PROVIDE HEALTH BENEFITS.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every nonelecting employer an excise tax, with respect to having individuals in his employ, equal to 8 percent of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b)).

''(2) SPECIAL RULES FOR SMALL EMPLOYERS.—

''(A) IN GENERAL.—In the case of any employer who is small employer for any calendar year, paragraph (1) shall be applied by substituting the applicable percentage determined in accordance with the following table for '8 percent':

"If the annual payroll of such employer for the preceding calendar year:	The applicable percentage is:
Does not exceed $500,000	0 percent
Exceeds $500,000, but does not exceed $585,000	2 percent
Exceeds $585,000, but does not exceed $670,000	4 percent
Exceeds $670,000, but does not exceed $750,000	6 percent

''(B) SMALL EMPLOYER.—For purposes of this paragraph, the term 'small employer' means any employer for any calendar year if the annual payroll of such employer for the preceding calendar year does not exceed $750,000.

''(C) ANNUAL PAYROLL.—For purposes of this paragraph, the term 'annual payroll' means, with respect to any employer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b)) during such calendar year.

''(3) NONELECTING EMPLOYER.—For purposes of paragraph (1), the term 'nonelecting employer' means any employer for any period with respect to which such employer does not have an election under section 4980H(a) in effect.

''(4) SPECIAL RULE FOR SEPARATE ELECTIONS.—In the case of an employer who makes a separate election described in section 4980H(a)(4) for any period, paragraph (1) shall be applied for such period by taking into account only the wages paid to employees who are not subject to such election.

''(5) AGGREGATION; PREDECESSORS.—For purposes of this subsection—

''(A) all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer, and

''(B) any reference to any person shall be treated as including a reference to any predecessor of such person.''.

(b) DEFINITIONS.—Section 3121 of such Code is amended by adding at the end the following new subsection:

''(aa) SPECIAL RULES FOR TAX ON EMPLOYERS ELECTING NOT TO PROVIDE HEALTH BENEFITS.—For purposes of section 3111(c)—

''(1) Paragraphs (1), (5), and (19) of subsection (b) shall not apply.

''(2) Paragraph (7) of subsection (b) shall apply by treating all services as not covered by the retirement systems referred to in subparagraphs (C) and (F) thereof.

''(3) Subsection (e) shall not apply and the term 'State' shall include the District of Columbia.''.

(c) CONFORMING AMENDMENT.—Subsection (d) of section 3111 of such Code, as redesignated by this section, is amended by striking ''this section'' and inserting ''subsections (a) and (b)''.

(d) APPLICATION TO RAILROADS.—

(1) IN GENERAL.—Section 3221 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) EMPLOYERS ELECTING NOT TO PROVIDE HEALTH BENEFITS.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every nonelecting employer an excise tax, with respect to having individuals in his employ, equal to 8 percent of the compensation paid during any calendar year by such employer for services rendered to such employer.

''(2) EXCEPTION FOR SMALL EMPLOYERS.—Rules similar to the rules of section 3111(c)(2) shall apply for purposes of this subsection.

''(3) NONELECTING EMPLOYER.—For purposes of paragraph (1), the term 'nonelecting employer' means any employer for any period with respect to which such employer does not have an election under section 4980H(a) in effect.

''(4) SPECIAL RULE FOR SEPARATE ELECTIONS.—In the case of an employer who makes a separate election described in section 4980H(a)(4) for any period, subsection (a) shall be applied for such period by taking into account only the compensation paid to employees who are not subject to such election.''.

(2) DEFINITIONS.—Subsection (e) of section 3231 of such Code is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULES FOR TAX ON EMPLOYERS ELECTING NOT TO PROVIDE HEALTH BENEFITS.—For purposes of section 3221(c)—

''(A) Paragraph (1) shall be applied without regard to the third sentence thereof.

''(B) Paragraph (2) shall not apply.''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 3221 of such Code, as redesignated by this section, is amended by striking ''subsections (a) and (b), see section 3231(e)(2)'' and inserting ''this section, see paragraphs (2) and (13)(B) of section 3231(e)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning after December 31, 2012.

PART 2—CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH COVERAGE EXPENSES

SEC. 521. CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH COVERAGE EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45R. SMALL BUSINESS EMPLOYEE HEALTH COVERAGE CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of a qualified small employer, the small business employee health coverage credit determined under this section for the taxable year is an amount equal to the applicable percentage of the qualified employee health coverage expenses of such employer for such taxable year.

''(b) APPLICABLE PERCENTAGE.—

''(1) IN GENERAL.—For purposes of this section, the applicable percentage is 50 percent.

''(2) PHASEOUT BASED ON AVERAGE COMPENSATION OF EMPLOYEES.—In the case of an employer whose average annual employee compensation for the taxable year exceeds $20,000, the percentage specified in paragraph (1) shall be reduced by a number of percentage points which bears the same ratio to 50 as such excess bears to $20,000.

''(c) LIMITATIONS.—

''(1) PHASEOUT BASED ON EMPLOYER SIZE.—In the case of an employer who employs more than 10 qualified employees during the taxable year, the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of such credit (determined without regard to this paragraph and after the application of the other provisions of this section) as—

''(A) the excess of—

''(i) the number of qualified employees employed by the employer during the taxable year, over

''(ii) 10, bears to

''(B) 15.

''(2) CREDIT NOT ALLOWED WITH RESPECT TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.—No credit shall be determined under subsection (a) with respect to qualified employee health coverage expenses paid or incurred with respect to any employee for any taxable year if the aggregate compensation paid by the employer to such employee during such taxable year exceeds $80,000.

''(3) CREDIT ALLOWED FOR ONLY 2 TAXABLE YEARS.—No credit shall be determined under subsection (a) with respect to any employer for any taxable year unless the employer elects to have this section apply for such taxable year. An employer may elect the application of this section with respect to not more than 2 taxable years.

''(d) QUALIFIED EMPLOYEE HEALTH COVERAGE EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified employee health coverage expenses' means, with respect to any employer for any taxable year, the aggregate amount paid or incurred by such employer during such taxable year for coverage of any qualified employee of the employer (including any family coverage which covers such employee) under qualified health coverage.

''(2) QUALIFIED HEALTH COVERAGE.—The term 'qualified health coverage' means acceptable coverage (as defined in section 59B(d)) which—

''(A) is provided pursuant to an election under section 4980H(a), and

''(B) satisfies the requirements referred to in section 4980H(c).

''(e) OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SMALL EMPLOYER.—For purposes of this section, the term 'qualified small employer' means any employer for any taxable year if—

''(A) the number of qualified employees employed by such employer during the taxable year does not exceed 25, and

''(B) the average annual employee compensation of such employer for such taxable year does not exceed the sum of the dollar amounts in effect under subsection (b)(2).

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means any employee of an employer for any taxable year of the employer if such employee received at least $5,000 of compensation from such employer for services performed in the trade or business of such employer during such taxable year.

''(3) AVERAGE ANNUAL EMPLOYEE COMPENSATION.—The term 'average annual employee compensation' means, with respect to any employer for any taxable year, the average amount of compensation paid by such employer to qualified employees of such employer during such taxable year.

''(4) COMPENSATION.—The term 'compensation' has the meaning given such term in section 408(p)(6)(A).

''(5) FAMILY COVERAGE.—The term 'family coverage' means any coverage other than self-only coverage.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PARTNERSHIPS AND SELF-EMPLOYED.—In the case of a partnership (or a trade or business carried on by an individual) which has one or more qualified employees (determined without regard to this paragraph) with respect to whom the election under section 4980H(a) applies, each partner (or, in the case of a trade or business carried on by an individual, such individual) shall be treated as an employee.

''(2) AGGREGATION RULE.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

''(3) PREDECESSORS.—Any reference in this section to an employer shall include a reference to any predecessor of such employer.

''(4) DENIAL OF DOUBLE BENEFIT.—Any deduction otherwise allowable with respect to amounts paid or incurred for health insurance coverage to which subsection (a) applies shall be reduced by the amount of the credit determined under this section.

''(5) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, each of the dollar amounts in subsections (b)(2), (c)(2), and (e)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this paragraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'' , and by adding at the end the following new paragraph:

''(36) in the case of a qualified small employer (as defined in section 45R(e)), the small business employee health coverage credit determined under section 45R(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45Q the following new item:

''Sec. 45R. Small business employee health coverage credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

PART 3—LIMITATIONS ON HEALTH CARE RELATED EXPENDITURES

SEC. 531. DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.

(a) HSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Such term shall include an amount paid for medicine or a drug only if such medicine or drug is a prescribed drug or is insulin.''.

(b) ARCHER MSAS.—Subparagraph (A) of section 220(d)(2) of such Code is amended by adding at the end the following: ''Such term shall include an amount paid for medicine or a drug only if such medicine or drug is a prescribed drug or is insulin.''.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by adding at the end the following new subsection:

''(f) REIMBURSEMENTS FOR MEDICINE RESTRICTED TO PRESCRIBED DRUGS AND INSULIN.—For purposes of this section and section 105, reimbursement for expenses incurred for a medicine or a drug shall be treated as a reimbursement for medical expenses only if such medicine or drug is a prescribed drug or is insulin.''.

(d) EFFECTIVE DATES.—The amendment made by this section shall apply to expenses incurred after December 31, 2010.

SEC. 532. LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and

(2) by inserting after subsection (h) the following new subsection:

''(i) LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—

''(1) IN GENERAL.—For purposes of this section, if a benefit is provided under a cafeteria plan through employer contributions to a health flexible spending arrangement, such benefit shall not be treated as a qualified benefit unless the cafeteria plan provides that an employee may not elect for any taxable year to have salary reduction contributions in excess of $2,500 made to such arrangement.

''(2) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this paragraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 533. INCREASE IN PENALTY FOR NONQUALIFIED DISTRIBUTIONS FROM HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subparagraph (A) of section 223(f)(4) of the Internal Revenue Code of 1986 is amended by striking ''10 percent'' and inserting ''20 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 534. DENIAL OF DEDUCTION FOR FEDERAL SUBSIDIES FOR PRESCRIPTION DRUG PLANS WHICH HAVE BEEN EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by striking the second sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

PART 4—OTHER PROVISIONS TO CARRY OUT HEALTH INSURANCE REFORM

SEC. 541. DISCLOSURES TO CARRY OUT HEALTH INSURANCE EXCHANGE SUBSIDIES.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT HEALTH INSURANCE EXCHANGE SUBSIDIES.—

''(A) IN GENERAL.—The Secretary, upon written request from the Health Choices Commissioner or the head of a State-based health insurance exchange approved for operation under section 308 of the Affordable Health Care for America Act, shall disclose to officers and employees of the Health Choices Administration or such State-based health insurance exchange, as the case may be, return information of any taxpayer whose income is relevant in determining any affordability credit described in subtitle C of title III of the Affordable Health Care for America Act. Such return information shall be limited to—

''(i) taxpayer identity information with respect to such taxpayer,

''(ii) the filing status of such taxpayer,

''(iii) the modified adjusted gross income of such taxpayer (as defined in section 59B(e)(5)),

''(iv) the number of dependents of the taxpayer,

''(v) such other information as is prescribed by the Secretary by regulation as might indicate whether the taxpayer is eligible for such affordability credits (and the amount thereof), and

''(vi) the taxable year with respect to which the preceding information relates or, if applicable, the fact that such information is not available.

''(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Health Choices Administration or such State-based health insurance exchange, as the case may be, only for the purposes of, and to the extent necessary in, establishing and verifying the appropriate amount of any affordability credit described in subtitle C of title III of the Affordable Health Care for America Act and providing for the repayment of any such credit which was in excess of such appropriate amount.''.

(b) PROCEDURES AND RECORDKEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended—

(1) by inserting '', or any entity described in subsection (l)(21),'' after ''or (20)'' in the matter preceding subparagraph (A),

(2) by inserting ''or any entity described in subsection (l)(21),'' after ''or (o)(1)(A),'' in subparagraph (F)(ii), and

(3) by inserting ''or any entity described in subsection (l)(21),'' after ''or (20),'' both places it appears in the matter after subparagraph (F).

(c) UNAUTHORIZED DISCLOSURE OR INSPECTION.—Paragraph (2) of section 7213(a) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

SEC. 542. OFFERING OF EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS THROUGH CAFETERIA PLANS.

(a) IN GENERAL.—Subsection (f) of section 125 of the Internal Revenue Code of 1986 is

amended by adding at the end the following new paragraph:

''(3) CERTAIN EXCHANGE-PARTICIPATING HEALTH BENEFITS PLANS NOT QUALIFIED.—

''(A) IN GENERAL.—The term 'qualified benefit' shall not include any exchange-participating health benefits plan (as defined in section 101(c) of the Affordable Health Care for America Act).

''(B) EXCEPTION FOR EXCHANGE-ELIGIBLE EMPLOYERS.—Subparagraph (A) shall not apply with respect to any employee if such employee's employer is an exchange-eligible employer (as defined in section 302 of the Affordable Health Care for America Act).''.

(b) CONFORMING AMENDMENTS.—Subsection (f) of section 125 of such Code is amended—

(1) by striking ''For purposes of this section, the term'' and inserting ''For purposes of this section—

''(1) IN GENERAL.—The term'', and

(2) by striking ''Such term shall not include'' and inserting the following:

''(2) LONG-TERM CARE INSURANCE NOT QUALIFIED.—The term 'qualified benefit' shall not include''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 543. EXCLUSION FROM GROSS INCOME OF PAYMENTS MADE UNDER REINSURANCE PROGRAM FOR RETIREES.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Gross income'' and inserting the following:

''(a) FEDERAL SUBSIDIES FOR PRESCRIPTION DRUG PLANS.—Gross income'', and

(2) by adding at the end the following new subsection:

''(b) FEDERAL REINSURANCE PROGRAM FOR RETIREES.—A rule similar to the rule of subsection (a) shall apply with respect to payments made under section 111 of the Affordable Health Care for America Act.''.

(b) CONFORMING AMENDMENT.—The heading of section 139A of such Code (and the item relating to such section in the table of sections for part III of subchapter B of chapter 1 of such Code) is amended by inserting ''**AND RETIREE HEALTH PLANS**'' after ''**PRESCRIPTION DRUG PLANS**''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 544. CLASS PROGRAM TREATED IN SAME MANNER AS LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subsection (f) of section 7702B of the Internal Revenue Code of 1986 is amended—

(1) by striking ''State long-term care plan'' in paragraph (1)(A) and inserting ''government long-term care plan'',

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (2) the following new paragraph:

''(2) GOVERNMENT LONG-TERM CARE PLAN.—For purposes of this subsection, the term 'government long-term care plan' means—

''(A) the CLASS program established under title XXXII of the Public Health Service Act, and

''(B) any State long-term care plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7702B(f) of such Code, as redesignated by subsection (a), is amended by striking ''paragraph (1)'' and inserting ''this subsection''.

(2) Subsection (f) of section 7702(B) of such Code is amended by striking ''STATE-MAINTAINED'' in the heading thereof and inserting ''GOVERNMENT''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2010.

SEC. 545. EXCLUSION FROM GROSS INCOME FOR MEDICAL CARE PROVIDED FOR INDIANS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139C the following new section:

''SEC. 139D. MEDICAL CARE PROVIDED FOR INDIANS.

''(a) IN GENERAL.—Gross income does not include—

''(1) health services or benefits provided or purchased by the Indian Health Service, either directly or indirectly, through a grant to or a contract or compact with an Indian tribe or tribal organization or through programs of third parties funded by the Indian Health Service,

''(2) medical care provided by an Indian tribe or tribal organization to a member of an Indian tribe (including for this purpose, to the member's spouse or dependents) through any one of the following: provided or purchased medical care services; accident or health insurance (or an arrangement having the effect of accident or health insurance); or amounts paid, directly or indirectly, to reimburse the member for expenses incurred for medical care,

''(3) the value of accident or health plan coverage provided by an Indian tribe or tribal organization for medical care to a member of an Indian tribe (including for this purpose, coverage that extends to such member's spouse or dependents) under an accident or health plan (or through an arrangement having the effect of accident or health insurance), and

''(4) any other medical care provided by an Indian tribe that supplements, replaces, or substitutes for the programs and services provided by the Federal Government to Indian tribes or Indians.

''(b) DEFINITIONS.—For purposes of this section—

''(1) IN GENERAL.—The terms 'accident or health insurance' and 'accident or health plan' have the same meaning as when used in sections 104 and 106.

''(2) MEDICAL CARE.—The term 'medical care' has the meaning given such term in section 213.

''(3) DEPENDENT.—The term 'dependent' has the meaning given such term in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B).

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 139C the following new item:

''Sec. 139D. Medical care provided for Indians.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to health benefits and coverage provided after the date of enactment of this Act.

(d) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create an inference with respect to the exclusion from gross income of—

(1) benefits provided by Indian tribes that are not within the scope of this section, and

(2) health benefits or coverage provided by Indian tribes prior to the effective date of this section.

Subtitle B—Other Revenue Provisions

PART 1—GENERAL PROVISIONS

SEC. 551. SURCHARGE ON HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Part VIII of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as added by this title, is amended by adding at the end the following new subpart:

''Subpart B—Surcharge on High Income Individuals

''Sec. 59C. Surcharge on high income individuals.

''SEC. 59C. SURCHARGE ON HIGH INCOME INDIVIDUALS.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 5.4 percent of so much of the modified adjusted gross income of the taxpayer as exceeds $1,000,000.

''(b) TAXPAYERS NOT MAKING A JOINT RETURN.—In the case of any taxpayer other than a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), subsection (a) shall be applied by substituting '$500,000' for '$1,000,000'.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) (after the application of subsection (b)) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of subparts for part VIII of subchapter A of chapter 1 of such Code, as added by this title, is amended by inserting after the item relating to subpart A the following new item:

''SUBPART B. SURCHARGE ON HIGH INCOME INDIVIDUALS.''.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 552. EXCISE TAX ON MEDICAL DEVICES.

(a) IN GENERAL.—Chapter 31 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter D—Medical Devices

''Sec. 4061. Medical devices.

"SEC. 4061. MEDICAL DEVICES.

''(a) IN GENERAL.—There is hereby imposed on the first taxable sale of any medical device a tax equal to 2.5 percent of the price for which so sold.

''(b) FIRST TAXABLE SALE.—For purposes of this section—

''(1) IN GENERAL.—The term 'first taxable sale' means the first sale, for a purpose other than for resale, after production, manufacture, or importation.

''(2) EXCEPTION FOR SALES AT RETAIL ESTABLISHMENTS.—Such term shall not include the sale of any medical device if—

''(A) such sale is made at a retail establishment on terms which are available to the general public, and

''(B) such medical device is of a type (and purchased in a quantity) which is purchased by the general public.

''(3) EXCEPTION FOR EXPORTS, ETC.—Rules similar to the rules of sections 4221 (other than paragraphs (3), (4), (5), and (6) of subsection (a) thereof) and 4222 shall apply for purposes of this section. To the extent provided by the Secretary, section 4222 may be extended to, and made applicable with respect to, the exemption provided by paragraph (2).

''(4) SALES TO PATIENTS NOT TREATED AS RESALES.—If a medical device is sold for use in connection with providing any health care service to an individual, such sale shall not be treated as being for the purpose of resale (even if such device is sold to such individual).

''(c) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MEDICAL DEVICE.—The term 'medical device' means any device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) intended for humans.

''(2) LEASE TREATED AS SALE.—Rules similar to the rules of section 4217 shall apply.

''(3) USE TREATED AS SALE.—

''(A) IN GENERAL.—If any person uses a medical device before the first taxable sale of such device, then such person shall be liable for tax under such subsection in the same manner as if such use were the first taxable sale of such device.

''(B) EXCEPTIONS.—The preceding sentence shall not apply to—

''(i) use of a medical device as material in the manufacture or production of, or as a component part of, another medical device to be manufactured or produced by such person, or

''(ii) use of a medical device after a sale described in subsection (b)(2).

''(4) DETERMINATION OF PRICE.—

''(A) IN GENERAL.—Rules similar to the rules of subsections (a), (c), and (d) of section 4216 shall apply for purposes of this section.

''(B) CONSTRUCTIVE SALE PRICE.—If—

''(i) a medical device is sold (otherwise than through an arm's length transaction) at less than the fair market price, or

''(ii) a person is liable for tax for a use described in paragraph (3),

the tax under this section shall be computed on the price for which such or similar devices are sold in the ordinary course of trade as determined by the Secretary.

''(5) RESALES PURSUANT TO CERTAIN CONTRACT ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of a specified contract sale of a medical device, the seller referred to in subparagraph (B)(i) shall be entitled to recover from the producer, manufacturer, or importer referred to in subparagraph (B)(ii) the amount of the tax paid by such seller under this section with respect to such sale.

''(B) SPECIFIED CONTRACT SALE.—For purposes of this paragraph, the term 'specified contract sale' means, with respect to any medical device, the first taxable sale of such device if—

''(i) the seller is not the producer, manufacturer, or importer of such device, and

''(ii) the price at which such device is so sold is determined in accordance with a contract between the producer, manufacturer, or importer of such device and the person to whom such device is so sold.

''(C) SPECIAL RULES RELATED TO CREDITS AND REFUNDS.—In the case of any credit or refund under section 6416 of the tax imposed under this section on a specified contract sale of a medical device—

''(i) such credit or refund shall be allowed or made only if the seller has filed with the Secretary the written consent of the producer, manufacturer, or importer referred to in subparagraph (B)(ii) to the allowance of such credit or the making of such refund, and

''(ii) the amount of tax taken into account under subparagraph (A) shall be reduced by the amount of such credit or refund.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 6416(b) of such Code is amended—

(A) by inserting ''or 4061'' after ''under section 4051'', and

(B) by adding at the end the following: ''In the case of the tax imposed by section 4061, subparagraphs (B), (C), (D), and (E) shall not apply.''.

(2) The table of subchapters for chapter 31 of such Code is amended by adding at the end the following new item:

''SUBCHAPTER D. MEDICAL DEVICES.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales (and leases and uses treated as sales) after December 31, 2012.

SEC. 553. EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsections:

''(h) APPLICATION TO CORPORATIONS.—Notwithstanding any regulation prescribed by the Secretary before the date of the enactment of this subsection, for purposes of this section the term 'person' includes any corporation that is not an organization exempt from tax under section 501(a).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''amounts in consideration for property,'' after ''wages,'',

(2) by inserting ''gross proceeds,'' after ''emoluments, or other'', and

(3) by inserting ''gross proceeds,'' after ''setting forth the amount of such''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 554. REPEAL OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Section 864 of the Internal Revenue Code of 1986 is amended by striking subsection (f) and by redesignating subsection (g) as subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 555. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

PART 2—PREVENTION OF TAX AVOIDANCE

SEC. 561. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment may not be reduced under any treaty of the United States unless any such withholding tax would be reduced under a treaty of the United States if such payment were made directly to the foreign parent corporation.

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments

made after the date of the enactment of this Act.

SEC. 562. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction (or series of transactions) shall be made in the same manner as if this subsection had never been enacted.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 of such Code is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 of such Code is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) of such Code is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662'', and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS AND TAX SHELTERS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 of such Code is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)'', and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 of such Code is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)'', and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 of such Code is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

SEC. 563. CERTAIN LARGE OR PUBLICLY TRADED PERSONS MADE SUBJECT TO A MORE LIKELY THAN NOT STANDARD FOR AVOIDING PENALTIES ON UNDERPAYMENTS.

(a) IN GENERAL.—Subsection (c) of section 6664 of the Internal Revenue Code of 1986, as amended by section 562, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively,

(2) by striking ''paragraph (3)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (4)'', and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR CERTAIN LARGE OR PUBLICLY TRADED PERSONS.—

''(A) IN GENERAL.—In the case of any specified person, paragraph (1) shall apply to the portion of an underpayment which is attributable to any item only if such person has a reasonable belief that the tax treatment of such item by such person is more likely than not the proper tax treatment of such item.

''(B) SPECIFIED PERSON.—For purposes of this paragraph, the term 'specified person' means—

''(i) any person required to file periodic or other reports under section 13 of the Securities Exchange Act of 1934, and

''(ii) any corporation with gross receipts in excess of $100,000,000 for the taxable year involved.

All persons treated as a single employer under section 52(a) shall be treated as one person for purposes of clause (ii).''.

(b) NONAPPLICATION OF SUBSTANTIAL AUTHORITY AND REASONABLE BASIS STANDARDS FOR REDUCING UNDERSTATEMENTS.—Paragraph (2) of section 6662(d) of such Code is amended by adding at the end the following new subparagraph:

''(D) REDUCTION NOT TO APPLY TO CERTAIN LARGE OR PUBLICLY TRADED PERSONS.—Subparagraph (B) shall not apply to any specified person (as defined in section 6664(c)(3)(B)).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(2) NONAPPLICATION OF UNDERSTATEMENT REDUCTION.—The amendment made by subsection (b) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

PART 3—PARITY IN HEALTH BENEFITS

SEC. 571. CERTAIN HEALTH RELATED BENEFITS APPLICABLE TO SPOUSES AND DEPENDENTS EXTENDED TO ELIGIBLE BENEFICIARIES.

(a) APPLICATION OF ACCIDENT AND HEALTH PLANS TO ELIGIBLE BENEFICIARIES.—

(1) EXCLUSION OF CONTRIBUTIONS.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans), as amended by section 531, is amended by adding at the end the following new subsection:

''(g) COVERAGE PROVIDED FOR ELIGIBLE BENEFICIARIES OF EMPLOYEES.—

''(1) IN GENERAL.—Subsection (a) shall apply with respect to any eligible beneficiary of the employee.

''(2) ELIGIBLE BENEFICIARY.—For purposes of this subsection, the term 'eligible beneficiary' means any individual who is eligible to receive benefits or coverage under an accident or health plan.''.

(2) EXCLUSION OF AMOUNTS EXPENDED FOR MEDICAL CARE.—The first sentence of section 105(b) of such Code (relating to amounts expended for medical care) is amended—

(A) by striking ''and his dependents'' and inserting ''his dependents'', and

(B) by inserting before the period the following: ''and any eligible beneficiary (within the meaning of section 106(g)) with respect to the taxpayer''.

(3) PAYROLL TAXES.—

(A) Section 3121(a)(2) of such Code is amended—

(i) by striking ''or any of his dependents'' in the matter preceding subparagraph (A) and inserting '', any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee'',

(ii) by striking ''or any of his dependents,'' in subparagraph (A) and inserting '', any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,'', and

(iii) by striking ''and their dependents'' both places it appears and inserting ''and such employees' dependents and eligible beneficiaries (within the meaning of section 106(g))''.

(B) Section 3231(e)(1) of such Code is amended—

(i) by striking ''or any of his dependents'' and inserting '', any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,'', and

(ii) by striking ''and their dependents'' both places it appears and inserting ''and such employees' dependents and eligible beneficiaries (within the meaning of section 106(g))''.

(C) Section 3306(b)(2) of such Code is amended—

(i) by striking ''or any of his dependents'' in the matter preceding subparagraph (A) and inserting '', any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee,'',

(ii) by striking ''or any of his dependents'' in subparagraph (A) and inserting '', any of his dependents, or any eligible beneficiary (within the meaning of section 106(g)) with respect to the employee'', and

(iii) by striking ''and their dependents'' both places it appears and inserting ''and such employees' dependents and eligible beneficiaries (within the meaning of section 106(g))''.

(D) Section 3401(a) of such Code is amended by striking ''or'' at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting ''; or'', and by inserting after paragraph (23) the following new paragraph:

''(24) for any payment made to or for the benefit of an employee or any eligible beneficiary (within the meaning of section 106(g)) if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106 or under section 105 by reference in section 105(b) to section 106(g).''.

(b) EXPANSION OF DEPENDENCY FOR PURPOSES OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for—

''(A) the taxpayer,

''(B) the taxpayer's spouse,

''(C) the taxpayer's dependents,

''(D) any individual who—

''(i) satisfies the age requirements of section 152(c)(3)(A),

''(ii) bears a relationship to the taxpayer described in section 152(d)(2)(H), and

''(iii) meets the requirements of section 152(d)(1)(C), and

''(E) one individual who—

''(i) does not satisfy the age requirements of section 152(c)(3)(A),

''(ii) bears a relationship to the taxpayer described in section 152(d)(2)(H),

''(iii) meets the requirements of section 152(d)(1)(D), and

''(iv) is not the spouse of the taxpayer and does not bear any relationship to the taxpayer described in subparagraphs (A) through (G) of section 152(d)(2).''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 162(l)(2) of such Code is amended by inserting '', any dependent, or individual described in subparagraph (D) or (E) of paragraph (1) with respect to'' after ''spouse''.

(c) EXTENSION TO ELIGIBLE BENEFICIARIES OF SICK AND ACCIDENT BENEFITS PROVIDED TO MEMBERS OF A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION AND THEIR DEPENDENTS.—Section 501(c)(9) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following new sentence: ''For purposes of providing for the payment of sick and accident benefits to members of such an association and their dependents, the term 'dependents' shall include any individual who is an eligible beneficiary (within the meaning of section 106(g)), as determined under the terms of a medical benefit, health insurance, or other program under which members and their dependents are entitled to sick and accident benefits.''.

(d) FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—The Secretary of Treasury shall issue guidance of general applicability providing that medical expenses that otherwise qualify—

(1) for reimbursement from a flexible spending arrangement under regulations in effect on the date of the enactment of this Act may be reimbursed from an employee's flexible spending arrangement, notwithstanding the fact that such expenses are attributable to any individual who is not the employee's spouse or dependent (within the meaning of section 105(b) of the Internal Revenue Code of 1986) but is an eligible beneficiary (within the meaning of section 106(g) of such Code) under the flexible spending arrangement with respect to the employee, and

(2) for reimbursement from a health reimbursement arrangement under regulations in effect on the date of the enactment of this Act may be reimbursed from an employee's health reimbursement arrangement, notwithstanding the fact that such expenses are attributable to an individual who is not a spouse or dependent (within the meaning of section 105(b) of such Code) but is an eligible beneficiary (within the meaning of section 106(g) of such Code) under the health reimbursement arrangement with respect to the employee.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

DIVISION B—MEDICARE AND MEDICAID IMPROVEMENTS

SEC. 1001. TABLE OF CONTENTS OF DIVISION.

The table of contents of this division is as follows:

Sec. 1001. Table of contents of division.

TITLE I—IMPROVING HEALTH CARE VALUE

Subtitle A—Provisions Related to Medicare Part A

PART 1—MARKET BASKET UPDATES

Sec. 1101. Skilled nursing facility payment update.

Sec. 1102. Inpatient rehabilitation facility payment update.

Sec. 1103. Incorporating productivity improvements into market basket updates that do not already incorporate such improvements.

PART 2—OTHER MEDICARE PART A PROVISIONS

Sec. 1111. Payments to skilled nursing facilities.

Sec. 1112. Medicare DSH report and payment adjustments in response to coverage expansion.

Sec. 1113. Extension of hospice regulation moratorium.

Sec. 1114. Permitting physician assistants to order post-hospital extended care services and to provide for recognition of attending physician assistants as attending physicians to serve hospice patients.

Subtitle B—Provisions Related to Part B

PART 1—PHYSICIANS' SERVICES

Sec. 1121. Resource-based feedback program for physicians in Medicare.

Sec. 1122. Misvalued codes under the physician fee schedule.

Sec. 1123. Payments for efficient areas.

Sec. 1124. Modifications to the Physician Quality Reporting Initiative (PQRI).

Sec. 1125. Adjustment to Medicare payment localities.

PART 2—MARKET BASKET UPDATES

Sec. 1131. Incorporating productivity improvements into market basket updates that do not already incorporate such improvements.

PART 3—OTHER PROVISIONS

Sec. 1141. Rental and purchase of power-driven wheelchairs.

Sec. 1141A. Election to take ownership, or to decline ownership, of a certain item of complex durable medical equipment after the 13-month capped rental period ends.

Sec. 1142. Extension of payment rule for brachytherapy.

Sec. 1143. Home infusion therapy report to Congress.

Sec. 1144. Require ambulatory surgical centers (ASCs) to submit cost data and other data.

Sec. 1145. Treatment of certain cancer hospitals.
Sec. 1146. Payment for imaging services.
Sec. 1147. Durable medical equipment program improvements.
Sec. 1148. MedPAC study and report on bone mass measurement.
Sec. 1149. Timely access to post-mastectomy items.
Sec. 1149A. Payment for biosimilar biological products.
Sec. 1149B. Study and report on DME competitive bidding process.

Subtitle C—Provisions Related to Medicare Parts A and B

Sec. 1151. Reducing potentially preventable hospital readmissions.
Sec. 1152. Post acute care services payment reform plan and bundling pilot program.
Sec. 1153. Home health payment update for 2010.
Sec. 1154. Payment adjustments for home health care.
Sec. 1155. Incorporating productivity improvements into market basket update for home health services.
Sec. 1155A. MedPAC study on variation in home health margins.
Sec. 1155B. Permitting home health agencies to assign the most appropriate skilled service to make the initial assessment visit under a Medicare home health plan of care for rehabilitation cases.
Sec. 1156. Limitation on Medicare exceptions to the prohibition on certain physician referrals made to hospitals.
Sec. 1157. Institute of Medicine study of geographic adjustment factors under Medicare.
Sec. 1158. Revision of medicare payment systems to address geographic inequities.
Sec. 1159. Institute of Medicine study of geographic variation in health care spending and promoting high-value health care.
Sec. 1160. Implementation, and Congressional review, of proposal to revise Medicare payments to promote high value health care.

Subtitle D—Medicare Advantage Reforms

PART 1—PAYMENT AND ADMINISTRATION

Sec. 1161. Phase-in of payment based on fee-for-service costs; quality bonus payments.
Sec. 1162. Authority for Secretarial coding intensity adjustment authority.
Sec. 1163. Simplification of annual beneficiary election periods.
Sec. 1164. Extension of reasonable cost contracts.
Sec. 1165. Limitation of waiver authority for employer group plans.
Sec. 1166. Improving risk adjustment for payments.
Sec. 1167. Elimination of MA Regional Plan Stabilization Fund.
Sec. 1168. Study regarding the effects of calculating Medicare Advantage payment rates on a regional average of Medicare fee for service rates.

PART 2—BENEFICIARY PROTECTIONS AND ANTI-FRAUD

Sec. 1171. Limitation on cost-sharing for individual health services.
Sec. 1172. Continuous open enrollment for enrollees in plans with enrollment suspension.
Sec. 1173. Information for beneficiaries on MA plan administrative costs.
Sec. 1174. Strengthening audit authority.
Sec. 1175. Authority to deny plan bids.
Sec. 1175A. State authority to enforce standardized marketing requirements.

PART 3—TREATMENT OF SPECIAL NEEDS PLANS

Sec. 1176. Limitation on enrollment outside open enrollment period of individuals into chronic care specialized MA plans for special needs individuals.
Sec. 1177. Extension of authority of special needs plans to restrict enrollment; service area moratorium for certain SNPs.
Sec. 1178. Extension of Medicare senior housing plans.

Subtitle E—Improvements to Medicare Part D

Sec. 1181. Elimination of coverage gap.
Sec. 1182. Discounts for certain part D drugs in original coverage gap.
Sec. 1183. Repeal of provision relating to submission of claims by pharmacies located in or contracting with long-term care facilities.
Sec. 1184. Including costs incurred by AIDS drug assistance programs and Indian Health Service in providing prescription drugs toward the annual out-of-pocket threshold under part D.
Sec. 1185. No mid-year formulary changes permitted.
Sec. 1186. Negotiation of lower covered part D drug prices on behalf of Medicare beneficiaries.
Sec. 1187. Accurate dispensing in long-term care facilities.
Sec. 1188. Free generic fill.
Sec. 1189. State certification prior to waiver of licensure requirements under Medicare prescription drug program.

Subtitle F—Medicare Rural Access Protections

Sec. 1191. Telehealth expansion and enhancements.
Sec. 1192. Extension of outpatient hold harmless provision.
Sec. 1193. Extension of section 508 hospital reclassifications.
Sec. 1194. Extension of geographic floor for work.
Sec. 1195. Extension of payment for technical component of certain physician pathology services.
Sec. 1196. Extension of ambulance add-ons.

TITLE II—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improving and Simplifying Financial Assistance for Low Income Medicare Beneficiaries

Sec. 1201. Improving assets tests for Medicare Savings Program and low-income subsidy program.
Sec. 1202. Elimination of part D cost-sharing for certain non-institutionalized full-benefit dual eligible individuals.
Sec. 1203. Eliminating barriers to enrollment.
Sec. 1204. Enhanced oversight relating to reimbursements for retroactive low income subsidy enrollment.
Sec. 1205. Intelligent assignment in enrollment.
Sec. 1206. Special enrollment period and automatic enrollment process for certain subsidy eligible individuals.
Sec. 1207. Application of MA premiums prior to rebate and quality bonus payments in calculation of low income subsidy benchmark.

Subtitle B—Reducing Health Disparities

Sec. 1221. Ensuring effective communication in Medicare.
Sec. 1222. Demonstration to promote access for Medicare beneficiaries with limited English proficiency by providing reimbursement for culturally and linguistically appropriate services.
Sec. 1223. IOM report on impact of language access services.
Sec. 1224. Definitions.

Subtitle C—Miscellaneous Improvements

Sec. 1231. Extension of therapy caps exceptions process.
Sec. 1232. Extended months of coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.
Sec. 1233. Voluntary advance care planning consultation.
Sec. 1234. Part B special enrollment period and waiver of limited enrollment penalty for TRICARE beneficiaries.
Sec. 1235. Exception for use of more recent tax year in case of gains from sale of primary residence in computing part B income-related premium.
Sec. 1236. Demonstration program on use of patient decisions aids.

TITLE III—PROMOTING PRIMARY CARE, MENTAL HEALTH SERVICES, AND COORDINATED CARE

Sec. 1301. Accountable Care Organization pilot program.
Sec. 1302. Medical home pilot program.
Sec. 1303. Payment incentive for selected primary care services.
Sec. 1304. Increased reimbursement rate for certified nurse-midwives.
Sec. 1305. Coverage and waiver of cost-sharing for preventive services.
Sec. 1306. Waiver of deductible for colorectal cancer screening tests regardless of coding, subsequent diagnosis, or ancillary tissue removal.
Sec. 1307. Excluding clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system and consolidated payment.
Sec. 1308. Coverage of marriage and family therapist services and mental health counselor services.
Sec. 1309. Extension of physician fee schedule mental health add-on.
Sec. 1310. Expanding access to vaccines.
Sec. 1311. Expansion of Medicare-Covered Preventive Services at Federally Qualified Health Centers.
Sec. 1312. Independence at home demonstration program.
Sec. 1313. Recognition of certified diabetes educators as certified providers for purposes of Medicare diabetes outpatient self-management training services.

TITLE IV—QUALITY

Subtitle A—Comparative Effectiveness Research

Sec. 1401. Comparative effectiveness research.

Subtitle B—Nursing Home Transparency

PART 1—IMPROVING TRANSPARENCY OF INFORMATION ON SKILLED NURSING FACILITIES, NURSING FACILITIES, AND OTHER LONG-TERM CARE FACILITIES

Sec. 1411. Required disclosure of ownership and additional disclosable parties information.
Sec. 1412. Accountability requirements.
Sec. 1413. Nursing home compare Medicare website.

Sec. 1414. Reporting of expenditures.
Sec. 1415. Standardized complaint form.
Sec. 1416. Ensuring staffing accountability.
Sec. 1417. Nationwide program for national and State background checks on direct patient access employees of long-term care facilities and providers.

PART 2—TARGETING ENFORCEMENT

Sec. 1421. Civil money penalties.
Sec. 1422. National independent monitor pilot program.
Sec. 1423. Notification of facility closure.

PART 3—IMPROVING STAFF TRAINING

Sec. 1431. Dementia and abuse prevention training.
Sec. 1432. Study and report on training required for certified nurse aides and supervisory staff.
Sec. 1433. Qualification of director of food services of a skilled nursing facility or nursing facility.

Subtitle C—Quality Measurements

Sec. 1441. Establishment of national priorities for quality improvement.
Sec. 1442. Development of new quality measures; GAO evaluation of data collection process for quality measurement.
Sec. 1443. Multi-stakeholder pre-rulemaking input into selection of quality measures.
Sec. 1444. Application of quality measures.
Sec. 1445. Consensus-based entity funding.
Sec. 1446. Quality Indicators for care of people with Alzheimers disease.

Subtitle D—Physician Payments Sunshine Provision

Sec. 1451. Reports on financial relationships between manufacturers and distributors of covered drugs, devices, biologicals, or medical supplies under Medicare, Medicaid, or CHIP and physicians and other health care entities and between physicians and other health care entities.

Subtitle E—Public Reporting on Health Care-Associated Infections

Sec. 1461. Requirement for public reporting by hospitals and ambulatory surgical centers on health care-associated infections.

TITLE V—MEDICARE GRADUATE MEDICAL EDUCATION

Sec. 1501. Distribution of unused residency positions.
Sec. 1502. Increasing training in nonprovider settings.
Sec. 1503. Rules for counting resident time for didactic and scholarly activities and other activities.
Sec. 1504. Preservation of resident cap positions from closed hospitals.
Sec. 1505. Improving accountability for approved medical residency training.

TITLE VI—PROGRAM INTEGRITY

Subtitle A—Increased Funding to Fight Waste, Fraud, and Abuse

Sec. 1601. Increased funding and flexibility to fight fraud and abuse.

Subtitle B—Enhanced Penalties for Fraud and Abuse

Sec. 1611. Enhanced penalties for false statements on provider or supplier enrollment applications.
Sec. 1612. Enhanced penalties for submission of false statements material to a false claim.
Sec. 1613. Enhanced penalties for delaying inspections.
Sec. 1614. Enhanced hospice program safeguards.
Sec. 1615. Enhanced penalties for individuals excluded from program participation.
Sec. 1616. Enhanced penalties for provision of false information by Medicare Advantage and part D plans.
Sec. 1617. Enhanced penalties for Medicare Advantage and part D marketing violations.
Sec. 1618. Enhanced penalties for obstruction of program audits.
Sec. 1619. Exclusion of certain individuals and entities from participation in Medicare and State health care programs.
Sec. 1620. OIG authority to exclude from Federal health care programs officers and owners of entities convicted of fraud.
Sec. 1621. Self-referral disclosure protocol.

Subtitle C—Enhanced Program and Provider Protections

Sec. 1631. Enhanced CMS program protection authority.
Sec. 1632. Enhanced Medicare, Medicaid, and CHIP program disclosure requirements relating to previous affiliations.
Sec. 1633. Required inclusion of payment modifier for certain evaluation and management services.
Sec. 1634. Evaluations and reports required under Medicare Integrity Program.
Sec. 1635. Require providers and suppliers to adopt programs to reduce waste, fraud, and abuse.
Sec. 1636. Maximum period for submission of Medicare claims reduced to not more than 12 months.
Sec. 1637. Physicians who order durable medical equipment or home health services required to be Medicare enrolled physicians or eligible professionals.
Sec. 1638. Requirement for physicians to provide documentation on referrals to programs at high risk of waste and abuse.
Sec. 1639. Face-to-face encounter with patient required before eligibility certifications for home health services or durable medical equipment.
Sec. 1640. Extension of testimonial subpoena authority to program exclusion investigations.
Sec. 1641. Required repayments of Medicare and Medicaid overpayments.
Sec. 1642. Expanded application of hardship waivers for OIG exclusions to beneficiaries of any Federal health care program.
Sec. 1643. Access to certain information on renal dialysis facilities.
Sec. 1644. Billing agents, clearinghouses, or other alternate payees required to register under Medicare.
Sec. 1645. Conforming civil monetary penalties to False Claims Act amendments.
Sec. 1646. Requiring provider and supplier payments under Medicare to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions.
Sec. 1647. Inspector General for the Health Choices Administration.

Subtitle D—Access to Information Needed to Prevent Fraud, Waste, and Abuse

Sec. 1651. Access to Information Necessary to Identify Fraud, Waste, and Abuse.
Sec. 1652. Elimination of duplication between the Healthcare Integrity and Protection Data Bank and the National Practitioner Data Bank.
Sec. 1653. Compliance with HIPAA privacy and security standards.
Sec. 1654. Disclosure of Medicare Fraud and Abuse Hotline Number on Explanation of Benefits.

TITLE VII—MEDICAID AND CHIP

Subtitle A—Medicaid and Health Reform

Sec. 1701. Eligibility for individuals with income below 150 percent of the Federal poverty level.
Sec. 1702. Requirements and special rules for certain Medicaid eligible individuals.
Sec. 1703. CHIP and Medicaid maintenance of eligibility.
Sec. 1704. Reduction in Medicaid DSH.
Sec. 1705. Expanded outstationing.

Subtitle B—Prevention

Sec. 1711. Required coverage of preventive services.
Sec. 1712. Tobacco cessation.
Sec. 1713. Optional coverage of nurse home visitation services.
Sec. 1714. State eligibility option for family planning services.

Subtitle C—Access

Sec. 1721. Payments to primary care practitioners.
Sec. 1722. Medical home pilot program.
Sec. 1723. Translation or interpretation services.
Sec. 1724. Optional coverage for freestanding birth center services.
Sec. 1725. Inclusion of public health clinics under the vaccines for children program.
Sec. 1726. Requiring coverage of services of podiatrists.
Sec. 1726A. Requiring coverage of services of optometrists.
Sec. 1727. Therapeutic foster care.
Sec. 1728. Assuring adequate payment levels for services.
Sec. 1729. Preserving Medicaid coverage for youths upon release from public institutions.
Sec. 1730. Quality measures for maternity and adult health services under Medicaid and CHIP.
Sec. 1730A. Accountable care organization pilot program.
Sec. 1730B. FQHC coverage.

Subtitle D—Coverage

Sec. 1731. Optional Medicaid coverage of low-income HIV-infected individuals.
Sec. 1732. Extending transitional Medicaid Assistance (TMA).
Sec. 1733. Requirement of 12-month continuous coverage under certain CHIP programs.
Sec. 1734. Preventing the application under CHIP of coverage waiting periods for certain children.
Sec. 1735. Adult day health care services.
Sec. 1736. Medicaid coverage for citizens of Freely Associated States.
Sec. 1737. Continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services.
Sec. 1738. State option to disregard certain income in providing continued Medicaid coverage for certain individuals with extremely high prescription costs.
Sec. 1739. Provisions relating to community living assistance services and supports (CLASS).
Sec. 1739A. Sense of Congress regarding Community First Choice Option to provide Medicaid Coverage of Community-Based Attendant Services and Supports.

Subtitle E—Financing
Sec. 1741. Payments to pharmacists.
Sec. 1742. Prescription drug rebates.
Sec. 1743. Extension of prescription drug discounts to enrollees of Medicaid managed care organizations.
Sec. 1744. Payments for graduate medical education.
Sec. 1745. Nursing Facility Supplemental Payment Program.
Sec. 1746. Report on Medicaid payments.
Sec. 1747. Reviews of Medicaid.
Sec. 1748. Extension of delay in managed care organization provider tax elimination.
Sec. 1749. Extension of ARRA increase in FMAP.
Subtitle F—Waste, Fraud, and Abuse
Sec. 1751. Health care acquired conditions.
Sec. 1752. Evaluations and reports required under Medicaid Integrity Program.
Sec. 1753. Require providers and suppliers to adopt programs to reduce waste, fraud, and abuse.
Sec. 1754. Overpayments.
Sec. 1755. Managed care organizations.
Sec. 1756. Termination of provider participation under Medicaid and CHIP if terminated under Medicare or other State plan or child health plan.
Sec. 1757. Medicaid and CHIP exclusion from participation relating to certain ownership, control, and management affiliations.
Sec. 1758. Requirement to report expanded set of data elements under MMIS to detect fraud and abuse.
Sec. 1759. Billing agents, clearinghouses, or other alternate payees required to register under Medicaid.
Sec. 1760. Denial of payments for litigation-related misconduct.
Sec. 1761. Mandatory State use of national correct coding initiative.
Subtitle G—Payments to the Territories
Sec. 1771. Payment to territories.
Subtitle H—Miscellaneous
Sec. 1781. Technical corrections.
Sec. 1782. Extension of QI program.
Sec. 1783. Assuring transparency of information.
Sec. 1784. Medicaid and CHIP Payment and Access Commission.
Sec. 1785. Outreach and enrollment of Medicaid and CHIP eligible individuals.
Sec. 1786. Prohibitions on Federal Medicaid and CHIP payment for undocumented aliens.
Sec. 1787. Demonstration project for stabilization of emergency medical conditions by institutions for mental diseases.
Sec. 1788. Application of Medicaid Improvement Fund.
Sec. 1789. Treatment of certain Medicaid brokers.
Sec. 1790. Rule for changes requiring State legislation.
TITLE VIII—REVENUE-RELATED PROVISIONS
Sec. 1801. Disclosures to facilitate identification of individuals likely to be ineligible for the low-income assistance under the Medicare prescription drug program to assist Social Security Administration's outreach to eligible individuals.
Sec. 1802. Comparative Effectiveness Research Trust Fund; financing for Trust Fund.
TITLE IX—MISCELLANEOUS PROVISIONS
Sec. 1901. Repeal of trigger provision.
Sec. 1902. Repeal of comparative cost adjustment (CCA) program.
Sec. 1903. Extension of gainsharing demonstration.
Sec. 1904. Grants to States for quality home visitation programs for families with young children and families expecting children.
Sec. 1905. Improved coordination and protection for dual eligibles.
Sec. 1906. Assessment of medicare cost-intensive diseases and conditions.
Sec. 1907. Establishment of Center for Medicare and Medicaid Innovation within CMS.
Sec. 1908. Application of emergency services laws.
Sec. 1909. Disregard under the Supplemental Security Income program of compensation for participation in clinical trials for rare diseases or conditions.

TITLE I—IMPROVING HEALTH CARE VALUE

Subtitle A—Provisions Related to Medicare Part A

PART 1—MARKET BASKET UPDATES

SEC. 1101. SKILLED NURSING FACILITY PAYMENT UPDATE.

(a) IN GENERAL.—Section 1888(e)(4)(E)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) by redesignating subclause (IV) as subclause (VI); and

(3) by inserting after subclause (III) the following new subclauses:

''(IV) for each of fiscal years 2004 through 2009, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year involved;

''(V) for fiscal year 2010, the rate computed for the previous fiscal year; and''.

(b) DELAYED EFFECTIVE DATE.—Section 1888(e)(4)(E)(ii)(V) of the Social Security Act, as inserted by subsection (a)(3), shall not apply to payment for days before January 1, 2010.

SEC. 1102. INPATIENT REHABILITATION FACILITY PAYMENT UPDATE.

(a) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by striking ''and 2009'' and inserting ''through 2010''.

(b) DELAYED EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to payment units occurring before January 1, 2010.

SEC. 1103. INCORPORATING PRODUCTIVITY IMPROVEMENTS INTO MARKET BASKET UPDATES THAT DO NOT ALREADY INCORPORATE SUCH IMPROVEMENTS.

(a) INPATIENT ACUTE HOSPITALS.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(1) in clause (iii)—

(A) by striking ''(iii) For purposes of this subparagraph,'' and inserting ''(iii)(I) For purposes of this subparagraph, subject to the productivity adjustment described in subclause (II),''; and

(B) by adding at the end the following new subclause:

''(II) The productivity adjustment described in this subclause, with respect to an increase or change for a fiscal year or year or cost reporting period, or other annual period, is a productivity offset in the form of a reduction in such increase or change equal to the percentage change in the 10-year moving average of annual economy-wide private nonfarm business multi-factor productivity (as recently published in final form before the promulgation or publication of such increase for the year or period involved). Except as otherwise provided, any reference to the increase described in this clause shall be a reference to the percentage increase described in subclause (I) minus the percentage change under this subclause.'';

(2) in the first sentence of clause (viii)(I), by inserting ''(but not below zero)'' after ''shall be reduced''; and

(3) in the first sentence of clause (ix)(I)—

(A) by inserting ''(determined without regard to clause (iii)(II))'' after ''clause (i)'' the second time it appears; and

(B) by inserting ''(but not below zero)'' after ''reduced''.

(b) SKILLED NURSING FACILITIES.—Section 1888(e)(5)(B) of such Act (42 U.S.C. 1395yy(e)(5)(B)) is amended by inserting ''subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)'' after ''as calculated by the Secretary''.

(c) LONG TERM CARE HOSPITALS.—Section 1886(m) of the Social Security Act (42 U.S.C. 1395ww(m)) is amended by adding at the end the following new paragraph:

''(3) PRODUCTIVITY ADJUSTMENT.—In implementing the system described in paragraph (1) for discharges occurring on or after January 1, 2010, during the rate year ending in 2010 or any subsequent rate year for a hospital, to the extent that an annual percentage increase factor applies to a standard Federal rate for such discharges for the hospital, such factor shall be subject to the productivity adjustment described in subsection (b)(3)(B)(iii)(II).''.

(d) INPATIENT REHABILITATION FACILITIES.—The second sentence of section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by inserting ''(subject to the productivity adjustment described in subsection (b)(3)(B)(iii)(II))'' after ''appropriate percentage increase''.

(e) PSYCHIATRIC HOSPITALS.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(o) PROSPECTIVE PAYMENT FOR PSYCHIATRIC HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by psychiatric hospitals (as described in clause (i) of subsection (d)(1)(B) and psychiatric units (as described in the matter following clause (v) of such subsection), see section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

''(2) PRODUCTIVITY ADJUSTMENT.—In implementing the system described in paragraph (1) for days occurring during the rate year ending in 2011 or any subsequent rate year for a psychiatric hospital or unit described in such paragraph, to the extent that an annual percentage increase factor applies to a base rate for such days for the hospital or unit, respectively, such factor shall be subject to the productivity adjustment described in subsection (b)(3)(B)(iii)(II).''.

(f) HOSPICE CARE.—Subclause (VII) of section 1814(i)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)(ii)) is amended by inserting after ''the market basket percentage increase'' the following: ''(which is subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II))''.

(g) EFFECTIVE DATES.—

(1) IPPS.—The amendments made by subsection (a) shall apply to annual increases effected for fiscal years beginning with fiscal year 2010, but only with respect to discharges occurring on or after January 1, 2010.

(2) SNF AND IRF.—The amendments made by subsections (b) and (d) shall apply to annual increases effected for fiscal years beginning with fiscal year 2011.

(3) HOSPICE CARE.—The amendment made by subsection (f) shall apply to annual increases effected for fiscal years beginning with fiscal year 2010, but only with respect to days of care occurring on or after January 1, 2010.

PART 2—OTHER MEDICARE PART A PROVISIONS

SEC. 1111. PAYMENTS TO SKILLED NURSING FACILITIES.

(a) CHANGE IN RECALIBRATION FACTOR.—

(1) ANALYSIS.—The Secretary of Health and Human Services shall conduct, using calendar year 2006 claims data, an initial analysis comparing total payments under title XVIII of the Social Security Act for skilled nursing facility services under the RUG–53 and under the RUG–44 classification systems.

(2) ADJUSTMENT IN RECALIBRATION FACTOR.—Based on the initial analysis under paragraph (1), the Secretary shall adjust the case mix indexes under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) for fiscal year 2010 by the appropriate recalibration factor as proposed in the final rule for Medicare skilled nursing facilities issued by such Secretary on August 11, 2009 (74 Federal Register 40287 et seq.).

(b) CHANGE IN PAYMENT FOR NONTHERAPY ANCILLARY (NTA) SERVICES AND THERAPY SERVICES.—

(1) CHANGES UNDER CURRENT SNF CLASSIFICATION SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Health and Human Services shall, under the system for payment of skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), increase payment by 10 percent for non-therapy ancillary services (as specified by the Secretary in the notice issued on November 27, 1998 (63 Federal Register 65561 et seq.)) and shall decrease payment for the therapy case mix component of such rates by 5.5 percent.

(B) EFFECTIVE DATE.—The changes in payment described in subparagraph (A) shall apply for days on or after April 1, 2010, and until the Secretary implements an alternative case mix classification system for payment of skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)).

(C) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise the provisions of this paragraph.

(2) CHANGES UNDER A FUTURE SNF CASE MIX CLASSIFICATION SYSTEM.—

(A) ANALYSIS.—

(i) IN GENERAL.—The Secretary of Health and Human Services shall analyze payments for non-therapy ancillary services under a future skilled nursing facility classification system to ensure the accuracy of payment for non-therapy ancillary services. Such analysis shall consider use of appropriate predictors which may include age, physical and mental status, ability to perform activities of daily living, prior nursing home stay, diagnoses, broad RUG category, and a proxy for length of stay.

(ii) APPLICATION.—Such analysis shall be conducted in a manner such that the future skilled nursing facility classification system is implemented to apply to services furnished during a fiscal year beginning with fiscal year 2011.

(B) CONSULTATION.—In conducting the analysis under subparagraph (A), the Secretary shall consult with interested parties, including the Medicare Payment Advisory Commission and other interested stakeholders, to identify appropriate predictors of nontherapy ancillary costs.

(C) RULEMAKING.—The Secretary shall include the result of the analysis under subparagraph (A) in the fiscal year 2011 rulemaking cycle for purposes of implementation beginning for such fiscal year.

(D) IMPLEMENTATION.—Subject to subparagraph (E) and consistent with subparagraph (A)(ii), the Secretary shall implement changes to payments for non-therapy ancillary services (which shall include a separate rate component for non-therapy ancillary services and may include use of a model that predicts payment amounts applicable for non-therapy ancillary services) under such future skilled nursing facility services classification system as the Secretary determines appropriate based on the analysis conducted pursuant to subparagraph (A).

(E) BUDGET NEUTRALITY.—The Secretary shall implement changes described in subparagraph (D) in a manner such that the estimated expenditures under such future skilled nursing facility services classification system for a fiscal year beginning with fiscal year 2011 with such changes would be equal to the estimated expenditures that would otherwise occur under title XVIII of the Social Security Act under such future skilled nursing facility services classification system for such year without such changes.

(c) OUTLIER POLICY FOR NTA AND THERAPY.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended by adding at the end the following new paragraph:

''(13) OUTLIERS FOR NTA AND THERAPY.—

''(A) IN GENERAL.—With respect to outliers because of unusual variations in the type or amount of medically necessary care, beginning with October 1, 2010, the Secretary—

''(i) shall provide for an addition or adjustment to the payment amount otherwise made under this section with respect to nontherapy ancillary services in the case of such outliers; and

''(ii) may provide for such an addition or adjustment to the payment amount otherwise made under this section with respect to therapy services in the case of such outliers.

''(B) OUTLIERS BASED ON AGGREGATE COSTS.—Outlier adjustments or additional payments described in subparagraph (A) shall be based on aggregate costs during a stay in a skilled nursing facility and not on the number of days in such stay.

''(C) BUDGET NEUTRALITY.—The Secretary shall reduce estimated payments that would otherwise be made under the prospective payment system under this subsection with respect to a fiscal year by 2 percent. The total amount of the additional payments or payment adjustments for outliers made under this paragraph with respect to a fiscal year may not exceed 2 percent of the total payments projected or estimated to be made based on the prospective payment system under this subsection for the fiscal year.''.

(d) CONFORMING AMENDMENTS.—Section 1888(e)(8) of such Act (42 U.S.C. 1395yy(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' before ''adjustments''; and

(B) by inserting '', and adjustment under section 1111(b) of the Affordable Health Care for America Act'' before the semicolon at the end;

(2) in subparagraph (B), by striking ''and'';

(3) in subparagraph (C), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(D) the establishment of outliers under paragraph (13).''.

SEC. 1112. MEDICARE DSH REPORT AND PAYMENT ADJUSTMENTS IN RESPONSE TO COVERAGE EXPANSION.

(a) DSH REPORT.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary of Health and Human Services shall submit to Congress a report on Medicare DSH taking into account the impact of the health care reforms carried out under division A in reducing the number of uninsured individuals. The report shall include recommendations relating to the following:

(A) The appropriate amount, targeting, and distribution of Medicare DSH to compensate for higher Medicare costs associated with serving low-income beneficiaries (taking into account variations in the empirical justification for Medicare DSH attributable to hospital characteristics, including bed size), consistent with the original intent of Medicare DSH.

(B) The appropriate amount, targeting, and distribution of Medicare DSH to hospitals given their continued uncompensated care costs, to the extent such costs remain.

(2) COORDINATION WITH MEDICAID DSH REPORT.—The Secretary shall coordinate the report under this subsection with the report on Medicaid DSH under section 1704(a).

(b) PAYMENT ADJUSTMENTS IN RESPONSE TO COVERAGE EXPANSION.—

(1) IN GENERAL.—If there is a significant decrease in the national rate of uninsurance as a result of this Act (as determined under paragraph (2)(A)), then the Secretary of Health and Human Services shall, beginning in fiscal year 2017, implement the following adjustments to Medicare DSH:

(A) In lieu of the amount of Medicare DSH payment that would otherwise be made under section 1886(d)(5)(F) of the Social Security Act, the amount of Medicare DSH payment shall be an amount based on the recommendations of the report under subsection (a)(1)(A) and shall take into account variations in the empirical justification for Medicare DSH attributable to hospital characteristics, including bed size.

(B) Subject to paragraph (3), make an additional payment to a hospital by an amount that is estimated based on the amount of uncompensated care provided by the hospital based on criteria for uncompensated care as determined by the Secretary, which shall exclude bad debt.

(2) SIGNIFICANT DECREASE IN NATIONAL RATE OF UNINSURANCE AS A RESULT OF THIS ACT.—For purposes of this subsection—

(A) IN GENERAL.—There is a ''significant decrease in the national rate of uninsurance as a result of this Act'' if there is a decrease in the national rate of uninsurance (as defined in subparagraph (B)) from 2012 to 2014 that exceeds 8 percentage points.

(B) NATIONAL RATE OF UNINSURANCE DEFINED.—The term ''national rate of uninsurance'' means, for a year, such rate for the under-65 population for the year as determined and published by the Bureau of the Census in its Current Population Survey in or about September of the succeeding year.

(3) UNCOMPENSATED CARE INCREASE.—

(A) COMPUTATION OF DSH SAVINGS.—For each fiscal year (beginning with fiscal year 2017), the Secretary shall estimate the aggregate reduction in the amount of Medicare DSH payment that would be expected to result from the adjustment under paragraph (1)(A).

(B) STRUCTURE OF PAYMENT INCREASE.—The Secretary shall compute the additional payment to a hospital as described in paragraph (1)(B) for a fiscal year in accordance with a formula established by the Secretary that provides that—

(i) the estimated aggregate amount of such increase for the fiscal year does not exceed 50 percent of the aggregate reduction in Medicare DSH estimated by the Secretary for such fiscal year; and

(ii) hospitals with higher levels of uncompensated care receive a greater increase.

(c) MEDICARE DSH.—In this section, the term ''Medicare DSH'' means adjustments in

payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) for inpatient hospital services furnished by disproportionate share hospitals.

SEC. 1113. EXTENSION OF HOSPICE REGULATION MORATORIUM.

Section 4301(a) of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by striking ''October 1, 2009'' and inserting ''October 1, 2010''; and

(2) by striking ''for fiscal year 2009'' and inserting ''for fiscal years 2009 and 2010''.

SEC. 1114. PERMITTING PHYSICIAN ASSISTANTS TO ORDER POST-HOSPITAL EXTENDED CARE SERVICES AND TO PROVIDE FOR RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) ORDERING POST-HOSPITAL EXTENDED CARE SERVICES.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A), is amended by striking ''nurse practitioner or clinical nurse specialist'' and inserting ''nurse practitioner, a clinical nurse specialist, or a physician assistant''.

(2) in the second sentence, by striking ''or clinical nurse specialist'' and inserting ''clinical nurse specialist, or physician assistant''.

(b) RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.—

(1) IN GENERAL.—Section 1861(dd)(3)(B) of such Act (42 U.S.C. 1395x(dd)(3)(B)) is amended—

(A) by striking ''or nurse'' and inserting '', the nurse''; and

(B) by inserting ''or the physician assistant (as defined in such subsection),'' after ''subsection (aa)(5)),''.

(2) CONFORMING AMENDMENT.—Section 1814(a)(7)(A)(i)(I) of such Act (42 U.S.C. 1395f(a)(7)(A)(i)(I)) is amended by inserting ''or a physician assistant'' after ''a nurse practitioner''.

(3) CONSTRUCTION.—Nothing in the amendments made by this subsection shall be construed as changing the requirements of section 1842(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) with respect to payment for services of physician assistants under part B of title XVIII of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2010.

Subtitle B—Provisions Related to Part B

PART 1—PHYSICIANS' SERVICES

SEC. 1121. RESOURCE-BASED FEEDBACK PROGRAM FOR PHYSICIANS IN MEDICARE.

Section 1848(n) of the Social Security Act (42 U.S.C. 1395w–4(n)) is amended by adding at the end the following new paragraph:

''(9) FEEDBACK IMPLEMENTATION PLAN.—

''(A) TIMELINE FOR FEEDBACK PROGRAM.—

''(i) EVALUATION.—During 2011 the Secretary shall conduct the evaluation specified in subparagraph (E)(i).

''(ii) EXPANSION.—The Secretary shall expand the Program under this subsection as specified in subparagraph (E)(ii).

''(B) ESTABLISHMENT OF NATURE OF REPORTS.—

''(i) IN GENERAL.—The Secretary shall develop and specify the nature of the reports that will be disseminated under this subsection, based on results and findings from the Program under this subsection as in existence before the date of the enactment of this paragraph. Such reports may be based on a per capita basis, an episode basis that combines separate but clinically related physicians' services and other items and services furnished or ordered by a physician into an episode of care, as appropriate, or both.

''(ii) TIMELINE FOR DEVELOPMENT.—The nature of the reports described in clause (i) shall be developed by not later than January 1, 2012.

''(iii) PUBLIC AVAILABILITY.—The Secretary shall make the details of the nature of the reports developed under clause (i) available to the public.

''(C) ANALYSIS OF DATA.—The Secretary shall, for purposes of preparing reports under this subsection, establish methodologies as appropriate such as to—

''(i) attribute items and services, in whole or in part, to physicians;

''(ii) identify appropriate physicians for purposes of comparison under subparagraph (B)(i); and

''(iii) aggregate items and services attributed to a physician under clause (i) into a composite measure per individual.

''(D) FEEDBACK PROGRAM.—The Secretary shall engage in efforts to disseminate reports under this subsection. In disseminating such reports, the Secretary shall consider the following:

''(i) Direct meetings between contracted physicians, facilitated by the Secretary, to discuss the contents of reports under this subsection, including any reasons for divergence from local or national averages.

''(ii) Contract with local, non-profit entities engaged in quality improvement efforts at the community level. Such entities shall use the reports under this subsection, or such equivalent tool as specified by the Secretary. Any exchange of data under this paragraph shall be protected by appropriate privacy safeguards.

''(iii) Mailings or other methods of communication that facilitate large-scale dissemination.

''(iv) Other methods specified by the Secretary.

''(E) EVALUATION AND EXPANSION.—

''(i) EVALUATION.—The Secretary shall evaluate the methods specified in subparagraph (D) with regard to their efficacy in changing practice patterns to improve quality and decrease costs.

''(ii) EXPANSION.—Taking into account the cost of each method specified in subparagraph (D), the Secretary shall develop a plan to disseminate reports under this subsection in a significant manner in the regions and cities of the country with the highest utilization of services under this title. To the extent practicable, reports under this subsection shall be disseminated to increasing numbers of physicians each year, such that during 2014 and subsequent years, reports are disseminated at least to physicians with utilization rates among the highest 5 percent of the nation, subject the authority to focus under paragraph (4).

''(F) ADMINISTRATION.—

''(i) Chapter 35 of title 44, United States Code shall not apply to this paragraph.

''(ii) Notwithstanding any other provision of law, the Secretary may implement the provisions of this paragraph by program instruction or otherwise.''.

SEC. 1122. MISVALUED CODES UNDER THE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)) is amended by adding at the end the following new subparagraphs:

''(K) POTENTIALLY MISVALUED CODES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) periodically identify services as being potentially misvalued using criteria specified in clause (ii); and

''(II) review and make appropriate adjustments to the relative values established under this paragraph for services identified as being potentially misvalued under subclause (I).

''(ii) IDENTIFICATION OF POTENTIALLY MISVALUED CODES.—For purposes of identifying potentially misvalued services pursuant to clause (i)(I), the Secretary shall examine (as the Secretary determines to be appropriate) codes (and families of codes as appropriate) for which there has been the fastest growth; codes (and families of codes as appropriate) that have experienced substantial changes in practice expenses; codes for new technologies or services within an appropriate period (such as three years) after the relative values are initially established for such codes; multiple codes that are frequently billed in conjunction with furnishing a single service; codes with low relative values, particularly those that are often billed multiple times for a single treatment; codes which have not been subject to review since the implementation of the RBRVS (the so-called 'Harvard-valued codes'); and such other codes determined to be appropriate by the Secretary.

''(iii) REVIEW AND ADJUSTMENTS.—

''(I) The Secretary may use existing processes to receive recommendations on the review and appropriate adjustment of potentially misvalued services described clause (i)(II).

''(II) The Secretary may conduct surveys, other data collection activities, studies, or other analyses as the Secretary determines to be appropriate to facilitate the review and appropriate adjustment described in clause (i)(II).

''(III) The Secretary may use analytic contractors to identify and analyze services identified under clause (i)(I), conduct surveys or collect data, and make recommendations on the review and appropriate adjustment of services described in clause (i)(II).

''(IV) The Secretary may coordinate the review and appropriate adjustment described in clause (i)(II) with the periodic review described in subparagraph (B).

''(V) As part of the review and adjustment described in clause (i)(II), including with respect to codes with low relative values described in clause (ii), the Secretary may make appropriate coding revisions (including using existing processes for consideration of coding changes) which may include consolidation of individual services into bundled codes for payment under the fee schedule under subsection (b).

''(VI) The provisions of subparagraph (B)(ii)(II) shall apply to adjustments to relative value units made pursuant to this subparagraph in the same manner as such provisions apply to adjustments under subparagraph (B)(ii)(II).

''(L) VALIDATING RELATIVE VALUE UNITS.—

''(i) IN GENERAL.—The Secretary shall establish a process to validate relative value units under the fee schedule under subsection (b).

''(ii) COMPONENTS AND ELEMENTS OF WORK.—The process described in clause (i) may include validation of work elements (such as time, mental effort and professional judgment, technical skill and physical effort, and stress due to risk) involved with furnishing a service and may include validation of the pre, post, and intra-service components of work.

''(iii) SCOPE OF CODES.—The validation of work relative value units shall include a sampling of codes for services that is the same as the codes listed under subparagraph (K)(ii)

''(iv) METHODS.—The Secretary may conduct the validation under this subparagraph using methods described in subclauses (I) through (V) of subparagraph (K)(iii) as the Secretary determines to be appropriate.

''(v) ADJUSTMENTS.—The Secretary shall make appropriate adjustments to the work

relative value units under the fee schedule under subsection (b). The provisions of subparagraph (B)(ii)(II) shall apply to adjustments to relative value units made pursuant to this subparagraph in the same manner as such provisions apply to adjustments under subparagraph (B)(ii)(II).''.

(b) IMPLEMENTATION.—

(1) FUNDING.—For purposes of carrying out the provisions of subparagraphs (K) and (L) of 1848(c)(2) of the Social Security Act, as added by subsection (a), in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account $20,000,000 for fiscal year 2010 and each subsequent fiscal year. Amounts appropriated under this paragraph for a fiscal year shall be available until expended.

(2) ADMINISTRATION.—

(A) Chapter 35 of title 44, United States Code and the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to this section or the amendment made by this section.

(B) Notwithstanding any other provision of law, the Secretary may implement subparagraphs (K) and (L) of 1848(c)(2) of the Social Security Act, as added by subsection (a), by program instruction or otherwise.

(C) Section 4505(d) of the Balanced Budget Act of 1997 is repealed.

(D) Except for provisions related to confidentiality of information, the provisions of the Federal Acquisition Regulation shall not apply to this section or the amendment made by this section.

(3) FOCUSING CMS RESOURCES ON POTENTIALLY OVERVALUED CODES.—Section 1868(a) of the Social Security Act (42 1395ee(a)) is repealed.

SEC. 1123. PAYMENTS FOR EFFICIENT AREAS.

Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

''(x) INCENTIVE PAYMENTS FOR EFFICIENT AREAS.—

''(1) IN GENERAL.—In the case of services furnished under the physician fee schedule under section 1848 on or after January 1, 2011, and before January 1, 2013, by a supplier that is paid under such fee schedule in an efficient area (as identified under paragraph (2)), in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid (on a monthly or quarterly basis) an amount equal to 5 percent of the payment amount for the services under this part.

''(2) IDENTIFICATION OF EFFICIENT AREAS.—

''(A) IN GENERAL.—Based upon available data, the Secretary shall identify those counties or equivalent areas in the United States in the lowest fifth percentile of utilization based on per capita spending under this part and part A for services provided in the most recent year for which data are available as of the date of the enactment of this subsection, as standardized to eliminate the effect of geographic adjustments in payment rates.

''(B) IDENTIFICATION OF COUNTIES WHERE SERVICE IS FURNISHED..—For purposes of paying the additional amount specified in paragraph (1), if the Secretary uses the 5-digit postal ZIP Code where the service is furnished, the dominant county of the postal ZIP Code (as determined by the United States Postal Service, or otherwise) shall be used to determine whether the postal ZIP Code is in a county described in subparagraph (A).

''(C) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting—

''(i) the identification of a county or other area under subparagraph (A); or

''(ii) the assignment of a postal ZIP Code to a county or other area under subparagraph (B).

''(D) PUBLICATION OF LIST OF COUNTIES; POSTING ON WEBSITE.—With respect to a year for which a county or area is identified under this paragraph, the Secretary shall identify such counties or areas as part of the proposed and final rule to implement the physician fee schedule under section 1848 for the applicable year. The Secretary shall post the list of counties identified under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services.''.

SEC. 1124. MODIFICATIONS TO THE PHYSICIAN QUALITY REPORTING INITIATIVE (PQRI).

(a) FEEDBACK.—Section 1848(m)(5) of the Social Security Act (42 U.S.C. 1395w–4(m)(5)) is amended by adding at the end the following new subparagraph:

''(H) FEEDBACK.—The Secretary shall provide timely feedback to eligible professionals on the performance of the eligible professional with respect to satisfactorily submitting data on quality measures under this subsection.''.

(b) APPEALS.—Such section is further amended—

(1) in subparagraph (E), by striking ''There shall be'' and inserting ''Except as provided in subparagraph (I), there shall be''; and

(2) by adding at the end the following new subparagraph:

''(I) INFORMAL APPEALS PROCESS.—By not later than January 1, 2011, the Secretary shall establish and have in place an informal process for eligible professionals to seek a review of the determination that an eligible professional did not satisfactorily submit data on quality measures under this subsection.''.

(c) INTEGRATION OF PHYSICIAN QUALITY REPORTING AND EHR REPORTING.—Section 1848(m) of such Act is amended by adding at the end the following new paragraph:

''(7) INTEGRATION OF PHYSICIAN QUALITY REPORTING AND EHR REPORTING.—Not later than January 1, 2012, the Secretary shall develop a plan to integrate clinical reporting on quality measures under this subsection with reporting requirements under subsection (o) relating to the meaningful use of electronic health records. Such integration shall consist of the following:

''(A) The development of measures, the reporting of which would both demonstrate—

''(i) meaningful use of an electronic health record for purposes of subsection (o); and

''(ii) clinical quality of care furnished to an individual.

''(B) The collection of health data to identify deficiencies in the quality and coordination of care for individuals eligible for benefits under this part.

''(C) Such other activities as specified by the Secretary.''.

(d) EXTENSION OF INCENTIVE PAYMENTS.—Section 1848(m)(1) of such Act (42 U.S.C. 1395w–4(m)(1)) is amended—

(1) in subparagraph (A), by striking ''2010'' and inserting ''2012''; and

(2) in subparagraph (B)(ii), by striking ''2009 and 2010'' and inserting ''for each of the years 2009 through 2012''.

SEC. 1125. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

''(A) IN GENERAL.—

''(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2011, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

''(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an 'MSA'), as defined by the Director of the Office of Management and Budget and published in the Federal Register, using the most recent available decennial population data as of the date of the enactment of the Affordable Health Care for America Act, as the basis for the fee schedule areas.

''(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest of the State MSA.

''(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a 'GAF') in descending order.

''(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State (including the rest of State MSA described in subclause (II)). If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

''(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of the all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area. ''(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFS is less than 1.05, and the remaining group of MSAs with lower GAFS shall be treated as a single fee schedule area.

''(VI) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

''(ii) TRANSITION.—For services furnished on or after January 1, 2011, and before January 1, 2016, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index in effect for such county on December 31, 2010, the Secretary shall instead apply the index in effect for such county on such date.

''(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget and published in the Federal Register. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

''(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2011, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to an MSA in the State (including the single rest of state MSA described in subparagraph (A)(i)(II)).''.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking ''The term'' and inserting ''Except as provided in subsection (e)(6)(C), the term''.

PART 2—MARKET BASKET UPDATES

SEC. 1131. INCORPORATING PRODUCTIVITY IMPROVEMENTS INTO MARKET BASKET UPDATES THAT DO NOT ALREADY INCORPORATE SUCH IMPROVEMENTS.

(a) OUTPATIENT HOSPITALS.—

(1) IN GENERAL.—Section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(3)(C)(iv)) is amended——

(A) in the first sentence—

(i) by inserting ''(which is subject to the productivity adjustment described in subclause (II) of such section)'' after ''1886(b)(3)(B)(iii)''; and

(ii) by inserting ''(but not below 0)'' after ''reduced''; and

(B) in the second sentence, by inserting ''and which is subject, beginning with 2010, to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to increase factors for services furnished in years beginning with 2010.

(b) AMBULANCE SERVICES.—Section 1834(l)(3)(B) of such Act (42 U.S.C. 1395m(l)(3)(B))) is amended by inserting before the period at the end the following: ''and, in the case of years beginning with 2010, subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)''.

(c) AMBULATORY SURGICAL CENTER SERVICES.—Section 1833(i)(2)(D) of such Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) In implementing the system described in clause (i), for services furnished during 2010 or any subsequent year, to the extent that an annual percentage change factor applies, such factor shall be subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II).''.

(d) LABORATORY SERVICES.—Section 1833(h)(2)(A) of such Act (42 U.S.C. 1395l(h)(2)(A)) is amended—

(1) in clause (i), by striking ''for each of the years 2009 through 2013'' and inserting ''for 2009''; and

(2) clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by striking the period at the end of subclause (IV) and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(V) the annual adjustment in the fee schedules determined under clause (i) for years beginning with 2010 shall be subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II).''.

(e) CERTAIN DURABLE MEDICAL EQUIPMENT.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(1) in subparagraph (K), by inserting before the semicolon at the end the following: '', subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)'';

(2) in subparagraph (L)(i), by inserting after ''June 2013,'' the following: ''subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II),'';

(3) in subparagraph (L)(ii), by inserting after ''June 2013'' the following: '', subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)''; and

(4) in subparagraph (M), by inserting before the period at the end the following: '', subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II)''.

PART 3—OTHER PROVISIONS

SEC. 1141. RENTAL AND PURCHASE OF POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 1395m(a)(7)(A)(iii)) is amended—

(1) in the heading, by inserting ''CERTAIN COMPLEX REHABILITATIVE'' after ''OPTION FOR''; and

(2) by striking ''power-driven wheelchair'' and inserting ''complex rehabilitative power-driven wheelchair recognized by the Secretary as classified within group 3 or higher''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2011, and shall apply to power-driven wheelchairs furnished on or after such date. Such amendments shall not apply to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) pursuant to a bid submitted under such section before October 1, 2010, under subsection (a)(1)(B)(i)(I) of such section.

SEC. 1141A. ELECTION TO TAKE OWNERSHIP, OR TO DECLINE OWNERSHIP, OF A CERTAIN ITEM OF COMPLEX DURABLE MEDICAL EQUIPMENT AFTER THE 13-MONTH CAPPED RENTAL PERIOD ENDS.

(a) IN GENERAL.—Section 1834(a)(7)(A) of the Social Security Act (42 U.S.C. 1395m(a)(7)(A)) is amended—

(1) in clause (ii)—

(A) by striking ''RENTAL.—On'' and inserting ''RENTAL.—

''(I) IN GENERAL.—Except as provided in subclause (II), on''; and

(B) by adding at the end the following new subclause:

''(II) OPTION TO ACCEPT OR REJECT TRANSFER OF TITLE TO GROUP 3 SUPPORT SURFACE.—

''(aa) IN GENERAL.—During the 10th continuous month during which payment is made for the rental of a Group 3 Support Surface under clause (i), the supplier of such item shall offer the individual the option to accept or reject transfer of title to a Group 3 Support Surface after the 13th continuous month during which payment is made for the rental of the Group 3 Support Surface under clause (i). Such title shall be transferred to the individual only if the individual notifies the supplier not later than 1 month after the supplier makes such offer that the individual agrees to accept transfer of the title to the Group 3 Support Surface. Unless the individual accepts transfer of title to the Group 3 Support Surface in the manner set forth in this subclause, the individual shall be deemed to have rejected transfer of title. If the individual agrees to accept the transfer of the title to the Group 3 Support Surface, the supplier shall transfer such title to the individual on the first day that begins after the 13th continuous month during which payment is made for the rental of the Group 3 Support Surface under clause (i).

''(bb) SPECIAL RULE.—If, on the effective date of this subclause, an individual's rental period for a Group 3 Support Surface has exceeded 10 continuous months, but the first day that begins after the 13th continuous month during which payment is made for the rental under clause (i) has not been reached, the supplier shall, within 1 month following such effective date, offer the individual the option to accept or reject transfer of title to a Group 3 Support Surface. Such title shall be transferred to the individual only if the individual notifies the supplier not later than 1 month after the supplier makes such offer that the individual agrees to accept transfer of title to the Group 3 Support Surface. Unless the individual accepts transfer of title to the Group 3 Support Surface in the manner set forth in this subclause, the individual shall be deemed to have rejected transfer of title. If the individual agrees to accept the transfer of the title to the Group 3 Support Surface, the supplier shall transfer such title to the individual on the first day that begins after the 13th continuous month during which payment is made for the rental of the Group 3 Support Surface under clause (i) unless that day has passed, in which case the supplier shall transfer such title to the individual not later than 1 month after notification that the individual accepts transfer of title.

''(cc) TREATMENT OF SUBSEQUENT RESUPPLY WITHIN PERIOD OF REASONABLE USEFUL LIFETIME OF GROUP 3 SUPPORT SURFACE IN CASE OF NEED.—If an individual rejects transfer of title to a Group 3 Support Surface under this subclause and the individual requires such Support Surface at any subsequent time during the period of the reasonable useful lifetime of such equipment (as defined by the Secretary) beginning with the first month for which payment is made for the rental of such equipment under clause (i), the supplier shall supply the equipment without charge to the individual or the program under this title during the remainder of such period, other than payment for maintenance and servicing during such period which would otherwise have been paid if the individual had accepted title to such equipment. The previous sentence shall not affect the payment of amounts under this part for such equipment after the end of such period of the reasonable useful lifetime of the equipment.

''(dd) PAYMENTS.—Maintenance and servicing payments shall be made in accordance with clause (iv), in the case of a supplier that transfers title to the Group 3 Support Surface under this subclause, after such transfer and, in the case of an individual who rejects transfer of title under this subclause, after the end of the period of medical need during which payment is made under clause (i).''; and

(2) in clause (iv), by inserting ''or, in the case of an individual who rejects transfer of title to a Group 3 Support Surface under clause (ii), after the end of the period of medical need during which payment is made under clause (i),'' after ''under clause (ii)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to durable medical equipment not later than January 1, 2011.

SEC. 1142. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 142 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking, the first place it appears, ''January 1, 2010'' and inserting ''January 1, 2012''.

SEC. 1143. HOME INFUSION THERAPY REPORT TO CONGRESS.

Not later than July 1, 2011, the Medicare Payment Advisory Commission shall submit to Congress a report on the following:

(1) The scope of coverage for home infusion therapy in the fee-for-service Medicare program under title XVIII of the Social Security Act, Medicare Advantage under part C of such title, the veteran's health care program under chapter 17 of title 38, United States Code, and among private payers, including an analysis of the scope of services provided by home infusion therapy providers to their patients in such programs.

(2) The benefits and costs of providing such coverage under the Medicare program, including a calculation of the potential savings achieved through avoided or shortened hospital and nursing home stays as a result of Medicare coverage of home infusion therapy.

(3) An assessment of sources of data on the costs of home infusion therapy that might be used to construct payment mechanisms in the Medicare program.

(4) Recommendations, if any, on the structure of a payment system under the Medicare program for home infusion therapy, including an analysis of the payment methodologies used under Medicare Advantage plans and private health plans for the provision of home infusion therapy and their applicability to the Medicare program.

SEC. 1144. REQUIRE AMBULATORY SURGICAL CENTERS (ASCS) TO SUBMIT COST DATA AND OTHER DATA.

(a) COST REPORTING.—

(1) IN GENERAL.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

''(8) The Secretary shall require, as a condition of the agreement described in section 1832(a)(2)(F)(i), the submission of such cost report as the Secretary may specify, taking into account the requirements for such reports under section 1815 in the case of a hospital.''.

(2) DEVELOPMENT OF COST REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall develop a cost report form for use under section 1833(i)(8) of the Social Security Act, as added by paragraph (1).

(3) AUDIT REQUIREMENT.—The Secretary shall provide for periodic auditing of cost reports submitted under section 1833(i)(8) of the Social Security Act, as added by paragraph (1).

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to agreements applicable to cost reporting periods beginning 18 months after the date the Secretary develops the cost report form under paragraph (2).

(b) ADDITIONAL DATA ON QUALITY.—

(1) IN GENERAL.—Section 1833(i)(7) of such Act (42 U.S.C. 1395l(i)(7)) is amended—

(A) in subparagraph (B), by inserting ''subject to subparagraph (C),'' after ''may otherwise provide,''; and

(B) by adding at the end the following new subparagraph:

''(C) Under subparagraph (B) the Secretary shall require the reporting of such additional data relating to quality of services furnished in an ambulatory surgical facility, including data on health care associated infections, as the Secretary may specify.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall to reporting for years beginning with 2012.

SEC. 1145. TREATMENT OF CERTAIN CANCER HOSPITALS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended by adding at the end the following new paragraph:

''(18) AUTHORIZATION OF ADJUSTMENT FOR CANCER HOSPITALS.—

''(A) STUDY.—The Secretary shall conduct a study to determine if, under the system under this subsection, costs incurred by hospitals described in section 1886(d)(1)(B)(v) with respect to ambulatory payment classification groups exceed those costs incurred by other hospitals furnishing services under this subsection (as determined appropriate by the Secretary).

''(B) AUTHORIZATION OF ADJUSTMENT.—Insofar as the Secretary determines under subparagraph (A) that costs incurred by hospitals described in section 1886(d)(1)(B)(v) exceed those costs incurred by other hospitals furnishing services under this subsection, the Secretary shall provide for an appropriate adjustment under paragraph (2)(E) to reflect those higher costs effective for services furnished on or after January 1, 2011.''.

SEC. 1146. PAYMENT FOR IMAGING SERVICES.

(a) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT A PRESUMED LEVEL OF UTILIZATION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''this paragraph''; and

(B) by adding at the end the following new subparagraph:

''(C) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT A PRESUMED LEVEL OF UTILIZATION.—Consistent with the methodology for computing the number of practice expense relative value units under subsection (c)(2)(C)(ii) with respect to advanced diagnostic imaging services (as defined in section 1834(e)(1)(B)) furnished on or after January 1, 2011, the Secretary shall adjust such number of units so it reflects a presumed rate of utilization of imaging equipment of 75 percent.''; and

(2) in subsection (c)(2)(B)(v)), by adding at the end the following new subclause:

''(III) CHANGE IN PRESUMED UTILIZATION LEVEL OF CERTAIN ADVANCED DIAGNOSTIC IMAGING SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the presumed utilization of 75 percent under subsection (b)(4)(C) instead of a presumed utilization of imaging equipment of 50 percent.''.

(b) ADJUSTMENT IN TECHNICAL COMPONENT ''DISCOUNT'' ON SINGLE-SESSION IMAGING TO CONSECUTIVE BODY PARTS.—Section 1848 of such Act (42 U.S.C. 1395w–4) is further amended—

(1) in subsection (b)(4), by adding at the end the following new subparagraph:

''(D) ADJUSTMENT IN TECHNICAL COMPONENT DISCOUNT ON SINGLE-SESSION IMAGING INVOLVING CONSECUTIVE BODY PARTS.—For services furnished on or after January 1, 2011, the Secretary shall increase the reduction in expenditures attributable to the multiple procedure payment reduction applicable to the technical component for imaging under the final rule published by the Secretary in the Federal Register on November 21, 2005 (part 405 of title 42, Code of Federal Regulations) from 25 percent to 50 percent.''; and

(2) in subsection (c)(2)(B)(v), by adding at the end the following new subclause:

''(III) ADDITIONAL REDUCED PAYMENT FOR MULTIPLE IMAGING PROCEDURES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the increase in the multiple procedure payment reduction from 25 percent to 50 percent as described in subsection (b)(4)(D).''.

SEC. 1147. DURABLE MEDICAL EQUIPMENT PROGRAM IMPROVEMENTS.

(a) WAIVER OF SURETY BOND REQUIREMENT.—Section 1834(a)(16) of the Social Security Act (42 U.S.C. 1395m(a)(16)) is amended by adding at the end the following sentence: ''The requirement for a surety bond described in subparagraph (B) shall not apply in the case of a pharmacy or supplier that exclusively furnishes eyeglasses or contact lenses described in section 1861(s)(8) if the pharmacy or supply has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies and has been issued (which may include renewal of) a supplier number (as described in the first sentence of this paragraph) for at least 5 years, and if a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has never been imposed for such pharmacy or supplier.''.

(b) ENSURING SUPPLY OF OXYGEN EQUIPMENT.—

(1) IN GENERAL.—Section 1834(a)(5)(F) of the Social Security Act (42 U.S.C. 1395m(a)(5)(F)) is amended—

(A) in clause (ii), by striking ''After the'' and inserting ''Except as provided in clause (iii), after the''; and

(B) by adding at the end the following new clause:

''(iii) CONTINUATION OF SUPPLY.—In the case of a supplier furnishing such equipment to an individual under this subsection as of the 27th month of the 36 months described in clause (i), the supplier furnishing such equipment as of such month shall continue to furnish such equipment to such individual (either directly or though arrangements with other suppliers of such equipment) during any subsequent period of medical need for the remainder of the reasonable useful lifetime of the equipment, as determined by the Secretary, regardless of the location of the individual, unless another supplier has accepted responsibility for continuing to furnish such equipment during the remainder of such period.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as of the date of the enactment of this Act and shall apply to the furnishing of equipment to individuals for whom the 27th month of a continuous period of use of oxygen equipment described in section 1834(a)(5)(F) of the Social Security Act occurs on or after July 1, 2010.

(c) TREATMENT OF CURRENT ACCREDITATION APPLICATIONS.—Section 1834(a)(20)(F) of such Act (42 U.S.C. 1395m(a)(20)(F)) is amended—

(1) in clause (i)—

(A) by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(B) by striking ''and'' at the end;

(2) by striking the period at the end of clause (ii)(II) and by inserting a semicolon;

(3) by inserting after clause (ii) the following new clauses:

''(iii) the requirement for accreditation described in clause (i) shall not apply for purposes of supplying diabetic testing supplies, canes, and crutches in the case of a pharmacy that is enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies; and

''(iv) a supplier that has submitted an application for accreditation before August 1, 2009, shall retain the supplier's provider or supplier number until an independent accreditation organization determines if such supplier complies with requirements under this paragraph.''; and

(4) by adding at the end the following new sentence: ''Nothing in clauses (iii) and (iv) shall be construed as affecting the application of an accreditation requirement for suppliers to qualify for bidding in a competitive acquisition area under section 1847,''.

(d) RESTORING 36-MONTH OXYGEN RENTAL PERIOD IN CASE OF SUPPLIER BANKRUPTCY FOR CERTAIN INDIVIDUALS.—Section 1834(a)(5)(F) of such Act (42 U.S.C. 1395m(a)(5)(F)), as amended by subsection (b), is further amended by adding at the end the following new clause:

''(iv) EXCEPTION FOR BANKRUPTCY.—If a supplier who furnishes oxygen and oxygen equipment to an individual is declared bankrupt and its assets are liquidated and at the time of such declaration and liquidation more than 24 months of rental payments have been made, such individual may begin a new 36-month rental period under this subparagraph with another supplier of oxygen.''.

SEC. 1148. MEDPAC STUDY AND REPORT ON BONE MASS MEASUREMENT.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study regarding bone mass measurement, including computed tomography, duel-energy x-ray absorptriometry, and vertebral fracture assessment. The study shall focus on the following:

(1) An assessment of the adequacy of Medicare payment rates for such services, taking into account costs of acquiring the necessary equipment, professional work time, and practice expense costs.

(2) The impact of Medicare payment changes since 2006 on beneficiary access to

bone mass measurement benefits in general and in rural and minority communities specifically.

(3) A review of the clinically appropriate and recommended use among Medicare beneficiaries and how usage rates among such beneficiaries compares to such recommendations.

(4) In conjunction with the findings under (3), recommendations, if necessary, regarding methods for reaching appropriate use of bone mass measurement studies among Medicare beneficiaries.

(b) REPORT.—The Commission shall submit a report to the Congress, not later than 9 months after the date of the enactment of this Act, containing a description of the results of the study conducted under subsection (a) and the conclusions and recommendations, if any, regarding each of the issues described in paragraphs (1), (2) (3) and (4) of such subsection.

SEC. 1149. TIMELY ACCESS TO POST-MASTECTOMY ITEMS.

(a) IN GENERAL.—Section 1834(h)(1) of the Social Security Act (42 U.S.C. 1395m) is amended—

(1) by redesignating subparagraph (H) as subparagraph (I); and

(2) by inserting after subparagraph (G) the following new subparagraph:

''(H) SPECIAL PAYMENT RULE FOR POST-MASTECTOMY EXTERNAL BREAST PROSTHESIS GARMENTS.—Payment for post-mastectomy external breast prosthesis garments shall be made regardless of whether such items are supplied to the beneficiary prior to or after the mastectomy procedure or other breast cancer surgical procedure. The Secretary shall develop policies to ensure appropriate beneficiary access and utilization safeguards for such items supplied to a beneficiary prior to the mastectomy or other breast cancer surgical procedure.''

(b) EFFECTIVE DATE.—This amendment shall apply not later than January 1, 2011.

SEC. 1149A. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case of one or more interchangeable biological products (as defined in subsection (c)(6)(I)) and their reference biological product (as defined in subsection (c)(6)(J)), which shall be included in the same billing and payment code, the sum of—

''(i) the average sales price as determined using the methodology described in paragraph (6) applied to such interchangeable and reference products for all National Drug Codes assigned to such products in the same manner as such paragraph (6) is applied to multiple source drugs; and

''(ii) 6 percent of the amount determined under clause (i);

''(D) in the case of a biosimilar biological product (as defined in subsection (c)(6)(H)), the sum of—

''(i) the average sales price as determined using the methodology described in paragraph (4) applied to such biosimilar biological product for all National Drug Codes assigned to such product in the same manner as such paragraph (4) is applied to a single source drug; and

''(ii) 6 percent of the amount determined under paragraph (4) or the amount determined under subparagraph (C)(ii), as the case may be, for the reference biological product (as defined in subsection (c)(6)(J)); or

''(E) in the case of a reference biological product for both an interchangeable biological product and a biosimilar product, the amount determined in subparagraph (C).''; and

(2) in subsection (c)(6)—

(A) by amending subparagraph (D)(i) to read as follows:

''(i) a biological, including a reference biological product for a biosimilar product, but excluding—

''(I) a biosimilar biological product;

''(II) an interchangeable biological product;

''(III) a reference biological product for an interchangeable biological product; and

''(IV) a reference biological product for both an interchangeable biological product and a biosimilar product; or''; and

(B) by adding at the end the following new subparagraphs:

''(H) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product licensed as a biosimilar biological product under section 351(k) of the Public Health Service Act.

''(I) INTERCHANGEABLE BIOLOGICAL PRODUCT.—The term 'interchangeable biological product' means a biological product licensed as an interchangeable biological product under section 351(k) of the Public Health Service Act

''(J) REFERENCE BIOLOGICAL PRODUCT.—The term 'reference biological product' means the biological product that is referred to in the application for a biosimilar or interchangeable biological product licensed under section 351(k) of the Public Health Service Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments for biosimilar biological products, interchangeable biological products, and reference biological products beginning with the first day of the second calendar quarter after the date of the enactment of this Act.

SEC. 1149B. STUDY AND REPORT ON DME COMPETITIVE BIDDING PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the potential establishment of a program under Medicare under title XVIII of the Social Security Act to acquire durable medical equipment and supplies through a competitive bidding process among manufacturers of such equipment and supplies. Such study shall address the following:

(1) Identification of types of durable medical equipment and supplies that would be appropriate for bidding under such a program.

(2) Recommendations on how to structure such an acquisition program in order to promote fiscal responsibility while also ensuring beneficiary access to high quality equipment and supplies.

(3) Recommendations on how such a program could be phased-in and on what geographic level would bidding be most appropriate.

(4) In addition to price, recommendations on criteria that could be factored into the bidding process.

(5) Recommendations on how suppliers could be compensated for furnishing and servicing equipment and supplies acquired under such a program.

(6) Comparison of such a program to the current competitive bidding program under Medicare for durable medical equipment, as well as any other similar Federal acquisition programs, such as the General Services Administration's vehicle purchasing program.

(7) Any other consideration relevant to the acquisition, supply, and service of durable medical equipment and supplies that is deemed appropriate by the Comptroller General.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the findings of the study under subsection (a).

Subtitle C—Provisions Related to Medicare Parts A and B

SEC. 1151. REDUCING POTENTIALLY PREVENTABLE HOSPITAL READMISSIONS.

(a) HOSPITALS.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww), as amended by section 1103(a), is amended by adding at the end the following new subsection:

''(p) ADJUSTMENT TO HOSPITAL PAYMENTS FOR EXCESS READMISSIONS.—

''(1) IN GENERAL.—With respect to payment for discharges from an applicable hospital (as defined in paragraph (5)(C)) occurring during a fiscal year beginning on or after October 1, 2011, in order to account for excess readmissions in the hospital, the Secretary shall reduce the payments that would otherwise be made to such hospital under subsection (d) (or section 1814(b)(3), as the case may be) for such a discharge by an amount equal to the product of—

''(A) the base operating DRG payment amount (as defined in paragraph (2)) for the discharge; and

''(B) the adjustment factor (described in paragraph (3)(A)) for the hospital for the fiscal year.

''(2) BASE OPERATING DRG PAYMENT AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of this subsection, the term 'base operating DRG payment amount' means, with respect to a hospital for a fiscal year, the payment amount that would otherwise be made under subsection (d) for a discharge if this subsection did not apply, reduced by any portion of such amount that is attributable to payments under subparagraphs (B) and (F) of paragraph (5).

''(B) ADJUSTMENTS.—For purposes of subparagraph (A), in the case of a hospital that is paid under section 1814(b)(3), the term 'base operating DRG payment amount' means the payment amount under such section.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—For purposes of paragraph (1), the adjustment factor under this paragraph for an applicable hospital for a fiscal year is equal to the greater of—

''(i) the ratio described in subparagraph (B) for the hospital for the applicable period (as defined in paragraph (5)(D)) for such fiscal year; or

''(ii) the floor adjustment factor specified in subparagraph (C).

''(B) RATIO.—The ratio described in this subparagraph for a hospital for an applicable period is equal to 1 minus the ratio of—

''(i) the aggregate payments for excess readmissions (as defined in paragraph (4)(A)) with respect to an applicable hospital for the applicable period; and

''(ii) the aggregate payments for all discharges (as defined in paragraph (4)(B)) with respect to such applicable hospital for such applicable period.

''(C) FLOOR ADJUSTMENT FACTOR.—For purposes of subparagraph (A), the floor adjustment factor specified in this subparagraph for—

''(i) fiscal year 2012 is 0.99;

''(ii) fiscal year 2013 is 0.98;

''(iii) fiscal year 2014 is 0.97; or

''(iv) a subsequent fiscal year is 0.95.

''(4) AGGREGATE PAYMENTS, EXCESS READMISSION RATIO DEFINED.—For purposes of this subsection:

''(A) AGGREGATE PAYMENTS FOR EXCESS READMISSIONS.—The term 'aggregate payments for excess readmissions' means, for a hospital for a fiscal year, the sum, for applicable

conditions (as defined in paragraph (5)(A)), of the product, for each applicable condition, of—

''(i) the base operating DRG payment amount for such hospital for such fiscal year for such condition;

''(ii) the number of admissions for such condition for such hospital for such fiscal year; and

''(iii) the excess readmissions ratio (as defined in subparagraph (C)) for such hospital for the applicable period for such fiscal year minus 1.

''(B) AGGREGATE PAYMENTS FOR ALL DISCHARGES.—The term 'aggregate payments for all discharges' means, for a hospital for a fiscal year, the sum of the base operating DRG payment amounts for all discharges for all conditions from such hospital for such fiscal year.

''(C) EXCESS READMISSION RATIO.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the term 'excess readmissions ratio' means, with respect to an applicable condition for a hospital for an applicable period, the ratio (but not less than 1.0) of—

''(I) the risk adjusted readmissions based on actual readmissions, as determined consistent with a readmission measure methodology that has been endorsed under paragraph (5)(A)(ii)(I), for an applicable hospital for such condition with respect to the applicable period; to

''(II) the risk adjusted expected readmissions (as determined consistent with such a methodology) for such hospital for such condition with respect to such applicable period.

''(ii) EXCLUSION OF CERTAIN READMISSIONS.—For purposes of clause (i), with respect to a hospital, excess readmissions shall not include readmissions for an applicable condition for which there are fewer than a minimum number (as determined by the Secretary) of discharges for such applicable condition for the applicable period and such hospital.

''(iii) ADJUSTMENT.—In order to promote a reduction over time in the overall rate of readmissions for applicable conditions, the Secretary may provide, beginning with discharges for fiscal year 2014, for the determination of the excess readmissions ratio under subparagraph (C) to be based on a ranking of hospitals by readmission ratios (from lower to higher readmission ratios) normalized to a benchmark that is lower than the 50th percentile.

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) APPLICABLE CONDITION.—The term 'applicable condition' means, subject to subparagraph (B), a condition or procedure selected by the Secretary among conditions and procedures for which—

''(i) readmissions (as defined in subparagraph (E)) that represent conditions or procedures that are high volume or high expenditures under this title (or other criteria specified by the Secretary); and

''(ii) measures of such readmissions—

''(I) have been endorsed by the entity with a contract under section 1890(a); and

''(II) such endorsed measures have appropriate exclusions for readmissions that are unrelated to the prior discharge (such as a planned readmission or transfer to another applicable hospital).

''(B) EXPANSION OF APPLICABLE CONDITIONS.—Beginning with fiscal year 2013, the Secretary shall expand the applicable conditions beyond the 3 conditions for which measures have been endorsed as described in subparagraph (A)(ii)(I) as of the date of the enactment of this subsection to the additional 4 conditions that have been so identified by the Medicare Payment Advisory Commission in its report to Congress in June 2007 and to other conditions and procedures which may include an all-condition measure of readmissions, as determined appropriate by the Secretary. In expanding such applicable conditions, the Secretary shall seek the endorsement described in subparagraph (A)(ii)(I) but may apply such measures without such an endorsement.

''(C) APPLICABLE HOSPITAL.—The term 'applicable hospital' means a subsection (d) hospital or a hospital that is paid under section 1814(b)(3).

''(D) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to a fiscal year, such period as the Secretary shall specify for purposes of determining excess readmissions.

''(E) READMISSION.—The term 'readmission' means, in the case of an individual who is discharged from an applicable hospital, the admission of the individual to the same or another applicable hospital within a time period specified by the Secretary from the date of such discharge. Insofar as the discharge relates to an applicable condition for which there is an endorsed measure described in subparagraph (A)(ii)(I), such time period (such as 30 days) shall be consistent with the time period specified for such measure.

''(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(A) the determination of base operating DRG payment amounts;

''(B) the methodology for determining the adjustment factor under paragraph (3), including excess readmissions ratio under paragraph (4)(C), aggregate payments for excess readmissions under paragraph (4)(A), and aggregate payments for all discharges under paragraph (4)(B), and applicable periods and applicable conditions under paragraph (5);

''(C) the measures of readmissions as described in paragraph (5)(A)(ii); and

''(D) the determination of a targeted hospital under paragraph (8)(B)(i), the increase in payment under paragraph (8)(B)(ii), the aggregate cap under paragraph (8)(C)(i), the hospital-specific limit under paragraph (8)(C)(ii), and the form of payment made by the Secretary under paragraph (8)(D).

''(7) MONITORING INAPPROPRIATE CHANGES IN ADMISSIONS PRACTICES.—The Secretary shall monitor the activities of applicable hospitals to determine if such hospitals have taken steps to avoid patients at risk in order to reduce the likelihood of increasing readmissions for applicable conditions or taken other inappropriate steps involving readmissions or transfers. If the Secretary determines that such a hospital has taken such a step, after notice to the hospital and opportunity for the hospital to undertake action to alleviate such steps, the Secretary may impose an appropriate sanction.

''(8) ASSISTANCE TO CERTAIN HOSPITALS.—

''(A) IN GENERAL.—For purposes of providing funds to applicable hospitals to take steps described in subparagraph (E) to address factors that may impact readmissions of individuals who are discharged from such a hospital, for fiscal years beginning on or after October 1, 2011, the Secretary shall make a payment adjustment for a hospital described in subparagraph (B), with respect to each such fiscal year, by a percent estimated by the Secretary to be consistent with subparagraph (C). The Secretary shall provide priority to hospitals that serve Medicare beneficiaries at highest risk for readmission or for a poor transition from such a hospital to a post-hospital site of care.

''(B) TARGETED HOSPITALS.—Subparagraph (A) shall apply to an applicable hospital that—

''(i) had (or, in the case of an 1814(b)(3) hospital, otherwise would have had) a disproportionate patient percentage (as defined in section 1886(d)(5)(F)) of at least 30 percent, using the latest available data as estimated by the Secretary; and

''(ii) provides assurances satisfactory to the Secretary that the increase in payment under this paragraph shall be used for purposes described in subparagraph (E).

''(C) CAPS.—

''(i) AGGREGATE CAP.—The aggregate amount of the payment adjustment under this paragraph for a fiscal year shall not exceed 5 percent of the estimated difference in the spending that would occur for such fiscal year with and without application of the adjustment factor described in paragraph (3) and applied pursuant to paragraph (1).

''(ii) HOSPITAL-SPECIFIC LIMIT.—The aggregate amount of the payment adjustment for a hospital under this paragraph shall not exceed the estimated difference in spending that would occur for such fiscal year for such hospital with and without application of the adjustment factor described in paragraph (3) and applied pursuant to paragraph (1).

''(D) FORM OF PAYMENT.—The Secretary may make the additional payments under this paragraph on a lump sum basis, a periodic basis, a claim by claim basis, or otherwise.

''(E) USE OF ADDITIONAL PAYMENT.—

''(i) IN GENERAL.—Funding under this paragraph shall be used by targeted hospitals for activities designed to address the patient noncompliance issues that result in higher than normal readmission rates, including transitional care services described in clause (ii) and any or all of the other activities described in clause (iii).

''(ii) TRANSITIONAL CARE SERVICES.—The transitional care services described in this clause are transitional care services furnished by a qualified transitional care provider, such as a nurse or other health professional, who meets relevant experience and training requirements as specified by the Secretary that support a beneficiary under this section beginning on the date of an individual's admission to a hospital for inpatient hospital services and ending at the latest on the last day of the 90-day period beginning on the date of the individual's discharge from the applicable hospital. The Secretary shall determine and update services to be included in transitional care services under this clause as appropriate, based on evidence of their effectiveness in reducing hospital readmissions and improving health outcomes. Such services shall include the following:

''(I) Conduct of an assessment prior to discharge, which assessment may include an assessment of the individual's physical and mental condition, cognitive and functional capacities, medication regimen and adherence, social and environmental needs, and primary caregiver needs and resources.

''(II) Development of a evidence-based plan of transitional care for the individual developed after consultation with the individual and the individual's primary caregiver and other health team members, as appropriate. Such plan shall include a list of current therapies prescribed, treatment goals and may include other items or elements as determined by the Secretary, such as identifying list of potential health risks and future services for both the individual and any primary caregiver.

''(iii) OTHER ACTIVITIES.—The other activities described in this clause are the following:

''(I) Providing other care coordination services not described under clause (ii).

''(II) Hiring translators and interpreters.

''(III) Increasing services offered by discharge planners.

''(IV) Ensuring that individuals receive a summary of care and medication orders upon discharge.

''(V) Developing a quality improvement plan to assess and remedy preventable readmission rates.

''(VI) Assigning appropriate follow-up care for discharged individuals.

''(VII) Doing other activities as determined appropriate by the Secretary.

''(F) GAO REPORT ON USE OF FUNDS.—Not later than 3 years after the date on which funds are first made available under this paragraph, the Comptroller General of the United States shall submit to Congress a report on the use of such funds. Such report shall consider information on the effective uses of such funds, how the uses of such funds affected hospital readmission rates (including at 6 months post-discharge), health outcomes and quality, reductions in expenditures under this title and the experiences of beneficiaries, primary caregivers, and providers, as well as any appropriate recommendations.''.

(b) APPLICATION TO CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)) is amended—

(1) in paragraph (5)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and'';

(C) by inserting at the end the following new subparagraph:

''(E) the methodology for determining the adjustment factor under paragraph (5), including the determination of aggregate payments for actual and expected readmissions, applicable periods, applicable conditions and measures of readmissions.''; and

(D) by redesignating such paragraph as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) The adjustment factor described in section 1886(p)(3) shall apply to payments with respect to a critical access hospital with respect to a cost reporting period beginning in fiscal year 2012 and each subsequent fiscal year (after application of paragraph (4) of this subsection) in a manner similar to the manner in which such section applies with respect to a fiscal year to an applicable hospital as described in section 1886(p)(2).''.

(c) POST ACUTE CARE PROVIDERS.—

(1) INTERIM POLICY.—

(A) IN GENERAL.—With respect to a readmission to an applicable hospital or a critical access hospital (as described in section 1814(l) of the Social Security Act) from a post acute care provider (as defined in paragraph (3)) and such a readmission is not governed by section 412.531 of title 42, Code of Federal Regulations, if the claim submitted by such a post-acute care provider under title XVIII of the Social Security Act indicates that the individual was readmitted to a hospital from such a post-acute care provider or admitted from home and under the care of a home health agency within 30 days of an initial discharge from an applicable hospital or critical access hospital, the payment under such title on such claim shall be the applicable percent specified in subparagraph (B) of the payment that would otherwise be made under the respective payment system under such title for such post-acute care provider if this subsection did not apply. In applying the previous sentence, the Secretary shall exclude a period of 1 day from the date the individual is first admitted to or under the care of the post-acute care provider.

(B) APPLICABLE PERCENT DEFINED.—For purposes of subparagraph (A), the applicable percent is—

(i) for fiscal or rate year 2012 is 0.996;

(ii) for fiscal or rate year 2013 is 0.993; and

(iii) for fiscal or rate year 2014 is 0.99.

(C) EFFECTIVE DATE.—Subparagraph (1) shall apply to discharges or services furnished (as the case may be with respect to the applicable post acute care provider) on or after the first day of the fiscal year or rate year, beginning on or after October 1, 2011, with respect to the applicable post acute care provider.

(2) DEVELOPMENT AND APPLICATION OF PERFORMANCE MEASURES.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall develop appropriate measures of readmission rates for post acute care providers. The Secretary shall seek endorsement of such measures by the entity with a contract under section 1890(a) of the Social Security Act but may adopt and apply such measures under this paragraph without such an endorsement. The Secretary shall expand such measures in a manner similar to the manner in which applicable conditions are expanded under paragraph (5)(B) of section 1886(p) of the Social Security Act, as added by subsection (a).

(B) IMPLEMENTATION.—The Secretary shall apply, on or after October 1, 2014, with respect to post acute care providers, policies similar to the policies applied with respect to applicable hospitals and critical access hospitals under the amendments made by subsection (a). The provisions of paragraph (1) shall apply with respect to any period on or after October 1, 2014, and before such application date described in the previous sentence in the same manner as such provisions apply with respect to fiscal or rate year 2014.

(C) MONITORING AND PENALTIES.—The provisions of paragraph (7) of such section 1886(p) shall apply to providers under this paragraph in the same manner as they apply to hospitals under such section.

(3) DEFINITIONS.—For purposes of this subsection:

(A) POST ACUTE CARE PROVIDER.—The term ''post acute care provider'' means—

(i) a skilled nursing facility (as defined in section 1819(a) of the Social Security Act);

(ii) an inpatient rehabilitation facility (described in section 1886(h)(1)(A) of such Act);

(iii) a home health agency (as defined in section 1861(o) of such Act); and

(iv) a long term care hospital (as defined in section 1861(ccc) of such Act).

(B) OTHER TERMS.—The terms ''applicable condition'', ''applicable hospital'', and ''readmission'' have the meanings given such terms in section 1886(p)(5) of the Social Security Act, as added by subsection (a)(1).

(d) PHYSICIANS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to determine how the readmissions policy described in the previous subsections could be applied to physicians.

(2) CONSIDERATIONS.—In conducting the study, the Secretary shall consider approaches such as—

(A) creating a new code (or codes) and payment amount (or amounts) under the fee schedule in section 1848 of the Social Security Act (in a budget neutral manner) for services furnished by an appropriate physician who sees an individual within the first week after discharge from a hospital or critical access hospital;

(B) developing measures of rates of readmission for individuals treated by physicians;

(C) applying a payment reduction for physicians who treat the patient during the initial admission that results in a readmission; and

(D) methods for attributing payments or payment reductions to the appropriate physician or physicians.

(3) REPORT.—The Secretary shall issue a public report on such study not later than the date that is one year after the date of the enactment of this Act.

(e) FUNDING.—For purposes of carrying out the provisions of this section, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services Program Management Account $25,000,000 for each fiscal year beginning with 2010. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 1152. POST ACUTE CARE SERVICES PAYMENT REFORM PLAN AND BUNDLING PILOT PROGRAM.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop a detailed plan to reform payment for post acute care (PAC) services under the Medicare program under title XVIII of the Social Security Act (in this section referred to as the ''Medicare program)''. The goals of such payment reform are to—

(A) improve the coordination, quality, and efficiency of such services; and

(B) improve outcomes for individuals such as reducing the need for readmission to hospitals from providers of such services.

(2) BUNDLING POST ACUTE SERVICES.—The plan described in paragraph (1) shall include detailed specifications for a bundled payment for post acute services (in this section referred to as the ''post acute care bundle''), and may include other approaches determined appropriate by the Secretary.

(3) POST ACUTE SERVICES.—For purposes of this section, the term ''post acute services'' means services for which payment may be made under the Medicare program that are furnished by skilled nursing facilities, inpatient rehabilitation facilities, long term care hospitals, hospital based outpatient rehabilitation facilities and home health agencies to an individual after discharge of such individual from a hospital, and such other services determined appropriate by the Secretary.

(b) DETAILS.—The plan described in subsection (a)(1) shall include consideration of the following issues:

(1) The nature of payments under a post acute care bundle, including the type of provider or entity to whom payment should be made, the scope of activities and services included in the bundle, whether payment for physicians' services should be included in the bundle, and the period covered by the bundle.

(2) Whether the payment should be consolidated with the payment under the inpatient prospective system under section 1886 of the Social Security Act (in this section referred to as MS–DRGs) or a separate payment should be established for such bundle, and if a separate payment is established, whether it should be made only upon use of post acute care services or for every discharge.

(3) Whether the bundle should be applied across all categories of providers of inpatient services (including critical access hospitals) and post acute care services or whether it should be limited to certain categories of providers, services, or discharges, such as high volume or high cost MS–DRGs.

(4) The extent to which payment rates could be established to achieve offsets for efficiencies that could be expected to be achieved with a bundle payment, whether such rates should be established on a national basis or for different geographic areas, should vary according to discharge, case mix, outliers, and geographic differences in wages or other appropriate adjustments, and how to update such rates.

(5) The nature of protections needed for individuals under a system of bundled payments to ensure that individuals receive quality care, are furnished the level and amount of services needed as determined by an appropriate assessment instrument, are offered choice of provider, and the extent to

which transitional care services would improve quality of care for individuals and the functioning of a bundled post-acute system.

(6) The nature of relationships that may be required between hospitals and providers of post acute care services to facilitate bundled payments, including the application of gainsharing, anti-referral, anti-kickback, and anti-trust laws.

(7) Quality measures that would be appropriate for reporting by hospitals and post acute providers (such as measures that assess changes in functional status and quality measures appropriate for each type of post acute services provider including how the reporting of such quality measures could be coordinated with other reporting of such quality measures by such providers otherwise required).

(8) How cost-sharing for a post acute care bundle should be treated relative to current rules for cost-sharing for inpatient hospital, home health, skilled nursing facility, and other services.

(9) How other programmatic issues should be treated in a post acute care bundle, including rules specific to various types of post-acute providers such as the post-acute transfer policy, three-day hospital stay to qualify for services furnished by skilled nursing facilities, and the coordination of payments and care under the Medicare program and the Medicaid program.

(10) Such other issues as the Secretary deems appropriate.

(c) CONSULTATIONS AND ANALYSIS.—

(1) CONSULTATION WITH STAKEHOLDERS.—In developing the plan under subsection (a)(1), the Secretary shall consult with relevant stakeholders and shall consider experience with such research studies and demonstrations that the Secretary determines appropriate.

(2) ANALYSIS AND DATA COLLECTION.—In developing such plan, the Secretary shall—

(A) analyze the issues described in subsection (b) and other issues that the Secretary determines appropriate;

(B) analyze the impacts (including geographic impacts) of post acute service reform approaches, including bundling of such services on individuals, hospitals, post acute care providers, and physicians;

(C) use existing data (such as data submitted on claims) and collect such data as the Secretary determines are appropriate to develop such plan required in this section; and

(D) if patient functional status measures are appropriate for the analysis, to the extent practical, build upon the CARE tool being developed pursuant to section 5008 of the Deficit Reduction Act of 2005.

(d) ADMINISTRATION.—

(1) FUNDING.—For purposes of carrying out the provisions of this section, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary for the Center for Medicare & Medicaid Services Program Management Account $15,000,000 for each of the fiscal years 2010 through 2012. Amounts appropriated under this paragraph for a fiscal year shall be available until expended.

(2) EXPEDITED DATA COLLECTION.—Chapter 35 of title 44, United States Code shall not apply to this section.

(e) PUBLIC REPORTS.—

(1) INTERIM REPORTS.—The Secretary shall issue interim public reports on a periodic basis on the plan described in subsection (a)(1), the issues described in subsection (b), and impact analyses as the Secretary determines appropriate.

(2) FINAL REPORT.—Not later than the date that is 3 years after the date of the enactment of this Act, the Secretary shall issue a final public report on such plan, including analysis of issues described in subsection (b) and impact analyses.

(f) CONVERSION OF ACUTE CARE EPISODE DEMONSTRATION TO PILOT PROGRAM AND EXPANSION TO INCLUDE POST ACUTE SERVICES.—

(1) IN GENERAL.—Part E of title XVIII of the Social Security Act is amended by inserting after section 1866C the following new section:

''CONVERSION OF ACUTE CARE EPISODE DEMONSTRATION TO PILOT PROGRAM AND EXPANSION TO INCLUDE POST ACUTE SERVICES

''SEC. 1866D. (a) CONVERSION AND EXPANSION.—

''(1) IN GENERAL.—By not later than January 1, 2011, the Secretary shall, for the purpose of promoting the use of bundled payments to promote efficient, coordinated, and high quality delivery of care—

''(A) convert the acute care episode demonstration program conducted under section 1866C to a pilot program; and

''(B) subject to subsection (c), expand such program as so converted to include post acute services and such other services the Secretary determines to be appropriate, which may include transitional services.

''(2) BUNDLED PAYMENT STRUCTURES.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Secretary may apply bundled payments with respect to—

''(i) hospitals and physicians;

''(ii) hospitals and post-acute care providers;

''(iii) hospitals, physicians, and post-acute care providers; or

''(iv) combinations of post-acute providers.

''(B) FURTHER APPLICATION.—

''(i) IN GENERAL.—In carrying out paragraph (1), the Secretary shall apply bundled payments in a manner so as to include collaborative care networks and continuing care hospitals.

''(ii) COLLABORATIVE CARE NETWORK DEFINED.—For purposes of this subparagraph, the term 'collaborative care network' means a consortium of health care providers that provides a comprehensive range of coordinated and integrated health care services to low-income patient populations (including the uninsured) which may include coordinated and comprehensive care by safety net providers to reduce any unnecessary use of items and services furnished in emergency departments, manage chronic conditions, improve quality and efficiency of care, increase preventive services, and promote adherence to post-acute and follow-up care plans.

''(iii) CONTINUING CARE HOSPITAL DEFINED.—For purposes of this subparagraph, the term 'continuing care hospital' means an entity that has demonstrated the ability to meet patient care and patient safety standards and that provides under common management the medical and rehabilitation services provided in inpatient rehabilitation hospitals and units (as defined in section 1886(d)(1)(B)(ii)), long-term care hospitals (as defined in section 1886(d)(1)(B)(iv)(I)), and skilled nursing facilities (as defined in section 1819(a)) that are located in a hospital described in section 1886(d).

''(b) SCOPE.—The Secretary shall set specific goals for the number of acute and post-acute bundling test sites under the pilot program to ensure that over time the pilot program is of sufficient size and scope to—

''(1) test the approaches under the pilot program in a variety of settings, including urban, rural, and underserved areas;

''(2) include geographic areas and additional conditions that account for significant program spending, as defined by the Secretary; and

''(3) subject to subsection (d), disseminate the pilot program rapidly on a national basis.

To the extent that the Secretary finds inpatient and post acute care bundling to be successful in improving quality and reducing costs, the Secretary shall implement such mechanisms and reforms under the pilot program on as large a geographic scale as practical and economical, consistent with subsection (e). Nothing in this subsection shall be construed as limiting the number of hospital and physician groups or the number of hospital and post-acute provider groups that may participate in the pilot program.

''(c) LIMITATION.—The Secretary shall only expand the pilot program under subsection (a) if the Secretary finds that—

''(1) the demonstration program under section 1866C and pilot program under this section maintain or increase the quality of care received by individuals enrolled under this title; and

''(2) such demonstration program and pilot program reduce program expenditures and, based on the certification under subsection (d), that the expansion of such pilot program would result in estimated spending that would be less than what spending would otherwise be in the absence of this section.

''(d) CERTIFICATION.—For purposes of subsection (c), the Chief Actuary of the Centers for Medicare & Medicaid Services shall certify whether expansion of the pilot program under this section would result in estimated spending that would be less than what spending would otherwise be in the absence of this section.

''(e) VOLUNTARY PARTICIPATION.—Nothing in this paragraph shall be construed as requiring the participation of an entity in the pilot program under this section.

''(f) EVALUATION ON COST AND QUALITY OF CARE.—The Secretary shall conduct an evaluation of the pilot program under subsection (a) to study the effect of such program on costs and quality of care. The findings of such evaluation shall be included in the final report required under section 1152(e)(2) of the Affordable Health Care for America Act.

''(g) STUDY OF ADDITIONAL BUNDLING AND EPISODE-BASED PAYMENT FOR PHYSICIANS' SERVICES.—

''(1) IN GENERAL.—The Secretary shall provide for a study of and development of a plan for testing additional ways to increase bundling of payments for physicians in connection with an episode of care, such as in connection with outpatient hospital services or services rendered in physicians' offices, other than those provided under the pilot program.

''(2) APPLICATION.—The Secretary may implement such a plan through a demonstration program.''.

(2) CONFORMING AMENDMENT.—Section 1866C(b) of the Social Security Act (42 U.S.C. 1395cc–3(b)) is amended by striking ''The Secretary'' and inserting ''Subject to section 1866D, the Secretary''.

SEC. 1153. HOME HEALTH PAYMENT UPDATE FOR 2010.

Section 1895(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)(ii)) is amended—

(1) in subclause (IV), by striking ''and'';

(2) by redesignating subclause (V) as subclause (VII); and

(3) by inserting after subclause (IV) the following new subclauses:

''(V) 2007, 2008, and 2009, subject to clause (v), the home health market basket percentage increase;

''(VI) 2010, subject to clause (v), 0 percent; and''.

SEC. 1154. PAYMENT ADJUSTMENTS FOR HOME HEALTH CARE.

(a) ACCELERATION OF ADJUSTMENT FOR CASE MIX CHANGES.—Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iv), by striking ''Insofar as'' and inserting ''Subject to clause (vi), insofar as''; and

(2) by adding at the end the following new clause:

''(vi) SPECIAL RULE FOR CASE MIX CHANGES FOR 2011.—

''(I) IN GENERAL.—With respect to the case mix adjustments established in section 484.220(a) of title 42, Code of Federal Regulations, the Secretary shall apply, in 2010, the adjustment established in paragraph (3) of such section for 2011, in addition to applying the adjustment established in paragraph (2) for 2010.

''(II) CONSTRUCTION.—Nothing in this clause shall be construed as limiting the amount of adjustment for case mix for 2010 or 2011 if more recent data indicate an appropriate adjustment that is greater than the amount established in the section described in subclause (I).''.

(b) REBASING HOME HEALTH PROSPECTIVE PAYMENT AMOUNT.—Section 1895(b)(3)(A) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)) is amended—

(1) in clause (i)—

(A) in subclause (III), by inserting ''and before 2011'' after ''after the period described in subclause (II)''; and

(B) by inserting after subclause (III) the following new subclauses:

''(IV) Subject to clause (iii)(I), for 2011, such amount (or amounts) shall be adjusted by a uniform percentage determined to be appropriate by the Secretary based on analysis of factors such as changes in the average number and types of visits in an episode, the change in intensity of visits in an episode, growth in cost per episode, and other factors that the Secretary considers to be relevant.

''(V) Subject to clause (iii)(II), for a year after 2011, such a amount (or amounts) shall be equal to the amount (or amounts) determined under this clause for the previous year, updated under subparagraph (B).''; and

(2) by adding at the end the following new clause:

''(iii) SPECIAL RULE IN CASE OF INABILITY TO EFFECT TIMELY REBASING.—

''(I) APPLICATION OF PROXY AMOUNT FOR 2011.—If the Secretary is not able to compute the amount (or amounts) under clause (i)(IV) so as to permit, on a timely basis, the application of such clause for 2011, the Secretary shall substitute for such amount (or amounts) 95 percent of the amount (or amounts) that would otherwise be specified under clause (i)(III) if it applied for 2011.

''(II) ADJUSTMENT FOR SUBSEQUENT YEARS BASED ON DATA.—If the Secretary applies subclause (I), the Secretary before July 1, 2011, shall compare the amount (or amounts) applied under such subclause with the amount (or amounts) that should have been applied under clause (i)(IV). The Secretary shall decrease or increase the prospective payment amount (or amounts) under clause (i)(V) for 2012 (or, at the Secretary's discretion, over a period of several years beginning with 2012) by the amount (if any) by which the amount (or amounts) applied under subclause (I) is greater or less, respectively, than the amount (or amounts) that should have been applied under clause (i)(IV).''.

SEC. 1155. INCORPORATING PRODUCTIVITY IMPROVEMENTS INTO MARKET BASKET UPDATE FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iii), by inserting ''(including being subject to the productivity adjustment described in section 1886(b)(3)(B)(iii)(II))'' after ''in the same manner''; and

(2) in clause (v)(I), by inserting ''(but not below 0)'' after ''reduced''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to home health market basket percentage increases for years beginning with 2011.

SEC. 1155A. MEDPAC STUDY ON VARIATION IN HOME HEALTH MARGINS.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study regarding variation in performance of home health agencies in an effort to explain variation in Medicare margins for such agencies. Such study shall include an examination of at least the following issues:

(1) The demographic characteristics of individuals served and the geographic distribution associated with transportation costs.

(2) The characteristics of such agencies, such as whether such agencies operate 24 hours each day, provide charity care, or are part of an integrated health system.

(3) The socio-economic status of individuals served, such as the proportion of such individuals who are dually eligible for Medicare and Medicaid benefits.

(4) The presence of severe and or chronic disease or disability in individuals served, as evidenced by multiple discontinuous home health episodes with a high number of visits per episode.

(5) The differences in services provided, such as therapy and non-therapy services.

(b) REPORT.—Not later than June 1, 2011, the Commission shall submit a report to the Congress on the results of the study conducted under subsection (a) and shall include in the report the Commission's conclusions and recommendations, if appropriate, regarding each of the issues described in paragraphs (1), (2) and (3) of such subsection.

SEC. 1155B. PERMITTING HOME HEALTH AGENCIES TO ASSIGN THE MOST APPROPRIATE SKILLED SERVICE TO MAKE THE INITIAL ASSESSMENT VISIT UNDER A MEDICARE HOME HEALTH PLAN OF CARE FOR REHABILITATION CASES.

(a) IN GENERAL.—Notwithstanding section 484.55(a)(2) of title 42 of the Code of Federal Regulations or any other provision of law, a home health agency may determine the most appropriate skilled therapist to make the initial assessment visit for an individual who is referred (and may be eligible) for home health services under title XVIII of the Social Security Act but who does not require skilled nursing care as long as the skilled service (for which that therapist is qualified to provide the service) is included as part of the plan of care for home health services for such individual.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to provide for initial eligibility for coverage of home health services under title XVIII of the Social Security Act on the basis of a need for occupational therapy.

SEC. 1156. LIMITATION ON MEDICARE EXCEPTIONS TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS MADE TO HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1).'';

(3) by amending subsection (f) to read as follows:

''(f) REPORTING AND DISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—Each entity providing covered items or services for which payment may be made under this title shall provide the Secretary with the information concerning the entity's ownership, investment, and compensation arrangements, including—

''(A) the covered items and services provided by the entity, and

''(B) the names and unique physician identification numbers of all physicians with an ownership or investment interest (as described in subsection (a)(2)(A)), or with a compensation arrangement (as described in subsection (a)(2)(B)), in the entity, or whose immediate relatives have such an ownership or investment interest or who have such a compensation relationship with the entity.

Such information shall be provided in such form, manner, and at such times as the Secretary shall specify. The requirement of this subsection shall not apply to designated health services provided outside the United States or to entities which the Secretary determines provide services for which payment may be made under this title very infrequently.

''(2) REQUIREMENTS FOR HOSPITALS WITH PHYSICIAN OWNERSHIP OR INVESTMENT.—In the case of a hospital that meets the requirements described in subsection (i)(1), the hospital shall—

''(A) submit to the Secretary an initial report, and periodic updates at a frequency determined by the Secretary, containing a detailed description of the identity of each physician owner and physician investor and any other owners or investors of the hospital;

''(B) require that any referring physician owner or investor discloses to the individual being referred, by a time that permits the individual to make a meaningful decision regarding the receipt of services, as determined by the Secretary, the ownership or investment interest, as applicable, of such referring physician in the hospital; and

''(C) disclose the fact that the hospital is partially or wholly owned by one or more physicians or has one or more physician investors—

''(i) on any public website for the hospital; and

''(ii) in any public advertising for the hospital.

The information to be reported or disclosed under this paragraph shall be provided in such form, manner, and at such times as the Secretary shall specify. The requirements of this paragraph shall not apply to designated health services furnished outside the United States or to entities which the Secretary determines provide services for which payment may be made under this title very infrequently.

''(3) PUBLICATION OF INFORMATION.—The Secretary shall publish, and periodically update, the information submitted by hospitals under paragraph (2)(A) on the public Internet website of the Centers for Medicare & Medicaid Services.'';

(4) by amending subsection (g)(5) to read as follows:

''(5) FAILURE TO REPORT OR DISCLOSE INFORMATION.—

''(A) REPORTING.—Any person who is required, but fails, to meet a reporting requirement of paragraphs (1) and (2)(A) of subsection (f) is subject to a civil money penalty of not more than $10,000 for each day for which reporting is required to have been made.

''(B) DISCLOSURE.—Any physician who is required, but fails, to meet a disclosure requirement of subsection (f)(2)(B) or a hospital that is required, but fails, to meet a disclosure requirement of subsection (f)(2)(C) is subject to a civil money penalty of not more than $10,000 for each case in which disclosure is required to have been made.

''(C) APPLICATION.—The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under subparagraphs (A) and (B) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''; and

(5) by adding at the end the following new subsection:

''(i) REQUIREMENTS TO QUALIFY FOR RURAL PROVIDER AND HOSPITAL OWNERSHIP EXCEPTIONS TO SELF-REFERRAL PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership or investment on January 1, 2009; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) PROHIBITION ON PHYSICIAN OWNERSHIP OR INVESTMENT.—The percentage of the total value of the ownership or investment interests held in the hospital, or in an entity whose assets include the hospital, by physician owners or investors in the aggregate does not exceed such percentage as of the date of enactment of this subsection.

''(C) PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (2), the number of operating rooms, procedure rooms, or beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, or beds, respectively, as of such date.

''(D) ENSURING BONA FIDE OWNERSHIP AND INVESTMENT.—

''(i) Any ownership or investment interests that the hospital offers to a physician are not offered on more favorable terms than the terms offered to a person who is not in a position to refer patients or otherwise generate business for the hospital.

''(ii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner or investor in the hospital.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any physician owner or investor or group of physician owners or investors that is related to acquiring any ownership or investment interest in the hospital.

''(iv) Ownership or investment returns are distributed to each owner or investor in the hospital in an amount that is directly proportional to the ownership or investment interest of such owner or investor in the hospital.

''(v) The investment interest of the owner or investor is directly proportional to the owner's or investor's capital contributions made at the time the ownership or investment interest is obtained.

''(vi) Physician owners and investors do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other owners or investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner or investor the opportunity to purchase or lease any property under the control of the hospital or any other owner or investor in the hospital on more favorable terms than the terms offered to a person that is not a physician owner or investor.

''(viii) The hospital does not condition any physician ownership or investment interests either directly or indirectly on the physician owner or investor making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(E) PATIENT SAFETY.—In the case of a hospital that does not offer emergency services, the hospital has the capacity to—

''(i) provide assessment and initial treatment for medical emergencies; and

''(ii) if the hospital lacks additional capabilities required to treat the emergency involved, refer and transfer the patient with the medical emergency to a hospital with the required capability.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which a hospital may apply for an exception from the requirement under paragraph (1)(C).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide persons and entities in the community in which the hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on the date that is one month after the promulgation of regulations described in clause (iv).

''(iv) REGULATIONS.—Not later than the first day of the month beginning 18 months after the date of the enactment of this subsection, the Secretary shall promulgate regulations to carry out the process under clause (i). The Secretary may issue such regulations as interim final regulations.

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit a hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), a hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, or beds of the hospital above the baseline number of operating rooms, procedure rooms, or beds, respectively, of the hospital (or, if the hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, or beds, respectively, of the hospital after the application of the most recent increase under such an exception).

''(ii) 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, or beds of a hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, or beds of the hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, or beds of the hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, OR BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, or beds' means the number of operating rooms, procedure rooms, or beds of a hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, or beds of a hospital pursuant to this paragraph may only occur in facilities on the main campus of the hospital.

''(E) CONDITIONS FOR APPROVAL OF AN INCREASE IN FACILITY CAPACITY.—The Secretary may grant an exception under the process described in subparagraph (A) only to a hospital described in subparagraph (F) or a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period for which data are available is estimated to be at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census and available to the Secretary;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is estimated to be equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is estimated to be less than the national average bed capacity;

''(v) that has an average bed occupancy rate that is estimated to be greater than the average bed occupancy rate in the State in which the hospital is located; and

''(vi) that meets other conditions as determined by the Secretary.

''(F) SPECIAL RULE FOR A HIGH MEDICAID FACILITY.—A hospital described in this subparagraph is a hospital that—

''(i) with respect to each of the 3 most recent cost reporting periods for which data are available, has an annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX that is determined by the Secretary to be greater than such percent with respect to such admissions for any other hospital located in the county in which the hospital is located; and

''(ii) meets the conditions described in clauses (iii) and (vi) of subparagraph (E).

''(G) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are furnished, but such term shall not include emergency rooms or departments (except for rooms in which catheterizations, angiographies, angiograms, and endoscopies are furnished).

''(H) PUBLICATION OF FINAL DECISIONS.—Not later than 120 days after receiving a complete application under this paragraph, the Secretary shall publish on the public Internet website of the Centers for Medicare & Medicaid Services the final decision with respect to such application.

''(I) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the exception process under this paragraph, including the establishment of such process, and any determination made under such process.

''(3) PHYSICIAN OWNER OR INVESTOR DEFINED.—For purposes of this subsection and subsection (f)(2), the term 'physician owner or investor' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership or investment interest in the hospital.

''(4) PATIENT SAFETY REQUIREMENT.—In the case of a hospital to which the requirements of paragraph (1) apply, insofar as the hospital admits a patient and does not have any physician available on the premises 24 hours

per day, 7 days per week, before admitting the patient—

''(A) the hospital shall disclose such fact to the patient; and

''(B) following such disclosure, the hospital shall receive from the patient a signed acknowledgment that the patient understands such fact.

''(5) CLARIFICATION.—Nothing in this subsection shall be construed as preventing the Secretary from terminating a hospital's provider agreement if the hospital is not in compliance with regulations pursuant to section 1866.''.

(b) VERIFYING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to verify compliance with the requirements described in subsections (i)(1) and (i)(4) of section 1877 of the Social Security Act, as added by subsection (a)(5). The Secretary may use unannounced site reviews of hospitals and audits to verify compliance with such requirements.

(c) IMPLEMENTATION.—

(1) FUNDING.—For purposes of carrying out the amendments made by subsection (a) and the provisions of subsection (b), in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account $5,000,000 for each fiscal year beginning with fiscal year 2010. Amounts appropriated under this paragraph for a fiscal year shall be available until expended.

(2) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the amendments made by subsection (a) and the provisions of subsection (b).

SEC. 1157. INSTITUTE OF MEDICINE STUDY OF GEOGRAPHIC ADJUSTMENT FACTORS UNDER MEDICARE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine of the National Academy of Science to conduct a comprehensive empirical study, and provide recommendations as appropriate, on the accuracy of the geographic adjustment factors established under sections 1848(e) and 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395w–4(e), 1395ww(d)(3)(E)).

(b) MATTERS INCLUDED.—Such study shall include an evaluation and assessment of the following with respect to such adjustment factors:

(1) Empirical validity of the adjustment factors.

(2) Methodology used to determine the adjustment factors.

(3) Measures used for the adjustment factors, taking into account—

(A) timeliness of data and frequency of revisions to such data;

(B) sources of data and the degree to which such data are representative of costs; and

(C) operational costs of providers who participate in Medicare.

(c) EVALUATION.—Such study shall, within the context of the United States health care marketplace, evaluate and consider the following:

(1) The effect of the adjustment factors on the level and distribution of the health care workforce and resources, including—

(A) recruitment and retention that takes into account workforce mobility between urban and rural areas;

(B) ability of hospitals and other facilities to maintain an adequate and skilled workforce; and

(C) patient access to providers and needed medical technologies.

(2) The effect of the adjustment factors on population health and quality of care.

(3) The effect of the adjustment factors on the ability of providers to furnish efficient, high value care.

(d) REPORT.—The contract under subsection (a) shall provide for the Institute of Medicine to submit, not later than 1 year after the date of the enactment of this Act, to the Secretary and the Congress a report containing results and recommendations of the study conducted under this section.

(e) FUNDING.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1158. REVISION OF MEDICARE PAYMENT SYSTEMS TO ADDRESS GEOGRAPHIC INEQUITIES.

(a) REVISION OF MEDICARE PAYMENT SYSTEMS.—Taking into account the recommendations described in the report under section 1157, and notwithstanding the geographic adjustments that would otherwise apply under section 1848(e) and section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395w–4(e), 1395ww(d)(3)(E)), the Secretary of Health and Human Services shall include in proposed rules applicable to the rulemaking cycle for payment systems for physicians' services and inpatient hospital services under sections 1848 and section 1886(d) of such Act, respectively, proposals (as the Secretary determines to be appropriate) to revise the geographic adjustment factors used in such systems. Such proposals' rules shall be contained in the next rulemaking cycle following the submission to the Secretary of the report described in section 1157.

(b) PAYMENT ADJUSTMENTS.—

(1) FUNDING FOR IMPROVEMENTS.—For years before 2014, the Secretary shall ensure that the additional expenditures resulting from the implementation of the provisions of this section, as estimated by the Secretary, do not exceed $8,000,000,000, and do not exceed half of such amount in any payment year.

(2) HOLD HARMLESS.—In carrying out this subsection—

(A) for payment years before 2014, the Secretary shall not reduce the geographic adjustment below the factor that applied for such payment system in the payment year before such changes; and

(B) for payment years beginning with 2014, the Secretary shall implement the geographic adjustment in a manner that does not result in any net change in aggregate expenditures under title XVIII of the Social Security Act from the amount of such expenditures that the Secretary estimates would have occurred if no geographic adjustment had occurred under this section.

(c) MEDICARE IMPROVEMENT FUND.—

(1) Amounts in the Medicare Improvement Fund under section 1898 of the Social Security Act, as amended by paragraph (2), shall be available to the Secretary to make changes to the geographic adjustments factors as described in subsections (a) and (b) with respect to services furnished before January 1, 2014. No more than one-half of such amounts shall be available with respect to services furnished in any one payment year.

(2) Section 1898(b) of the Social Security Act (42 U.S.C. 1395iii(b)) is amended—

(A) by amending paragraph (1)(A) to read as follows:

''(A) the period beginning with fiscal year 2011 and ending with fiscal year 2019, $8,000,000,000; and''; and

(B) by adding at the end the following new paragraph:

''(5) ADJUSTMENT FOR UNDERFUNDING.—For fiscal year 2014 or a subsequent fiscal year specified by the Secretary, the amount available to the fund under subsection (a) shall be increased by the Secretary's estimate of the amount (based on data on actual expenditures) by which—

''(A) the additional expenditures resulting from the implementation of subsection (a) of section 1158 of the Affordable Health Care for America Act for the period before fiscal year 2014, is less than

''(B) the maximum amount of funds available under subsection (a) of such section for funding for such expenditures.''.

SEC. 1159. INSTITUTE OF MEDICINE STUDY OF GEOGRAPHIC VARIATION IN HEALTH CARE SPENDING AND PROMOTING HIGH-VALUE HEALTH CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section and the succeeding section referred to as the ''Secretary'') shall enter into an agreement with the Institute of Medicine of the National Academies (referred to in this section as the ''Institute'') to conduct a study on geographic variation and growth in volume and intensity of services in per capita health care spending among the Medicare, Medicaid, privately insured and uninsured populations. Such study may draw on recent relevant reports of the Institute and shall include each of the following:

(1) An evaluation of the extent and range of such variation using various units of geographic measurement, including micro areas within larger areas.

(2) An evaluation of the extent to which geographic variation can be attributed to differences in input prices; health status; practice patterns; access to medical services; supply of medical services; socio-economic factors, including race, ethnicity, gender, age, income and educational status; and provider and payer organizational models.

(3) An evaluation of the extent to which variations in spending are correlated with patient access to care, insurance status, distribution of health care resources, health care outcomes, and consensus-based measures of health care quality.

(4) An evaluation of the extent to which variation can be attributed to physician and practitioner discretion in making treatment decisions, and the degree to which discretionary treatment decisions are made that could be characterized as different from the best available medical evidence.

(5) An evaluation of the extent to which variation can be attributed to patient preferences and patient compliance with treatment protocols.

(6) An assessment of the degree to which variation cannot be explained by empirical evidence.

(7) For Medicare beneficiaries, An evaluation of the extent to which variations in spending are correlated with insurance status prior to enrollment in the Medicare program under title XVIII of the Social Security Act, and institutionalization status; whether beneficiaries are dually eligible for the Medicare program and Medicaid under title XIX of such Act; and whether beneficiaries are enrolled in fee-for-service Medicare or Medicare Advantage.

(8) An evaluation of such other factors as the Institute deems appropriate.

The Institute shall conduct public hearings and provide an opportunity for comments prior to completion of the reports under subsection (e).

(b) RECOMMENDATIONS.—Taking into account the findings under subsection (a) and the changes to the payment systems made by this Act, the Institute shall recommend changes to payment for items and services under parts A and B of title XVIII of the Social Security Act, for addressing variation in Medicare per capita spending for items and services (not including add-ons for graduate medical education, disproportionate share payments, and health information technology, as specified in sections 1886(d)(5)(F), 1886(d)(5)(B), 1886(h), 1848(o), and 1886(n), respectively, of such Act) by promoting high-value care (as defined in subsection (f)), with particular attention to high-volume, high-

cost conditions. In making such recommendations, the Institute shall consider each of the following:

(1) Measurement and reporting on quality and population health.

(2) Reducing fragmented and duplicative care.

(3) Promoting the practice of evidence-based medicine.

(4) Empowering patients to make value-based care decisions.

(5) Leveraging the use of health information technology.

(6) The role of financial and other incentives affecting provision of care.

(7) Variation in input costs.

(8) The characteristics of the patient population, including socio-economic factors (including race, ethnicity, gender, age, income and educational status), and whether the beneficiaries are dually eligible for the Medicare program under title XVIII of the Social Security Act and Medicaid under title XIX of such Act.

(9) Other topics the Institute deems appropriate.

In making such recommendations, the Institute shall consider an appropriate phase-in that takes into account the impact of payment changes on providers and facilities and preserves access to care for Medicare beneficiaries.

(c) SPECIFIC CONSIDERATIONS.—In making the recommendations under subsection (b), the Institute shall specifically address whether payment systems under title XVIII of the Social Security Act for physicians and hospitals should be further modified to incentivize high-value care. In so doing, the Institute shall consider the adoption of a value index based on a composite of appropriate measures of quality and cost that would adjust provider payments on a regional or provider-level basis. If the Institute finds that application of such a value index would significantly incentivize providers to furnish high-value care, it shall make specific recommendations on how such an index would be designed and implemented. In so doing, it should identify specific measures of quality and cost appropriate for use in such an index, and include a thorough analysis (including on a geographic basis) of how payments and spending under such title would be affected by such an index.

(d) ADDITIONAL CONSIDERATIONS.—The Institute shall consider the experience of governmental and community-based programs that promote high-value care.

(e) REPORTS.—

(1) Not later than April 15, 2011, the Institute shall submit to the Secretary and each House of Congress a report containing findings and recommendations of the study conducted under this section.

(2) Following submission of the report under paragraph (1), the Institute shall use the data collected and analyzed in this section to issue a subsequent report, or series of reports, on how best to address geographic variation or efforts to promote high-value care for items and services reimbursed by private insurance or other programs. Such reports shall include a comparison to the Institute's findings and recommendations regarding the Medicare program. Such reports, and any recommendations, would not be subject to the procedures outlined in section 1160.

(f) HIGH-VALUE CARE DEFINED.—For purposes of this section, the term ''high-value care'' means the efficient delivery of high quality, evidence-based, patient-centered care.

(g) APPROPRIATIONS.—There is appropriated from amounts in the general fund of the Treasury not otherwise appropriated $10,000,000 to carry out this section. Such sums are authorized to remain available until expended.

SEC. 1160. IMPLEMENTATION, AND CONGRESSIONAL REVIEW, OF PROPOSAL TO REVISE MEDICARE PAYMENTS TO PROMOTE HIGH VALUE HEALTH CARE.

(a) PREPARATION AND SUBMISSION OF IMPLEMENTATION PLANS.—

(1) FINAL IMPLEMENTATION PLAN.—Not later than 240 days after the date of receipt by the Secretary and each House of Congress of the report under section 1159(e)(1), the Secretary shall submit to each House of Congress a final implementation plan describing proposed changes to payment for items and services under parts A and B of title XVIII of the Social Security Act (which may include payment for inpatient and outpatient hospital services for services furnished in PPS and PPS-exempt hospitals, physicians' services, dialysis facility services, skilled nursing facility services, home health services, hospice care, clinical laboratory services, durable medical equipment, and other items and services, but which shall exclude add-on payments for graduate medical education, disproportionate share payments, and health information technology, as specified in sections 1886(d)(5)(F), 1886(d)(5)(B), 1886(h), 1848(o), and 1886(n), respectively, of the Social Security Act) taking into consideration, as appropriate, the recommendations of the report submitted under section 1159(e)(1) and the changes to the payment systems made by this Act. To the extent such implementation plan requires a substantial change to the payment system, it shall include a transition phase-in that takes into consideration possible disruption to provider participation in the Medicare program under title XVIII of the Social Security Act and preserves access to care for Medicare beneficiaries.

(2) PRELIMINARY IMPLEMENTATION PLAN.—Not later than 90 days after the date the Institute of Medicine submits to each House of Congress the report under section 1159(e)(1), the Secretary shall submit to each House of Congress a preliminary version of the implementation plan provided for under paragraph (1)(A).

(3) NO INCREASE IN BUDGET EXPENDITURES.—The Secretary shall include with the submission of the final implementation plan under paragraph (1) a certification by the Chief Actuary of the Centers for Medicare & Medicaid Services that over the initial 10-year period in which the plan is implemented, the aggregate level of net expenditures under the Medicare program under title XVIII of the Social Security Act will not exceed the aggregate level of such expenditures that would have occurred if the plan were not implemented.

(4) WAIVERS REQUIRED.—To the extent the final implementation plan under paragraph (1) proposes changes that are not otherwise permitted under title XVIII of the Social Security Act, the Secretary shall specify in the plan the specific waivers required under such title to implement such changes. Except as provided in subsection (c), the Secretary is authorized to waive the requirements so specified in order to implement such changes.

(5) ASSESSMENT OF IMPACT.—In addition, both the preliminary and final implementation plans under this subsection shall include a detailed assessment of the effects of the proposed payment changes by provider or supplier type and State relative to the payments that would otherwise apply.

(b) REVIEW BY MEDPAC AND GAO.—Not later than 45 days after the date the preliminary implementation plan is received by each House of Congress under subsection (a)(2), the Medicare Payment Advisory Committee and the Comptroller General of the United States shall each evaluate such plan and submit to each House of Congress a report containing its analysis and recommendations regarding implementation of the plan, including an analysis of the effects of the proposed changes in the plan on payments and projected spending.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall include, in applicable proposed rules for the next rulemaking cycle beginning after the Congressional action deadline, appropriate proposals to revise payments under title XVIII of the Social Security Act in accordance with the final implementation plan submitted under subsection (a)(1), and the waivers specified in subsection (a)(4) to the extent required to carry out such plan are effective, unless a joint resolution (described in subsection (d)(5)(A)) with respect to such plan is enacted by not later than such deadline. If such a joint resolution is enacted, the Secretary is not authorized to implement such plan and the waiver authority provided under subsection (a)(4) shall no longer be effective.

(2) CONGRESSIONAL ACTION DEADLINE.—For purposes of this section, the term ''Congressional action deadline'' means, with respect to a final implementation plan under subsection (a)(1), May 31, 2012, or, if later, the date that is 145 days after the date of receipt of such plan by each House of Congress under subsection (a).

(d) CONGRESSIONAL PROCEDURES.—

(1) INTRODUCTION.—On the day on which the final implementation plan is received by the House of Representatives and the Senate under subsection (a), a joint resolution specified in paragraph (5)(A) shall be introduced in the House of Representatives by the majority leader and minority leader of the House of Representatives and in the Senate by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a plan is received, the joint resolution with respect to such plan shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution introduced under paragraph (1) is referred shall report such joint resolution to the House not later than 50 legislative days after the applicable date of introduction of the joint resolution. If a committee fails to report such joint resolution within that period, a motion to discharge the committee from further consideration of the joint resolution shall be in order. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces an intention to offer the motion. Notice may not be given on an anticipatory basis. Such a motion shall not be in order after the last committee authorized to consider the joint resolution reports it to the House or after the House has disposed of a motion to discharge the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports such joint resolution to the House of Representatives or has been discharged from its consideration, a motion to proceed to consider such joint resolution shall be in order. Such a motion shall be in order only at a time designated by the

Speaker in the legislative schedule within two legislative days after the day on which the proponent announces an intention to offer the motion. Notice may not be given on an anticipatory basis. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The joint resolution shall be considered in the House and shall be considered as read. All points of order against a joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of a joint resolution shall not be in order.

(3) CONSIDERATION IN THE SENATE.—

(A) REPORTING AND DISCHARGE.—Any committee of the Senate to which a joint resolution introduced under paragraph (1) is referred shall report such joint resolution to the Senate within 50 legislative days. If a committee fails to report such joint resolution at the close of the 15th legislative day after its receipt by the Senate, such committee shall be automatically discharged from further consideration of such joint resolution and such joint resolution or joint resolutions shall be placed on the calendar. A vote on final passage of such joint resolution shall be taken in the Senate on or before the close of the second legislative day after such joint resolution is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such joint resolution.

(B) PROCEEDING TO CONSIDERATION.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged and not debatable. An amendment to such a motion shall not be in order, nor shall it be in order to move to reconsider the vote by which such a motion is agreed to or disagreed to.

(C) CONSIDERATION.—

(i) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(ii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or a designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(iii) A motion in the Senate to further limit debate is not debatable. A motion to recommit a joint resolution is not in order.

(4) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(i) The joint resolution of the other House shall not be referred to a committee.

(ii) With respect to the joint resolution of the House receiving the resolution, the procedure in that House shall be the same as if no such joint resolution had been received from the other House; but the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF COMPANION MEASURES.—If, following passage of a joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(C) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph and the preceding paragraphs are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(5) DEFINITIONS.—In this section:

(A) JOINT RESOLUTION.—The term ''joint resolution'' means only a joint resolution—

(i) which does not have a preamble;

(ii) the title of which is as follows: ''Joint resolution disapproving a Medicare final implementation plan of the Secretary of Health and Human Services submitted under section 1160(a) of the Affordable Health Care for America Act''; and

(iii) the sole matter after the resolving clause of which is as follows: ''That the Congress disapproves the final implementation plan of the Secretary of Health and Human Services transmitted to the Congress on————.'', the blank space being filled with the appropriate date.

(B) LEGISLATIVE DAY.—The term ''legislative day'' means any calendar day excluding any day on which that House was not in session.

(6) BUDGETARY TREATMENT.—For the purposes of consideration of a joint resolution, the Chairmen of the House of Representatives and Senate Committees on the Budget shall exclude from the evaluation of the budgetary effects of the measure, any such effects that are directly attributable to disapproving a Medicare final implementation plan of the Secretary submitted under subsection (a).

Subtitle D—Medicare Advantage Reforms

PART 1—PAYMENT AND ADMINISTRATION

SEC. 1161. PHASE-IN OF PAYMENT BASED ON FEE-FOR-SERVICE COSTS; QUALITY BONUS PAYMENTS.

(a) PHASE-IN OF PAYMENT BASED ON FEE-FOR-SERVICE COSTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (j)(1)(A)—

(A) by striking ''beginning with 2007'' and inserting ''for 2007, 2008, 2009, and 2010''; and

(B) by inserting after ''(k)(1)'' the following: '', or, beginning with 2011, 1/12 of the blended benchmark amount determined under subsection (n)(1)''; and

(2) by adding at the end the following new subsection:

''(n) DETERMINATION OF BLENDED BENCHMARK AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (j), subject to paragraphs (3) and (4), the term 'blended benchmark amount' means for an area—

''(A) for 2011 the sum of—

''(i) 2/3 of the applicable amount (as defined in subsection (k)) for the area and year; and

''(ii) 1/3 of the amount specified in paragraph (2) for the area and year;

''(B) for 2012 the sum of—

''(i) 1/3 of the applicable amount for the area and year; and

''(ii) 2/3 of the amount specified in paragraph (2) for the area and year; and

''(C) for a subsequent year the amount specified in paragraph (2) for the area and year.

''(2) SPECIFIED AMOUNT.—The amount specified in this paragraph for an area and year is the amount specified in subsection (c)(1)(D)(i) for the area and year adjusted (in a manner specified by the Secretary) to take into account the phase-out in the indirect costs of medical education from capitation rates described in subsection (k)(4).

''(3) FEE-FOR-SERVICE PAYMENT FLOOR.—In no case shall the blended benchmark amount for an area and year be less than the amount specified in paragraph (2).

''(4) EXCEPTION FOR PACE PLANS.—This subsection shall not apply to payments to a PACE program under section 1894.''.

(b) QUALITY BONUS PAYMENTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by subsection (a), is amended—

(1) in subsection (j), by inserting ''subject to subsection (o),'' after ''For purposes of this part,''; and

(2) by adding at the end the following new subsection:

''(o) QUALITY BASED PAYMENT ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a qualifying plan in a qualifying county with respect to a year beginning with 2011, the blended benchmark amount under subsection (n)(1) shall be increased—

''(A) for 2011, by 1.5 percent;

''(B) for 2012, by 3.0 percent; and

''(C) for a subsequent year, by 5.0 percent.

''(2) QUALIFYING PLAN AND QUALIFYING COUNTY DEFINED.—For purposes of this subsection:

''(A) QUALIFYING PLAN.—The term 'qualifying plan' means, for a year and subject to paragraph (4), a plan that, in a preceding year specified by the Secretary, had a quality ranking (based on the quality ranking system established by the Centers for Medicare & Medicaid Services for Medicare Advantage plans) of 4 stars or higher.

''(B) QUALIFYING COUNTY.—The term 'qualifying county' means, for a year, a county—

''(i) that ranked within the lowest third of counties in the amount specified in subsection (n)(2) for a year specified by the Secretary; and

''(ii) for which, as of June of a year specified by the Secretary, of the Medicare Advantage eligible individuals residing in the county at least 20 percent of such individuals were enrolled in Medicare Advantage plans.

''(3) DETERMINATIONS OF QUALITY.—

''(A) QUALITY PERFORMANCE.—The Secretary shall provide for the computation of a quality performance score for each Medicare Advantage plan to be applied for each year.

''(B) COMPUTATION OF SCORE.—

''(i) QUALITY PERFORMANCE SORE.—For years before a year specified by the Secretary, the quality performance score for a Medicare Advantage plan shall be computed based on a blend (as designated by the Secretary) of the plan's performance on—

''(I) HEDIS effectiveness of care quality measures;

''(II) CAHPS quality measures; and

''(III) such other measures of clinical quality as the Secretary may specify.

Such measures shall be risk-adjusted as the Secretary deems appropriate.

''(ii) ESTABLISHMENT OF OUTCOME-BASED MEASURES.—By not later than for a year specified by the Secretary, the Secretary shall implement reporting requirements for quality under this section on measures selected under clause (iii) that reflect the outcomes of care experienced by individuals enrolled in Medicare Advantage plans (in addition to measures described in clause (i)). Such measures may include—

''(I) measures of rates of admission and readmission to a hospital;

''(II) measures of prevention quality, such as those established by the Agency for Healthcare Research and Quality (that include hospital admission rates for specified conditions);

''(III) measures of patient mortality and morbidity following surgery;

''(IV) measures of health functioning (such as limitations on activities of daily living) and survival for patients with chronic diseases;

''(V) measures of patient safety; and

''(VI) other measure of outcomes and patient quality of life as determined by the Secretary.

Such measures shall be risk-adjusted as the Secretary deems appropriate. In determining the quality measures to be used under this clause, the Secretary shall take into consideration the recommendations of the Medicare Payment Advisory Commission in its report to Congress under section 168 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) and shall provide preference to measures collected on and comparable to measures used in measuring quality under parts A and B.

''(iii) RULES FOR SELECTION OF MEASURES.—The Secretary shall select measures for purposes of clause (ii) consistent with the following:

''(I) The Secretary shall provide preference to clinical quality measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) Prior to any measure being selected under this clause, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

''(iv) TRANSITIONAL USE OF BLEND.—For payments for years specified by the Secretary, the Secretary may compute the quality performance score for a Medicare Advantage plan based on a blend of the measures specified in clause (i) and the measures described in clause (ii) and selected under clause (iii).

''(v) USE OF QUALITY OUTCOMES MEASURES.—For payments beginning with a year specified by the Secretary (beginning after the years specified for section (iv)), the preponderance of measures used under this paragraph shall be quality outcomes measures described in clause (ii) and selected under clause (iii).

''(C) REPORTING OF DATA.—Each Medicare Advantage organization shall provide for the reporting to the Secretary of quality performance data described in this paragraph (in order to determine a quality performance score under this paragraph) in such time and manner as the Secretary shall specify.

''(4) NOTIFICATION.—The Secretary, in the annual announcement required under subsection (b)(1)(B) in 2010 and each succeeding year, shall notify the Medicare Advantage organization that is offering a qualifying plan in a qualifying county of such identification for the year. The Secretary shall provide for publication on the website for the Medicare program of the information described in the previous sentence.

''(5) AUTHORITY TO DISQUALIFY DEFICIENT PLANS.—The Secretary may determine that a Medicare Advantage plan is not a qualifying plan if the Secretary has identified deficiencies in the plan's compliance with rules for Medicare Advantage plans under this part.''.

SEC. 1162. AUTHORITY FOR SECRETARIAL CODING INTENSITY ADJUSTMENT AUTHORITY.

Section 1853(a)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(C)(ii)) is amended—

(1) in the matter before subclause (I), by striking ''through 2010'' and inserting ''and each subsequent year''; and

(2) in subclause (II)—

(A) by inserting ''periodically'' before ''conduct an analysis'';

(B) by inserting ''on a timely basis'' after ''are incorporated''; and

(C) by striking ''only for 2008, 2009, and 2010'' and inserting ''for 2008 and subsequent years''.

SEC. 1163. SIMPLIFICATION OF ANNUAL BENEFICIARY ELECTION PERIODS.

(a) 2-WEEK PROCESSING PERIOD FOR ANNUAL ENROLLMENT PERIOD (AEP).—Paragraph (3)(B) of section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) in clause (iv)—

(A) by striking ''and succeeding years'' and inserting '', 2008, 2009, and 2010''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(v) with respect to 2011 and succeeding years, the period beginning on November 1 and ending on December 15 of the year before such year.''.

(b) ELIMINATION OF 3-MONTH ADDITIONAL OPEN ENROLLMENT PERIOD (OEP).—Effective for plan years beginning with 2011, paragraph (2) of such section is amended by striking subparagraph (C).

SEC. 1164. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)) is amended—

(1) in clause (ii), by striking ''January 1, 2010'' and inserting ''January 1, 2012''; and

(2) in clause (iii), by striking ''the service area for the year'' and inserting ''the portion of the plan's service area for the year that is within the service area of a reasonable cost reimbursement contract''.

SEC. 1165. LIMITATION OF WAIVER AUTHORITY FOR EMPLOYER GROUP PLANS.

(a) IN GENERAL.—The first sentence of each of paragraphs (1) and (2) of section 1857(i) of the Social Security Act (42 U.S.C. 1395w–27(i)) is amended by inserting before the period at the end the following: '', but only if 90 percent of the Medicare Advantage eligible individuals enrolled under such plan reside in a county in which the MA organization offers an MA local plan''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for plan years beginning on or after January 1, 2011, and shall not apply to plans which were in effect as of December 31, 2010.

SEC. 1166. IMPROVING RISK ADJUSTMENT FOR PAYMENTS.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the adequacy of the risk adjustment system under section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395–23(a)(1)(C)) in predicting costs for beneficiaries with chronic or co-morbid conditions, beneficiaries dually-eligible for Medicare and Medicaid, and non-Medicaid eligible low-income beneficiaries; and the need and feasibility of including further gradations of diseases or conditions and multiple years of beneficiary data.

(b) IMPROVEMENTS TO RISK ADJUSTMENT.—Not later than January 1, 2012, the Secretary shall implement necessary improvements to the risk adjustment system under section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395–23(a)(1)(C)), taking into account the evaluation under subsection (a).

SEC. 1167. ELIMINATION OF MA REGIONAL PLAN STABILIZATION FUND.

(a) IN GENERAL.—Section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is amended by striking subsection (e).

(b) TRANSITION.—Any amount contained in the MA Regional Plan Stabilization Fund as of the date of the enactment of this Act shall be transferred to the Federal Supplementary Medical Insurance Trust Fund.

SEC. 1168. STUDY REGARDING THE EFFECTS OF CALCULATING MEDICARE ADVANTAGE PAYMENT RATES ON A REGIONAL AVERAGE OF MEDICARE FEE FOR SERVICE RATES.

(a) IN GENERAL.—The Administrator of the Centers for Medicare and Medicaid Services shall conduct a study to determine the potential effects of calculating Medicare Advantage payment rates on a more aggregated geographic basis (such as metropolitan statistical areas or other regional delineations) rather than using county boundaries. In conducting such study, the Administrator shall consider the effect of such alternative geographic basis on the following:

(1) The quality of care received by Medicare Advantage enrollees.

(2) The networks of Medicare Advantage plans, including any implications for providers contracting with Medicare Advantage plans.

(3) The predictability of benchmark amounts for Medicare advantage plans.

(b) CONSULTATIONS.—In conducting the study, the Administrator shall consult with the following:

(1) Experts in health care financing.

(2) Representatives of foundations and other nonprofit entities that have conducted or supported research on Medicare financing issues.

(3) Representatives from Medicare Advantage plans.

(4) Such other entities or people as determined by the Secretary.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall transmit a report to the Congress on the study conducted under this section. The report shall contain a detailed statement of findings and conclusions of the study, together with its recommendations for such legislation and administrative actions as the Administrator considers appropriate.

PART 2—BENEFICIARY PROTECTIONS AND ANTI-FRAUD

SEC. 1171. LIMITATION ON COST-SHARING FOR INDIVIDUAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1852(a)(1) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)) is amended—

(1) in subparagraph (A), by inserting before the period at the end the following: ''with cost-sharing that is no greater (and may be less) than the cost-sharing that would otherwise be imposed under such program option'';

(2) in subparagraph (B)(i), by striking ''or an actuarially equivalent level of cost-sharing as determined in this part''; and

(3) by amending clause (ii) of subparagraph (B) to read as follows:

''(ii) PERMITTING USE OF FLAT COPAYMENT OR PER DIEM RATE.—Nothing in clause (i) shall be construed as prohibiting a Medicare Advantage plan from using a flat copayment or per diem rate, in lieu of the cost-sharing that would be imposed under part A or B, so long as the amount of the cost-sharing imposed does not exceed the amount of the

cost-sharing that would be imposed under the respective part if the individual were not enrolled in a plan under this part.''.

(b) LIMITATION FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—Section 1852(a)(7) of such Act is amended to read as follows:

''(7) LIMITATION ON COST-SHARING FOR DUAL ELIGIBLES AND QUALIFIED MEDICARE BENEFICIARIES.—In the case of a individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) or a qualified medicare beneficiary (as defined in section 1905(p)(1)) who is enrolled in a Medicare Advantage plan, the plan may not impose cost-sharing that exceeds the amount of cost-sharing that would be permitted with respect to the individual under this title and title XIX if the individual were not enrolled with such plan.''.

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to plan years beginning on or after January 1, 2011.

(2) The amendments made by subsection (b) shall apply to plan years beginning on or after January 1, 2011.

SEC. 1172. CONTINUOUS OPEN ENROLLMENT FOR ENROLLEES IN PLANS WITH ENROLLMENT SUSPENSION.

Section 1851(e)(4) of the Social Security Act (42 U.S.C. 1395w(e)(4)) is amended—

(1) in subparagraph (C), by striking at the end ''or'';

(2) in subparagraph (D)—

(A) by inserting '', taking into account the health or well-being of the individual'' before the period; and

(B) by redesignating such subparagraph as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the individual is enrolled in an MA plan and enrollment in the plan is suspended under paragraph (2)(B) or (3)(C) of section 1857(g) because of a failure of the plan to meet applicable requirements; or''.

SEC. 1173. INFORMATION FOR BENEFICIARIES ON MA PLAN ADMINISTRATIVE COSTS.

(a) DISCLOSURE OF MEDICAL LOSS RATIOS AND OTHER EXPENSE DATA.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21), as previously amended by this subtitle, is amended by adding at the end the following new subsection:

''(p) PUBLICATION OF MEDICAL LOSS RATIOS AND OTHER COST-RELATED INFORMATION.—

''(1) IN GENERAL.—The Secretary shall publish, not later than November 1 of each year (beginning with 2011), for each MA plan contract, the medical loss ratio of the plan in the previous year.

''(2) SUBMISSION OF DATA.—

''(A) IN GENERAL.—Each MA organization shall submit to the Secretary, in a form and manner specified by the Secretary, data necessary for the Secretary to publish the medical loss ratio on a timely basis.

''(B) DATA FOR 2010 AND 2011.—The data submitted under subparagraph (A) for 2010 and for 2011 shall be consistent in content with the data reported as part of the MA plan bid in June 2009 for 2010.

''(C) USE OF STANDARDIZED ELEMENTS AND DEFINITIONS.—The data to be submitted under subparagraph (A) relating to medical loss ratio for a year, beginning with 2012, shall be submitted based on the standardized elements and definitions developed under paragraph (3).

''(3) DEVELOPMENT OF DATA REPORTING STANDARDS.—

''(A) IN GENERAL.—The Secretary shall develop and implement standardized data elements and definitions for reporting under this subsection, for contract years beginning with 2012, of data necessary for the calculation of the medical loss ratio for MA plans. Not later than December 31, 2010, the Secretary shall publish a report describing the elements and definitions so developed.

''(B) CONSULTATION.—The Secretary shall consult with the Health Choices Commissioner, representatives of MA organizations, experts on health plan accounting systems, and representatives of the National Association of Insurance Commissioners, in the development of such data elements and definitions.

''(4) MEDICAL LOSS RATIO TO BE DEFINED.—For purposes of this part, the term 'medical loss ratio' has the meaning given such term by the Secretary, taking into account the meaning given such term by the Health Choices Commissioner under section 116 of the Affordable Health Care for America Act.''.

(b) MINIMUM MEDICAL LOSS RATIO.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following new paragraph:

''(4) REQUIREMENT FOR MINIMUM MEDICAL LOSS RATIO.—If the Secretary determines for a contract year (beginning with 2014) that an MA plan has failed to have a medical loss ratio (as defined in section 1851(p)(4)) of at least .85—

''(A) the Secretary shall require the Medicare Advantage organization offering the plan to give enrollees a rebate (in the second succeeding contract year) of premiums under this part (or part B or part D, if applicable) by such amount as would provide for a benefits ratio of at least .85;

''(B) for 3 consecutive contract years, the Secretary shall not permit the enrollment of new enrollees under the plan for coverage during the second succeeding contract year; and

''(C) the Secretary shall terminate the plan contract if the plan fails to have such a medical loss ratio for 5 consecutive contract years.''.

SEC. 1174. STRENGTHENING AUDIT AUTHORITY.

(a) FOR PART C PAYMENTS RISK ADJUSTMENT.—Section 1857(d)(1) of the Social Security Act (42 U.S.C. 1395w–27(d)(1)) is amended by inserting after ''section 1858(c))'' the following: '', and data submitted with respect to risk adjustment under section 1853(a)(3)''.

(b) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

(1) IN GENERAL.—Section 1857(e) of such Act, as amended by section 1173, is amended by adding at the end the following new paragraph:

''(5) ENFORCEMENT OF AUDITS AND DEFICIENCIES.—

''(A) INFORMATION IN CONTRACT.—The Secretary shall require that each contract with an MA organization under this section shall include terms that inform the organization of the provisions in subsection (d).

''(B) ENFORCEMENT AUTHORITY.—The Secretary is authorized, in connection with conducting audits and other activities under subsection (d), to take such actions, including pursuit of financial recoveries, necessary to address deficiencies identified in such audits or other activities.''.

(2) APPLICATION UNDER PART D.—For provision applying the amendment made by paragraph (1) to prescription drug plans under part D, see section 1860D–12(b)(3)(D) of the Social Security Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to audits and activities conducted for contract years beginning on or after January 1, 2011.

SEC. 1175. AUTHORITY TO DENY PLAN BIDS.

(a) IN GENERAL.—Section 1854(a)(5) of the Social Security Act (42 U.S.C. 1395w–24(a)(5)) is amended by adding at the end the following new subparagraph:

''(C) REJECTION OF BIDS.—Nothing in this section shall be construed as requiring the Secretary to accept any or every bid by an MA organization under this subsection.''.

(b) APPLICATION UNDER PART D.—Section 1860D–11(d) of such Act (42 U.S.C. 1395w–111(d)) is amended by adding at the end the following new paragraph:

''(3) REJECTION OF BIDS.—Paragraph (5)(C) of section 1854(a) shall apply with respect to bids under this section in the same manner as it applies to bids by an MA organization under such section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bids for contract years beginning on or after January 1, 2011.

SEC. 1175A. STATE AUTHORITY TO ENFORCE STANDARDIZED MARKETING REQUIREMENTS.

Section 1856(b)(3) of the Social Security Act (42 U.S.C. 1395w–26(b)(3)) is amended—

(1) by striking ''The standards'' and inserting ''(A) IN GENERAL.—The standards'' with appropriate indentation that is the same as for the subparagraph (B) added by paragraph (2); and

(2) by adding at the end the following new subparagraph:

''(B) ENFORCEMENT OF FEDERAL STANDARDS PERMITTED.—

''(i) IN GENERAL.—Subject to the subsequent provision of this subparagraph, nothing in this title shall be construed to prohibit a State from conducting a market conduct examination or from imposing civil monetary penalties, in accordance with laws and procedures of the State, against Medicare Advantage organizations, PDP sponsors, or agents or brokers of such organizations or sponsors for violations of the marketing requirements under subsections (h)(4), (h)(6), and (j) of section 1851 and section 1857(g)(1)(E).

''(ii) ADDITIONAL REMEDIES RESULTING FROM FEDERAL-STATE COOPERATION.—

''(I) STATE RECOMMENDATION.—A State may recommend to the Secretary the imposition of an intermediate sanction not described in clause (i) (such as those available under section 1857(g)) against a Medicare Advantage organization, PDP sponsor, or agent or broker of such an organization or sponsor for a violation described in such clause.

''(II) RESPONSE TO RECOMMENDATION.—Not later than 30 days after receipt of a recommendation under subclause (I) from a State, with respect to a violation described in clause (i), the Secretary shall respond in writing to the State indicating the progress of any investigation involving such violation, whether the Secretary intends to pursue the recommendation from the State, and in the case the Secretary does not intend to pursue such recommendation, the reason for such decision.

''(iii) NON-DUPLICATION OF PENALTIES.—In the case that an action has been initiated against a Medicare Advantage organization, PDP sponsor, or agent or broker of such an organization or sponsor for a violation of a marketing requirement under subsection (h)(4), (h)(6), or (j) of section 1851 or section 1857(g)(1)(E)—

''(I) in the case such action has been initiated by the Secretary, no State may bring an action under such applicable subsection or section against such organization, sponsor, agent, or broker with respect to such violation during the pendency period of the action initiated by the Secretary and, if a penalty is imposed pursuant to such action, after such period; and

''(II) in the case such action has been initiated by a State, the Secretary may not bring an action under such applicable subsection or section against such organization, sponsor, agent, or broker with respect to such violation during the pendency period of the

action initiated by the Secretary and, if a penalty is imposed pursuant to such action, after such period.

Nothing in this clause shall be construed as limiting the ability of the Secretary to impose any sanction other than a civil monetary penalty under section 1857 against a Medicare Advantage organization, PDP sponsor, or agent or broker of such an organization or sponsor for a violation described in clause (i).

''(iv) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting any State authority to regulate brokers described in this paragraph or any other conduct of a Medicare Advantage organization or PDP sponsor.''.

PART 3—TREATMENT OF SPECIAL NEEDS PLANS

SEC. 1176. LIMITATION ON ENROLLMENT OUTSIDE OPEN ENROLLMENT PERIOD OF INDIVIDUALS INTO CHRONIC CARE SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

Section 1859(f)(4) of the Social Security Act (42 U.S.C. 1395w–28(f)(4)) is amended by adding at the end the following new subparagraph:

''(C) The plan does not enroll an individual on or after January 1, 2011, other than—

''(i) during an annual, coordinated open enrollment period; or

''(ii) during a special election period consisting of the period for which the individual has a chronic condition that qualifies the individual as an individual described in subsection (b)(6)(B)(iii) for such plan and ending on the date on which the individual enrolls in such a plan on the basis of such condition.

If an individual is enrolled in such a plan on the basis of a chronic condition and becomes eligible for another such plan on the basis of another chronic condition, the other plan may enroll the individual on the basis of such other chronic condition during a special enrollment period described in clause (ii). An individual is eligible to apply such clause only once on the basis of any specific chronic condition.''.

SEC. 1177. EXTENSION OF AUTHORITY OF SPECIAL NEEDS PLANS TO RESTRICT ENROLLMENT; SERVICE AREA MORATORIUM FOR CERTAIN SNPS.

(a) IN GENERAL.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013 (or January 1, 2016, in the case of a plan described in section 1177(b)(1) of the Affordable Health Care for America Act)''.

(b) EXTENSION OF CERTAIN PLANS.—

(1) PLANS DESCRIBED.—For purposes of Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)), a plan described in this paragraph is a Medicare Advantage dual eligible special needs plan that—

(A) whose sponsoring Medicare Advantage organization, as of the date enactment of the Affordable Health Care for America Act, has a contract with a State Medicaid Agency that participated in the ''Demonstrations Serving Those Dually-Eligible for Medicare and Medicaid'' under the Medicare program; and

(B) that has been approved by the Centers for Medicare & Medicaid Services as a dual eligible special needs plan and that offers integrated Medicare and Medicaid services under a contract with the State Medicaid agency.

(2) ANALYSIS; REPORT.—

(A) ANALYSIS.—The Secretary of Health and Human Services shall provide, through a contract with an independent health services evaluation organization, for an analysis of the plans described in paragraph (1) with regard to the impact of such plans on cost, quality of care, patient satisfaction, and other subjects specified by the Secretary. Such report also will identify statutory changes needed to simplify access to needed services, improve coordination of benefits and services and ensure protection for dual eligibles as appropriate.

(B) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the Congress a report on the analysis under subparagraph (A) and shall include in such report such recommendations with regard to the treatment of such plans as the Secretary deems appropriate.

(c) EXTENSION OF SERVICE AREA MORATORIUM FOR CERTAIN SNPS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

SEC. 1178. EXTENSION OF MEDICARE SENIOR HOUSING PLANS.

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR SENIOR HOUSING FACILITY PLANS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, in the case of a Medicare Advantage senior housing facility plan described in paragraph (2) and for periods before January 1, 2013—

''(A) the service area of such plan may be limited to a senior housing facility in a geographic area;

''(B) the service area of such plan may not be expanded; and

''(C) additional senior housing facilities may not be serviced by such plan.

''(2) MEDICARE ADVANTAGE SENIOR HOUSING FACILITY PLAN DESCRIBED.—For purposes of this subsection, a Medicare Advantage senior housing facility plan is a Medicare Advantage plan that—

''(A)(i) restricts enrollment of individuals under this part to individuals who reside in a continuing care retirement community (as defined in section 1852(l)(4)(B));

''(ii) provides primary care services onsite and has a ratio of accessible providers to beneficiaries that the Secretary determines is adequate, taking into consideration the number of residents onsite, the health needs of those residents, and the accessibility of providers offsite; and

''(iii) provides transportation services for beneficiaries to providers outside of the facility; and

''(B) is offered by a Medicare Advantage organization that has offered at least 1 plan described in subparagraph (A) for at least 1 year prior to January 1, 2010, under a demonstration project established by the Secretary.''.

Subtitle E—Improvements to Medicare Part D

SEC. 1181. ELIMINATION OF COVERAGE GAP.

(a) IMMEDIATE REDUCTION IN COVERAGE GAP IN 2010.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (3)(A), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (7)''; and

(2) by adding at the end the following new paragraph:

''(7) INCREASE IN INITIAL COVERAGE LIMIT IN 2010.—

''(A) IN GENERAL.—For plan years beginning during 2010, the initial coverage limit described in paragraph (3)(B) otherwise applicable shall be increased by $500.

''(B) APPLICATION.—In applying subparagraph (A)—

''(i) except as otherwise provided in this subparagraph, there shall be no change in the premiums, bids, or any other parameters under this part or part C;

''(ii) costs that would be treated as incurred costs for purposes of applying paragraph (4) but for the application of subparagraph (A) shall continue to be treated as incurred costs;

''(iii) the Secretary shall establish procedures, which may include a reconciliation process, to fully reimburse PDP sponsors with respect to prescription drug plans and MA organizations with respect to MA–PD plans for the reduction in beneficiary cost sharing associated with the application of subparagraph (A);

''(iv) the Secretary shall develop an estimate of the additional increased costs attributable to the application of this paragraph for increased drug utilization and financing and administrative costs and shall use such estimate to adjust payments to PDP sponsors with respect to prescription drug plans under this part and MA organizations with respect to MA–PD plans under part C; and

''(v) the Secretary shall establish procedures for retroactive reimbursement of part D eligible individuals who are covered under such a plan for costs which are incurred before the date of initial implementation of subparagraph (A) and which would be reimbursed under such a plan if such implementation occurred as of January 1, 2010.''.

(b) ADDITIONAL CLOSURE IN GAP BEGINNING IN 2011.—Section 1860D–2(b) of such Act (42 U.S.C. 1395w–102(b)) as amended by subsection (a), is further amended—

(1) in paragraph (3)(A), by striking ''and (7)'' and inserting '', (7), and (8)'' ;

(2) in paragraph (4)(B)(i), by inserting ''subject to paragraph (8)'' after ''purposes of this part''; and

(3) by adding at the end the following new paragraph:

''(8) PHASED-IN ELIMINATION OF COVERAGE GAP.—

''(A) IN GENERAL.—For each year beginning with 2011, the Secretary shall consistent with this paragraph progressively increase the initial coverage limit (described in subsection (b)(3)) and decrease the annual out-of-pocket threshold from the amounts otherwise computed until, beginning in 2019, there is a continuation of coverage from the initial coverage limit for expenditures incurred through the total amount of expenditures at which benefits are available under paragraph (4).

''(B) INCREASE IN INITIAL COVERAGE LIMIT.—

''(i) IN GENERAL.—For a year beginning with 2011, subject to clause (ii), the initial coverage limit otherwise computed without regard to this paragraph shall be increased by the cumulative ICL phase-in percentage (as defined in clause (iii) for the year) times the out-of-pocket gap amount (as defined in subparagraph (D)) for the year.

''(ii) MAINTENANCE OF 2010 INITIAL COVERAGE LIMIT LEVEL.—If for a year the initial coverage limit otherwise computed under this paragraph would be less than the initial coverage limit applied during 2010, taking into account paragraph (7), the initial coverage limit for that year shall be such initial coverage limit as so applied during 2010.

''(iii) CUMULATIVE PHASE-IN PERCENTAGE.—

''(I) IN GENERAL.—For purposes of this paragraph, subject to subclause (II), the term 'cumulative ICL phase-in percentage' means for a year the sum of the annual ICL phase-in percentage (as defined in clause (iv)) for the year and the annual ICL phase-in percentages for each previous year beginning with 2011.

''(II) LIMITATION.—If the sum of the cumulative ICL phase-in percentage and the cumulative OPT phase-in percentage (as defined in subparagraph (C)(iii)) for a year would otherwise exceed 100 percent, each such percentage shall be reduced in a proportional amount so the sum does not exceed 100 percent.

''(iv) ANNUAL ICL PHASE-IN PERCENTAGE.—For purposes of this paragraph, the term 'annual ICL phase-in percentage' means—

''(I) for 2011, 8.25 percent;

''(II) for 2012, 2013, and 2014, 4.5 percent;

''(III) for 2015 and 2016, 6 percent;

''(IV) for 2017, 7.5 percent;

''(V) for 2018, 8 percent; and

''(VI) for 2019, 8 percent, or such other percent as may be necessary to provide for a full continuation of coverage as described in subparagraph (A) in that year.

''(C) DECREASE IN ANNUAL OUT-OF-POCKET THRESHOLD.—

''(i) IN GENERAL.—For a year beginning with 2011, subject to clause (ii), the annual out-of-pocket threshold otherwise computed without regard to this paragraph shall be decreased by the cumulative OPT phase-in percentage (as defined in clause (iii) for the year) of the out-of-pocket gap amount for the year multiplied by 1.75.

''(ii) MAINTENANCE.—The Secretary shall adjust the annual out-of-pocket threshold for a year to the extent necessary to ensure that the sum of the initial coverage limit described in subparagraph (A) and the out-of-pocket gap amount (defined in subparagraph (D)), as determined for the year pursuant to the provisions of this paragraph for such year, does not exceed such sum that would have applied if this paragraph did not apply.

''(iii) CUMULATIVE OPT PHASE-IN PERCENTAGE.—For purposes of this paragraph, subject to subparagraph (B)(iii)(II), the term 'cumulative OPT phase-in percentage' means for a year the sum of the annual OPT phase-in percentage (as defined in clause (iv)) for the year and the annual OPT phase-in percentages for each previous year beginning with 2011.

''(iv) ANNUAL OPT PHASE-IN PERCENTAGE.—For purposes of this paragraph, the term 'annual OPT phase-in percentage' means—

''(I) for 2011, 0 percent;

''(II) for 2012, 2013, and 2014, 4.5 percent;

''(III) for 2015 and 2016, 6 percent;

''(IV) for 2017, 7.5 percent; and

''(V) for 2018 and 2019, 8 percent.

''(D) OUT-OF-POCKET GAP AMOUNT.—For purposes of this paragraph, the term 'out-of-pocket gap amount' means for a year the amount by which—

''(i) the annual out-of-pocket threshold specified in paragraph (4)(B) for the year (as determined as if this paragraph did not apply), exceeds

''(ii) the sum of—

''(I) the annual deductible under paragraph (1) for the year; and

''(II) ¼ of the amount by which the initial coverage limit under paragraph (3) for the year (as determined as if this paragraph did not apply) exceeds such annual deductible.

''(E) RELATION TO AAHCA TRANSITIONAL INCREASE.—Except as otherwise specifically provided, this paragraph shall be applied as if no increase had been made in the initial coverage limit under paragraph (7).''.

(c) REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR REBATE ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (e)(1), in the matter before subparagraph (A), by inserting ''and subsection (f)'' after ''this subsection''; and

(B) by adding at the end the following new subsection:

''(f) PRESCRIPTION DRUG REBATE AGREEMENT FOR REBATE ELIGIBLE INDIVIDUALS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2011, in this part, the term 'covered part D drug' does not include any drug or biological product that is manufactured by a manufacturer that has not entered into and have in effect a rebate agreement described in paragraph (2).

''(B) 2010 PLAN YEAR REQUIREMENT.—Any drug or biological product manufactured by a manufacturer that declines to enter into a rebate agreement described in paragraph (2) for the period beginning on January 1, 2010, and ending on December 31, 2010, shall not be included as a 'covered part D drug ' for the subsequent plan year.

''(2) REBATE AGREEMENT.—A rebate agreement under this subsection shall require the manufacturer to provide to the Secretary a rebate for each rebate period (as defined in paragraph (6)(B)) ending after December 31, 2009, in the amount specified in paragraph (3) for any covered part D drug of the manufacturer dispensed after December 31, 2009, to any rebate eligible individual (as defined in paragraph (6)(A)) for which payment was made by a PDP sponsor under part D or a MA organization under part C for such period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively. Such rebate shall be paid by the manufacturer to the Secretary not later than 30 days after the date of receipt of the information described in section 1860D–12(b)(7), including as such section is applied under section 1857(f)(3), or 30 days after the receipt of information under subparagraph (D) of paragraph (3), as determined by the Secretary. Insofar as not inconsistent with this subsection, the Secretary shall establish terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms and conditions for rebate agreements under paragraphs (3) and (4) of section 1927(b).

''(3) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—The amount of the rebate specified under this paragraph for a manufacturer for a rebate period, with respect to each dosage form and strength of any covered part D drug provided by such manufacturer and dispensed to a rebate eligible individual, shall be equal to the product of—

''(i) the total number of units of such dosage form and strength of the drug so provided and dispensed for which payment was made by a PDP sponsor under part D or a MA organization under part C for the rebate period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively; and

''(ii) the amount (if any) by which—

''(I) the Medicaid rebate amount (as defined in subparagraph (B)) for such form, strength, and period, exceeds

''(II) the average Medicare drug program rebate eligible rebate amount (as defined in subparagraph (C)) for such form, strength, and period.

''(B) MEDICAID REBATE AMOUNT.—For purposes of this paragraph, the term 'Medicaid rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by the manufacturer for a rebate period—

''(i) in the case of a single source drug or an innovator multiple source drug, the amount specified in paragraph (1)(A)(ii) of section 1927(c) plus the amount, if any, specified in paragraph (2)(A)(ii) of such section, for such form, strength, and period; or

''(ii) in the case of any other covered outpatient drug, the amount specified in paragraph (3)(A)(i) of such section for such form, strength, and period.

''(C) AVERAGE MEDICARE DRUG PROGRAM REBATE ELIGIBLE REBATE AMOUNT.—For purposes of this subsection, the term 'average Medicare drug program rebate eligible rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by a manufacturer for a rebate period, the sum, for all PDP sponsors under part D and MA organizations administering a MA–PD plan under part C, of—

''(i) the product, for each such sponsor or organization, of—

''(I) the sum of all rebates, discounts, or other price concessions (not taking into account any rebate provided under paragraph (2) for such dosage form and strength of the drug dispensed, calculated on a per-unit basis, but only to the extent that any such rebate, discount, or other price concession applies equally to drugs dispensed to rebate eligible Medicare drug plan enrollees and drugs dispensed to PDP and MA–PD enrollees who are not rebate eligible individuals; and

''(II) the number of the units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in the prescription drug plans administered by the PDP sponsor or the MA–PD plans administered by the MA organization; divided by

''(ii) the total number of units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in all prescription drug plans administered by PDP sponsors and all MA–PD plans administered by MA organizations.

''(D) USE OF ESTIMATES.—The Secretary may establish a methodology for estimating the average Medicare drug program rebate eligible rebate amounts for each rebate period based on bid and utilization information under this part and may use these estimates as the basis for determining the rebates under this section. If the Secretary elects to estimate the average Medicare drug program rebate eligible rebate amounts, the Secretary shall establish a reconciliation process for adjusting manufacturer rebate payments not later than 3 months after the date that manufacturers receive the information collected under section 1860D–12(b)(7)(B).

''(4) LENGTH OF AGREEMENT.—The provisions of paragraph (4) of section 1927(b) (other than clauses (iv) and (v) of subparagraph (B)) shall apply to rebate agreements under this subsection in the same manner as such paragraph applies to a rebate agreement under such section.

''(5) OTHER TERMS AND CONDITIONS.—The Secretary shall establish other terms and conditions of the rebate agreement under this subsection, including terms and conditions related to compliance, that are consistent with this subsection.

''(6) DEFINITIONS.—In this subsection and section 1860D–12(b)(7):

''(A) REBATE ELIGIBLE INDIVIDUAL.—The term 'rebate eligible individual'—

''(i) means a full-benefit dual eligible individual (as defined in section 1935(c)(6)); and

''(ii) includes, for drugs dispensed after December 31, 2014, a subsidy eligible individual (as defined in section 1860D–14(a)(3)(A)).

''(B) REBATE PERIOD.—The term 'rebate period' has the meaning given such term in section 1927(k)(8).

''(7) WAIVER.—Chapter 35 of title 44, United States Code, shall not apply to the requirements under this subsection for the period beginning on January 1, 2010, and ending on December 31, 2010.''.

(2) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURES RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

(A) REQUIREMENTS FOR PDP SPONSORS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(7) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY

MANUFACTURERS RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—For purposes of the rebate under section 1860D–2(f) for contract years beginning on or after January 1, 2011, each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan shall require that the sponsor comply with subparagraphs (B) and (C).

''(B) REPORT FORM AND CONTENTS.—Not later than a date specified by the Secretary, a PDP sponsor of a prescription drug plan under this part shall report to each manufacturer—

''(i) information (by National Drug Code number) on the total number of units of each dosage, form, and strength of each drug of such manufacturer dispensed to rebate eligible Medicare drug plan enrollees under any prescription drug plan operated by the PDP sponsor during the rebate period;

''(ii) information on the price discounts, price concessions, and rebates for such drugs for such form, strength, and period;

''(iii) information on the extent to which such price discounts, price concessions, and rebates apply equally to rebate eligible Medicare drug plan enrollees and PDP enrollees who are not rebate eligible Medicare drug plan enrollees; and

''(iv) any additional information that the Secretary determines is necessary to enable the Secretary to calculate the average Medicare drug program rebate eligible rebate amount (as defined in paragraph (3)(C) of such section), and to determine the amount of the rebate required under this section, for such form, strength, and period.

Such report shall be in a form consistent with a standard reporting format established by the Secretary.

''(C) SUBMISSION TO SECRETARY.—Each PDP sponsor shall promptly transmit a copy of the information reported under subparagraph (B) to the Secretary for the purpose of audit oversight and evaluation.

''(D) CONFIDENTIALITY OF INFORMATION.—The provisions of subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, shall apply to information reported by PDP sponsors under this paragraph in the same manner that such provisions apply to information disclosed by manufacturers or wholesalers under such section, except—

''(i) that any reference to 'this section' in clause (i) of such subparagraph shall be treated as being a reference to this section;

''(ii) the reference to the Director of the Congressional Budget Office in clause (iii) of such subparagraph shall be treated as including a reference to the Medicare Payment Advisory Commission; and

''(iii) clause (iv) of such subparagraph shall not apply.

''(E) OVERSIGHT.—Information reported under this paragraph may be used by the Inspector General of the Department of Health and Human Services for the statutorily authorized purposes of audit, investigation, and evaluations.

''(F) PENALTIES FOR FAILURE TO PROVIDE TIMELY INFORMATION AND PROVISION OF FALSE INFORMATION.—In the case of a PDP sponsor—

''(i) that fails to provide information required under subparagraph (B) on a timely basis, the sponsor is subject to a civil money penalty in the amount of $10,000 for each day in which such information has not been provided; or

''(ii) that knowingly (as defined in section 1128A(i)) provides false information under such subparagraph, the sponsor is subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(B) APPLICATION TO MA ORGANIZATIONS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following:

''(D) REPORTING REQUIREMENT RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Section 1860D–12(b)(7).''.

(3) DEPOSIT OF REBATES INTO MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(c) of such Act (42 U.S.C. 1395w–116(c)) is amended by adding at the end the following new paragraph:

''(6) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Amounts paid under a rebate agreement under section 1860D–2(f) shall be deposited into the Account and shall be used to pay for all or part of the gradual elimination of the coverage gap under section 1860D–2(b)(7).''.

SEC. 1182. DISCOUNTS FOR CERTAIN PART D DRUGS IN ORIGINAL COVERAGE GAP.

Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by section 1181, is amended—

(1) in subsection (b)(4)(C)(ii), by inserting ''subject to subsection (g)(2)(C),'' after ''(ii)'';

(2) in subsection (e)(1), in the matter before subparagraph (A), by striking ''subsection (f)'' and inserting ''subsections (f) and (g)'' after ''this subsection''; and

(3) by adding at the end the following new subsection:

''(g) REQUIREMENT FOR MANUFACTURER DISCOUNT AGREEMENT FOR CERTAIN QUALIFYING DRUGS.—

''(1) IN GENERAL.—In this part, the term 'covered part D drug' does not include any drug or biological product that is manufactured by a manufacturer that has not entered into and have in effect for all qualifying drugs (as defined in paragraph (5)(A)) a discount agreement described in paragraph (2).

''(2) DISCOUNT AGREEMENT.—

''(A) PERIODIC DISCOUNTS.—A discount agreement under this paragraph shall require the manufacturer involved to provide, to each PDP sponsor with respect to a prescription drug plan or each MA organization with respect to each MA–PD plan, a discount in an amount specified in paragraph (3) for qualifying drugs (as defined in paragraph (5)(A)) of the manufacturer dispensed to a qualifying enrollee after January 1, 2010, insofar as the individual is in the original gap in coverage (as defined in paragraph (5)(E)).

''(B) DISCOUNT AGREEMENT.—Insofar as not inconsistent with this subsection, the Secretary shall establish terms and conditions of such agreement, including terms and conditions relating to compliance, similar to the terms and conditions for rebate agreements under paragraphs (2), (3), and (4) of section 1927(b), except that—

''(i) discounts shall be applied under this subsection to prescription drug plans and MA–PD plans instead of State plans under title XIX;

''(ii) PDP sponsors and MA organizations shall be responsible, instead of States, for provision of necessary utilization information to drug manufacturers; and

''(iii) sponsors and MA organizations shall be responsible for reporting information on drug-component negotiated price.

''(C) COUNTING DISCOUNT TOWARD TRUE OUT-OF-POCKET COSTS.—Under the discount agreement, in applying subsection (b)(4), with regard to subparagraph (C)(i) of such subsection, if a qualified enrollee purchases the qualified drug insofar as the enrollee is in an actual gap of coverage (as defined in paragraph (5)(D)), the amount of the discount under the agreement shall be treated and counted as costs incurred by the plan enrollee.

''(3) DISCOUNT AMOUNT.—The amount of the discount specified in this paragraph for a discount period for a plan is equal to 50 percent of the amount of the drug-component negotiated price (as defined in paragraph (5)(C)) for qualifying drugs for the period involved.

''(4) ADDITIONAL TERMS.—In the case of a discount provided under this subsection with respect to a prescription drug plan offered by a PDP sponsor or an MA–PD plan offered by an MA organization, if a qualified enrollee purchases the qualified drug—

''(A) insofar as the enrollee is in an actual gap of coverage (as defined in paragraph (5)(D)), the sponsor or plan shall provide the discount to the enrollee at the time the enrollee pays for the drug; and

''(B) insofar as the enrollee is in the portion of the original gap in coverage (as defined in paragraph (5)(E)) that is not in the actual gap in coverage, the discount shall not be applied against the negotiated price (as defined in subsection (d)(1)(B)) for the purpose of calculating the beneficiary payment.

''(5) DEFINITIONS.—In this subsection:

''(A) QUALIFYING DRUG.—The term 'qualifying drug' means, with respect to a prescription drug plan or MA–PD plan, a drug or biological product that—

''(i)(I) is a drug produced or distributed under an original new drug application approved by the Food and Drug Administration, including a drug product marketed by any cross-licensed producers or distributors operating under the new drug application;

''(II) is a drug that was originally marketed under an original new drug application approved by the Food and Drug Administration; or

''(III) is a biological product as approved under Section 351(a) of the Public Health Services Act;

''(ii) is covered under the formulary of the plan or is treated as covered under the formulary of the plan as a result of a coverage determination or appeal under subsection (g) or (h) of section 1860D–4; and

''(iii) is dispensed to an individual who is in the original gap in coverage.

''(B) QUALIFYING ENROLLEE.—The term 'qualifying enrollee' means an individual enrolled in a prescription drug plan or MA–PD plan other than such an individual who is a subsidy-eligible individual (as defined in section 1860D–14(a)(3)).

''(C) DRUG-COMPONENT NEGOTIATED PRICE.—The term 'drug-component negotiated price' means, with respect to a qualifying drug, the negotiated price (as defined in section 423.100 of title 42, Code of Federal Regulations, as in effect on the date of enactment of this subsection), as determined without regard to any dispensing fee, of the drug under the prescription drug plan or MA–PD plan involved.

''(D) ACTUAL GAP IN COVERAGE.—The term 'actual gap in coverage' means the gap in prescription drug coverage that occurs between the initial coverage limit (as modified under paragraph (7) and subparagraph (B) of paragraph (8) of subsection (b)) and the annual out-of-pocket threshold (as modified under subparagraph (C) of such subsection).

''(E) ORIGINAL GAP IN COVERAGE.—The term 'original in gap coverage' means the gap in prescription drug coverage that would occur between the initial coverage limit (described in subsection (b)(3)) and the out-of-pocket threshold (as defined in subsection (b)(4)(B)) if subsections (b)(7) and (b)(8) did not apply.

''(6) SPECIAL RULE FOR 2010.—For the period beginning January 1, 2010, and ending December 31, 2010, the Secretary may—

''(A) enter into agreements with manufacturers to directly receive the discount amount described in paragraph (3);

''(B) collect the necessary information from prescription drug plans and MA-PD plans to calculate the discount amount described in such paragraph; and

''(C) provide the discount described in such paragraph to beneficiaries as close as practicable after the point of sale.

''(7) WAIVER.—Chapter 35 of title 44, United States Code, shall not apply to the requirements under this subsection for the period beginning on January 1, 2010, and ending on December 31, 2010.''.

SEC. 1183. REPEAL OF PROVISION RELATING TO SUBMISSION OF CLAIMS BY PHARMACIES LOCATED IN OR CONTRACTING WITH LONG-TERM CARE FACILITIES.

(a) PART D SUBMISSION.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)), as amended by section 172(a)(1) of Public Law 110–275, is amended by striking paragraph (5) and redesignating paragraph (6) and paragraph (7), as added by section 1181(c)(2)(A), as paragraph (5) and paragraph (6), respectively.

(b) SUBMISSION TO MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w-27(f)(3)), as added by section 171(b) of Public Law 110–275 and amended by section 172(a)(2) of such Public Law and section 1181 of this Act, is amended by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C) respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply for contract years beginning with 2010.

SEC. 1184. INCLUDING COSTS INCURRED BY AIDS DRUG ASSISTANCE PROGRAMS AND INDIAN HEALTH SERVICE IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT-OF-POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by striking ''such costs shall be treated as incurred only if'' and inserting ''and subject to clause (iii), such costs shall be treated as incurred only if'';

(B) by striking '', under section 1860D–14, or under a State Pharmaceutical Assistance Program''; and

(C) by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following new clause:

''(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

''(I) under section 1860D–14;

''(II) under a State Pharmaceutical Assistance Program;

''(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

''(IV) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2011.

SEC. 1185. NO MID-YEAR FORMULARY CHANGES PERMITTED.

(a) IN GENERAL.—Section 1860D–4(b)(3)(E) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(E)) is amended—

(1) in the heading, by inserting ''; CERTAIN FORMULARY CHANGES ONLY BEFORE INITIATING MARKETING FOR A PLAN YEAR'' after ''STATUS OF DRUG'';

(2) by striking ''Any removal'' and inserting ''(i) NOTICE.—Any removal'' with the same indentation as the clause added by paragraph (2);

(3) by adding at the end the following new clause:

''(ii) CERTAIN CHANGES IN FORMULARY ONLY BEFORE INITIATING MARKETING FOR A PLAN YEAR.—Any removal of a covered part D drug from a formulary used by a PDP sponsor of a prescription drug plan (or MA organization of a MA–PD plan) or any other material change to the formulary so as to reduce the coverage (or increase the cost-sharing) of the drug under the plan for a plan year shall take effect by a date specified by the Secretary but no later than the start of plan marketing activities for the plan year. In addition to any exceptions to the previous sentence specified by the Secretary, the previous sentence shall not apply in the case that a drug is removed from the formulary of a plan because of a recall or withdrawal of the drug issued by the Food and Drug Administration, because the drug is replaced with a generic drug that is a therapeutic equivalent, or because of utilization management applied to—

''(I) a drug whose labeling includes a boxed warning required by the Food and Drug Administration under section 201.57(c)(1) of title 21, Code of Federal Regulations (or a successor regulation); or

''(II) a drug required under subsection (c)(2) of section 505–1 of the Federal Food, Drug, and Cosmetic Act to have a Risk Evaluation and Management Strategy that includes elements under subsection (f) of such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contract years beginning on or after January 1, 2011.

SEC. 1186. NEGOTIATION OF LOWER COVERED PART D DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES.

(a) NEGOTIATION BY SECRETARY.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) NEGOTIATION OF LOWER DRUG PRICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall negotiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other price concessions) that may be charged to PDP sponsors and MA organizations for covered part D drugs for part D eligible individuals who are enrolled under a prescription drug plan or under an MA-PD plan.

''(2) NO CHANGE IN RULES FOR FORMULARIES.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to authorize the Secretary to establish or require a particular formulary.

''(B) CONSTRUCTION.—Subparagraph (A) shall not be construed as affecting the Secretary's authority to ensure appropriate and adequate access to covered part D drugs under prescription drug plans and under MA-PD plans, including compliance of such plans with formulary requirements under section 1860D–4(b)(3).

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the sponsor of a prescription drug plan, or an organization offering an MA-PD plan, from obtaining a discount or reduction of the price for a covered part D drug below the price negotiated under paragraph (1).

''(4) ANNUAL REPORTS TO CONGRESS.—Not later than June 1, 2011, and annually thereafter, the Secretary shall submit to the Committees on Ways and Means, Energy and Commerce, and Oversight and Government Reform of the House of Representatives and the Committee on Finance of the Senate a report on negotiations conducted by the Secretary to achieve lower prices for Medicare beneficiaries, and the prices and price discounts achieved by the Secretary as a result of such negotiations.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall first apply to negotiations and prices for plan years beginning on January 1, 2011.

SEC. 1187. ACCURATE DISPENSING IN LONG-TERM CARE FACILITIES.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

''(3) REDUCTION OF WASTEFUL DISPENSING.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2012, a PDP sponsor offering a prescription drug plan and MA organization offering a MA–PD plan under part C shall have in place the utilization management techniques established under subparagraph (B).

''(B) REQUIREMENTS.—The Secretary shall establish utilization management techniques, such as daily, weekly, or automated dose dispensing, to apply to PDP sponsors and MA organizations to reduce the quantities of covered part D drugs dispensed to enrollees who are residing in long-term care facilities in order to reduce waste associated with unused medications.

''(C) CONSULTATION.—In establishing the requirements under subparagraph (A), the Secretary shall consult with the Administrator of the Environmental Protection Agency, Administrator of the Food and Drug Administration, Administrator of the Drug Enforcement Administration, State Boards of Pharmacy, pharmacy and physician organizations, and other appropriate stakeholders to study and determine additional methods for prescription drug plans to reduce waste associated with unused prescription drugs.''.

SEC. 1188. FREE GENERIC FILL.

(a) IN GENERAL.—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(1) in subparagraph (C), by striking ''of 1996'' and all that follows and inserting ''of 1996;'';

(2) in the first subparagraph (D), by striking ''promulgated'' and all that follows and inserting ''promulgated;'';

(3) by redesignating the second subparagraph (D) as a subparagraph (E) and by striking the period at the end of such subparagraph and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(F) with regard to a prescription drug plan offered by a PDP sponsor or an MA–PD plan offered by an MA organization, a reduction in or waiver of the copayment amount under the plan given to an individual to induce the individual to switch to a generic, bioequivalent drug, or biosimilar.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall first apply with respect to remuneration offered, paid, solicited, or received on or after January 1, 2011.

SEC. 1189. STATE CERTIFICATION PRIOR TO WAIVER OF LICENSURE REQUIREMENTS UNDER MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–12(c) of the Social Security Act (42 U.S.C. 1395w–112(c)) is amended—

(1) in paragraph (1)(A), by striking ''In the case'' and inserting ''Subject to paragraph (5), in the case''; and

(2) by adding at the end the following new paragraph:

''(5) STATE CERTIFICATION REQUIRED.—

''(A) IN GENERAL.—Except as provided in section 1860D–21(f)(4), the Secretary may only grant a waiver under paragraph (1)(A) if the Secretary has received a certification from the State insurance commissioner that the prescription drug plan has a substantially complete application pending in the State.

''(B) REVOCATION OF WAIVER UPON FINDING OF FRAUD AND ABUSE.—The Secretary shall revoke a waiver granted under paragraph (1)(A) if the State insurance commissioner submits a certification to the Secretary that the recipient of such a waiver—

''(i) has committed fraud or abuse with respect to such waiver;

''(ii) has failed to make a good faith effort to satisfy State licensing requirements; or

''(iii) was determined ineligible for licensure by the State.''.

(b) EXCEPTION FOR PACE PROGRAMS.—Section 1860D–21(f) of such Act (42 U.S.C. 1395w–131(f)) is amended—

(1) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''the succeeding paragraphs''; and

(2) by adding at the end the following new paragraph:

''(4) INAPPLICABILITY OF CERTAIN LICENSURE WAIVER REQUIREMENTS.—The provisions of paragraph (1) of section 1860D–12(c) (relating to waiver of licensure under certain circumstances) shall apply without regard to paragraph (5) of such section in the case of a PACE program that elects to provide qualified prescription drug coverage to a part D eligible individual who is enrolled under such program.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2010.

Subtitle F—Medicare Rural Access Protections

SEC. 1191. TELEHEALTH EXPANSION AND ENHANCEMENTS.

(a) ADDITIONAL TELEHEALTH SITE.—

(1) IN GENERAL.—Paragraph (4)(C)(ii) of section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new subclause:

''(IX) A renal dialysis facility.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after January 1, 2011.

(b) TELEHEALTH ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Section 1868 of the Social Security Act (42 U.S.C. 1395ee) is amended—

(A) in the heading, by adding at the end the following: ''TELEHEALTH ADVISORY COMMITTEE''; and

(B) by adding at the end the following new subsection:

''(c) TELEHEALTH ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall appoint a Telehealth Advisory Committee (in this subsection referred to as the 'Advisory Committee') to make recommendations to the Secretary on policies of the Centers for Medicare & Medicaid Services regarding telehealth services as established under section 1834(m), including the appropriate addition or deletion of services (and HCPCS codes) to those specified in paragraphs (4)(F)(i) and (4)(F)(ii) of such section and for authorized payment under paragraph (1) of such section.

''(2) MEMBERSHIP; TERMS.—

''(A) MEMBERSHIP.—

''(i) IN GENERAL.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

''(I) 5 shall be practicing physicians;

''(II) 2 shall be practicing non-physician health care practitioners; and

''(III) 2 shall be administrators of telehealth programs.

''(ii) REQUIREMENTS FOR APPOINTING MEMBERS.—In appointing members of the Advisory Committee, the Secretary shall—

''(I) ensure that each member has prior experience with the practice of telemedicine or telehealth;

''(II) give preference to individuals who are currently providing telemedicine or telehealth services or who are involved in telemedicine or telehealth programs;

''(III) ensure that the membership of the Advisory Committee represents a balance of specialties and geographic regions; and

''(IV) take into account the recommendations of stakeholders.

''(B) TERMS.—The members of the Advisory Committee shall serve for such term as the Secretary may specify.

''(C) CONFLICTS OF INTEREST.—An advisory committee member may not participate with respect to a particular matter considered in an advisory committee meeting if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter.

''(3) MEETINGS.—The Advisory Committee shall meet twice each calendar year and at such other times as the Secretary may provide.

''(4) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.''

(2) FOLLOWING RECOMMENDATIONS.—Section 1834(m)(4)(F) of such Act (42 U.S.C. 1395m(m)(4)(F)) is amended by adding at the end the following new clause:

''(iii) RECOMMENDATIONS OF THE TELEHEALTH ADVISORY COMMITTEE.—In making determinations under clauses (i) and (ii), the Secretary shall take into account the recommendations of the Telehealth Advisory Committee (established under section 1868(c)) when adding or deleting services (and HCPCS codes) and in establishing policies of the Centers for Medicare & Medicaid Services regarding the delivery of telehealth services. If the Secretary does not implement such a recommendation, the Secretary shall publish in the Federal Register a statement regarding the reason such recommendation was not implemented.''

(3) WAIVER OF ADMINISTRATIVE LIMITATION.—The Secretary of Health and Human Services shall establish the Telehealth Advisory Committee under the amendment made by paragraph (1) notwithstanding any limitation that may apply to the number of advisory committees that may be established (within the Department of Health and Human Services or otherwise).

(c) HOSPITAL CREDENTIALING OF TELEMEDICINE PHYSICIANS AND PRACTITIONERS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance for hospitals (as defined in paragraph (4)) to simplify requirements regarding compiling practitioner credentials for the purpose of rendering a medical staff privileging decision (under bylaws of the type described in section 1861(e)(3) of the Social Security Act) for physicians and practitioners (as defined in paragraph (4)) delivering telehealth services that are furnished via a telecommunications system.

(2) FLEXIBILITY IN ACCEPTING CREDENTIALING BY ANOTHER MEDICARE PARTICIPATING HOSPITAL.—

(A) IN GENERAL.—Such guidance shall permit a hospital to accept credentialing packages compiled by another hospital participating under Medicare with regard to physicians and practitioners who seek medical staff privileges in the hospital to provide telehealth services via a telecommunications system from a site other than the hospital where the patient is located.

(B) CONSTRUCTION.—Nothing in this subsection shall be construed to require a hospital to accept the credentialing package compiled by another facility.

(C) NO OVERSIGHT REQUIRED.—If a hospital does accept the credentialing materials prepared by another hospital, the hospital shall not be required to exercise oversight over the other hospital's process for compiling and verifying credentials.

(D) PRIVILEGING.—This paragraph shall only apply to credentialing and does not relieve a hospital from any applicable privileging requirements.

(3) CONSTRUCTION.—This subsection shall not be construed as limiting the ability of the Secretary to issue additional guidance regarding the requirements for the compilation of credentials for physicians and practitioners not described in paragraph (1).

(4) DEFINITIONS.—In this subsection:

(A) The term ''hospital'' has the meaning given such term in subsection (e) of section 1861 of the Social Security Act (42 U.S.C. 1395x) and includes a critical access hospital (as defined in subsection (mm)(1) of such section).

(B) The term ''physician'' has the meaning given such term in subsection (r) of such section.

(C) The term ''practitioner'' means a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)).

SEC. 1192. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking '''2010'' and inserting ''2012''; and

(B) in the second sentence, by striking ''or 2009'' and inserting '', 2009, 2010, or 2011''; and

(2) in subclause (III), by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

SEC. 1193. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) USE OF PARTICULAR WAGE INDEX FOR FISCAL YEAR 2010.—For purposes of implementation of the amendment made by subsection (a) for fiscal year 2010, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

SEC. 1194. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2010'' and inserting ''before January 1, 2012''.

SEC. 1195. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), and section 136 of the Medicare Improvements for Patients and

Providers Act of 1008 (Public Law 110–275), is amended by striking ''and 2009'' and inserting ''2009, 2010, and 2011''.

SEC. 1196. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''before January 1, 2010'' and inserting ''before January 1, 2012''; and

(B) in each of clauses (i) and (ii), by striking ''before January 1, 2010'' and inserting ''before January 1, 2012''.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''ending on December 31, 2009'' and inserting ''ending on December 31, 2011''.

TITLE II—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improving and Simplifying Financial Assistance for Low Income Medicare Beneficiaries

SEC. 1201. IMPROVING ASSETS TESTS FOR MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.

(a) APPLICATION OF HIGHEST LEVEL PERMITTED UNDER LIS TO ALL SUBSIDY ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 1860D–14(a)(1) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)) is amended in the matter before subparagraph (A), by inserting ''(or, beginning with 2012, paragraph (3)(E))'' after ''paragraph (3)(D)''.

(2) ANNUAL INCREASE IN LIS RESOURCE TEST.—Section 1860D–14(a)(3)(E)(i) of such Act (42 U.S.C. 1395w–114(a)(3)(E)(i)) is amended—

(A) by striking ''and'' at the end of subclause (I);

(B) in subclause (II), by inserting ''(before 2012)'' after ''subsequent year'';

(C) by striking the period at the end of subclause (II) and inserting a semicolon;

(D) by inserting after subclause (II) the following new subclauses:

''(III) for 2012, $17,000 (or $34,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

''(IV) for a subsequent year, the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.''; and

(E) in the last sentence, by inserting ''or (IV)'' after ''subclause (II)''.

(3) APPLICATION OF LIS TEST UNDER MEDICARE SAVINGS PROGRAM.—Section 1905(p)(1)(C) of such Act (42 U.S.C. 1396d(p)(1)(C)) is amended—

(A) by striking ''effective beginning with January 1, 2010'' and inserting ''effective for the period beginning with January 1, 2010, and ending with December 31, 2011''; and

(B) by inserting before the period at the end the following: ''or, effective beginning with January 1, 2012, whose resources (as so determined) do not exceed the maximum resource level applied for the year under subparagraph (E) of section 1860D–14(a)(3) (determined without regard to the life insurance policy exclusion provided under subparagraph (G) of such section) applicable to an individual or to the individual and the individual's spouse (as the case may be)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility determinations for income-related subsidies and medicare cost-sharing furnished for periods beginning on or after January 1, 2012.

SEC. 1202. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended—

(1) by striking ''INSTITUTIONALIZED INDIVIDUALS.—In'' and inserting ''ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

''(I) INSTITUTIONALIZED INDIVIDUALS.—In''; and

(2) by adding at the end the following new subclause:

''(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and with respect to whom there has been a determination that but for the provision of home and community based care (whether under section 1915, 1932, or under a waiver under section 1115) the individual would require the level of care provided in a hospital or a nursing facility or intermediate care facility for the mentally retarded the cost of which could be reimbursed under the State plan under title XIX, the elimination of any beneficiary coinsurance described in section 1860D–2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D–2(b)(4)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after January 1, 2011.

SEC. 1203. ELIMINATING BARRIERS TO ENROLLMENT.

(a) ADMINISTRATIVE VERIFICATION OF INCOME AND RESOURCES UNDER THE LOW-INCOME SUBSIDY PROGRAM.—

(1) IN GENERAL.—Clause (iii) of section 1860D–14(a)(3)(E) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(E)) is amended to read as follows:

''(iii) CERTIFICATION OF INCOME AND RESOURCES.—For purposes of applying this section—

''(I) an individual shall be permitted to apply on the basis of self-certification of income and resources; and

''(II) matters attested to in the application shall be subject to appropriate methods of verification without the need of the individual to provide additional documentation, except in extraordinary situations as determined by the Commissioner.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply beginning January 1, 2010.

(b) DISCLOSURES TO FACILITATE IDENTIFICATION OF INDIVIDUALS LIKELY TO BE INELIGIBLE FOR THE LOW-INCOME ASSISTANCE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM TO ASSIST SOCIAL SECURITY ADMINISTRATION'S OUTREACH TO ELIGIBLE INDIVIDUALS.—For provision authorizing disclosure of return information to facilitate identification of individuals likely to be ineligible for low-income subsidies under Medicare prescription drug program, see section 1801.

SEC. 1204. ENHANCED OVERSIGHT RELATING TO REIMBURSEMENTS FOR RETROACTIVE LOW INCOME SUBSIDY ENROLLMENT.

(a) IN GENERAL.—In the case of a retroactive LIS enrollment beneficiary who is enrolled under a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title), the beneficiary (or any eligible third party) is entitled to reimbursement by the plan for covered drug costs incurred by the beneficiary during the retroactive coverage period of the beneficiary in accordance with subsection (b) and in the case of such a beneficiary described in subsection (c)(4)(A)(i), such reimbursement shall be made automatically by the plan upon receipt of appropriate notice the beneficiary is eligible for assistance described in such subsection (c)(4)(A)(i) without further information required to be filed with the plan by the beneficiary.

(b) ADMINISTRATIVE REQUIREMENTS RELATING TO REIMBURSEMENTS.—

(1) LINE-ITEM DESCRIPTION.—Each reimbursement made by a prescription drug plan or MA–PD plan under subsection (a) shall include a line-item description of the items for which the reimbursement is made.

(2) TIMING OF REIMBURSEMENTS.—A prescription drug plan or MA–PD plan must make a reimbursement under subsection (a) to a retroactive LIS enrollment beneficiary, with respect to a claim, not later than 45 days after—

(A) in the case of a beneficiary described in subsection (c)(4)(A)(i), the date on which the plan receives notice from the Secretary that the beneficiary is eligible for assistance described in such subsection; or

(B) in the case of a beneficiary described in subsection (c)(4)(A)(ii), the date on which the beneficiary files the claim with the plan.

(3) REPORTING REQUIREMENT.—For each month beginning with January 2011, each prescription drug plan and each MA–PD plan shall report to the Secretary the following:

(A) The number of claims the plan has readjudicated during the month due to a beneficiary becoming retroactively eligible for subsidies available under section 1860D–14 of the Social Security Act.

(B) The total value of the readjudicated claim amount for the month.

(C) The Medicare Health Insurance Claims Number of beneficiaries for whom claims were readjudicated.

(D) For the claims described in subparagraphs (A) and (B), an attestation to the Administrator of the Centers for Medicare & Medicaid Services of the total amount of reimbursement the plan has provided to beneficiaries for premiums and cost-sharing that the beneficiary overpaid for which the plan received payment from the Centers for Medicare & Medicaid Services.

(c) DEFINITIONS.—For purposes of this section:

(1) COVERED DRUG COSTS.—The term ''covered drug costs'' means, with respect to a retroactive LIS enrollment beneficiary enrolled under a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title), the amount by which—

(A) the costs incurred by such beneficiary during the retroactive coverage period of the beneficiary for covered part D drugs, premiums, and cost-sharing under such title; exceeds

(B) such costs that would have been incurred by such beneficiary during such period if the beneficiary had been both enrolled in the plan and recognized by such plan as qualified during such period for the low income subsidy under section 1860D–14 of the Social Security Act to which the individual is entitled.

(2) ELIGIBLE THIRD PARTY.—The term ''eligible third party'' means, with respect to a retroactive LIS enrollment beneficiary, an organization or other third party that is owed payment on behalf of such beneficiary for covered drug costs incurred by such beneficiary during the retroactive coverage period of such beneficiary.

(3) RETROACTIVE COVERAGE PERIOD.—The term ''retroactive coverage period'' means—

(A) with respect to a retroactive LIS enrollment beneficiary described in paragraph (4)(A)(i), the period—

(i) beginning on the effective date of the assistance described in such paragraph for which the individual is eligible; and

(ii) ending on the date the plan effectuates the status of such individual as so eligible; and

(B) with respect to a retroactive LIS enrollment beneficiary described in paragraph (4)(A)(ii), the period—

(i) beginning on the date the individual is both entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act and eligible for medical assistance under a State plan under title XIX of such Act; and

(ii) ending on the date the plan effectuates the status of such individual as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act).

(4) RETROACTIVE LIS ENROLLMENT BENEFICIARY.—

(A) IN GENERAL.—The term ''retroactive LIS enrollment beneficiary'' means an individual who—

(i) is enrolled in a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title) and subsequently becomes eligible as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act), an individual receiving a low-income subsidy under section 1860D–14 of such Act, an individual receiving assistance under the Medicare Savings Program implemented under clauses (i), (iii), and (iv) of section 1902(a)(10)(E) of such Act, or an individual receiving assistance under the supplemental security income program under section 1611 of such Act; or

(ii) subject to subparagraph (B)(i), is a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act) who is automatically enrolled in such a plan under section 1860D–1(b)(1)(C) of such Act.

(B) EXCEPTION FOR BENEFICIARIES ENROLLED IN RFP PLAN.—

(i) IN GENERAL.—In no case shall an individual described in subparagraph (A)(ii) include an individual who is enrolled, pursuant to a RFP contract described in clause (ii), in a prescription drug plan offered by the sponsor of such plan awarded such contract.

(ii) RFP CONTRACT DESCRIBED.—The RFP contract described in this section is a contract entered into between the Secretary and a sponsor of a prescription drug plan pursuant to the Centers for Medicare & Medicaid Services' request for proposals issued on February 17, 2009, relating to Medicare part D retroactive coverage for certain low income beneficiaries, or a similar subsequent request for proposals.

SEC. 1205. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D–1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)) is amended by adding after ''PDP region'' the following: ''or through use of an intelligent assignment process that is designed to maximize the access of such individual to necessary prescription drugs while minimizing costs to such individual and to the program under this part to the greatest extent possible. In the case the Secretary enrolls such individuals through use of an intelligent assignment process, such process shall take into account the extent to which prescription drugs necessary for the individual are covered in the case of a PDP sponsor of a prescription drug plan that uses a formulary, the use of prior authorization or other restrictions on access to coverage of such prescription drugs by such a sponsor, and the overall quality of a prescription drug plan as measured by quality ratings established by the Secretary''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for contract years beginning with 2012.

SEC. 1206. SPECIAL ENROLLMENT PERIOD AND AUTOMATIC ENROLLMENT PROCESS FOR CERTAIN SUBSIDY ELIGIBLE INDIVIDUALS.

(a) SPECIAL ENROLLMENT PERIOD.—Section 1860D–1(b)(3)(D) of the Social Security Act (42 U.S.C. 1395w–101(b)(3)(D)) is amended to read as follows:

''(D) SUBSIDY ELIGIBLE INDIVIDUALS.—In the case of an individual (as determined by the Secretary) who is determined under subparagraph (B) of section 1860D–14(a)(3) to be a subsidy eligible individual.''.

(b) AUTOMATIC ENROLLMENT.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR SUBSIDY ELIGIBLE INDIVIDUALS.—The process established under subparagraph (A) shall include, in the case of an individual described in section 1860D–1(b)(3)(D) who fails to enroll in a prescription drug plan or an MA–PD plan during the special enrollment established under such section applicable to such individual, the application of the assignment process described in subparagraph (C) to such individual in the same manner as such assignment process applies to a part D eligible individual described in such subparagraph (C). Nothing in the previous sentence shall prevent an individual described in such sentence from declining enrollment in a plan determined appropriate by the Secretary (or in the program under this part) or from changing such enrollment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to subsidy determinations made for months beginning with January 2011.

SEC. 1207. APPLICATION OF MA PREMIUMS PRIOR TO REBATE AND QUALITY BONUS PAYMENTS IN CALCULATION OF LOW INCOME SUBSIDY BENCHMARK.

(a) IN GENERAL.—Section 1860D–14(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–114(b)(2)(B)(iii)) is amended by inserting before the period the following: ''before the application of the monthly rebate computed under section 1854(b)(1)(C)(i) for that plan and year involved and, in the case of a qualifying plan in a qualifying county, before the application of the increase under section 1853(o) for that plan and year involved''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to subsidy determinations made for months beginning with January 2011.

Subtitle B—Reducing Health Disparities

SEC. 1221. ENSURING EFFECTIVE COMMUNICATION IN MEDICARE.

(a) ENSURING EFFECTIVE COMMUNICATION BY THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—

(1) STUDY ON MEDICARE PAYMENTS FOR LANGUAGE SERVICES.—The Secretary of Health and Human Services shall conduct a study that examines the extent to which Medicare service providers utilize, offer, or make available language services for beneficiaries who are limited English proficient and ways that Medicare should develop payment systems for language services.

(2) ANALYSES.—The study shall include an analysis of each of the following:

(A) How to develop and structure appropriate payment systems for language services for all Medicare service providers.

(B) The feasibility of adopting a payment methodology for on-site interpreters, including interpreters who work as independent contractors and interpreters who work for agencies that provide on-site interpretation, pursuant to which such interpreters could directly bill Medicare for services provided in support of physician office services for an LEP Medicare patient.

(C) The feasibility of Medicare contracting directly with agencies that provide off-site interpretation including telephonic and video interpretation pursuant to which such contractors could directly bill Medicare for the services provided in support of physician office services for an LEP Medicare patient.

(D) The feasibility of modifying the existing Medicare resource-based relative value scale (RBRVS) by using adjustments (such as multipliers or add-ons) when a patient is LEP.

(E) How each of options described in a previous paragraph would be funded and how such funding would affect physician payments, a physician's practice, and beneficiary cost-sharing.

(F) The extent to which providers under parts A and B of title XVIII of the Social Security Act, MA organizations offering Medicare Advantage plans under part C of such title and PDP sponsors of a prescription drug plan under part D of such title utilize, offer, or make available language services for beneficiaries with limited English proficiency.

(G) The nature and type of language services provided by States under title XIX of the Social Security Act and the extent to which such services could be utilized by beneficiaries and providers under title XVIII of such Act.

(H) The extent to which interpreters and translators providing services to Medicare beneficiaries under title XVIII of such Act are trained or accredited.

(3) VARIATION IN PAYMENT SYSTEM DESCRIBED.—The payment systems described in paragraph (2)(A) may allow variations based upon types of service providers, available delivery methods, and costs for providing language services including such factors as—

(A) the type of language services provided (such as provision of health care or health care related services directly in a non-English language by a bilingual provider or use of an interpreter);

(B) type of interpretation services provided (such as in-person, telephonic, video interpretation);

(C) the methods and costs of providing language services (including the costs of providing language services with internal staff or through contract with external independent contractors or agencies, or both);

(D) providing services for languages not frequently encountered in the United States; and

(E) providing services in rural areas.

(4) REPORT.—The Secretary shall submit a report on the study conducted under subsection (a) to appropriate committees of Congress not later than 12 months after the date of the enactment of this Act.

(5) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply for purposes of carrying out this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) of $2,000,000 for purposes of carrying out this subsection.

(b) HEALTH PLANS.—Section 1857(g)(1) of the Social Security Act (42 U.S.C. 1395w–27(g)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (F);

(2) by adding ''or'' at the end of subparagraph (G); and

(3) by inserting after subparagraph (G) the following new subparagraph:

''(H) fails substantially to provide language services to limited English proficient beneficiaries enrolled in the plan that are required under law;''.

SEC. 1222. DEMONSTRATION TO PROMOTE ACCESS FOR MEDICARE BENEFICIARIES WITH LIMITED ENGLISH PROFICIENCY BY PROVIDING REIMBURSEMENT FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES.

(a) IN GENERAL.—Not later than 6 months after the date of the completion of the study described in section 1221(a) of this Act, the Secretary, acting through the Centers for Medicare & Medicaid Services and the Center for Medicare and Medicaid Innovation established under section 1115A of the Social Security Act (as added by section 1907) and consistent with the applicable provisions of such section, shall carry out a demonstration program under which the Secretary shall award not fewer than 24 3-year grants to eligible Medicare service providers (as described in subsection (b)(1)) to improve effective communication between such providers and Medicare beneficiaries who are living in communities where racial and ethnic minorities, including populations that face language barriers, are underserved with respect to such services. In designing and carrying out the demonstration the Secretary shall take into consideration the results of the study conducted under section 1221(a) of this Act and adjust, as appropriate, the distribution of grants so as to better target Medicare beneficiaries who are in the greatest need of language services. The Secretary shall not authorize a grant larger than $500,000 over three years for any grantee.

(b) ELIGIBILITY; PRIORITY.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

(A) be—

(i) a provider of services under part A of title XVIII of the Social Security Act;

(ii) a service provider under part B of such title;

(iii) a part C organization offering a Medicare part C plan under part C of such title; or

(iv) a PDP sponsor of a prescription drug plan under part D of such title; and

(B) prepare and submit to the Secretary an application, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) PRIORITY.—

(A) DISTRIBUTION.—To the extent feasible, in awarding grants under this section, the Secretary shall award—

(i) at least 6 grants to providers of services described in paragraph (1)(A)(i);

(ii) at least 6 grants to service providers described in paragraph (1)(A)(ii);

(iii) at least 6 grants to organizations described in paragraph (1)(A)(iii); and

(iv) at least 6 grants to sponsors described in paragraph (1)(A)(iv).

(B) FOR COMMUNITY ORGANIZATIONS.—The Secretary shall give priority to applicants that have developed partnerships with community organizations or with agencies with experience in language access.

(C) VARIATION IN GRANTEES.—The Secretary shall also ensure that the grantees under this section represent, among other factors—

(i) different types of language services provided and of service providers and organizations under parts A through D of title XVIII of the Social Security Act;

(ii) variations in languages needed and their frequency of use;

(iii) urban and rural settings;

(iv) at least two geographic regions, as defined by the Secretary; and

(v) at least two large metropolitan statistical areas with diverse populations.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A grantee shall use grant funds received under this section to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient. Competent interpreter services may be provided through on-site interpretation, telephonic interpretation, or video interpretation or direct provision of health care or health care related services by a bilingual health care provider. A grantee may use bilingual providers, staff, or contract interpreters. A grantee may use grant funds to pay for competent translation services. A grantee may use up to 10 percent of the grant funds to pay for administrative costs associated with the provision of competent language services and for reporting required under subsection (e).

(2) ORGANIZATIONS.—Grantees that are part C organizations or PDP sponsors must ensure that their network providers receive at least 50 percent of the grant funds to pay for the provision of competent language services to Medicare beneficiaries who are limited English proficient, including physicians and pharmacies.

(3) DETERMINATION OF PAYMENTS FOR LANGUAGE SERVICES.—Payments to grantees shall be calculated based on the estimated numbers of limited English proficient Medicare beneficiaries in a grantee's service area utilizing—

(A) data on the numbers of limited English proficient individuals who speak English less than ''very well'' from the most recently available data from the Bureau of the Census or other State-based study the Secretary determines likely to yield accurate data regarding the number of such individuals served by the grantee; or

(B) the grantee's own data if the grantee routinely collects data on Medicare beneficiaries' primary language in a manner determined by the Secretary to yield accurate data and such data shows greater numbers of limited English proficient individuals than the data listed in subparagraph (A).

(4) LIMITATIONS.—

(A) REPORTING.—Payments shall only be provided under this section to grantees that report their costs of providing language services as required under subsection (e) and may be modified annually at the discretion of the Secretary. If a grantee fails to provide the reports under such section for the first year of a grant, the Secretary may terminate the grant and solicit applications from new grantees to participate in the subsequent two years of the demonstration program.

(B) TYPE OF SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), payments shall be provided under this section only to grantees that utilize competent bilingual staff or competent interpreter or translation services which—

(I) if the grantee operates in a State that has statewide health care interpreter standards, meet the State standards currently in effect; or

(II) if the grantee operates in a State that does not have statewide health care interpreter standards, utilizes competent interpreters who follow the National Council on Interpreting in Health Care's Code of Ethics and Standards of Practice.

(ii) EXEMPTIONS.—The requirements of clause (i) shall not apply—

(I) in the case of a Medicare beneficiary who is limited English proficient (who has been informed in the beneficiary's primary language of the availability of free interpreter and translation services) and who requests the use of family, friends, or other persons untrained in interpretation or translation and the grantee documents the request in the beneficiary's record; and

(II) in the case of a medical emergency where the delay directly associated with obtaining a competent interpreter or translation services would jeopardize the health of the patient.

Nothing in clause (ii)(II) shall be construed to exempt emergency rooms or similar entities that regularly provide health care services in medical emergencies from having in place systems to provide competent interpreter and translation services without undue delay.

(d) ASSURANCES.—Grantees under this section shall—

(1) ensure that appropriate clinical and support staff receive ongoing education and training in linguistically appropriate service delivery;

(2) ensure the linguistic competence of bilingual providers;

(3) offer and provide appropriate language services at no additional charge to each patient with limited English proficiency at all points of contact, in a timely manner during all hours of operation;

(4) notify Medicare beneficiaries of their right to receive language services in their primary language;

(5) post signage in the languages of the commonly encountered group or groups present in the service area of the organization; and

(6) ensure that—

(A) primary language data are collected for recipients of language services and are consistent with standards developed under section 1709(b)(3)(B)(iv) of the Public Health Service Act, as added by section 2402 of this Act, to the extent such standards are available upon the initiation of the demonstration; and

(B) consistent with the privacy protections provided under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), if the recipient of language services is a minor or is incapacitated, the primary language of the parent or legal guardian is collected and utilized.

(e) REPORTING REQUIREMENTS.—Grantees under this section shall provide the Secretary with reports at the conclusion of the each year of a grant under this section. Each report shall include at least the following information:

(1) The number of Medicare beneficiaries to whom language services are provided.

(2) The languages of those Medicare beneficiaries.

(3) The types of language services provided (such as provision of services directly in non-English language by a bilingual health care provider or use of an interpreter).

(4) Type of interpretation (such as in-person, telephonic, or video interpretation).

(5) The methods of providing language services (such as staff or contract with external independent contractors or agencies).

(6) The length of time for each interpretation encounter.

(7) The costs of providing language services (which may be actual or estimated, as determined by the Secretary).

(8) An account of the training or accreditation of bilingual staff, interpreters, or translators providing services under this demonstration.

(f) NO COST SHARING.—Limited English proficient Medicare beneficiaries shall not have to pay cost-sharing or co-pays for language services provided through this demonstration program.

(g) EVALUATION AND REPORT.—The Secretary shall conduct an evaluation of the demonstration program under this section and shall submit to the appropriate committees of Congress a report not later than 1 year after the completion of the program. The report shall include the following:

(1) An analysis of the patient outcomes and costs of furnishing care to the limited English proficient Medicare beneficiaries participating in the project as compared to such outcomes and costs for limited English

proficient Medicare beneficiaries not participating.

(2) The effect of delivering culturally and linguistically appropriate services on beneficiary access to care, utilization of services, efficiency and cost-effectiveness of health care delivery, patient satisfaction, and select health outcomes.

(3) The extent to which bilingual staff, interpreters, and translators providing services under such demonstration were trained or accredited and the nature of accreditation or training needed by type of provider, service, or other category as determined by the Secretary to ensure the provision of high-quality interpretation, translation, or other language services to Medicare beneficiaries if such services are expanded pursuant to subsection (c) of section 1907 of this Act.

(4) Recommendations, if any, regarding the extension of such project to the entire Medicare program.

(h) ACCREDITATION OR TRAINING FOR PROVIDERS OF INTERPRETATION, TRANSLATION OR LANGUAGE SERVICES IN MEDICARE.—

(1) IN GENERAL.—

(A) DESIGNATION OF STANDARDS.—If the Secretary, pursuant to section 1907(c) of this Act, expands the model initially developed through the demonstration program under this section, the Secretary shall use the results of the study under section 1221 and the demonstration under this section to designate standards for training or accreditation. The Secretary may designate one or more training or accreditation organizations, as appropriate for the nature and type of interpretation and translation services provided to Medicare beneficiaries to ensure that payments are made only for approved services by trained or accredited language services providers.

(B) ALTERNATIVES TO TRAINING OR ACCREDITATION.—If the Secretary designates one or more training or accreditation organizations but determines that accreditation is not available in all languages for which payments may be initiated, the Secretary shall provide payments for and accept alternatives to training or accreditation for certain languages, including languages of lesser diffusion. The Secretary must ensure that the alternatives to training or accreditation provide, at a minimum—

(i) a determination that the interpreter is proficient and able to communicate information accurately in both English and in the language for which interpreting is needed;

(ii) an attestation from the interpreter to comply with and adhere to the role of an interpreter as defined by the National Code of Ethics and National Standards of Practice as published by the National Council on Interpreting in Health Care; and

(iii) an attestation to adhere to HIPAA privacy and security law, as defined in section 3009(a)(2) of the Public Health Service Act, to the same extent as the healthcare provider for whom interpreting is provided.

(C) MODIFIERS, ADD-ONS, AND OTHER FORMS OF PAYMENT.—If the Secretary decides that modifiers, add-ons, or other forms of payment may be made for the provision of services directly by bilingual providers, the Secretary shall designate standards to ensure the competency of such providers delivering such services in a non-English language.

(2) CONSULTATION WITH STAKEHOLDERS AND CONSIDERATIONS FOR ACCREDITATION OR TRAINING.—

(A) CONSULTATION.—In designating accreditation or training requirements under this subsection, the Secretary shall consult with patients, providers, organizations that advocate on behalf of limited English proficient individuals, and other individuals or entities determined appropriate by the Secretary.

(B) CONSIDERATIONS.—In designating accreditation or training requirements under this section, the Secretary shall consider, as appropriate—

(i) standards for qualifications of health care interpreters who interpret infrequently encountered languages;

(ii) standards for qualifications of health care interpreters who interpret in languages of lesser diffusion;

(iii) standards for training of interpreters; and

(iv) standards for continuing education of interpreters.

(i) GENERAL PROVISIONS.—Nothing in this section shall be construed to limit otherwise existing obligations of recipients of Federal financial assistance under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d) et seq.) or any other statute.

(j) APPROPRIATIONS.—There are appropriated to carry out this section, in equal parts from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, $16,000,000 for each fiscal year of the demonstration program.

SEC. 1223. IOM REPORT ON IMPACT OF LANGUAGE ACCESS SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into an arrangement with the Institute of Medicine under which the Institute will prepare and publish, not later than 3 years after the date of the enactment of this Act, a report on the impact of language access services on the health and health care of limited English proficient populations.

(b) CONTENTS.—Such report shall include—

(1) recommendations on the development and implementation of policies and practices by health care organizations and providers for limited English proficient patient populations;

(2) a description of the effect of providing language access services on quality of health care and access to care and reduced medical error; and

(3) a description of the costs associated with or savings related to provision of language access services.

SEC. 1224. DEFINITIONS.

In this subtitle:

(1) BILINGUAL.—The term ''bilingual'' with respect to an individual means a person who has sufficient degree of proficiency in two languages and can ensure effective communication can occur in both languages.

(2) COMPETENT INTERPRETER SERVICES.—The term ''competent interpreter services'' means a trans-language rendition of a spoken message in which the interpreter comprehends the source language and can speak comprehensively in the target language to convey the meaning intended in the source language. The interpreter knows health and health-related terminology and provides accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source message.

(3) COMPETENT TRANSLATION SERVICES.—The term ''competent translation services'' means a trans-language rendition of a written document in which the translator comprehends the source language and can write comprehensively in the target language to convey the meaning intended in the source language. The translator knows health and health-related terminology and provides accurate translations by choosing equivalent expressions that convey the best matching and meaning to the source language and captures, to the greatest possible extent, all nuances intended in the source document.

(4) EFFECTIVE COMMUNICATION.—The term ''effective communication'' means an exchange of information between the provider of health care or health care-related services and the limited English proficient recipient of such services that enables limited English proficient individuals to access, understand, and benefit from health care or health care-related services.

(5) INTERPRETING/INTERPRETATION.—The terms ''interpreting'' and ''interpretation'' mean the transmission of a spoken message from one language into another, faithfully, accurately, and objectively.

(6) HEALTH CARE SERVICES.—The term ''health care services'' means services that address physical as well as mental health conditions in all care settings.

(7) HEALTH CARE-RELATED SERVICES.—The term ''health care-related services'' means human or social services programs or activities that provide access, referrals or links to health care.

(8) LANGUAGE ACCESS.—The term ''language access'' means the provision of language services to an LEP individual designed to enhance that individual's access to, understanding of or benefit from health care or health care-related services.

(9) LANGUAGE SERVICES.—The term ''language services'' means provision of health care services directly in a non-English language, interpretation, translation, and non-English signage.

(10) LIMITED ENGLISH PROFICIENT.—The term ''limited English proficient'' or ''LEP'' with respect to an individual means an individual who speaks a primary language other than English and who cannot speak, read, write or understand the English language at a level that permits the individual to effectively communicate with clinical or nonclinical staff at an entity providing health care or health care related services.

(11) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(12) MEDICARE PROGRAM.—The term ''Medicare program'' means the programs under parts A through D of title XVIII of the Social Security Act.

(13) SERVICE PROVIDER.—The term ''service provider'' includes all suppliers, providers of services, or entities under contract to provide coverage, items or services under any part of title XVIII of the Social Security Act.

Subtitle C—Miscellaneous Improvements

SEC. 1231. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 141 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

SEC. 1232. EXTENDED MONTHS OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT PATIENTS AND OTHER RENAL DIALYSIS PROVISIONS.

(a) PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(A) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' before '', with the thirty-sixth month''.

(B) APPLICATION.—Section 1836 of such Act (42 U.S.C. 1395o) is amended—

(i) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(ii) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended on or after January 1, 2012, except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for providing for payment of the portion of the premium under section 1839 which is not covered under the Medicare savings program (as defined in section 1144(c)(7)) in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying individuals that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

''(B) distinguishing such individuals from individuals that are enrolled under this part for the complete package of benefits under this part.''.

(C) TECHNICAL AMENDMENT TO CORRECT DUPLICATE SUBSECTION DESIGNATION.—Subsection (c) of section 226A of such Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(2) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of such Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of the enactment of the Affordable Health Care for America Act, this subparagraph shall be applied without regard to any time limitation.''.

(b) MEDICARE COVERAGE FOR ESRD PATIENTS.—Section 1881 of such Act is further amended—

(1) in subsection (b)(14)(B)(iii), by inserting '', including oral drugs that are not the oral equivalent of an intravenous drug (such as oral phosphate binders and calcimimetics),'' after ''other drugs and biologicals'';

(2) in subsection (b)(14)(E)(ii)—

(A) in the first sentence—

(i) by striking ''a one-time election to be excluded from the phase-in'' and inserting ''an election, with respect to 2011, 2012, or 2013, to be excluded from the phase-in (or the remainder of the phase-in)''; and

(ii) by adding before the period at the end the following: ''for such year and for each subsequent year during the phase-in described in clause (i)''; and

(B) in the second sentence—

(i) by striking ''January 1, 2011'' and inserting ''the first date of such year''; and

(ii) by inserting ''and at a time'' after ''form and manner''; and

(3) in subsection (h)(4)(E), by striking ''lesser'' and inserting ''greater''.

SEC. 1233. VOLUNTARY ADVANCE CARE PLANNING CONSULTATION.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (DD);

(B) by adding ''and'' at the end of subparagraph (EE); and

(C) by adding at the end the following new subparagraph:

''(FF) voluntary advance care planning consultation (as defined in subsection (hhh)(1));''; and

(2) by adding at the end the following new subsection:

''Voluntary Advance Care Planning Consultation

''(hhh)(1) Subject to paragraphs (3) and (4), the term 'voluntary advance care planning consultation' means an optional consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning. Such consultation may include the following, as specified by the Secretary:

''(A) An explanation by the practitioner of advance care planning, including a review of key questions and considerations, advance directives (including living wills and durable powers of attorney) and their uses.

''(B) An explanation by the practitioner of the role and responsibilities of a health care proxy and of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

''(C) An explanation by the practitioner of physician orders regarding life sustaining treatment or similar orders, in States where such orders or similar orders exist.

''(2) A practitioner described in this paragraph is—

''(A) a physician (as defined in subsection (r)(1)); and

''(B) another health care professional (as specified by the Secretary and who has the authority under State law to sign orders for life sustaining treatments, such as a nurse practitioner or physician assistant).

''(3) An individual may receive the voluntary advance care planning care planning consultation provided for under this subsection no more than once every 5 years unless there is a significant change in the health or health-related condition of the individual.

''(4) For purposes of this section, the term 'order regarding life sustaining treatment' means, with respect to an individual, an actionable medical order relating to the treatment of that individual that effectively communicates the individual's preferences regarding life sustaining treatment, is signed and dated by a practitioner, and is in a form that permits it to be followed by health care professionals across the continuum of care.''.

(b) CONSTRUCTION.—The voluntary advance care planning consultation described in section 1861(hhh) of the Social Security Act, as added by subsection (a), shall be completely optional. Nothing in this section shall—

(1) require an individual to complete an advance directive, an order for life sustaining treatment, or other advance care planning document;

(2) require an individual to consent to restrictions on the amount, duration, or scope of medical benefits an individual is entitled to receive under this title; or

(3) encourage the promotion of suicide or assisted suicide.

(c) PAYMENT.—Section 1848(j)(3) of such Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting ''(2)(FF),'' after ''(2)(EE),''.

(d) FREQUENCY LIMITATION.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O) by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(P) in the case of voluntary advance care planning consultations (as defined in paragraph (1) of section 1861(hhh)), which are performed more frequently than is covered under such section;''; and

(2) in paragraph (7), by striking ''or (K)'' and inserting ''(K), or (P)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to consultations furnished on or after January 1, 2011.

SEC. 1234. PART B SPECIAL ENROLLMENT PERIOD AND WAIVER OF LIMITED ENROLLMENT PENALTY FOR TRICARE BENEFICIARIES.

(a) PART B SPECIAL ENROLLMENT PERIOD.—

(1) IN GENERAL.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(l)(1) In the case of any individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to hospital insurance benefits under part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual, is the 12-month period beginning on the day after the last day of the initial enrollment period of the individual or, if later, the 12-month period beginning with the month the individual is notified of enrollment under this section.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls or, at the option of the individual, on the first day of the second month following the last month of the individual's initial enrollment period.

''(4) The Secretary of Defense shall establish a method for identifying individuals described in paragraph (1) and providing notice to them of their eligibility for enrollment during the special enrollment period described in paragraph (2).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on or after the date of the enactment of this Act.

(b) WAIVER OF INCREASE OF PREMIUM.—

(1) IN GENERAL.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''section 1837(i)(4)'' and inserting ''subsection (i)(4) or (l) of section 1837''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply with respect to elections made on or after the date of the enactment of this Act.

(B) REBATES FOR CERTAIN DISABLED AND ESRD BENEFICIARIES.—

(i) IN GENERAL.—With respect to premiums for months on or after January 2005 and before the month of the enactment of this Act, no increase in the premium shall be effected for a month in the case of any individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act under section 226(b) or 226A of such Act, and who is eligible to enroll, but who has elected not to enroll (or to be deemed enrolled), during the individual's initial enrollment period, and who enrolls under this part within the 12-month period that begins on the first day of the month after the month of notification of entitlement under this part.

(ii) CONSULTATION WITH DEPARTMENT OF DEFENSE.—The Secretary of Health and Human

Services shall consult with the Secretary of Defense in identifying individuals described in this paragraph.

(iii) REBATES.—The Secretary of Health and Human Services shall establish a method for providing rebates of premium increases paid for months on or after January 1, 2005, and before the month of the enactment of this Act for which a penalty was applied and collected.

SEC. 1235. EXCEPTION FOR USE OF MORE RECENT TAX YEAR IN CASE OF GAINS FROM SALE OF PRIMARY RESIDENCE IN COMPUTING PART B INCOME-RELATED PREMIUM.

(a) IN GENERAL.—Section 1839(i)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 1395r(i)(4)(C)(ii)(II)) is amended by inserting ''sale of primary residence,'' after ''divorce of such individual,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to premiums and payments for years beginning with 2011.

SEC. 1236. DEMONSTRATION PROGRAM ON USE OF PATIENT DECISIONS AIDS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Center for Medicare and Medicaid Innovation established under section 1115A of the Social Security Act (as added by section 1907) and consistent with the applicable provisions of such section, shall establish a shared decision making demonstration program (in this subsection referred to as the ''program'') under the Medicare program using patient decision aids to meet the objective of improving the understanding by Medicare beneficiaries of their medical treatment options, as compared to comparable Medicare beneficiaries who do not participate in a shared decision making process using patient decision aids.

(b) SITES.—

(1) ENROLLMENT.—The Secretary shall enroll in the program not more than 30 eligible providers who have experience in implementing, and have invested in the necessary infrastructure to implement, shared decision making using patient decision aids.

(2) APPLICATION.—An eligible provider seeking to participate in the program shall submit to the Secretary an application at such time and containing such information as the Secretary may require.

(3) PREFERENCE.—In enrolling eligible providers in the program, the Secretary shall give preference to eligible providers that—

(A) have documented experience in using patient decision aids for the conditions identified by the Secretary and in using shared decision making;

(B) have the necessary information technology infrastructure to collect the information required by the Secretary for reporting purposes; and

(C) are trained in how to use patient decision aids and shared decision making.

(c) FOLLOW-UP COUNSELING VISIT.—

(1) IN GENERAL.—An eligible provider participating in the program shall routinely schedule Medicare beneficiaries for a counseling visit after the viewing of such a patient decision aid to answer any questions the beneficiary may have with respect to the medical care of the condition involved and to assist the beneficiary in thinking through how their preferences and concerns relate to their medical care.

(2) PAYMENT FOR FOLLOW-UP COUNSELING VISIT.—The Secretary shall establish procedures for making payments for such counseling visits provided to Medicare beneficiaries under the program. Such procedures shall provide for the establishment—

(A) of a code (or codes) to represent such services; and

(B) of a single payment amount for such service that includes the professional time of the health care provider and a portion of the reasonable costs of the infrastructure of the eligible provider such as would be made under the applicable payment systems to that provider for similar covered services.

(d) COSTS OF AIDS.—An eligible provider participating in the program shall be responsible for the costs of selecting, purchasing, and incorporating such patient decision aids into the provider's practice, and reporting data on quality and outcome measures under the program.

(e) FUNDING.—The Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) of such funds as are necessary for the costs of carrying out the program.

(f) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary for the purpose of carrying out the program.

(g) REPORT.—Not later than 12 months after the date of completion of the program, the Secretary shall submit to Congress a report on such program, together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate. The final report shall include an evaluation of the impact of the use of the program on health quality, utilization of health care services, and on improving the quality of life of such beneficiaries.

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE PROVIDER.—The term ''eligible provider'' means the following:

(A) A primary care practice.

(B) A specialty practice.

(C) A multispecialty group practice.

(D) A hospital.

(E) A rural health clinic.

(F) A Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)).

(G) An integrated delivery system.

(H) A State cooperative entity that includes the State government and at least one other health care provider which is set up for the purpose of testing shared decision making and patient decision aids.

(2) PATIENT DECISION AID.—The term ''patient decision aid'' means an educational tool (such as the Internet, a video, or a pamphlet) that helps patients (or, if appropriate, the family caregiver of the patient) understand and communicate their beliefs and preferences related to their treatment options, and to decide with their health care provider what treatments are best for them based on their treatment options, scientific evidence, circumstances, beliefs, and preferences.

(3) SHARED DECISION MAKING.—The term ''shared decision making'' means a collaborative process between patient and clinician that engages the patient in decision making, provides patients with information about trade-offs among treatment options, and facilitates the incorporation of patient preferences and values into the medical plan.

TITLE III—PROMOTING PRIMARY CARE, MENTAL HEALTH SERVICES, AND COORDINATED CARE

SEC. 1301. ACCOUNTABLE CARE ORGANIZATION PILOT PROGRAM.

Title XVIII of the Social Security Act is amended by inserting after section 1866D, as added by section 1152(f), the following new section:

''ACCOUNTABLE CARE ORGANIZATION PILOT PROGRAM

''SEC. 1866E. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall conduct a pilot program (in this section referred to as the 'pilot program') to test different payment incentive models, including (to the extent practicable) the specific payment incentive models described in subsection (c), designed to reduce the growth of expenditures and improve health outcomes in the provision of items and services under this title to applicable beneficiaries (as defined in subsection (e)) by qualifying accountable care organizations (as defined in subsection (b)(1)) in order to—

''(A) promote accountability for a patient population and coordinate items and services under parts A and B (and may include Part D, if the Secretary determines appropriate);

''(B) encourage investment in infrastructure and redesigned care processes for high quality and efficient service delivery; and

''(C) reward physician practices and other physician organizational models for the provision of high quality and efficient health care services.

''(2) SCOPE.—The Secretary shall set specific goals for the number of accountable care organizations, participating practitioners, and patients served in the initial tests under the pilot program to ensure that the pilot program is of sufficient size and scope to—

''(A) test the approach involved in a variety of settings, including urban, rural, and underserved areas; and

''(B) subject to subsection (g)(1), disseminate such approach rapidly on a national basis.

To the extent that the Secretary finds a qualifying accountable care organization model to be successful in improving quality and reducing costs, the Secretary shall seek to implement such models on as large a geographic scale as practical and economical.

''(b) QUALIFYING ACCOUNTABLE CARE ORGANIZATIONS (ACOS).—

''(1) QUALIFYING ACO DEFINED.—In this section:

''(A) IN GENERAL.—The terms 'qualifying accountable care organization' and 'qualifying ACO' mean a group of physicians or other physician organizational model (as defined in subparagraph (D)) that—

''(i) is organized at least in part for the purpose of providing physicians' services; and

''(ii) meets such criteria as the Secretary determines to be appropriate to participate in the pilot program, including the criteria specified in paragraph (2).

''(B) INCLUSION OF OTHER PROVIDERS OF SERVICES AND SUPPLIERS.—Nothing in this subsection shall be construed as preventing a qualifying ACO from including a hospital or any other provider of services or supplier furnishing items or services for which payment may be made under this title that is affiliated with the ACO under an arrangement structured so that such provider or supplier participates in the pilot program and shares in any incentive payments under the pilot program.

''(C) PHYSICIAN.—The term 'physician' includes, except as the Secretary may otherwise provide, any individual who furnishes services for which payment may be made as physicians' services under this title.

''(D) OTHER PHYSICIAN ORGANIZATIONAL MODEL.—The term 'other physician organization model' means, with respect to a qualifying ACO any model of organization under which physicians enter into agreements with other providers of services for the purposes of participation in the pilot program in order to provide high quality and efficient health care services and share in any incentive payments under such program

''(E) OTHER SERVICES.—Nothing in this paragraph shall be construed as preventing a qualifying ACO from furnishing items or services, for which payment may not be

made under this title, for purposes of achieving performance goals under the pilot program.

''(2) QUALIFYING CRITERIA.—The following are criteria described in this paragraph for an organized group of physicians to be a qualifying ACO:

''(A) The group has a legal structure that would allow the group to receive and distribute incentive payments under this section.

''(B) The group includes a sufficient number of primary care physicians (regardless of specialty) for the applicable beneficiaries for whose care the group is accountable (as determined by the Secretary).

''(C) The group reports on quality measures in such form, manner, and frequency as specified by the Secretary (which may be for the group, for providers of services and suppliers, or both).

''(D) The group reports to the Secretary (in a form, manner and frequency as specified by the Secretary) such data as the Secretary determines appropriate to monitor and evaluate the pilot program.

''(E) The group provides notice to applicable beneficiaries regarding the pilot program (as determined appropriate by the Secretary).

''(F) The group contributes to a best practices network or website, that shall be maintained by the Secretary for the purpose of sharing strategies on quality improvement, care coordination, and efficiency that the groups believe are effective.

''(G) The group utilizes patient-centered processes of care, including those that emphasize patient and caregiver involvement in planning and monitoring of ongoing care management plan.

''(H) The group meets other criteria determined to be appropriate by the Secretary.

''(c) SPECIFIC PAYMENT INCENTIVE MODELS.—The specific payment incentive models described in this subsection are the following:

''(1) PERFORMANCE TARGET MODEL.—Under the performance target model under this paragraph (in this paragraph referred to as the 'performance target model'):

''(A) IN GENERAL.—A qualifying ACO qualifies to receive an incentive payment if expenditures for items and services for applicable beneficiaries are less than a target spending level or a target rate of growth. The incentive payment shall be made only if savings are greater than would result from normal variation in expenditures for items and services covered under parts A and B (and may include Part D, if the Secretary determines appropriate).

''(B) COMPUTATION OF PERFORMANCE TARGET.—

''(i) IN GENERAL.—The Secretary shall establish a performance target for each qualifying ACO comprised of a base amount (described in clause (ii)) increased to the current year by an adjustment factor (described in clause (iii)). Such a target may be established on a per capita basis or adjusted for risk, as the Secretary determines to be appropriate.

''(ii) BASE AMOUNT.—For purposes of clause (i), the base amount in this subparagraph is equal to the average total payments (or allowed charges) under parts A and B (and may include part D, if the Secretary determines appropriate) for applicable beneficiaries for whom the qualifying ACO furnishes items and services in a base period determined by the Secretary. Such base amount may be determined on a per capita basis or adjusted for risk.

''(iii) ADJUSTMENT FACTOR.—For purposes of clause (i), the adjustment factor in this clause may equal an annual per capita amount that reflects changes in expenditures from the period of the base amount to the current year that would represent an appropriate performance target for applicable beneficiaries (as determined by the Secretary).

''(iv) REBASING.—Under this model the Secretary shall periodically rebase the base expenditure amount described in clause (ii).

''(C) MEETING TARGET.—

''(i) IN GENERAL.—Subject to clause (ii), a qualifying ACO that meets or exceeds annual quality and performance targets for a year shall receive an incentive payment for such year equal to a portion (as determined appropriate by the Secretary) of the amount by which payments under this title for such year are estimated to be below the performance target for such year, as determined by the Secretary. The Secretary may establish a cap on incentive payments for a year for a qualifying ACO.

''(ii) LIMITATION.—The Secretary shall limit incentive payments to each qualifying ACO under this paragraph as necessary to ensure that the aggregate expenditures with respect to applicable beneficiaries for such ACOs under this title (inclusive of incentive payments described in this subparagraph) do not exceed the amount that the Secretary estimates would be expended for such ACO for such beneficiaries if the pilot program under this section were not implemented.

''(D) REPORTING AND OTHER REQUIREMENTS.—In carrying out such model, the Secretary may (as the Secretary determines to be appropriate) incorporate reporting requirements, incentive payments, and penalties related to the physician quality reporting initiative (PQRI), electronic prescribing, electronic health records, and other similar initiatives under section 1848, and may use alternative criteria than would otherwise apply under such section for determining whether to make such payments. The incentive payments described in this subparagraph shall not be included in the limit described in subparagraph (C)(ii) or in the performance target model described in this paragraph.

''(2) PARTIAL CAPITATION MODEL.—

''(A) IN GENERAL.—Subject to subparagraph (B), a partial capitation model described in this paragraph (in this paragraph referred to as a 'partial capitation model') is a model in which a qualifying ACO would be at financial risk for some, but not all, of the items and services covered under parts A and B (and may include part D, if the Secretary determines appropriate), such as at risk for some or all physicians' services or all items and services under part B. The Secretary may limit a partial capitation model to ACOs that are highly integrated systems of care and to ACOs capable of bearing risk, as determined to be appropriate by the Secretary.

''(B) NO ADDITIONAL PROGRAM EXPENDITURES.—Payments to a qualifying ACO for items and services under this title for applicable beneficiaries for a year under the partial capitation model shall be established in a manner that does not result in spending more for such ACO for such beneficiaries than would otherwise be expended for such ACO for such beneficiaries for such year if the pilot program were not implemented, as estimated by the Secretary.

''(3) OTHER PAYMENT MODELS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may develop other payment models that meet the goals of this pilot program to improve quality and efficiency.

''(B) NO ADDITIONAL PROGRAM EXPENDITURES.—Subparagraph (B) of paragraph (2) shall apply to a payment model under subparagraph (A) in a similar manner as such subparagraph (B) applies to the payment model under paragraph (2).

''(d) ANNUAL QUALITY TARGETS.—

''(1) IN GENERAL.—The Secretary shall establish annual quality targets that qualifying ACOs must meet to receive incentive payments, operate at financial risk, or otherwise participate in alternative financing models under this section. The Secretary shall establish a process for developing annual targets based on ACO reporting of multiple quality measures. In selecting measures the Secretary shall—

''(A) for years one and two of each ACOs participation in the pilot program established by this section, require reporting of a starter set of measures focused on clinical care, care coordination and patient experience of care; and

''(B) for each subsequent year, require reporting of a more comprehensive set of clinical outcomes measures, care coordination measures and patient experience of care measures.

''(2) MEASURE SELECTION.—To the extent feasible, the Secretary shall select measures that reflect national priorities for quality improvement and patient-centered care consistent with the measures developed under section 1192(c)(1).

''(e) APPLICABLE BENEFICIARIES.—

''(1) IN GENERAL.—In this section, the term 'applicable beneficiary' means, with respect to a qualifying ACO, an individual who—

''(A) is enrolled under part B and entitled to benefits under part A;

''(B) is not enrolled in a Medicare Advantage plan under part C or a PACE program under section 1894; and

''(C) meets such other criteria as the Secretary determines appropriate, which may include criteria relating to frequency of contact with physicians in the ACO

''(2) FOLLOWING APPLICABLE BENEFICIARIES.—The Secretary may monitor data on expenditures and quality of services under this title after an applicable beneficiary discontinues receiving services under this title through a qualifying ACO.

''(f) IMPLEMENTATION.—

''(1) STARTING DATE.—The pilot program shall begin no later than January 1, 2012. An agreement with a qualifying ACO under the pilot program may cover a multi-year period of between 3 and 5 years.

''(2) WAIVER.—The Secretary may waive such provisions of this title (including section 1877) and title XI in the manner the Secretary determines necessary in order implement the pilot program.

''(3) PERFORMANCE RESULTS REPORTS.—The Secretary shall report performance results to qualifying ACOs under the pilot program at least annually.

''(4) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(A) the elements, parameters, scope, and duration of the pilot program;

''(B) the selection of qualifying ACOs for the pilot program;

''(C) the establishment of targets, measurement of performance, determinations with respect to whether savings have been achieved and the amount of savings;

''(D) determinations regarding whether, to whom, and in what amounts incentive payments are paid; and

''(E) decisions about the extension of the program under subsection (h), expansion of the program under subsection (i) or extensions under subsections (j) or (k).

''(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code shall not apply to this section.

''(g) EVALUATION; MONITORING.—

''(1) IN GENERAL.—The Secretary shall evaluate the payment incentive model for each qualifying ACO under the pilot program to assess impacts on beneficiaries, providers of services, suppliers and the program under this title. The Secretary shall make such

evaluation publicly available within 60 days of the date of completion of such report.

''(2) MONITORING.—The Inspector General of the Department of Health and Human Services shall provide for monitoring of the operation of ACOs under the pilot program with regard to violations of section 1877 (popularly known as the 'Stark law').

''(h) EXTENSION OF PILOT AGREEMENT WITH SUCCESSFUL ORGANIZATIONS.—

''(1) REPORTS TO CONGRESS.—Not later than 2 years after the date the first agreement is entered into under this section, and biennially thereafter for six years, the Secretary shall submit to Congress and make publicly available a report on the use of ACO payment models under the pilot program. Each report shall address the impact of the use of those models on expenditures, access, and quality under this title.

''(2) EXTENSION.—Subject to the report provided under paragraph (1), with respect to a qualifying ACO, the Secretary may extend the duration of the agreement for such ACO under the pilot program as the Secretary determines appropriate if—

''(A) the ACO receives incentive payments with respect to any of the first 4 years of the pilot agreement and is consistently meeting quality standards or

''(B) the ACO is consistently exceeding quality standards and is not increasing spending under the program.

''(3) TERMINATION.—The Secretary may terminate an agreement with a qualifying ACO under the pilot program if such ACO did not receive incentive payments or consistently failed to meet quality standards in any of the first 3 years under the program.

''(i) EXPANSION TO ADDITIONAL ACOS.—

''(1) TESTING AND REFINEMENT OF PAYMENT INCENTIVE MODELS.—Subject to the evaluation described in subsection (g), the Secretary may enter into agreements under the pilot program with additional qualifying ACOs to further test and refine payment incentive models with respect to qualifying ACOs.

''(2) EXPANDING USE OF SUCCESSFUL MODELS TO PROGRAM IMPLEMENTATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may issue regulations to implement, on a permanent basis, 1 or more models if, and to the extent that, such models are beneficial to the program under this title, as determined by the Secretary.

''(B) CERTIFICATION.—The Chief Actuary of the Centers for Medicare & Medicaid Services shall certify that 1 or more of such models described in subparagraph (A) would result in estimated spending that would be less than what spending would otherwise be estimated to be in the absence of such expansion.

''(j) TREATMENT OF PHYSICIAN GROUP PRACTICE DEMONSTRATION.—

''(1) EXTENSION.—The Secretary may enter in to an agreement with a qualifying ACO under the demonstration under section 1866A, subject to rebasing and other modifications deemed appropriate by the Secretary, until the pilot program under this section is operational.

''(2) TRANSITION.—For purposes of extension of an agreement with a qualifying ACO under subsection (h)(2), the Secretary shall treat receipt of an incentive payment for a year by an organization under the physician group practice demonstration pursuant to section 1866A as a year for which an incentive payment is made under such subsection, as long as such practice group practice organization meets the criteria under subsection (b)(2).

''(k) ADDITIONAL PROVISIONS.—

''(1) AUTHORITY FOR SEPARATE INCENTIVE ARRANGEMENTS.—The Secretary may create separate incentive arrangements (including using multiple years of data, varying thresholds, varying shared savings amounts, and varying shared savings limits) for different categories of qualifying ACOs to reflect variation in average annual attributable expenditures and other matters the Secretary deems appropriate.

''(2) ENCOURAGEMENT OF PARTICIPATION OF SMALLER ORGANIZATIONS.—In order to encourage the participation of smaller accountable care organizations under the pilot program, the Secretary may limit a qualifying ACO's exposure to high cost patients under the program.

''(3) INVOLVEMENT IN PRIVATE PAYER AND OTHER THIRD PARTY ARRANGEMENTS.—The Secretary may give preference to ACOs who are participating in similar arrangements with other payers.

''(4) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the pilot program, or with an entity to administer the program, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the program, for individuals eligible to be enrolled under such program, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

''(5) FUNDING.—For purposes of administering and carrying out the pilot program, other than for payments for items and services furnished under this title and incentive payments under subsection (c)(1), in addition to funds otherwise appropriated, there are appropriated to the Secretary for the Center for Medicare & Medicaid Services Program Management Account $25,000,000 for each of fiscal years 2010 through 2014 and $20,000,000 for fiscal year 2015. Amounts appropriated under this paragraph for a fiscal year shall be available until expended.

''(6) NO DUPLICATION IN PAYMENTS TO PHYSICIANS IN MULTIPLE PILOTS.—The Secretary shall not make payments under this section to any physician group that is paid under section 1866F (relating to medical homes) or section 1866G (relating to independence at home).''.

SEC. 1302. MEDICAL HOME PILOT PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended by inserting after section 1866E, as inserted by section 1301, the following new section:

''MEDICAL HOME PILOT PROGRAM

''SEC. 1866F. (a) ESTABLISHMENT AND MEDICAL HOME MODELS.—

''(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a medical home pilot program (in this section referred to as the 'pilot program') for the purpose of evaluating the feasibility and advisability of reimbursing qualified patient-centered medical homes for furnishing medical home services (as defined under subsection (b)(1)) to beneficiaries (as defined in subsection (b)(4)) and to targeted high need beneficiaries (as defined in subsection (c)(1)(C)).

''(2) SCOPE.—Subject to subsection (g), the Secretary shall set specific goals for the number of practices and communities, and the number of patients served, under the pilot program in the initial tests to ensure that the pilot program is of sufficient size and scope to—

''(A) test the approach involved in a variety of settings, including urban, rural, and underserved areas; and

''(B) subject to subsection (e)(1), disseminate such approach rapidly on a national basis.

To the extent that the Secretary finds a medical home model to be successful in improving quality and reducing costs, the Secretary shall implement such model on as large a geographic scale as practical and economical.

''(3) MODELS OF MEDICAL HOMES IN THE PILOT PROGRAM.—The pilot program shall evaluate each of the following medical home models:

''(A) INDEPENDENT PATIENT-CENTERED MEDICAL HOME MODEL.—Independent patient-centered medical home model under subsection (c).

''(B) COMMUNITY-BASED MEDICAL HOME MODEL.—Community-based medical home model under subsection (d).

''(4) PARTICIPATION OF NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—

''(A) Nothing in this section shall be construed as preventing a nurse practitioner from leading a patient centered medical home so long as—

''(i) all the requirements of this section are met; and

''(ii) the nurse practitioner is acting in a manner that is consistent with State law.

''(B) Nothing in this section shall be construed as preventing a physician assistant from participating in a patient centered medical home so long as—

''(i) all the requirements of this section are met; and

''(ii) the physician assistant is acting in a manner that is consistent with State law.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PATIENT-CENTERED MEDICAL HOME SERVICES.—The term 'patient-centered medical home services' means services that—

''(A) provide beneficiaries with direct and ongoing access to a primary care or principal care physician or nurse practitioner who accepts responsibility for providing first contact, continuous and comprehensive care to such beneficiary;

''(B) coordinate the care provided to a beneficiary by a team of individuals at the practice level across office, provider of services, and home settings led by a primary care or principal care physician or nurse practitioner, as needed and appropriate;

''(C) provide for all the patient's health care needs or take responsibility for appropriately arranging care with other qualified physicians or providers for all stages of life;

''(D) provide continuous access to care and communication with participating beneficiaries;

''(E) provide support for patient self-management, proactive and regular patient monitoring, support for family caregivers, use patient-centered processes, and coordination with community resources;

''(F) integrate readily accessible, clinically useful information on participating patients that enables the practice to treat such patients comprehensively and systematically; and

''(G) implement evidence-based guidelines and apply such guidelines to the identified needs of beneficiaries over time and with the intensity needed by such beneficiaries.

''(2) PRIMARY CARE.—The term 'primary care' means health care that is provided by a physician, nurse practitioner, or physician assistant who practices in the field of family medicine, general internal medicine, geriatric medicine, or pediatric medicine.

''(3) PRINCIPAL CARE.—The term 'principal care' means integrated, accessible health care that is provided by a physician who is a medical specialist or subspecialist that addresses the majority of the personal health care needs of patients with chronic conditions requiring the specialist's or subspecialist's expertise, and for whom the specialist or subspecialist assumes care management.

''(4) BENEFICIARIES.—The term 'beneficiaries' means, with respect to a qualifying medical home, an individual who—

''(A) is enrolled under part B and entitled to benefits under part A;

''(B) is not enrolled in a Medicare Advantage plan under part C or a PACE program under section 1894; and

''(C) meets such other criteria as the Secretary determines appropriate.

''(c) INDEPENDENT PATIENT-CENTERED MEDICAL HOME MODEL.—

''(1) IN GENERAL.—

''(A) PAYMENT AUTHORITY.—Under the independent patient-centered medical home model under this subsection, the Secretary shall make payments for medical home services furnished by an independent patient-centered medical home (as defined in subparagraph (B)) pursuant to paragraph (3) for targeted high need beneficiaries (as defined in subparagraph (C)).

''(B) INDEPENDENT PATIENT-CENTERED MEDICAL HOME DEFINED.—In this section, the term 'independent patient-centered medical home' means a physician-directed or nurse-practitioner-directed practice that is qualified under paragraph (2) as—

''(i) providing beneficiaries with patient-centered medical home services; and

''(ii) meets such other requirements as the Secretary may specify.

''(C) TARGETED HIGH NEED BENEFICIARY DEFINED.—For purposes of this subsection, the term 'targeted high need beneficiary' means a beneficiary who, based on a risk score as specified by the Secretary, is generally within the upper 50th percentile of Medicare beneficiaries.

''(D) BENEFICIARY ELECTION TO PARTICIPATE.—The Secretary shall determine an appropriate method of ensuring that beneficiaries have agreed to participate in the pilot program.

''(E) IMPLEMENTATION.—The pilot program under this subsection shall begin no later than 12 months after the date of the enactment of this section and shall operate for 5 years.

''(2) QUALIFICATION PROCESS FOR PATIENT-CENTERED MEDICAL HOMES.—The Secretary shall establish a process for practices to qualify as medical homes.

''(3) PAYMENT.—

''(A) ESTABLISHMENT OF METHODOLOGY.—The Secretary shall establish a methodology for the payment for medical home services furnished by independent patient-centered medical homes. Under such methodology, the Secretary shall adjust payments to medical homes based on beneficiary risk scores to ensure that higher payments are made for higher risk beneficiaries.

''(B) PER BENEFICIARY PER MONTH PAYMENTS.—Under such payment methodology, the Secretary shall pay independent patient-centered medical homes a monthly fee for each targeted high need beneficiary who consents to receive medical home services through such medical home.

''(C) PROSPECTIVE PAYMENT.—The fee under subparagraph (B) shall be paid on a prospective basis.

''(D) AMOUNT OF PAYMENT.—In determining the amount of such fee, the Secretary shall consider the following:

''(i) The clinical work and practice expenses involved in providing the medical home services provided by the independent patient-centered medical home (such as providing increased access, care coordination, population disease management, and teaching self-care skills for managing chronic illnesses) for which payment is not made under this title as of the date of the enactment of this section.

''(ii) Allow for differential payments based on capabilities of the independent patient-centered medical home.

''(iii) Use appropriate risk-adjustment in determining the amount of the per beneficiary per month payment under this paragraph in a manner that ensures that higher payments are made for higher risk beneficiaries.

''(4) ENCOURAGING PARTICIPATION OF VARIETY OF PRACTICES.—The pilot program under this subsection shall be designed to include the participation of physicians in practices with fewer than 10 full-time equivalent physicians, as well as physicians in larger practices, particularly in underserved and rural areas, as well as federally qualified health centers, and rural health centers.

''(d) COMMUNITY-BASED MEDICAL HOME MODEL.—

''(1) IN GENERAL.—

''(A) AUTHORITY FOR PAYMENTS.—Under the community-based medical home model under this subsection (in this section referred to as the 'CBMH model'), the Secretary shall make payments for the furnishing of medical home services by a community-based medical home (as defined in subparagraph (B)) pursuant to paragraph (5)(B) for beneficiaries.

''(B) COMMUNITY-BASED MEDICAL HOME DEFINED.—In this section, the term 'community-based medical home' means a nonprofit community-based or State-based organization or a State that is certified under paragraph (2) as meeting the following requirements:

''(i) The organization provides beneficiaries with medical home services.

''(ii) The organization provides medical home services under the supervision of and in close collaboration with the primary care or principal care physician, nurse practitioner, or physician assistant designated by the beneficiary as his or her community-based medical home provider.

''(iii) The organization employs community health workers, including nurses or other non-physician practitioners, lay health workers, or other persons as determined appropriate by the Secretary, that assist the primary or principal care physician, nurse practitioner, or physician assistant in chronic care management activities such as teaching self-care skills for managing chronic illnesses, transitional care services, care plan setting, nutritional counseling, medication therapy management services for patients with multiple chronic diseases, or help beneficiaries access the health care and community-based resources in their local geographic area.

''(iv) The organization meets such other requirements as the Secretary may specify.

''(2) QUALIFICATION PROCESS FOR COMMUNITY-BASED MEDICAL HOMES.—The Secretary shall establish a process to provide for the review and qualification of community-based medical homes pursuant to criteria established by the Secretary.

''(3) DURATION.—The pilot program for community-based medical homes under this subsection shall start no later than 2 years after the date of the enactment of this section. Each demonstration site under the pilot program shall operate for a period of up to 5 years after the initial implementation phase, without regard to the receipt of a initial implementation funding under paragraph (6).

''(4) PREFERENCE.—In selecting sites for the CBMH model, the Secretary shall give preference to applications which seek to eliminate health disparities, as defined in section 3171 of the Public Health Service Act and may give preference to any of the following:

''(A) Applications that propose to coordinate health care items and services under this title for chronically ill beneficiaries who rely, for primary care, on small physician or nurse practitioner practices, federally qualified health centers, rural health clinics, or other settings with limited resources and scope of services.

''(B) Applications that include other third-party payors that furnish medical home services for chronically ill patients covered by such third-party payors.

''(C) Applications from States that propose to use the medical home model to coordinate health care services for—

''(i) individuals enrolled under this title;

''(ii) individuals enrolled under title XIX; and

''(iii) full-benefit dual eligible individuals (as defined in section 1935(c)(6)),

with chronic diseases across a variety of health care settings.

''(5) PAYMENTS.—

''(A) ESTABLISHMENT OF METHODOLOGY.—The Secretary shall establish a methodology for the payment for medical home services furnished under the CBMH model.

''(B) PER BENEFICIARY PER MONTH PAYMENTS.—Under such payment methodology, the Secretary shall make two separate monthly payments for each beneficiary who consents to receive medical home services through such medical home, as follows:

''(i) PAYMENT TO COMMUNITY-BASED ORGANIZATION.—One monthly payment to a community-based or State-based organization or State.

''(ii) PAYMENT TO PRIMARY OR PRINCIPAL CARE PRACTICE.—One monthly payment to the primary or principal care practice for such beneficiary.

''(C) PROSPECTIVE PAYMENT.—The payments under subparagraph (B) shall be paid on a prospective basis.

''(D) AMOUNT OF PAYMENT.—In determining the amount of such payment under subparagraph (B), the Secretary shall consider the following:

''(i) The clinical work and practice expenses involved in providing the medical home services provided by the primary or principal care practice (such as providing increased access, care coordination, care planning, population disease management, and teaching self-care skills for managing chronic illnesses) for which payment is not made under this title as of the date of the enactment of this section.

''(ii) Use appropriate risk-adjustment in determining the amount of the per beneficiary per month payment under this paragraph.

''(iii) In the case of the models described in subparagraphs (B) and (C) of paragraph (4), the Secretary may determine an appropriate payment amount.

''(6) INITIAL IMPLEMENTATION FUNDING.—The Secretary may make available initial implementation funding to a non-profit community based or State-based organization or a State that is participating in the pilot program under this subsection. Such organization shall provide the Secretary with a detailed implementation plan that includes how such funds will be used. The Secretary shall select a territory of the United States as one of the locations in which to implement the pilot program under this subsection, unless no organization in a territory is able to comply with the requirements under paragraph (1)(B).

''(e) EXPANSION OF PROGRAM.—

''(1) EVALUATION OF COST AND QUALITY.—The Secretary shall evaluate the pilot program to determine—

''(A) the extent to which medical homes result in—

''(i) improvement in the quality and coordination of items and services under this title, particularly with regard to the care of complex patients;

''(ii) improvement in reducing health disparities;

''(iii) reductions in preventable hospitalizations;

''(iv) prevention of readmissions;

''(v) reductions in emergency room visits;

''(vi) improvement in health outcomes, including patient functional status where applicable;

''(vii) improvement in patient satisfaction;

''(viii) improved efficiency of care such as reducing duplicative diagnostic tests and laboratory tests; and

''(ix) reductions in health care expenditures; and

''(B) the feasability and advisability of reimbursing medical homes for medical home services under this title on a permanent basis.

''(2) REPORT.—Not later than 60 days after the date of completion of the evaluation under paragraph (1), the Secretary shall submit to Congress and make available to the public a report on the findings of the evaluation under paragraph (1) and the extent to which standards for the certification of medical homes need to be periodically updated.

''(3) EXPANSION OF PROGRAM.—

''(A) IN GENERAL.—Subject to the results of the evaluation under paragraph (1) and subparagraph (B), the Secretary may issue regulations to implement, on a permanent basis, one or more models, if, and to the extent that such model or models, are beneficial to the program under this title, including that such implementation will improve quality of care, as determined by the Secretary.

''(B) CERTIFICATION REQUIREMENT.—The Secretary may not issue such regulations unless the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that the expansion of the components of the pilot program described in subparagraph (A) would result in estimated spending under this title that would be no more than the level of spending that the Secretary estimates would otherwise be spent under this title in the absence of such expansion.

''(C) UPDATED STANDARDS.—The Secretary shall periodically review and update the standards for qualification as an independent patient centered medical home and as a community based medical home and shall establish a process for ensuring that medical homes meet such updated standards, as applicable

''(f) ADMINISTRATIVE PROVISIONS.—

''(1) NO DUPLICATION IN PAYMENTS FOR INDIVIDUALS IN MEDICAL HOMES.—During any month, the Secretary may not make payments under this section under more than one model or through more than one medical home under any model for the furnishing of medical home services to an individual.

''(2) NO EFFECT ON PAYMENT FOR MEDICAL VISITS.—Payments made under this section are in addition to, and have no effect on the amount of, payment for medical visits made under this title

''(3) ADMINISTRATION.—Chapter 35 of title 44, United States Code shall not apply to this section.

''(4) NO DUPLICATION IN PHYSICIAN PILOT PARTICIPATION.—The Secretary shall not make payments to an independent or community based medical home both under this section and section 1866E or 1866G, unless the pilot program under this section has been implemented on a permanent basis under subsection (e)(3).

''(5) WAIVER.—The Secretary may waive such provisions of this title and title XI in the manner the Secretary determines necessary in order to implement this section.

''(g) FUNDING.—

''(1) OPERATIONAL COSTS.—For purposes of administering and carrying out the pilot program (including the design, implementation, technical assistance for and evaluation of such program), in addition to funds otherwise available, there shall be transferred from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Secretary for the Centers for Medicare & Medicaid Services Program Management Account $6,000,000 for each of fiscal years 2010 through 2014. Amounts appropriated under this paragraph for a fiscal year shall be available until expended.

''(2) PATIENT-CENTERED MEDICAL HOME SERVICES.—In addition to funds otherwise available, there shall be available to the Secretary for the Centers for Medicare & Medicaid Services, from the Federal Supplementary Medical Insurance Trust Fund under section 1841—

''(A) $200,000,000 for each of fiscal years 2010 through 2014 for payments for medical home services under subsection (c)(3); and

''(B) $125,000,000 for each of fiscal years 2012 through 2016, for payments under subsection (d)(5).

Amounts available under this paragraph for a fiscal year shall be available until expended.

''(3) INITIAL IMPLEMENTATION.—In addition to funds otherwise available, there shall be available to the Secretary for the Centers for Medicare & Medicaid Services, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, $2,500,000 for each of fiscal years 2010 through 2012, under subsection (d)(6). Amounts available under this paragraph for a fiscal year shall be available until expended.

''(h) TREATMENT OF TRHCA MEDICARE MEDICAL HOME DEMONSTRATION FUNDING.—

''(1) In addition to funds otherwise available for payment of medical home services under subsection (c)(3), there shall also be available the amount provided in subsection (g) of section 204 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395b–1 note), as added by section 133 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275).

''(2) Notwithstanding section 1302(c) of the Affordable Health Care for America Act, in addition to funds provided in paragraph (1) and subsection (g)(2)(A), the funding for medical home services that would otherwise have been available if such section 204 medical home demonstration had been implemented (without regard to subsection (g) of such section) shall be available to the independent patient-centered medical home model described in subsection (c).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after the date of the enactment of this Act.

(c) CONFORMING REPEAL.—Section 204 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395b–1 note), as amended by section 133(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is repealed.

SEC. 1303. PAYMENT INCENTIVE FOR SELECTED PRIMARY CARE SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act is amended by inserting after subsection (o) the following new subsection:

''(p) PRIMARY CARE PAYMENT INCENTIVES.—

''(1) IN GENERAL.—In the case of primary care services (as defined in paragraph (2)) furnished on or after January 1, 2011, by a primary care practitioner (as defined in paragraph (3)) for which amounts are payable under section 1848, in addition to the amount otherwise paid under this part there shall also be paid to the practitioner (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Insurance Trust Fund an amount equal 5 percent (or 10 percent if the practitioner predominately furnishes such services in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act) as a primary care health professional shortage area.

''(2) PRIMARY CARE SERVICES DEFINED.—In this subsection, the term 'primary care services'—

''(A) mean evaluation and management services, without regard to the specialty of the physician furnishing the services, that are procedure codes (for services covered under this title) for—

''(i) services in the category designated Evaluation and Management in the Health Care Common Procedure Coding System (established by the Secretary under section 1848(c)(5) as of December 31, 2009, and as subsequently modified by the Secretary); and

''(ii) preventive services (as defined in section 1861(iii) for which payment is made under this section; and

''(B) includes services furnished by another health care professional that would be described in subparagraph (A) if furnished by a physician.

''(3) PRIMARY CARE PRACTITIONER DEFINED.—In this subsection, the term 'primary care practitioner'—

''(A) means a physician or other health care practitioner (including a nurse practitioner) who—

''(i) specializes in family medicine, general internal medicine, general pediatrics, geriatrics, or obstetrics and gynecology; and

''(ii) has allowed charges for primary care services that account for at least 50 percent of the physician's or practitioner's total allowed charges under section 1848, as determined by the Secretary for the most recent period for which data are available; and

''(B) includes a physician assistant who is under the supervision of a physician described in subparagraph (A).

''(4) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, respecting—

''(A) any determination or designation under this subsection;

''(B) the identification of services as primary care services under this subsection; and

''(C) the identification of a practitioner as a primary care practitioner under this subsection.

''(5) COORDINATION WITH OTHER PAYMENTS.—

''(A) WITH OTHER PRIMARY CARE INCENTIVES.—The provisions of this subsection shall not be taken into account in applying subsections (m) and (u) and any payment under such subsections shall not be taken into account in computing payments under this subsection.

''(B) WITH QUALITY INCENTIVES.—Payments under this subsection shall not be taken into account in determining the amounts that would otherwise be paid under this part for purposes of section 1834(g)(2)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) The provisions of this subsection shall not be taken into account in applying subsections (m) or (u) and any payment under such subsections shall not be taken into account in computing payments under this subsection.''.

(2) Section 1848(m)(5)(B) of such Act (42 U.S.C. 1395w–4(m)(5)(B)) is amended by inserting '', (p),'' after ''(m)''.

(3) Section 1848(o)(1)(B)(iv) of such Act (42 U.S.C. 1395w–4(o)(1)(B)(iv)) is amended by inserting ''primary care'' before ''health professional shortage area''.

SEC. 1304. INCREASED REIMBURSEMENT RATE FOR CERTIFIED NURSE-MIDWIVES.

(a) IN GENERAL.—Section 1833(a)(1)(K) of the Social Security Act (42 U.S.C.1395l(a)(1)(K)) is amended by striking ''(but in no event'' and all that follows through ''performed by a physician)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2011.

SEC. 1305. COVERAGE AND WAIVER OF COST-SHARING FOR PREVENTIVE SERVICES.

(a) MEDICARE COVERED PREVENTIVE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 1233(a)(1)(B), is amended by adding at the end the following new subsection:

''Medicare Covered Preventive Services

''(iii)(1) Subject to the succeeding provisions of this subsection, the term 'Medicare covered preventive services' means the following:

''(A) Prostate cancer screening tests (as defined in subsection (oo)).

''(B) Colorectal cancer screening tests (as defined in subsection (pp).

''(C) Diabetes outpatient self-management training services (as defined in subsection (qq)).

''(D) Screening for glaucoma for certain individuals (as described in subsection (s)(2)(U)).

''(E) Medical nutrition therapy services for certain individuals (as described in subsection (s)(2)(V)).

''(F) An initial preventive physical examination (as defined in subsection (ww)).

''(G) Cardiovascular screening blood tests (as defined in subsection (xx)(1)).

''(H) Diabetes screening tests (as defined in subsection (yy)).

''(I) Ultrasound screening for abdominal aortic aneurysm for certain individuals (as described in subsection (s)(2)(AA)).

''(J) Federally approved and recommended vaccines and their administration as described in subsection (s)(10).

''(K) Screening mammography (as defined in subsection (jj)).

''(L) Screening pap smear and screening pelvic exam (as defined in subsection (nn)).

''(M) Bone mass measurement (as defined in subsection (rr)).

''(N) Kidney disease education services (as defined in subsection (ggg)).

''(O) Additional preventive services (as defined in subsection (ddd)).

''(2) With respect to specific Medicare covered preventive services, the limitations and conditions described in the provisions referenced in paragraph (1) with respect to such services shall apply.''.

(b) PAYMENT AND ELIMINATION OF COST-SHARING.—

(1) IN GENERAL.—

(A) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended by adding after and below paragraph (9) the following:

''With respect to Medicare covered preventive services, in any case in which the payment rate otherwise provided under this part is computed as a percent of less than 100 percent of an actual charge, fee schedule rate, or other rate, such percentage shall be increased to 100 percent.''.

(B) APPLICATION TO SIGMOIDOSCOPIES AND COLONOSCOPIES.—Section 1834(d) of such Act (42 U.S.C. 1395m(d)) is amended—

(i) in paragraph (2)(C), by amending clause (ii) to read as follows:

''(ii) NO COINSURANCE.—In the case of a beneficiary who receives services described in clause (i), there shall be no coinsurance applied.''; and

(ii) in paragraph (3)(C), by amending clause (ii) to read as follows:

''(ii) NO COINSURANCE.—In the case of a beneficiary who receives services described in clause (i), there shall be no coinsurance applied.''.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking ''screening mammography (as defined in section 1861(jj)) and diagnostic mammography'' and inserting ''diagnostic mammograms and Medicare covered preventive services (as defined in section 1861(iii)(1))''.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (G), by adding ''and'' at the end; and

(iii) by adding at the end the following new subparagraph:

''(H) with respect to additional preventive services (as defined in section 1861(ddd)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W);''.

(3) WAIVER OF APPLICATION OF DEDUCTIBLE FOR ALL PREVENTIVE SERVICES.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) in clause (1), by striking ''items and services described in section 1861(s)(10)(A)'' and inserting ''Medicare covered preventive services (as defined in section 1861(iii))'';

(B) by inserting ''and'' before ''(4)''; and

(C) by striking clauses (5) through (8).

(4) APPLICATION TO PROVIDERS OF SERVICES.—Section 1866(a)(2)(A)(ii) of such Act (42 U.S.C. 1395cc(a)(2)(A)(ii)) is amended by inserting ''other than for Medicare covered preventive services and'' after ''for such items and services (''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2011.

(d) PREVENTIVE SERVICES.—

(1) REPORT TO CONGRESS ON BARRIERS TO PREVENTIVE SERVICES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall report to Congress on barriers, if any, facing Medicare beneficiaries in accessing the benefit to abdominal aortic aneurysm screening and other preventative services through the Welcome to Medicare Physical Exam.

(2) ABDOMINAL AORTIC ANEURYSM SCREEN ACCESS.—The Secretary shall, to the extent practical, identify and implement policies promoting proper use of abdominal aortic aneurysm screening among Medicare beneficiaries at risk for such aneurysms.

SEC. 1306. WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS REGARDLESS OF CODING, SUBSEQUENT DIAGNOSIS, OR ANCILLARY TISSUE REMOVAL.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l(b)), as amended by section 1305(b), is further amended—

(1) in subsection (a), in the sentence added by section 1305(b)(1)(A), by inserting ''(including services described in the last sentence of section 1833(b))'' after ''preventive services''; and

(2) in subsection (b), by adding at the end the following new sentence: ''Clause (1) of the first sentence of this subsection shall apply with respect to a colorectal cancer screening test regardless of the code that is billed for the establishment of a diagnosis as a result of the test, or for the removal of tissue or other matter or other procedure that is furnished in connection with, as a result of, and in the same clinical encounter as, the screening test.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2011.

SEC. 1307. EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''clinical social worker services,'' after ''qualified psychologist services,''.

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after October 1, 2010.

SEC. 1308. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES.

(a) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 1235, is amended—

(A) in subparagraph (EE), by striking ''and'' at the end;

(B) in subparagraph (FF), by adding ''and'' at the end; and

(C) by adding at the end the following new subparagraph:

''(GG) marriage and family therapist services (as defined in subsection (jjj));''.

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 1233 and 1305, is amended by adding at the end the following new subsection:

''Marriage and Family Therapist Services

''(jjj)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(2) The term 'marriage and family therapist' means an individual who—

''(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

''(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

''(C) is licensed or certified as a marriage and family therapist in the State in which marriage and family therapist services are performed.''.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

''(v) marriage and family therapist services;''.

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking ''and'' before ''(W)''; and

(ii) by inserting before the semicolon at the end the following: '', and (X) with respect to marriage and family therapist services under section 1861(s)(2)(GG), the amounts

paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under clause (L)''.

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A HEALTH CARE PROFESSIONAL.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for marriage and family therapist services for which payment may be made directly to the marriage and family therapist under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a therapist must agree to consult with a patient's attending or primary care physician or nurse practitioner in accordance with such criteria.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by section 1307(a), is amended by inserting ''marriage and family therapist services (as defined in subsection (jjj)(1)),'' after ''clinical social worker services,''.

(6) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking ''or by a clinical social worker (as defined in subsection (hh)(1)),'' and inserting '', by a clinical social worker (as defined in subsection (hh)(1)), or by a marriage and family therapist (as defined in subsection (jjj)(2)),''.

(7) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) A marriage and family therapist (as defined in section 1861(jjj)(2)).''.

(b) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES.—

(1) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as previously amended, is further amended—

(A) in subparagraph (FF), by striking ''and'' at the end;

(B) in subparagraph (GG), by inserting ''and'' at the end; and

(C) by adding at the end the following new subparagraph:

''(HH) mental health counselor services (as defined in subsection (kkk)(1));''.

(2) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as previously amended, is amended by adding at the end the following new subsection:

''Mental Health Counselor Services

''(kkk)(1) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(2) The term 'mental health counselor' means an individual who—

''(A) possesses a master's or doctor's degree which qualifies the individual for licensure or certification for the practice of mental health counseling in the State in which the services are performed;

''(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

''(C) is licensed or certified as a mental health counselor or professional counselor by the State in which the services are performed.''.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)), as amended by subsection (a)(3), is further amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by adding ''and'' at the end of clause (v); and

(C) by adding at the end the following new clause:

''(vi) mental health counselor services;''.

(4) AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by subsection (a), is further amended—

(i) by striking ''and'' before ''(X)''; and

(ii) by inserting before the semicolon at the end the following: '', and (Y), with respect to mental health counselor services under section 1861(s)(2)(HH), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under clause (L)''.

(B) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for mental health counselor services for which payment may be made directly to the mental health counselor under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) under which such a counselor must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(5) EXCLUSION OF MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by section 1307(a) and subsection (a), is amended by inserting ''mental health counselor services (as defined in section 1861(kkk)(1)),'' after ''marriage and family therapist services (as defined in subsection (jjj)(1)),''.

(6) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)), as amended by subsection (a), is amended by striking ''or by a marriage and family therapist (as defined in subsection (jjj)(2)),'' and inserting ''by a marriage and family therapist (as defined in subsection (jjj)(2)), or a mental health counselor (as defined in subsection (kkk)(2)),''.

(7) INCLUSION OF MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by subsection (a)(7), is amended by adding at the end the following new clause:

''(viii) A mental health counselor (as defined in section 1861(kkk)(2)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2011.

SEC. 1309. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

SEC. 1310. EXPANDING ACCESS TO VACCINES.

(a) IN GENERAL.—Paragraph (10) of section 1861(s) of the Social Security Act (42 U.S.C. 1395w(s)) is amended to read as follows:

''(10) federally approved and recommended vaccines (as defined in subsection (lll)) and their respective administration;''.

(b) FEDERALLY APPROVED AND RECOMMENDED VACCINES DEFINED.—Section 1861 of such Act is further amended by adding at the end the following new subsection:

''Federally Approved and Recommended Vaccines

''(lll) The term 'federally approved and recommended vaccine' means a vaccine that—

''(1) is licensed under section 351 of the Public Health Service Act, approved under the Federal Food, Drug, and Cosmetic Act, or authorized for emergency use under section 564 of the Federal, Food, Drug, and Cosmetic Act; and

''(2) is recommended by the Director of the Centers for Disease Control and Prevention.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1833 of such Act (42 U.S.C. 1395l) is amended, in each of subsections (a)(1)(B), (a)(2)(G), and (a)(3)(A), by striking ''1861(s)(10)(A)'' and inserting ''1861(s)(10)'' each place it appears.

(2) Section 1842(o)(1)(A)(iv) of such Act (42 U.S.C. 1395u(o)(1)(A)(iv)) is amended—

(A) by striking ''subparagraph (A) or (B) of''; and

(B) by inserting before the period the following: ''and before January 1, 2011, and influenza vaccines furnished on or after January 1, 2011''.

(3) Section 1847A(c)(6) of such Act (42 U.S.C. 1395w–3a(c)(6)) is amended—

(A) in subparagraph (D)(i), by inserting '', including a vaccine furnished on or after January 1, 2010''; and

(B) by the following new paragraph:

''(H) IMPLEMENTATION.—Chapter 35 of title 44, United States Code shall not apply to manufacturer provision of information pursuant to section 1927(b)(3)(A)(iii) or subsection (f)(2) for purposes of implementation of this section.''.

(4) Section 1860D–2(e)(1) of such Act (42 U.S.C. 1395w–102(e)(1)) is amended by striking ''such term includes a vaccine'' and all that follows through ''its administration) and''.

(5) Section 1861(ww)(2)(A) of such Act (42 U.S.C. 1395x(ww)(2)(A))) is amended by striking ''Pneumococcal, influenza, and hepatitis B vaccine and administration'' and inserting ''federally approved or authorized vaccines (as defined in subsection (lll)) and their respective administration''.

(6) Section 1927(b)(3)(A)(iii) of such Act (42 U.S.C. 1396r–8(b)(3)(A)(iii)) is amended, in the matter following subclause (III), by inserting ''(A)(iv) (including influenza vaccines furnished on or after January 1, 2011),'' after ''described in subparagraph''.

(7) Section 1847A(f) of such Act (42 U.S.C. 1395w–3a(f)) is amended—

(A) by striking ''For'' and inserting ''(1) IN GENERAL.—For'';

(B) by indenting paragraph (1), as redesignated in subparagraph (A), 2 ems to the left; and—

(C) by adding at the end the following new paragraph:

''(2) TREATMENT OF CERTAIN MANUFACTURERS.—In the case of a manufacturer of a drug or biological described in subparagraphs (A)(iv), (C), (D), (E), or (G) of section 1842(o)(1) that does not have a rebate agreement under section 1927(a), no payment may be made under this part for such drug or biological if such manufacturer does not submit the information described in section 1927(b)(3)(A)(iii) in the same manner as if the manufacturer had such a rebate agreement

in effect. Subparagraphs (C) and (D) of section 1927(b)(3) shall apply to information reported pursuant to the previous sentence in the same manner as such subparagraphs apply with respect to information reported pursuant to such section.''.''.

(d) EFFECTIVE DATES.—The amendments made—

(1) by this section (other than by subsection (c)(6)) shall apply to vaccines administered on or after January 1, 2011; and

(2) by subsection (c)(6) shall apply to calendar quarters beginning on or after January 1, 2010.

SEC. 1311. EXPANSION OF MEDICARE-COVERED PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3)(A) of the Social Security Act (42 U.S.C. 1395w (aa)(3)(A)) is amended to read as follows:

''(A) services of the type described subparagraphs (A) through (C) of paragraph (1) and services described in section 1861(iii); and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply not later than January 1, 2011.

SEC. 1312. INDEPENDENCE AT HOME DEMONSTRATION PROGRAM.

Title XVIII of the Social Security Act is amended by inserting after section 1866F, as inserted by section 1302, the following new section:

''INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM

''SEC. 1866G. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall conduct a demonstration program (in this section referred to as the 'demonstration program') to test a payment incentive and service delivery model that utilizes physician and nurse practitioner directed home-based primary care teams designed to reduce expenditures and improve health outcomes in the provision of items and services under this title to applicable beneficiaries (as defined in subsection (d)).

''(2) REQUIREMENT.—The demonstration program shall test whether a model described in paragraph (1), which is accountable for providing comprehensive, coordinated, continuous, and accessible care to high-need populations at home and coordinating health care across all treatment settings, results in—

''(A) reducing preventable hospitalizations;

''(B) preventing hospital readmissions;

''(C) reducing emergency room visits;

''(D) improving health outcomes commensurate with the beneficiaries' stage of chronic illness;

''(E) improving the efficiency of care, such as by reducing duplicative diagnostic and laboratory tests;

''(F) reducing the cost of health care services covered under this title; and

''(G) achieving beneficiary and family caregiver satisfaction.

''(b) INDEPENDENCE AT HOME MEDICAL PRACTICE.—

''(1) INDEPENDENCE AT HOME MEDICAL PRACTICE DEFINED.—In this section:

''(A) IN GENERAL.—The term 'independence at home medical practice' means a legal entity that—

''(i) is comprised of an individual physician or nurse practitioner or group of physicians and nurse practitioners that provides care as part of a team that includes physicians, nurses, physician assistants, pharmacists, and other health and social services staff as appropriate who have experience providing home-based primary care to applicable beneficiaries, make in-home visits, and are available 24 hours per day, 7 days per week to carry out plans of care that are tailored to the individual beneficiary's chronic conditions and designed to achieve the results in subsection (a);

''(ii) is organized at least in part for the purpose of providing physicians' services;

''(iii) has documented experience in providing home-based primary care services to high cost chronically ill beneficiaries, as determined appropriate by the Secretary;

''(iv) includes at least 200 applicable beneficiaries as defined in subsection (d);

''(v) has entered into an agreement with the Secretary;

''(vi) uses electronic health information systems, remote monitoring, and mobile diagnostic technology; and

''(vii) meets such other criteria as the Secretary determines to be appropriate to participate in the demonstration program.

''(B) PHYSICIAN.—The term 'physician' includes, except as the Secretary may otherwise provide, any individual who furnishes services for which payment may be made as physicians' services and has the medical training or experience to fulfill the physician's role described in subparagraph (A)(i).

''(2) PARTICIPATION OF NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—Nothing in this section shall be construed to prevent a nurse practitioner or physician assistant from participating in, or leading, a home-based primary care team as part of an independence at home medical practice if—

''(A) all the requirements of this section are met;

''(B) the nurse practitioner or physician assistant, as the case may be, is acting consistent with State law; and

''(C) the nurse practitioner or physician assistant has the medical training or experience to fulfill the nurse practitioner or physician assistant role described in paragraph (1)(A)(i).

''(3) INCLUSION OF PROVIDERS AND PRACTITIONERS.—Nothing in this subsection shall be construed as preventing an independence at home medical practice from including a provider of services or a participating practitioner described in section 1842(b)(18)(C) that is affiliated with the practice under an arrangement structured so that such provider of services or practitioner participates in the demonstration program and shares in any savings under the demonstration program.

''(4) QUALITY AND PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—An independence at home medical practice participating in the demonstration program shall report on quality measures (in such form, manner, and frequency as specified by the Secretary, which may be for the group, for providers of services and suppliers, or both) and report to the Secretary (in a form, manner, and frequency as specified by the Secretary) such data as the Secretary determines appropriate to monitor and evaluate the demonstration program.

''(B) DEVELOPMENT OF QUALITY PERFORMANCE STANDARDS.—The Secretary shall develop quality performance standards for independence at home medical practices participating in the demonstration program.

''(c) SHARED SAVINGS PAYMENT METHODOLOGY.—

''(1) ESTABLISHMENT OF TARGET SPENDING LEVEL.—The Secretary shall establish annual target spending levels for items and services covered under parts A and B furnished to applicable beneficiaries by qualifying independence at home medical practices under this section. The Secretary may set an aggregate target spending level for all qualifying practices, or may set different target spending levels for groups of practices or a single practice. Such target spending levels may be determined on a per capita basis and shall take into account normal variation in expenditures for items and services covered under parts A and B furnished to such beneficiaries. The target shall also be adjusted for the size of the practice, number of practices included in the target spending level, characteristics of applicable beneficiaries and such other factors as the Secretary determines appropriate. The Secretary may periodically adjust or rebase the target spending level under this paragraph.

''(2) SHARED SAVINGS AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), qualifying independence at home medical practices are eligible to receive an incentive payment under this section if aggregate expenditures for a year for applicable beneficiaries are less than the target spending level for qualifying independence at home medical practices for such year. An incentive payment for such year shall be equal to a portion (as determined by the Secretary) of the amount by which total payments for applicable beneficiaries under parts A and B for such year are estimated to be less than 5 percent less than the target spending level for such year, as determined by the Secretary.

''(B) APPORTIONMENT OF SAVINGS.—The Secretary shall designate how, and to what extent, an incentive payment under this section is to be apportioned among qualifying independence at home medical practices, taking into account the size of the practice, characteristics of the individuals enrolled in each practice, performance on quality performance measures, and such other factors as the Secretary determines appropriate.

''(3) SAVINGS TO THE MEDICARE PROGRAM.—The Secretary shall limit incentive payments to each qualifying independence at home medical practice under this paragraph, with respect to a year, as necessary to ensure that the aggregate expenditures for items and services under parts A and B with respect to applicable beneficiaries for such independence at home medical practice (inclusive of shared savings payments) do not exceed the amount that the Secretary estimates would be expended for such items and services for such beneficiaries during such year (taking into account normal variation in expenditures and other factors the Secretary deems appropriate) if the demonstration program under this section were not implemented, minus 5 percent.

''(d) APPLICABLE BENEFICIARIES.—

''(1) DEFINITION.—In this section, the term 'applicable beneficiary' means, with respect to a qualifying independence at home medical practice, an individual who the practice has determined—

''(A) is entitled to benefits under part A and enrolled for benefits under part B;

''(B) is not enrolled in a Medicare Advantage plan under part C or a PACE program under section 1894;

''(C) has 2 or more chronic illnesses, such as congestive heart failure, diabetes, other dementias designated by the Secretary, chronic obstructive pulmonary disease, ischemic heart disease, stroke, Alzheimer's Disease and neurodegenerative diseases, and other diseases and conditions designated by the Secretary which result in high costs under this title;

''(D) within the past 12 months has had a nonelective hospital admission;

''(E) within the past 12 months has received acute or subacute rehabilitation services;

''(F) has 2 or more functional dependencies requiring the assistance of another person (such as bathing, dressing, toileting, walking, or feeding); and

''(G) meets such other criteria as the Secretary determines appropriate.

''(2) PATIENT ELECTION TO PARTICIPATE.—The Secretary shall determine an appropriate method of ensuring that applicable beneficiaries have agreed to enroll in an independence at home medical practice

under the demonstration program. Enrollment in the demonstration program shall be voluntary.

''(3) BENEFICIARY ACCESS TO SERVICES.—Nothing in this section shall be construed as encouraging physicians or nurse practitioners to limit applicable beneficiary access to services covered under this title and applicable beneficiaries shall not be required to relinquish access to any benefit under this title as a condition of receiving services from an independence at home medical practice.

''(e) IMPLEMENTATION.—

''(1) STARTING DATE.—The demonstration program shall begin not later than January 1, 2012. An agreement with an independence at home medical practice under the demonstration program may cover not more than a 3-year period.

''(2) NO PHYSICIAN DUPLICATION IN DEMONSTRATION PARTICIPATION.—The Secretary shall not pay an independence at home medical practice under this section that participates in section 1866D or section 1866E.

''(3) NO BENEFICIARY DUPLICATION IN DEMONSTRATION PARTICIPATION.—The Secretary shall ensure that no applicable beneficiary enrolled in an independence at home medical practice under this section is participating in the programs under section 1866D or section 1866E.

''(4) PREFERENCE.—In approving an independence at home medical practice, the Secretary shall give preference to practices that are—

''(A) located in high-cost areas of the country;

''(B) have experience in furnishing health care services to applicable beneficiaries in the home; and

''(C) use electronic medical records, health information technology, and individualized plans of care.

''(5) NUMBER OF PRACTICES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall enter into agreements with as many independence at home medial practices as practicable and consistent with this subsection to test the potential of the independence at home medical practice model under this section in order to achieve the results described in subsection (a) across practices serving varying numbers of applicable beneficiaries.

''(B) LIMITATION.—In selecting qualified independence at home medial practices to participate under the demonstration program, the Secretary shall limit the number of applicable beneficiaries that may participate in the demonstration program to 10,000.

''(6) WAIVER.—The Secretary may waive such provisions of this title and title XI as the Secretary determines necessary in order to implement the demonstration program.

''(7) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

''(f) EVALUATION AND MONITORING.—

''(1) IN GENERAL.—The Secretary shall evaluate each independence at home medical practice under the demonstration program to assess whether the practice achieved the results described in subsection (a).

''(2) FOLLOWING APPLICABLE BENEFICIARIES.—The Secretary may monitor data on expenditures and quality of services under this title after an applicable beneficiary discontinues receiving services under this title through a qualifying independence at home medical practice.

''(g) REPORTS TO CONGRESS.—The Secretary shall conduct an independent evaluation of the demonstration program and submit to Congress a final report, including best practices under the demonstration program. Such report shall include an analysis of the demonstration program on coordination of care, expenditures under this title, applicable beneficiary access to services, and the quality of health care services provided to applicable beneficiaries.

''(h) FUNDING.—For purposes of administering and carrying out the demonstration program, other than for payments for items and services furnished under this title and shared savings under subsection (c), in addition to funds otherwise appropriated, there shall be transferred to the Secretary for the Center for Medicare & Medicaid Services Program Management Account from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 $5,000,000 for each of fiscal years 2010 through 2015. Amounts transferred under this subsection for a fiscal year shall be available until expended.

''(i) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the demonstration program unless such entity guarantees that for individuals eligible to be enrolled in such program, the entity will not deny, limit, or condition the coverage or provision of benefits to which the individual would have otherwise been entitled to on the basis of health status if not included in this program.

''(j) TERMINATION.—The Secretary may terminate an agreement with an independence at home medical practice if such practice does not receive incentive payments under subsection (c)(2) or consistently fails to meet quality standards.''.

SEC. 1313. RECOGNITION OF CERTIFIED DIABETES EDUCATORS AS CERTIFIED PROVIDERS FOR PURPOSES OF MEDICARE DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING SERVICES.

(a) IN GENERAL.—Section 1861(qq) of the Social Security Act (42 U.S.C. 1395x(qq)) is amended—

(1) in paragraph (1), by inserting ''or by a certified diabetes educator (as defined in paragraph (3))'' after ''paragraph (2)(B)''; and

(2) by adding at the end the following new paragraphs:

''(3) For purposes of paragraph (1), the term 'certified diabetes educator' means an individual who—

''(A) is licensed or registered by the State in which the services are performed as a health care professional;

''(B) specializes in teaching individuals with diabetes to develop the necessary skills and knowledge to manage the individual's diabetic condition; and

''(C) is certified as a diabetes educator by a recognized certifying body (as defined in paragraph (4)).

''(4)(A) For purposes of paragraph (3)(C), the term 'recognized certifying body' means—

''(i) the National Certification Board for Diabetes Educators, or

''(ii) a certifying body for diabetes educators, which is recognized by the Secretary as authorized to grant certification of diabetes educators for purposes of this subsection pursuant to standards established by the Secretary, if the Secretary determines such Board or body, respectively, meets the requirement of subparagraph (B).

''(B) The National Certification Board for Diabetes Educators or a certifying body for diabetes educators meets the requirement of this subparagraph, with respect to the certification of an individual, if the Board or body, respectively, is incorporated and registered to do business in the United States and requires as a condition of such certification each of the following:

''(i) The individual has a qualifying credential in a specified health care profession.

''(ii) The individual has professional practice experience in diabetes self-management training that includes a minimum number of hours and years of experience in such training.

''(iii) The individual has successfully completed a national certification examination offered by such entity.

''(iv) The individual periodically renews certification status following initial certification.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to diabetes outpatient self-management training services furnished on or after the first day of the first calendar year that is at least 6 months after the date of the enactment of this Act.

TITLE IV—QUALITY

Subtitle A—Comparative Effectiveness Research

SEC. 1401. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Title XI of the Social Security Act is amended by adding at the end the following new part:

''PART D—COMPARATIVE EFFECTIVENESS RESEARCH

''COMPARATIVE EFFECTIVENESS RESEARCH

''SEC. 1181. (a) CENTER FOR COMPARATIVE EFFECTIVENESS RESEARCH ESTABLISHED.—

''(1) IN GENERAL.—The Secretary shall establish within the Agency for Healthcare Research and Quality a Center for Comparative Effectiveness Research (in this section referred to as the 'Center') to conduct, support, and synthesize research (including research conducted or supported under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) with respect to the outcomes, effectiveness, and appropriateness of health care services and procedures in order to identify the manner in which diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

''(2) DUTIES.—The Center shall—

''(A) conduct, support, and synthesize research relevant to the comparative effectiveness of the full spectrum of health care items, services and systems, including pharmaceuticals, medical devices, medical and surgical procedures, and other medical interventions;

''(B) conduct and support systematic reviews of clinical research, including original research conducted subsequent to the date of the enactment of this section;

''(C) continuously develop rigorous scientific methodologies for conducting comparative effectiveness studies, and use such methodologies appropriately;

''(D) submit to the Comparative Effectiveness Research Commission, the Secretary, and Congress appropriate relevant reports described in subsection (d)(2);

''(E) not later than one year after the date of the enactment of this section, enter into an arrangement under which the Institute of Medicine of the National Academy of Sciences shall conduct an evaluation and report on standards of evidence for highly credible research;

''(F) encourage, as appropriate, the development and use of clinical registries and the development of clinical effectiveness research data networks from electronic health records, post marketing drug and medical device surveillance efforts, and other forms of electronic health data; and

''(G) appoint clinical perspective advisory panels for research priorities under this section, which shall consult with patients and other stakeholders and advise the Center on research questions, methods, and evidence gaps in terms of clinical outcomes for the specific research inquiry to be examined with respect to such priority to ensure that the information produced from such research

is clinically relevant to decisions made by clinicians and patients at the point of care.

''(3) POWERS.—

''(A) OBTAINING OFFICIAL DATA.—The Center may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Center, the head of such department or agency shall furnish that information to the Center on an agreed upon schedule.

''(B) DATA COLLECTION.—In order to carry out its functions, the Center shall—

''(i) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

''(ii) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

''(iii) adopt procedures allowing any interested party to submit information for the use by the Center in making reports and recommendations.

In carrying out clause (ii), the Center may award grants or contracts (or provide for intergovernmental transfers, as applicable) to private entities and governmental agencies with experience in conducting comparative effectiveness research, such as the National Institutes of Health and other relevant Federal health agencies.

''(C) ACCESS OF GAO TO INFORMATION.—The Comptroller General shall have unrestricted access to all deliberations, records, and nonproprietary data of the Center and Commission under subsection (b), immediately upon request.

''(D) PERIODIC AUDIT.—The Center and Commission under subsection (b) shall be subject to periodic audit by the Comptroller General.

''(b) COMPARATIVE EFFECTIVENESS RESEARCH COMMISSION.—

''(1) IN GENERAL.—There is established an independent Comparative Effectiveness Research Commission (in this section referred to as the 'Commission') to advise the Center and evaluate the activities carried out by the Center under subsection (a) to ensure such activities result in highly credible research and information resulting from such research.

''(2) DUTIES.—The Commission shall—

''(A)(i) recommend to the Center national priorities for research described in subsection (a) which shall take into account—

''(I) disease incidence, prevalence, and burden in the United States;

''(II) evidence gaps in terms of clinical outcomes;

''(III) variations in practice, delivery, and outcomes by geography, treatment site, provider type, disability, variation in age group (including children, adolescents, adults, and seniors), racial and ethnic background, gender, genetic and molecular subtypes, and other appropriate populations or subpopulations; and

''(IV) the potential for new evidence concerning certain categories, health care services, or treatments to improve patient health and well-being, and the quality of care; and

''(ii) in making such recommendations consult with a broad array of public and private stakeholders, including patients and health care providers and payers;

''(B) monitor the appropriateness of use of the CERTF described in subsection (g) with respect to the timely production of comparative effectiveness research recommended to be a national priority under subparagraph (A);

''(C) identify highly credible research methods and standards of evidence for such research to be considered by the Center;

''(D) review the methodologies developed by the center under subsection (a)(2)(C);

''(E) support forums to increase stakeholder awareness and permit stakeholder feedback on the efforts of the Center to advance methods and standards that promote highly credible research;

''(F) make recommendations to the Center for policies that would allow for public access of data produced under this section, in accordance with appropriate privacy and proprietary practices, while ensuring that the information produced through such data is timely and credible;

''(G) make recommendations to the Center for the priority for periodic reviews of previous comparative effectiveness research and studies conducted by the Center under subsection (a);

''(H) at least annually review the processes of the Center and make reports to Congress and the President regarding research conducted, supported, or synthesized by the Center to confirm that the information produced by such research is objective, credible, consistent with standards of evidence developed under this section, and developed through a transparent process that includes consultations with appropriate stakeholders;

''(I) make recommendations to the Center for the broad dissemination, consistent with subsection (e), of the findings of research conducted and supported under this section that enables clinicians, patients, consumers, and payers to make more informed health care decisions that improve quality and value; and

''(J) at least twice each year, hold a public meeting with an opportunity for stakeholder input.

The reports under subparagraph (H) shall not be submitted to the Office of Management and Budget or to any other Federal agency or executive department for any purpose prior to transmittal to Congress and the President. Such reports shall be published on the public internet website of the Commission after the date of such transmittal.

''(3) COMPOSITION OF COMMISSION.—

''(A) IN GENERAL.—The members of the Commission shall consist of—

''(i) the Director of the Agency for Healthcare Research and Quality or their designee;

''(ii) the Chief Medical Officer of the Centers for Medicare & Medicaid Services or their designee;

''(iii) the Director of the National Institutes of Health or their designee; and

''(iv) 16 additional members who shall represent broad constituencies of stakeholders including clinicians, patients, researchers, third-party payers, and consumers of Federal and State beneficiary programs.

Of such members, at least 10 shall be practicing physicians, health care practitioners, consumers, or patients.

''(B) QUALIFICATIONS.—

''(i) DIVERSE REPRESENTATION OF PERSPECTIVES.—The members of the Commission shall represent a broad range of perspectives and shall collectively have experience in the following areas:

''(I) Epidemiology.

''(II) Health services research.

''(III) Bioethics.

''(IV) Decision sciences.

''(V) Health disparities.

''(VI) Health economics.

''(ii) DIVERSE REPRESENTATION OF HEALTH CARE COMMUNITY.—At least one member shall represent each of the following health care communities:

''(I) Patients.

''(II) Health care consumers.

''(III) Practicing Physicians, including surgeons.

''(IV) Other health care practitioners engaged in clinical care.

''(V) Organizations with proven expertise in racial and ethnic minority health research.

''(VI) Employers.

''(VII) Public payers.

''(VIII) Insurance plans.

''(IX) Clinical researchers who conduct research on behalf of pharmaceutical or device manufacturers.

''(C) LIMITATION.—No more than 3 of the Members of the Commission may be representatives of pharmaceutical or device manufacturers and such representatives shall be clinical researchers described under subparagraph (B)(ii)(IX).

''(4) APPOINTMENT.—The Comptroller General shall appoint the members of the Commission.

''(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General shall designate a member of the Commission, at the time of appointment of the member, as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term. The Chairman shall serve as an ex officio member of the National Advisory Council of the Agency for Health Care Research and Quality under section 931(c)(3)(B) of the Public Health Service Act.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be appointed for a term of 4 years.

''(B) TERMS OF INITIAL APPOINTEES.—Of the members first appointed—

''(i) 8 shall be appointed for a term of 4 years; and

''(ii) 8 shall be appointed for a term of 3 years.

''(7) COMPENSATION.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Director of the Commission.

''(8) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

''(A) appoint and set the compensation for an Executive Director (subject to the approval of the Comptroller General) and such other personnel as Federal employees under section 2105 of title 5, United States Code, as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

''(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

''(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

''(D) make advance, progress, and other payments which relate to the work of the Commission;

''(E) provide transportation and subsistence for persons serving without compensation; and

''(F) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

''(9) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish the information to the Commission on an agreed upon schedule.

''(10) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

''(11) COORDINATION.—To enhance effectiveness and coordination, the Secretary is encouraged, to the greatest extent possible, to seek coordination between the Commission and the National Advisory Council of the Agency for Healthcare Research and Quality.

''(12) CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—In appointing the members of the Commission or a clinical perspective advisory panel described in subsection (a)(2)(G), the Comptroller General or the Secretary, respectively, shall take into consideration any financial interest (as defined in subparagraph (D)), consistent with this paragraph, and develop a plan for managing any identified conflicts.

''(B) EVALUATION AND CRITERIA.—When considering an appointment to the Commission or a clinical perspective advisory panel described subsection (a)(2)(G), the Comptroller General or the Secretary, respectively, shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subparagraph (D)(iii) for service on the Commission at a meeting of the Commission.

''(C) DISCLOSURES; PROHIBITIONS ON PARTICIPATION; WAIVERS.—

''(i) DISCLOSURE OF FINANCIAL INTEREST.—Prior to a meeting of the Commission or a clinical perspective advisory panel described in subsection (a)(2)(G) regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the Commission or the clinical perspective advisory panel who is a full-time Government employee or special Government employee shall disclose to the Comptroller General or Secretary, respectively, financial interests in accordance with requiring a waiver under section 208(b) of title 18, United States Code, or other interests as deemed relevant by the Secretary.

''(ii) PROHIBITIONS ON PARTICIPATION.—Except as provided under clause (iii), a member of the Commission or a clinical perspective advisory panel described in subsection (a)(2)(G) may not participate with respect to a particular matter considered in meeting of the Commission or the clinical perspective advisory panel if such member has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

''(iii) WAIVER.—If the Comptroller General or Secretary, as applicable, determines it necessary to afford the Commission or a clinical perspective advisory panel described in subsection (a)(2)(G) essential expertise, the Comptroller General or Secretary, respectively, may grant a waiver of the prohibition in clause (ii) to permit a member described in such subparagraph to—

''(I) participate as a non-voting member with respect to a particular matter considered in a meeting of the Commission or a clinical perspective advisory panel, respectively; or

''(II) participate as a voting member with respect to a particular matter considered in a meeting of the Commission.

''(iv) LIMITATION ON WAIVERS AND OTHER EXCEPTIONS.—

''(I) DETERMINATION OF ALLOWABLE EXCEPTIONS FOR THE COMMISSION.—The number of waivers granted to members of the Commission cannot exceed one-half of the total number of members for the Commission.

''(II) PROHIBITION ON VOTING STATUS ON CLINICAL PERSPECTIVE ADVISORY PANELS.—No voting member of any clinical perspective advisory panel shall be in receipt of a waiver. No more than two nonvoting members of any clinical perspective advisory panel shall receive a waiver.

''(D) FINANCIAL INTEREST DEFINED.—For purposes of this paragraph, the term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

''(13) APPLICATION OF FACA.—The Federal Advisory Committee Act (other than section 14 of such Act) shall apply to the Commission to the extent that the provisions of such Act do not conflict with the requirements of this subsection.

''(c) RESEARCH REQUIREMENTS.—Any research conducted, supported, or synthesized under this section shall meet the following requirements:

''(1) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—

''(A) The establishment of a research agenda by the Center shall be informed by the national priorities for research recommended under subsection (b)(2)(A).

''(B) The establishment of the agenda and conduct of the research shall be insulated from inappropriate political or stakeholder influence.

''(C) Methods of conducting such research shall be scientifically based.

''(D) Consistent with applicable law, all aspects of the prioritization of research, conduct of the research, and development of conclusions based on the research shall be transparent to all stakeholders.

''(E) Consistent with applicable law, the process and methods for conducting such research shall be publicly documented and available to all stakeholders.

''(F) Throughout the process of such research, the Center shall provide opportunities for all stakeholders involved to review and provide public comment on the methods and findings of such research.

''(G) Such research shall consider advice given to the Center by the clinical perspective advisory panel for the particular national research priority.

''(2) STAKEHOLDER INPUT.—

''(A) IN GENERAL.—The Commission shall consult with patients, health care providers, health care consumer representatives, and other appropriate stakeholders with an interest in the research through a transparent process recommended by the Commission.

''(B) SPECIFIC AREAS OF CONSULTATION.—Consultation shall include where deemed appropriate by the Commission—

''(i) recommending research priorities and questions;

''(ii) recommending research methodologies; and

''(iii) advising on and assisting with efforts to disseminate research findings.

''(C) OMBUDSMAN.—The Secretary shall designate a patient ombudsman. The ombudsman shall—

''(i) serve as an available point of contact for any patients with an interest in proposed comparative effectiveness studies by the Center; and

''(ii) ensure that any comments from patients regarding proposed comparative effectiveness studies are reviewed by the Center.

''(3) TAKING INTO ACCOUNT POTENTIAL DIFFERENCES.—Research shall—

''(A) be designed, as appropriate, to take into account the potential for differences in the effectiveness of health care items, services, and systems used with various subpopulations such as racial and ethnic minorities, women, different age groups (including children, adolescents, adults, and seniors), individuals with disabilities, and individuals with different comorbidities and genetic and molecular subtypes; and—

''(B) seek, as feasible and appropriate, to include members of such subpopulations as subjects in the research.

''(d) PUBLIC ACCESS TO COMPARATIVE EFFECTIVENESS INFORMATION.—

''(1) IN GENERAL.—Not later than 90 days after receipt by the Center or Commission, as applicable, of a relevant report described in paragraph (2) made by the Center, Commission, or clinical perspective advisory panel under this section, appropriate information contained in such report shall be posted on the official public Internet site of the Center and of the Commission, as applicable.

''(2) RELEVANT REPORTS DESCRIBED.—For purposes of this section, a relevant report is each of the following submitted by the Center or a grantee or contractor of the Center:

''(A) Any interim or progress reports as deemed appropriate by the Secretary.

''(B) Stakeholder comments.

''(C) A final report.

''(e) DISSEMINATION AND INCORPORATION OF COMPARATIVE EFFECTIVENESS INFORMATION.—

''(1) DISSEMINATION.—The Center shall provide for the dissemination of appropriate findings produced by research supported, conducted, or synthesized under this section to health care providers, patients, vendors of health information technology focused on clinical decision support, relevant expert organizations (as defined in subsection (i)(3)(A)), and Federal and private health plans, and other relevant stakeholders. In disseminating such findings the Center shall—

''(A) convey findings of research so that they are comprehensible and useful to patients and providers in making health care decisions;

''(B) discuss findings and other considerations specific to certain sub-populations, risk factors, and comorbidities as appropriate;

''(C) include considerations such as limitations of research and what further research may be needed, as appropriate;

''(D) not include any data that the dissemination of which would violate the privacy of research participants or violate any confidentiality agreements made with respect to the use of data under this section; and

''(E) assist the users of health information technology focused on clinical decision support to promote the timely incorporation of such findings into clinical practices and promote the ease of use of such incorporation.

''(2) DISSEMINATION PROTOCOLS AND STRATEGIES.—The Center shall develop protocols and strategies for the appropriate dissemination of research findings in order to ensure effective communication of findings and the use and incorporation of such findings into relevant activities for the purpose of informing higher quality and more effective and efficient decisions regarding medical items and services. In developing and adopting such protocols and strategies, the Center shall consult with stakeholders concerning

the types of dissemination that will be most useful to the end users of information and may provide for the utilization of multiple formats for conveying findings to different audiences, including dissemination to individuals with limited English proficiency.

''(f) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORTS.—Beginning not later than one year after the date of the enactment of this section, the Director of the Agency of Healthcare Research and Quality shall submit to Congress an annual report on the activities of the Center, as well as the research, conducted under this section. Each such report shall include a discussion of the Center's compliance with subsection (c)(3)(B), including any reasons for lack of compliance with such subsection.

''(2) RECOMMENDATION FOR FAIR SHARE PER CAPITA AMOUNT FOR ALL-PAYER FINANCING.—Beginning not later than December 31, 2011, the Secretary shall submit to Congress an annual recommendation for a fair share per capita amount described in subsection (c)(1) of section 9511 of the Internal Revenue Code of 1986 for purposes of funding the CERTF under such section.

''(3) ANALYSIS AND REVIEW.—Not later than December 31, 2013, the Secretary, in consultation with the Commission, shall submit to Congress a report on all activities conducted or supported under this section as of such date. Such report shall include an evaluation of the overall costs of such activities and an analysis of the backlog of any research proposals approved by the Center but not funded.

''(g) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2010 and each subsequent fiscal year, amounts in the Comparative Effectiveness Research Trust Fund (referred to in this section as the 'CERTF') under section 9511 of the Internal Revenue Code of 1986 shall be available in accordance with such section, without the need for further appropriations and without fiscal year limitation, to carry out this section.

''(h) CONSTRUCTION.—

''(1) COVERAGE.—Nothing in this section shall be construed—

''(A) to permit the Center or Commission to mandate coverage, reimbursement, or other policies for any public or private payer; or

''(B) as preventing the Secretary from covering the routine costs of clinical care received by an individual entitled to, or enrolled for, benefits under title XVIII, XIX, or XXI in the case where such individual is participating in a clinical trial and such costs would otherwise be covered under such title with respect to the beneficiary.

''(2) REPORTS AND FINDINGS.—None of the reports submitted under this section or research findings disseminated by the Center or Commission shall be construed as mandates, for payment, coverage, or treatment.

''(3) PROTECTING THE PHYSICIAN-PATIENT RELATIONSHIP.—Nothing in this section shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine.

''(i) CONSULTATION WITH RELEVANT EXPERT ORGANIZATIONS.—

''(1) CONSULTATION PRIOR TO INITIATION OF RESEARCH.—Prior to recommending priorities or initiating research described in this section, the Commission or the Center shall consult with the relevant expert organizations responsible for standards and protocols of clinical excellence. Such consultation shall be consistent with the processes established under subsection (c)(2).

''(2) CONSULTATION IN DISSEMINATION OF RESEARCH.—Any dissemination of research from the Commission or the Center and findings made by the Commission or the Center shall be consistent with processes established under subsection (e) and shall—

''(A) be based upon evidence-based medicine; and

''(B) take into consideration standards and protocols of clinical excellence developed by relevant expert organizations.

''(3) DEFINITIONS.—For purposes of this subsection:

''(A) RELEVANT EXPERT ORGANIZATIONS.—The term 'relevant expert organization' means an organization with expertise in the rigorous application of evidence-based scientific methods for the design of clinical studies, the interpretation of clinical data, and the development of national clinical practice guidelines, including a voluntary health organization, clinical specialty, or other professional organization that represents physicians based on the field of medicine in which each such physician practices or is board certified.

''(B) STANDARDS AND PROTOCOLS OF CLINICAL EXCELLENCE.—The term 'standards and protocols of clinical excellence' means clinical or practice guidelines that consist of a set of directions or principles that is based on evidence and is designed to assist a health care practitioner with decisions about appropriate diagnostic, therapeutic, or other clinical procedures for specific clinical circumstances.

''(j) RESEARCH MAY NOT BE USED TO DENY OR RATION CARE.—Nothing in this section shall be construed to make more stringent or otherwise change the standards or requirements for coverage of items and services under this Act.''.

(b) COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND; FINANCING FOR THE TRUST FUND.—For the provision establishing a Comparative Effectiveness Research Trust Fund and financing such Trust Fund, see section 1802.

Subtitle B—Nursing Home Transparency

PART 1—IMPROVING TRANSPARENCY OF INFORMATION ON SKILLED NURSING FACILITIES, NURSING FACILITIES, AND OTHER LONG-TERM CARE FACILITIES

SEC. 1411. REQUIRED DISCLOSURE OF OWNERSHIP AND ADDITIONAL DISCLOSABLE PARTIES INFORMATION.

(a) IN GENERAL.—Section 1124 of the Social Security Act (42 U.S.C. 1320a–3) is amended by adding at the end the following new subsection:

''(c) REQUIRED DISCLOSURE OF OWNERSHIP AND ADDITIONAL DISCLOSABLE PARTIES INFORMATION.—

''(1) DISCLOSURE.—A facility (as defined in paragraph (6)(B)) shall have the information described in paragraph (3) available—

''(A) during the period beginning on the date of the enactment of this subsection and ending on the date such information is made available to the public under section 1411(b) of the Affordable Health Care for America Act, for submission to the Secretary, the Inspector General of the Department of Health and Human Services, the State in which the facility is located, and the State long-term care ombudsman in the case where the Secretary, the Inspector General, the State, or the State long-term care ombudsman requests such information; and

''(B) beginning on the effective date of the final regulations promulgated under paragraph (4)(A), for reporting such information in accordance with such final regulations.

Nothing in subparagraph (A) shall be construed as authorizing a facility to dispose of or delete information described in such subparagraph after the effective date of the final regulations promulgated under paragraph (4)(A).

''(2) PUBLIC AVAILABILITY OF INFORMATION.—During the period described in paragraph (1)(A), a facility shall—

''(A) make the information described in paragraph (3) available to the public upon request and update such information as may be necessary to reflect changes in such information; and

''(B) post a notice of the availability of such information in the lobby of the facility in a prominent manner.

''(3) INFORMATION DESCRIBED.—

''(A) IN GENERAL.—The following information is described in this paragraph:

''(i) The information described in subsections (a) and (b), subject to subparagraph (C).

''(ii) The identity of and information on—

''(I) each member of the governing body of the facility, including the name, title, and period of service of each such member;

''(II) each person or entity who is an officer, director, member, partner, trustee, or managing employee of the facility, including the name, title, and date of start of service of each such person or entity; and

''(III) each person or entity who is an additional disclosable party of the facility.

''(iii) A description of the organizational structure and the relationship of each person and entity described in subclauses (II) and (III) of clause (ii) to the facility and to one another.

''(B) SPECIAL RULE WHERE INFORMATION IS ALREADY REPORTED OR SUBMITTED.—To the extent that information reported by a facility to the Internal Revenue Service on Form 990, information submitted by a facility to the Securities and Exchange Commission, or information otherwise submitted to the Secretary or any other Federal agency contains the information described in clauses (i), (ii), or (iii) of subparagraph (A), the Secretary may allow, to the extent practicable, such Form or such information to meet the requirements of paragraph (1) and to be submitted in a manner specified by the Secretary.

''(C) SPECIAL RULE.—In applying subparagraph (A)(i)—

''(i) with respect to subsections (a) and (b), 'ownership or control interest' shall include direct or indirect interests, including such interests in intermediate entities; and

''(ii) subsection (a)(3)(A)(ii) shall include the owner of a whole or part interest in any mortgage, deed of trust, note, or other obligation secured, in whole or in part, by the entity or any of the property or assets thereof, if the interest is equal to or exceeds 5 percent of the total property or assets of the entirety.

''(4) REPORTING.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this subsection, the Secretary shall promulgate regulations requiring a facility to report the information described in paragraph (3) to the Secretary in a standardized format, and such other regulations as are necessary to carry out this subsection. Such regulations shall specify the frequency of reporting, as determined by the Secretary. Such final regulations shall also require—

''(i) the reporting of such information on or after the first day of the first calendar quarter beginning after the date that is 90 days after the date on which such final regulations are published in the Federal Register; and—

''(ii) the certification, as a condition of participation under the program under title XVIII or XIX, that such information is accurate and current.

''(B) GUIDANCE.—The Secretary shall provide guidance and technical assistance to States on how to adopt the standardized format under subparagraph (A).

''(5) NO EFFECT ON EXISTING REPORTING REQUIREMENTS.—Nothing in this subsection shall reduce, diminish, or alter any reporting requirement for a facility that is in effect as of the date of the enactment of this subsection.

''(6) DEFINITIONS.—In this subsection:

''(A) ADDITIONAL DISCLOSABLE PARTY.—The term 'additional disclosable party' means, with respect to a facility, any person or entity who, through ownership interest, partnership interest, contract, or otherwise—

''(i) directly or indirectly exercises operational, financial, administrative, or managerial control or direction over the facility or a part thereof, or provides policies or procedures for any of the operations of the facility, or provides financial or cash management services to the facility;

''(ii) leases or subleases real property to the facility, or owns a whole or part interest equal to or exceeding 5 percent of the total value of such real property;

''(iii) lends funds or provides a financial guarantee to the facility in an amount which is equal to or exceeds $50,000; or

''(iv) provides management or administrative services, clinical consulting services, or accounting or financial services to the facility.

''(B) FACILITY.—The term 'facility' means a disclosing entity which is—

''(i) a skilled nursing facility (as defined in section 1819(a)); or

''(ii) a nursing facility (as defined in section 1919(a)).

''(C) MANAGING EMPLOYEE.—The term 'managing employee' means, with respect to a facility, an individual (including a general manager, business manager, administrator, director, or consultant) who directly or indirectly manages, advises, or supervises any element of the practices, finances, or operations of the facility.

''(D) ORGANIZATIONAL STRUCTURE.—The term 'organizational structure' means, in the case of—

''(i) a corporation, the officers, directors, and shareholders of the corporation who have an ownership interest in the corporation which is equal to or exceeds 5 percent;

''(ii) a limited liability company, the members and managers of the limited liability company (including, as applicable, what percentage each member and manager has of the ownership interest in the limited liability company);

''(iii) a general partnership, the partners of the general partnership;

''(iv) a limited partnership, the general partners and any limited partners of the limited partnership who have an ownership interest in the limited partnership which is equal to or exceeds 10 percent;

''(v) a trust, the trustees of the trust;

''(vi) an individual, contact information for the individual; and

''(vii) any other person or entity, such information as the Secretary determines appropriate.''.

(b) PUBLIC AVAILABILITY OF INFORMATION.—Not later than the date that is 1 year after the date on which the final regulations promulgated under section 1124(c)(4)(A) of the Social Security Act, as added by subsection (a), are published in the Federal Register, the information reported in accordance with such final regulations shall be made available to the public in accordance with procedures established by the Secretary of Health and Human Services.

(c) CONFORMING AMENDMENTS.—

(1) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(2) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

SEC. 1412. ACCOUNTABILITY REQUIREMENTS.

(a) EFFECTIVE COMPLIANCE AND ETHICS PROGRAMS.—

(1) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)), as amended by section 1411(c)(1), is amended by adding at the end the following new subparagraph:

''(C) COMPLIANCE AND ETHICS PROGRAMS.—

''(i) REQUIREMENT.—On or after the first day of the first calendar quarter beginning after the date that is 1 year after the date on which regulations developed under clause (ii) are published in the Federal Register, a skilled nursing facility shall, with respect to the entity that operates or controls the facility (in this subparagraph referred to as the 'operating organization' or 'organization'), have in operation a compliance and ethics program that is effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care consistent with such regulations.

''(ii) DEVELOPMENT OF REGULATIONS.—

''(I) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this subparagraph, the Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall promulgate regulations for an effective compliance and ethics program for operating organizations, which may include a model compliance program.

''(II) DESIGN OF REGULATIONS.—Such regulations with respect to specific elements or formality of a program may vary with the size of the organization, such that larger organizations should have a more formal and rigorous program and include established written policies defining the standards and procedures to be followed by its employees. Such requirements shall specifically apply to the corporate level management of multi-unit nursing home chains.

''(III) EVALUATION.—Not later than 3 years after the date on which compliance and ethics programs established under this subparagraph are in operation pursuant to clause (i), the Secretary shall complete an evaluation of such programs. Such evaluation shall determine if such programs led to changes in deficiency citations, changes in quality performance, or changes in other metrics of resident quality of care. The Secretary shall submit to Congress a report on such evaluation and shall include in such report such recommendations regarding changes in the requirements for such programs as the Secretary determines appropriate.

''(iii) REQUIREMENTS FOR COMPLIANCE AND ETHICS PROGRAMS.—In this subparagraph, the term 'compliance and ethics program' means, with respect to a skilled nursing facility, a program of the operating organization that—

''(I) has been reasonably designed, implemented, and enforced so that it generally will be effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care; and

''(II) includes at least the required components specified in clause (iv).

''(iv) REQUIRED COMPONENTS OF PROGRAM.—The required components of a compliance and ethics program of an organization are the following:

''(I) The organization must have established compliance standards and procedures to be followed by its employees, contractors, and other agents that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations under this Act.

''(II) Specific individuals within high-level personnel of the organization must have been assigned overall responsibility to oversee compliance with such standards and procedures and have sufficient resources and authority to assure such compliance.

''(III) The organization must have used due care not to delegate substantial discretionary authority to individuals whom the organization knew, or should have known through the exercise of due diligence, had a propensity to engage in criminal, civil, and administrative violations under this Act.

''(IV) The organization must have taken steps to communicate effectively its standards and procedures to all employees and other agents, such as by requiring participation in training programs or by disseminating publications that explain in a practical manner what is required.

''(V) The organization must have taken reasonable steps to achieve compliance with its standards, such as by utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations under this Act by its employees and other agents and by having in place and publicizing a reporting system whereby employees and other agents could report violations by others within the organization without fear of retribution.

''(VI) The standards must have been consistently enforced through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals responsible for the failure to detect an offense.

''(VII) After an offense has been detected, the organization must have taken all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including repayment of any funds to which it was not entitled and any necessary modification to its program to prevent and detect criminal, civil, and administrative violations under this Act.

''(VIII) The organization must periodically undertake reassessment of its compliance program to identify changes necessary to reflect changes within the organization and its facilities.

''(v) COORDINATION.—The provisions of this subparagraph shall apply with respect to a skilled nursing facility in lieu of section 1874(d).''.

(2) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)), as amended by section 1411(c)(2), is amended by adding at the end the following new subparagraph:

''(C) COMPLIANCE AND ETHICS PROGRAM.—

''(i) REQUIREMENT.—On or after the first day of the first calendar quarter beginning after the date that is 1 year after the date on which regulations developed under clause (ii) are published in the Federal Register, a skilled nursing facility shall, with respect to the entity that operates or controls the facility (in this subparagraph referred to as the 'operating organization' or 'organization'), have in operation a compliance and ethics program that is effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care consistent with such regulations.

''(iii) DEVELOPMENT OF REGULATIONS.—

''(I) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this subparagraph, the Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall promulgate regulations for an effective compliance and ethics program for operating organizations, which may include a model compliance program.

''(II) DESIGN OF REGULATIONS.—Such regulations with respect to specific elements or formality of a program may vary with the size of the organization, such that larger organizations should have a more formal and rigorous program and include established written policies defining the standards and procedures to be followed by its employees. Such requirements shall specifically apply to

the corporate level management of multi-unit nursing home chains.

''(III) EVALUATION.—Not later than 3 years after the date on which compliance and ethics programs established under this subparagraph are in operation pursuant to clause (i), the Secretary shall complete an evaluation of such programs. Such evaluation shall determine if such programs led to changes in deficiency citations, changes in quality performance, or changes in other metrics of resident quality of care. The Secretary shall submit to Congress a report on such evaluation and shall include in such report such recommendations regarding changes in the requirements for such programs as the Secretary determines appropriate.

''(v) REQUIREMENTS FOR COMPLIANCE AND ETHICS PROGRAMS.—In this subparagraph, the term 'compliance and ethics program' means, with respect to a nursing facility, a program of the operating organization that—

''(I) has been reasonably designed, implemented, and enforced so that it generally will be effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care; and

''(II) includes at least the required components specified in clause (iv).

''(vi) REQUIRED COMPONENTS OF PROGRAM.—The required components of a compliance and ethics program of an organization are the following:

''(I) The organization must have established compliance standards and procedures to be followed by its employees and other agents that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations under this Act.

''(II) Specific individuals within high-level personnel of the organization must have been assigned overall responsibility to oversee compliance with such standards and procedures and has sufficient resources and authority to assure such compliance.

''(III) The organization must have used due care not to delegate substantial discretionary authority to individuals whom the organization knew, or should have known through the exercise of due diligence, had a propensity to engage in criminal, civil, and administrative violations under this Act.

''(IV) The organization must have taken steps to communicate effectively its standards and procedures to all employees and other agents, such as by requiring participation in training programs or by disseminating publications that explain in a practical manner what is required.

''(V) The organization must have taken reasonable steps to achieve compliance with its standards, such as by utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations under this Act by its employees and other agents and by having in place and publicizing a reporting system whereby employees and other agents could report violations by others within the organization without fear of retribution.

''(VI) The standards must have been consistently enforced through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals responsible for the failure to detect an offense.

''(VII) After an offense has been detected, the organization must have taken all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including repayment of any funds to which it was not entitled and any necessary modification to its program to prevent and detect criminal, civil, and administrative violations under this Act.

''(VIII) The organization must periodically undertake reassessment of its compliance program to identify changes necessary to reflect changes within the organization and its facilities.

''(vii) COORDINATION.—The provisions of this subparagraph shall apply with respect to a nursing facility in lieu of section 1902(a)(77).''.

(b) QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM.—

(1) SKILLED NURSING FACILITIES.—Section 1819(b)(1)(B) of the Social Security Act (42 U.S.C. 1396r(b)(1)(B)) is amended—

(A) by striking ''ASSURANCE'' and inserting ''ASSURANCE AND QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM'';

(B) by designating the matter beginning with ''A skilled nursing facility'' as a clause (i) with the heading ''IN GENERAL.—'' and the appropriate indentation;

(C) in clause (i) (as so designated by subparagraph (B)), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(D) by adding at the end the following new clause:

''(ii) QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM.—

''(I) IN GENERAL.—Not later than December 31, 2011, the Secretary shall establish and implement a quality assurance and performance improvement program (in this clause referred to as the 'QAPI program') for skilled nursing facilities, including multi-unit chains of such facilities. Under the QAPI program, the Secretary shall establish standards relating to such facilities and provide technical assistance to such facilities on the development of best practices in order to meet such standards. Not later than 1 year after the date on which the regulations are promulgated under subclause (II), a skilled nursing facility must submit to the Secretary a plan for the facility to meet such standards and implement such best practices, including how to coordinate the implementation of such plan with quality assessment and assurance activities conducted under clause (i).

''(II) REGULATIONS.—The Secretary shall promulgate regulations to carry out this clause.''.

(2) NURSING FACILITIES.—Section 1919(b)(1)(B) of the Social Security Act (42 U.S.C. 1396r(b)(1)(B)) is amended—

(A) by striking ''ASSURANCE'' and inserting ''ASSURANCE AND QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM'';

(B) by designating the matter beginning with ''A nursing facility'' as a clause (i) with the heading ''IN GENERAL.—'' and the appropriate indentation; and

(C) by adding at the end the following new clause:

''(ii) QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM.—

''(I) IN GENERAL.—Not later than December 31, 2011, the Secretary shall establish and implement a quality assurance and performance improvement program (in this clause referred to as the 'QAPI program') for nursing facilities, including multi-unit chains of such facilities. Under the QAPI program, the Secretary shall establish standards relating to such facilities and provide technical assistance to such facilities on the development of best practices in order to meet such standards. Not later than 1 year after the date on which the regulations are promulgated under subclause (II), a nursing facility must submit to the Secretary a plan for the facility to meet such standards and implement such best practices, including how to coordinate the implementation of such plan with quality assessment and assurance activities conducted under clause (i).

''(II) REGULATIONS.—The Secretary shall promulgate regulations to carry out this clause.''.

(3) PROPOSAL TO REVISE QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAMS.—The Secretary shall implement policies that modify and strengthen quality assurance and performance improvement programs in skilled nursing facilities and nursing facilities on a periodic basis, as determined by the Secretary.

(4) FACILITY PLAN.—Not later than 1 year after the date on which the regulations are promulgated under subclause (II) of clause (ii) of sections 1819(b)(1)(B) and 1919(b)(1)(B) of the Social Security Act, as added by paragraphs (1) and (2), a skilled nursing facility and a nursing facility must submit to the Secretary a plan for the facility to meet the standards under such regulations and implement such best practices, including how to coordinate the implementation of such plan with quality assessment and assurance activities conducted under clause (i) of such sections.

(c) GAO STUDY ON NURSING FACILITY UNDERCAPITALIZATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the following:

(A) The extent to which corporations that own or operate large numbers of nursing facilities, taking into account ownership type (including private equity and control interests), are undercapitalizing such facilities.

(B) The effects of such undercapitalization on quality of care, including staffing and food costs, at such facilities.

(C) Options to address such undercapitalization, such as requirements relating to surety bonds, liability insurance, or minimum capitalization.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

(3) NURSING FACILITY.—In this subsection, the term ''nursing facility'' includes a skilled nursing facility.

SEC. 1413. NURSING HOME COMPARE MEDICARE WEBSITE.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

''(i) NURSING HOME COMPARE WEBSITE.—

''(1) INCLUSION OF ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services includes, as part of the information provided for comparison of nursing homes on the official Internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the 'Nursing Home Compare' Medicare website) (or a successor website), the following information in a manner that is prominent, easily accessible, readily understandable to consumers of long-term care services, and searchable:

''(i) Information that is reported to the Secretary under section 1124(c)(4).

''(ii) Information on the 'Special Focus Facility program' (or a successor program) established by the Centers for Medicare and Medicaid Services, according to procedures established by the Secretary. Such procedures shall provide for the inclusion of information with respect to, and the names and locations of, those facilities that, since the previous quarter—

''(I) were newly enrolled in the program;

''(II) are enrolled in the program and have failed to significantly improve;

''(III) are enrolled in the program and have significantly improved;

''(IV) have graduated from the program; and

''(V) have closed voluntarily or no longer participate under this title.

''(iii) Staffing data for each facility (including resident census data and data on the hours of care provided per resident per day) based on data submitted under subsection (b)(8)(C), including information on staffing turnover and tenure, in a format that is clearly understandable to consumers of long-term care services and allows such consumers to compare differences in staffing between facilities and State and national averages for the facilities. Such format shall include—

''(I) concise explanations of how to interpret the data (such as a plain English explanation of data reflecting 'nursing home staff hours per resident day');

''(II) differences in types of staff (such as training associated with different categories of staff);

''(III) the relationship between nurse staffing levels and quality of care; and

''(IV) an explanation that appropriate staffing levels vary based on patient case mix.

''(iv) Links to State internet websites with information regarding State survey and certification programs, links to Form 2567 State inspection reports (or a successor form) on such websites, information to guide consumers in how to interpret and understand such reports, and the facility plan of correction or other response to such report.

''(v) The standardized complaint form developed under subsection (f)(8), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

''(vi) Summary information on the number, type, severity, and outcome of substantiated complaints.

''(vii) The number of adjudicated instances of criminal violations by employees of a nursing facility—

''(I) that were committed inside the facility;

''(II) with respect to such instances of violations or crimes committed inside of the facility that were the violations or crimes of abuse, neglect, and exploitation, criminal sexual abuse, or other violations or crimes that resulted in serious bodily injury; and

''(viii) The number of civil monetary penalties levied against the facility, employees, contractors, and other agents.

''(ix) Any other information that the Secretary determines appropriate.

The facility shall not make available under clause (iv) identifying information on complainants or residents.

''(B) DEADLINE FOR PROVISION OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall ensure that the information described in subparagraph (A) is included on such website (or a successor website) not later than 1 year after the date of the enactment of this subsection.

''(ii) EXCEPTION.—The Secretary shall ensure that the information described in subparagraph (A)(i) and (A)(iii) is included on such website (or a successor website) not later than 1 year after the dates on which the data are submitted to the Secretary pursuant to section 1124(c)(4) and subsection (b)(8)(C), respectively.

''(2) REVIEW AND MODIFICATION OF WEBSITE.—

''(A) IN GENERAL.—The Secretary shall establish a process—

''(i) to review the accuracy, clarity of presentation, timeliness, and comprehensiveness of information reported on such website as of the day before the date of the enactment of this subsection; and

''(ii) not later than 1 year after the date of the enactment of this subsection, to modify or revamp such website in accordance with the review conducted under clause (i).

''(B) CONSULTATION.—In conducting the review under subparagraph (A)(i), the Secretary shall consult with—

''(i) State long-term care ombudsman programs;

''(ii) consumer advocacy groups;

''(iii) provider stakeholder groups; and

''(iv) any other representatives of programs or groups the Secretary determines appropriate.''.

(2) TIMELINESS OF SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION.—

(A) IN GENERAL.—Section 1819(g)(5) of the Social Security Act (42 U.S.C. 1395i–3(g)(5)) is amended by adding at the end the following new subparagraph:

''(E) SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION TO THE SECRETARY.—In order to improve the timeliness of information made available to the public under subparagraph (A) and provided on the Nursing Home Compare Medicare website under subsection (i), each State shall submit information respecting any survey or certification recommendation made respecting a skilled nursing facility (including any enforcement actions taken by the State or any Federal enforcement action recommended by the State) to the Secretary not later than the date on which the State sends such information to the facility. The Secretary shall use the information submitted under the preceding sentence to update the information provided on the Nursing Home Compare Medicare website as expeditiously as practicable but not less frequently than quarterly.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of the enactment of this Act.

(3) SPECIAL FOCUS FACILITY PROGRAM.—Section 1819(f) of such Act is amended by adding at the end the following new paragraph:

''(8) SPECIAL FOCUS FACILITY PROGRAM.—

''(A) IN GENERAL.—The Secretary shall conduct a special focus facility program for enforcement of requirements for skilled nursing facilities that the Secretary has identified as having a poor compliance history or that substantially failed to meet applicable requirements of this Act.

''(B) PERIODIC SURVEYS.—Under such program the Secretary shall conduct surveys of each facility in the program not less than once every 6 months.''.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

''(i) NURSING HOME COMPARE WEBSITE.—

''(1) INCLUSION OF ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services includes, as part of the information provided for comparison of nursing homes on the official internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the 'Nursing Home Compare' Medicare website) (or a successor website), the following information in a manner that is prominent, easily accessible, readily understandable to consumers of long-term care services, and searchable:

''(i) Information that is reported to the Secretary under section 1124(c)(4)

''(ii) Information on the 'Special Focus Facility program' (or a successor program) established by the Centers for Medicare & Medicaid Services, according to procedures established by the Secretary. Such procedures shall provide for the inclusion of information with respect to, and the names and locations of, those facilities that, since the previous quarter—

''(I) were newly enrolled in the program;

''(II) are enrolled in the program and have failed to significantly improve;

''(III) are enrolled in the program and have significantly improved;

''(IV) have graduated from the program; and

''(V) have closed voluntarily or no longer participate under this title.

''(iii) Staffing data for each facility (including resident census data and data on the hours of care provided per resident per day) based on data submitted under subsection (b)(8)(C)(ii), including information on staffing turnover and tenure, in a format that is clearly understandable to consumers of long-term care services and allows such consumers to compare differences in staffing between facilities and State and national averages for the facilities. Such format shall include—

''(I) concise explanations of how to interpret the data (such as plain English explanation of data reflecting 'nursing home staff hours per resident day');

''(II) differences in types of staff (such as training associated with different categories of staff);

''(III) the relationship between nurse staffing levels and quality of care; and

''(IV) an explanation that appropriate staffing levels vary based on patient case mix.

''(iv) Links to State internet websites with information regarding State survey and certification programs, links to Form 2567 State inspection reports (or a successor form) on such websites, information to guide consumers in how to interpret and understand such reports, and the facility plan of correction or other response to such report.

''(v) The standardized complaint form developed under subsection (f)(10), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

''(vi) Summary information on the number, type, severity, and outcome of substantiated complaints.

''(vii) The number of adjudicated instances of criminal violations by employees of a nursing facility—

''(I) that were committed inside of the facility; and

''(II) with respect to such instances of violations or crimes committed inside of the facility that were the violations or crimes of abuse, neglect, and exploitation, criminal sexual abuse, or other violations or crimes that resulted in serious bodily injury.

''(viii) the number of civil monetary penalties levied against the facility, employees, contractors, and other agents.

''(ix) Any other information that the Secretary determines appropriate.

The facility shall not make available under clause (ii) identifying information about complainants or residents.

''(B) DEADLINE FOR PROVISION OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall ensure that the information described in subparagraph (A) is included on such website (or a successor website) not later than 1 year after the date of the enactment of this subsection.

''(ii) EXCEPTION.—The Secretary shall ensure that the information described in subparagraph (A)(i) and (A)(iii) is included on such website (or a successor website) not later than 1 year after the dates on which

the data are submitted to the Secretary pursuant to section 1124(c)(4) and subsection (b)(8)(C), respectively.

''(2) REVIEW AND MODIFICATION OF WEBSITE.—

''(A) IN GENERAL.—The Secretary shall establish a process—

''(i) to review the accuracy, clarity of presentation, timeliness, and comprehensiveness of information reported on such website as of the day before the date of the enactment of this subsection; and

''(ii) not later than 1 year after the date of the enactment of this subsection, to modify or revamp such website in accordance with the review conducted under clause (i).

''(B) CONSULTATION.—In conducting the review under subparagraph (A)(i), the Secretary shall consult with—

''(i) State long-term care ombudsman programs;

''(ii) consumer advocacy groups;

''(iii) provider stakeholder groups;

''(iv) skilled nursing facility employees and their representatives; and

''(v) any other representatives of programs or groups the Secretary determines appropriate.''.

(2) TIMELINESS OF SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION.—

(A) IN GENERAL.—Section 1919(g)(5) of the Social Security Act (42 U.S.C. 1396r(g)(5)) is amended by adding at the end the following new subparagraph:

''(E) SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION TO THE SECRETARY.—In order to improve the timeliness of information made available to the public under subparagraph (A) and provided on the Nursing Home Compare Medicare website under subsection (i), each State shall submit information respecting any survey or certification recommendation made respecting a nursing facility (including any enforcement actions taken by the State or any Federal enforcement action recommended by the State) to the Secretary not later than the date on which the State sends such information to the facility. The Secretary shall use the information submitted under the preceding sentence to update the information provided on the Nursing Home Compare Medicare website as expeditiously as practicable but not less frequently than quarterly.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of the enactment of this Act.

(3) SPECIAL FOCUS FACILITY PROGRAM.—Section 1919(f) of such Act is amended by adding at the end of the following new paragraph:

''(10) SPECIAL FOCUS FACILITY PROGRAM.—

''(A) IN GENERAL.—The Secretary shall conduct a special focus facility program for enforcement of requirements for nursing facilities that the Secretary has identified as having a poor compliance history or that substantially failed to meet applicable requirements of this Act.

''(B) PERIODIC SURVEYS.—Under such program the Secretary shall conduct surveys of each facility in the program not less often than once every 6 months.''.

(c) AVAILABILITY OF REPORTS ON SURVEYS, CERTIFICATIONS, AND COMPLAINT INVESTIGATIONS.—

(1) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)), as amended by sections 1411 and 1412, is amended by adding at the end the following new subparagraph:

''(D) AVAILABILITY OF SURVEY, CERTIFICATION, AND COMPLAINT INVESTIGATION REPORTS.—A skilled nursing facility must—

''(i) have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years available for any individual to review upon request; and

''(ii) post notice of the availability of such reports in areas of the facility that are prominent and accessible to the public.

The facility shall not make available under clause (i) identifying information about complainants or residents.''.

(2) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)), as amended by sections 1411 and 1412, is amended by adding at the end the following new subparagraph:

''(D) AVAILABILITY OF SURVEY, CERTIFICATION, AND COMPLAINT INVESTIGATION REPORTS.—A nursing facility must—

''(i) have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years available for any individual to review upon request; and

''(ii) post notice of the availability of such reports in areas of the facility that are prominent and accessible to the public.

The facility shall not make available under clause (i) identifying information about complainants or residents.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 1 year after the date of the enactment of this Act.

(d) GUIDANCE TO STATES ON FORM 2567 STATE INSPECTION REPORTS AND COMPLAINT INVESTIGATION REPORTS.—

(1) GUIDANCE.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') shall provide guidance to States on how States can establish electronic links to Form 2567 State inspection reports (or a successor form), complaint investigation reports, and a facility's plan of correction or other response to such Form 2567 State inspection reports (or a successor form) on the Internet website of the State that provides information on skilled nursing facilities and nursing facilities and the Secretary shall, if possible, include such information on Nursing Home Compare.

(2) REQUIREMENT.—Section 1902(a)(9) of the Social Security Act (42 U.S.C. 1396a(a)(9)) is amended—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the semicolon at the end of subparagraph (C) and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(D) that the State maintain a consumer-oriented website providing useful information to consumers regarding all skilled nursing facilities and all nursing facilities in the State, including for each facility, Form 2567 State inspection reports (or a successor form), complaint investigation reports, the facility's plan of correction, and such other information that the State or the Secretary considers useful in assisting the public to assess the quality of long term care options and the quality of care provided by individual facilities;''.

(3) DEFINITIONS.—In this subsection:

(A) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(C) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

SEC. 1414. REPORTING OF EXPENDITURES.

Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new subsection:

''(f) REPORTING OF DIRECT CARE EXPENDITURES.—

''(1) IN GENERAL.—For cost reports submitted under this title for cost reporting periods beginning on or after the date that is no more than two years after the redesign of the report specified in subparagraph (2), skilled nursing facilities shall—

''(A) separately report expenditures for wages and benefits for direct care staff (breaking out (at a minimum) registered nurses, licensed professional nurses, certified nurse assistants, and other medical and therapy staff); and

''(B) take into account agency and contract staff in a manner to be determined by the Administrator.

''(2) MODIFICATION OF FORM.—The Secretary, in consultation with private sector accountants experienced with skilled nursing facility cost reports, shall redesign such reports to meet the requirement of paragraph (1) not later than 2 years after the date of the enactment of this subsection.

''(3) CATEGORIZATION BY FUNCTIONAL ACCOUNTS.—Beginning with cost reports submitted under paragraph (1) , the Secretary, working in consultation with the Medicare Payment Advisory Commission, the Inspector General of the Department of Health and Human Services, and other expert parties the Secretary determines appropriate, shall categorize the expenditures listed on cost reports, as modified under paragraph (1), submitted by skilled nursing facilities, regardless of any source of payment for such expenditures, for each skilled nursing facility into the following functional accounts on an annual basis:

''(A) Spending on direct care services (including nursing, therapy, and medical services).

''(B) Spending on indirect care (including housekeeping and dietary services).

''(C) Capital assets (including building and land costs).

''(D) Administrative services costs.

''(4) AVAILABILITY OF INFORMATION SUBMITTED.—The Secretary shall establish procedures to make information on expenditures submitted under this subsection readily available to interested parties upon request, subject to such requirements as the Secretary may specify under the procedures established under this paragraph.''.

SEC. 1415. STANDARDIZED COMPLAINT FORM.

(a) SKILLED NURSING FACILITIES.—

(1) DEVELOPMENT BY THE SECRETARY.—Section 1819(f) of the Social Security Act (42 U.S.C. 1395i–3(f)), as amended by section 1413(a)(3), is amended by adding at the end the following new paragraph:

''(9) STANDARDIZED COMPLAINT FORM.—The Secretary shall develop a standardized complaint form for use by a resident (or a person acting on the resident's behalf) in filing a complaint with a State survey and certification agency and a State long-term care ombudsman program with respect to a skilled nursing facility.''.

(2) STATE REQUIREMENTS.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following new paragraph:

''(6) COMPLAINT PROCESSES AND WHISTLEBLOWER PROTECTION.—

''(A) COMPLAINT FORMS.—The State must make the standardized complaint form developed under subsection (f)(9) available upon request to—

''(i) a resident of a skilled nursing facility;

''(ii) any person acting on the resident's behalf; and

''(iii) any person who works at a skilled nursing facility or is a representative of such a worker.

''(B) COMPLAINT RESOLUTION PROCESS.—The State must establish a complaint resolution process in order to ensure that a resident, the legal representative of a resident of a skilled nursing facility, or other responsible party is not retaliated against if the resident, legal representative, or responsible

party has complained, in good faith, about the quality of care or other issues relating to the skilled nursing facility, that the legal representative of a resident of a skilled nursing facility or other responsible party is not denied access to such resident or otherwise retaliated against if such representative party has complained, in good faith, about the quality of care provided by the facility or other issues relating to the facility, and that a person who works at a skilled nursing facility is not retaliated against if the worker has complained, in good faith, about quality of care or services or an issue relating to the quality of care or services provided at the facility, whether the resident, legal representative, other responsible party, or worker used the form developed under subsection (f)(9) or some other method for submitting the complaint. Such complaint resolution process shall include—

''(i) procedures to assure accurate tracking of complaints received, including notification to the complainant that a complaint has been received;

''(ii) procedures to determine the likely severity of a complaint and for the investigation of the complaint;

''(iii) deadlines for responding to a complaint and for notifying the complainant of the outcome of the investigation; and

''(iv) procedures to ensure that the identity of the complainant will be kept confidential.

''(C) WHISTLEBLOWER PROTECTION.—

''(i) PROHIBITION AGAINST RETALIATION.—No person who works at a skilled nursing facility may be penalized, discriminated, or retaliated against with respect to any aspect of employment, including discharge, promotion, compensation, terms, conditions, or privileges of employment, or have a contract for services terminated, because the person (or anyone acting at the person's request) complained, in good faith, about the quality of care or services provided by a skilled nursing facility or about other issues relating to quality of care or services, whether using the form developed under subsection (f)(9) or some other method for submitting the complaint.

''(ii) RETALIATORY REPORTING.—A skilled nursing facility may not file a complaint or a report against a person who works (or has worked at the facility) with the appropriate State professional disciplinary agency because the person (or anyone acting at the person's request) complained in good faith, as described in clause (i).

''(iii) RELIEF.—Any person aggrieved by a violation of clause (i) or clause (ii) may, in a civil action, obtain all appropriate relief, including reinstatement, reimbursement of lost wages, compensation, and benefits, and exemplary damages where warranted, and such other relief as the court deems appropriate, as well as costs of suit and reasonable attorney and expert witness fees.

''(iv) RIGHTS NOT WAIVABLE.—The rights protected by this paragraph may not be diminished by contract or other agreement, and nothing in this paragraph shall be construed to diminish any greater or additional protection provided by Federal or State law or by contract or other agreement.

''(v) REQUIREMENT TO POST NOTICE OF EMPLOYEE RIGHTS.—Each skilled nursing facility shall post conspicuously in an appropriate location a sign (in a form specified by the Secretary) specifying the rights of persons under this paragraph and including a statement that an employee may file a complaint with the Secretary against a skilled nursing facility that violates the provisions of this paragraph and information with respect to the manner of filing such a complaint.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a resident of a skilled nursing facility (or a person acting on the resident's behalf) from submitting a complaint in a manner or format other than by using the standardized complaint form developed under subsection (f)(9) (including submitting a complaint orally).

''(E) GOOD FAITH DEFINED.—For purposes of this paragraph, an individual shall be deemed to be acting in good faith with respect to the filing of a complaint if the individual reasonably believes—

''(i) the information reported or disclosed in the complaint is true; and

''(ii) the violation of this title has occurred or may occur in relation to such information.''.

(b) NURSING FACILITIES.—

(1) DEVELOPMENT BY THE SECRETARY.—Section 1919(f) of the Social Security Act (42 U.S.C. 1395i–3(f)), as amended by section 1413(b), is amended by adding at the end the following new paragraph:

''(11) STANDARDIZED COMPLAINT FORM.—The Secretary shall develop a standardized complaint form for use by a resident (or a person acting on the resident's behalf) in filing a complaint with a State survey and certification agency and a State long-term care ombudsman program with respect to a nursing facility.''.

(2) STATE REQUIREMENTS.—Section 1919(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following new paragraph:

''(8) COMPLAINT PROCESSES AND WHISTLEBLOWER PROTECTION.—

''(A) COMPLAINT FORMS.—The State must make the standardized complaint form developed under subsection (f)(11) available upon request to—

''(i) a resident of a nursing facility;

''(ii) any person acting on the resident's behalf; and

''(iii) any person who works at a nursing facility or a representative of such a worker.

''(B) COMPLAINT RESOLUTION PROCESS.—The State must establish a complaint resolution process in order to ensure that a resident, the legal representative of a resident of a nursing facility, or other responsible party is not retaliated against if the resident, legal representative, or responsible party has complained, in good faith, about the quality of care or other issues relating to the nursing facility, that the legal representative of a resident of a nursing facility or other responsible party is not denied access to such resident or otherwise retaliated against if such representative party has complained, in good faith, about the quality of care provided by the facility or other issues relating to the facility, and that a person who works at a nursing facility is not retaliated against if the worker has complained, in good faith, about quality of care or services or an issue relating to the quality of care or services provided at the facility, whether the resident, legal representative, other responsible party, or worker used the form developed under subsection (f)(11) or some other method for submitting the complaint. Such complaint resolution process shall include—

''(i) procedures to assure accurate tracking of complaints received, including notification to the complainant that a complaint has been received;

''(ii) procedures to determine the likely severity of a complaint and for the investigation of the complaint;

''(iii) deadlines for responding to a complaint and for notifying the complainant of the outcome of the investigation; and

''(iv) procedures to ensure that the identity of the complainant will be kept confidential.

''(C) WHISTLEBLOWER PROTECTION.—

''(i) PROHIBITION AGAINST RETALIATION.—No person who works at a nursing facility may be penalized, discriminated, or retaliated against with respect to any aspect of employment, including discharge, promotion, compensation, terms, conditions, or privileges of employment, or have a contract for services terminated, because the person (or anyone acting at the person's request) complained, in good faith, about the quality of care or services provided by a nursing facility or about other issues relating to quality of care or services, whether using the form developed under subsection (f)(11) or some other method for submitting the complaint.

''(ii) RETALIATORY REPORTING.—A nursing facility may not file a complaint or a report against a person who works (or has worked at the facility with the appropriate State professional disciplinary agency because the person (or anyone acting at the person's request) complained in good faith, as described in clause (i).

''(iii) RELIEF.—Any person aggrieved by a violation of clause (i) or clause (ii) may, in a civil action, obtain all appropriate relief, including reinstatement, reimbursement of lost wages, compensation, and benefits, and exemplary damages where warranted, and such other relief as the court deems appropriate, as well as costs of suit and reasonable attorney and expert witness fees.

''(iv) RIGHTS NOT WAIVABLE.—The rights protected by this paragraph may not be diminished by contract or other agreement, and nothing in this paragraph shall be construed to diminish any greater or additional protection provided by Federal or State law or by contract or other agreement.

''(v) REQUIREMENT TO POST NOTICE OF EMPLOYEE RIGHTS.—Each nursing facility shall post conspicuously in an appropriate location a sign (in a form specified by the Secretary) specifying the rights of persons under this paragraph and including a statement that an employee may file a complaint with the Secretary against a nursing facility that violates the provisions of this paragraph and information with respect to the manner of filing such a complaint.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a resident of a nursing facility (or a person acting on the resident's behalf) from submitting a complaint in a manner or format other than by using the standardized complaint form developed under subsection (f)(11) (including submitting a complaint orally).

''(E) GOOD FAITH DEFINED.—For purposes of this paragraph, an individual shall be deemed to be acting in good faith with respect to the filing of a complaint if the individual reasonably believes—

''(i) the information reported or disclosed in the complaint is true; and

''(ii) the violation of this title has occurred or may occur in relation to such information.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 1416. ENSURING STAFFING ACCOUNTABILITY.

(a) SKILLED NURSING FACILITIES.—Section 1819(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b)(8)) is amended by adding at the end the following new subparagraph:

''(C) SUBMISSION OF STAFFING INFORMATION BASED ON PAYROLL DATA IN A UNIFORM FORMAT.—On and after the first day of the first calendar quarter beginning after the date that is 2 years after the date of enactment of this subparagraph, and after consulting with State long-term care ombudsman programs, consumer advocacy groups, provider stakeholder groups, employees and their representatives, and other parties the Secretary deems appropriate, the Secretary shall require a skilled nursing facility to electronically submit to the Secretary direct care

staffing information (including information with respect to agency and contract staff) based on payroll and other verifiable and auditable data in a uniform format (according to specifications established by the Secretary in consultation with such programs, groups, and parties). Such specifications shall require that the information submitted under the preceding sentence—

''(i) specify the category of work a certified employee performs (such as whether the employee is a registered nurse, licensed practical nurse, licensed vocational nurse, certified nursing assistant, therapist, or other medical personnel);

''(ii) include resident census data and information on resident case mix;

''(iii) include a regular reporting schedule; and

''(iv) include information on employee turnover and tenure and on the hours of care provided by each category of certified employees referenced in clause (i) per resident per day.

Nothing in this subparagraph shall be construed as preventing the Secretary from requiring submission of such information with respect to specific categories, such as nursing staff, before other categories of certified employees. Information under this subparagraph with respect to agency and contract staff shall be kept separate from information on employee staffing.''.

(b) NURSING FACILITIES.—Section 1919(b)(8) of the Social Security Act (42 U.S.C. 1396r(b)(8)) is amended by adding at the end the following new subparagraph:

''(C) SUBMISSION OF STAFFING INFORMATION BASED ON PAYROLL DATA IN A UNIFORM FORMAT.—On and after the first day of the first calendar quarter beginning after the date that is 2 years after the date of enactment of this subparagraph, and after consulting with State long-term care ombudsman programs, consumer advocacy groups, provider stakeholder groups, employees and their representatives, and other parties the Secretary deems appropriate, the Secretary shall require a nursing facility to electronically submit to the Secretary direct care staffing information (including information with respect to agency and contract staff) based on payroll and other verifiable and auditable data in a uniform format (according to specifications established by the Secretary in consultation with such programs, groups, and parties). Such specifications shall require that the information submitted under the preceding sentence—

''(i) specify the category of work a certified employee performs (such as whether the employee is a registered nurse, licensed practical nurse, licensed vocational nurse, certified nursing assistant, therapist, or other medical personnel);

''(ii) include resident census data and information on resident case mix;

''(iii) include a regular reporting schedule; and

''(iv) include information on employee turnover and tenure and on the hours of care provided by each category of certified employees referenced in clause (i) per resident per day.

Nothing in this subparagraph shall be construed as preventing the Secretary from requiring submission of such information with respect to specific categories, such as nursing staff, before other categories of certified employees. Information under this subparagraph with respect to agency and contract staff shall be kept separate from information on employee staffing.''.

SEC. 1417. NATIONWIDE PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES AND PROVIDERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), shall establish a program to identify efficient, effective, and economical procedures for long term care facilities or providers to conduct background checks on prospective direct patient access employees on a nationwide basis (in this subsection, such program shall be referred to as the ''nationwide program''). The Secretary shall carry out the nationwide program under similar terms and conditions as the pilot program under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2257), including the prohibition on hiring abusive workers and the authorization of the imposition of penalties by a participating State under subsections (b)(3)(A) and (b)(6), respectively, of such section 307. The program under this subsection shall contain the following modifications to such pilot program:

(1) AGREEMENTS.—

(A) NEWLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

(i) that the Secretary has not entered into an agreement with under subsection (c)(1) of such section 307;

(ii) that agrees to conduct background checks under the nationwide program on a Statewide basis; and

(iii) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

Under such an agreement a State may agree to cover and reimburse each long-term care facility or provider for all costs attributable to conducting background checks and screening described in this subsection that were not otherwise required to be conducted by such long-term care facility or provider before the enactment of this subsection, except that Federal funding with respect to such reimbursement shall be limited to the amount made available to the State from funds under subsection (b)(1).

(B) CERTAIN PREVIOUSLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

(i) that the Secretary has entered into an agreement with under such subsection (c)(1);

(ii) that agrees to conduct background checks under the nationwide program on a Statewide basis; and

(iii) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

Under such an agreement a State may agree to cover and reimburse each long-term care facility or provider for all costs attributable to conducting background checks and screening described in this subsection that were not otherwise required to be conducted by such long-term care facility or provider before the enactment of this subsection, except that Federal funding with respect to such reimbursement shall be limited to the amount made available to the State from funds under subsection (b)(1).

(2) NONAPPLICATION OF SELECTION CRITERIA.—The selection criteria required under subsection (c)(3)(B) of such section 307 shall not apply.

(3) REQUIRED FINGERPRINT CHECK AS PART OF CRIMINAL BACKGROUND CHECK.—The procedures established under subsection (b)(1) of such section 307 shall—

(A) require that the long-term care facility or provider (or the designated agent of the long-term care facility or provider) obtain State and national criminal or other background checks on the prospective employee through such means as the Secretary determines appropriate that utilize a search of State-based abuse and neglect registries and databases, including the abuse and neglect registries of another State in the case where a prospective employee previously resided in that State, State criminal history records, the records of any proceedings in the State that may contain disqualifying information about prospective employees (such as proceedings conducted by State professional licensing and disciplinary boards and State Medicaid Fraud Control Units), and Federal criminal history records, including a fingerprint check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation; and

(B) require States to describe and test methods that reduce duplicative fingerprinting, including providing for the development of ''rap back'' capability by the State such that, if a direct patient access employee of a long-term care facility or provider is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department, the department will immediately inform the State and the State will immediately inform the long-term care facility or provider which employs the direct patient access employee of such conviction.

(4) STATE REQUIREMENTS.—An agreement entered into under paragraph (1) shall require that a participating State—

(A) be responsible for monitoring compliance with the requirements of the nationwide program;

(B) have procedures in place to—

(i) conduct screening and criminal or other background checks under the nationwide program in accordance with the requirements of this section;

(ii) monitor compliance by long-term care facilities and providers with the procedures and requirements of the nationwide program;

(iii) as appropriate, provide for a provisional period of employment by a long-term care facility or provider of a direct patient access employee, not to exceed 60 days, pending completion of the required criminal history background check and, in the case where the employee has appealed the results of such background check, pending completion of the appeals process, during which the employee shall be subject to direct on-site supervision (in accordance with procedures established by the State to ensure that a long-term care facility or provider furnishes such direct on-site supervision);

(iv) provide an independent process by which a provisional employee or an employee may appeal or dispute the accuracy of the information obtained in a background check performed under the nationwide program, including the specification of criteria for appeals for direct patient access employees found to have disqualifying information which shall include consideration of the passage of time, extenuating circumstances, demonstration of rehabilitation, and relevancy of the particular disqualifying information with respect to the current employment of the individual;

(v) provide for the designation of a single State agency as responsible for—

(I) overseeing the coordination of any State and national criminal history background checks requested by a long-term care facility or provider (or the designated agent of the long-term care facility or provider) utilizing a search of State and Federal criminal history records, including a fingerprint check of such records;

(II) overseeing the design of appropriate privacy and security safeguards for use in the review of the results of any State or national criminal history background checks

conducted regarding a prospective direct patient access employee to determine whether the employee has any conviction for a relevant crime;

(III) immediately reporting to the long-term care facility or provider that requested the criminal history background check the results of such review; and

(IV) in the case of an employee with a conviction for a relevant crime that is subject to reporting under section 1128E of the Social Security Act (42 U.S.C. 1320a–7e), reporting the existence of such conviction to the database established under that section;

(vi) determine which individuals are direct patient access employees (as defined in paragraph (6)(B)) for purposes of the nationwide program;

(vii) as appropriate, specify offenses, including convictions for violent crimes, for purposes of the nationwide program; and

(viii) describe and test methods that reduce duplicative fingerprinting, including providing for the development of ''rap back'' capability such that, if a direct patient access employee of a long-term care facility or provider is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department—

(I) the department will immediately inform the State agency designated under clause (v) and such agency will immediately inform the facility or provider which employs the direct patient access employee of such conviction; and

(II) the State will provide, or will require the facility to provide, to the employee a copy of the results of the criminal history background check conducted with respect to the employee at no charge in the case where the individual requests such a copy.

Background checks and screenings under this subsection shall be valid for a period of no longer than 2 years, as determined by the State and approved by the Secretary.

(5) PAYMENTS.—

(A) NEWLY PARTICIPATING STATES.—

(i) IN GENERAL.—As part of the application submitted by a State under paragraph (1)(A)(iii), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions, as a condition of receiving the Federal match under clause (ii).

(ii) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under paragraph (1)(A) shall be 3 times the amount that the State guarantees to make available under clause (i).

(B) PREVIOUSLY PARTICIPATING STATES.—

(i) IN GENERAL.—As part of the application submitted by a State under paragraph (1)(B)(iii), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions, as a condition of receiving the Federal match under clause (ii).

(ii) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under paragraph (1)(B) shall be 3 times the amount that the State guarantees to make available under clause (i).

(6) DEFINITIONS.—Under the nationwide program:

(A) LONG-TERM CARE FACILITY OR PROVIDER.—The term ''long-term care facility or provider'' means the following facilities or providers which receive payment for services under title XVIII or XIX of the Social Security Act:

(i) A skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))).

(ii) A nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a))).

(iii) A home health agency.

(iv) A provider of hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))).

(v) A long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act (42 U.S.C. 1395ww(d)(1)(B)(iv))).

(vi) A provider of personal care services.

(vii) A provider of adult day care.

(viii) A residential care provider that arranges for, or directly provides, long-term care services, including an assisted living facility that provides a nursing home level of care conveyed by State licensure or State definition.

(ix) An intermediate care facility for the mentally retarded (as defined in section 1905(d) of such Act (42 U.S.C. 1396d(d))).

(x) Any other facility or provider of long-term care services under such titles as the participating State determines appropriate.

(B) DIRECT PATIENT ACCESS EMPLOYEE.—The term ''direct patient access employee'' means any individual who has access to a patient or resident of a long-term care facility or provider through employment or through a contract with such facility or provider and has duties that involve (or may involve) one-on-one contact with a patient or resident of the facility or provider, as determined by the State for purposes of the nationwide program. Such term does not include a volunteer unless the volunteer has duties that are equivalent to the duties of a direct patient access employee and those duties involve (or may involve) one-on-one contact with a patient or resident of the long-term care facility or provider.

(7) EVALUATION AND REPORT.—

(A) EVALUATION.—The Inspector General of the Department of Health and Human Services shall conduct an evaluation of the nationwide program. Such evaluation shall include—

(i) a review of the various procedures implemented by participating States for long-term care facilities or providers, including staffing agencies, to conduct background checks of direct patient access employees and identify the most efficient, effective, and economical procedures for conducting such background checks;

(ii) an assessment of the costs of conducting such background checks (including start-up and administrative costs);

(iii) a determination of the extent to which conducting such background checks leads to any unintended consequences, including a reduction in the available workforce for such facilities or providers;

(iv) an assessment of the impact of the program on reducing the number of incidents of neglect, abuse, and misappropriation of resident property to the extent practicable; and

(v) an evaluation of other aspects of the program, as determined appropriate by the Secretary.

(B) REPORT.—Not later than 180 days after the completion of the nationwide program, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the results of the evaluation conducted under subparagraph (A).

(b) FUNDING.—

(1) NOTIFICATION.—The Secretary of Health and Human Services shall notify the Secretary of the Treasury of the amount necessary to carry out the nationwide program under this section, including costs for the Department of Health and Human Services to administer and evaluate the program, for the period of fiscal years 2010 through 2012, except that in no case shall such amount exceed $160,000,000.

(2) TRANSFER OF FUNDS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide for the transfer to the Secretary of Health and Human Services of the amount specified as necessary to carry out the nationwide program under paragraph (1). Such amount shall remain available until expended.

PART 2—TARGETING ENFORCEMENT

SEC. 1421. CIVIL MONEY PENALTIES.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819(h)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1395i–3(h)(2)(B)(ii)) is amended to read as follows:

''(ii) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—

''(I) AMOUNT.—The Secretary may impose a civil money penalty in the applicable per instance or per day amount (as defined in subclause (II) and (III)) for each day or instance, respectively, of noncompliance (as determined appropriate by the Secretary).

''(II) APPLICABLE PER INSTANCE AMOUNT.—In this clause, the term 'applicable per instance amount' means—

''(aa) in the case where the deficiency is found to be a direct proximate cause of death of a resident of the facility, an amount not to exceed $100,000.

''(bb) in each case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than $3,050 and not more than $25,000; and

''(cc) in each case of any other deficiency, an amount not less than $250 and not to exceed $3050.

''(III) APPLICABLE PER DAY AMOUNT.—In this clause, the term 'applicable per day amount' means—

''(aa) in each case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than $3,050 and not more than $25,000 and

''(bb) in each case of any other deficiency, an amount not less than $250 and not to exceed $3,050.

''(IV) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclauses (V) and (VI), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

''(V) PROHIBITION ON REDUCTION FOR CERTAIN DEFICIENCIES.—

''(aa) REPEAT DEFICIENCIES.—The Secretary may not reduce under subclause (IV) the amount of a penalty if the deficiency is a repeat deficiency.

''(bb) CERTAIN OTHER DEFICIENCIES.—The Secretary may not reduce under subclause (IV) the amount of a penalty if the penalty is imposed for a deficiency described in subclause (II)(aa) or (III)(aa) and the actual harm or widespread harm immediately jeopardizes the health or safety of a resident or residents of the facility, or if the penalty is imposed for a deficiency described in subclause (II)(bb).

''(VI) LIMITATION ON AGGREGATE REDUCTIONS.—The aggregate reduction in a penalty under subclause (IV) may not exceed 35 percent on the basis of self-reporting, on the basis of a waiver of an appeal (as provided for under regulations under section 488.436 of title 42, Code of Federal Regulations), or on the basis of both.

''(VII) COLLECTION OF CIVIL MONEY PENALTIES.—In the case of a civil money penalty imposed under this clause, the Secretary—

''(aa) subject to item (cc), shall, not later than 30 days after the date of imposition of

the penalty, provide the opportunity for the facility to participate in an independent informal dispute resolution process, established by the State survey agency, which generates a written record prior to the collection of such penalty, but such opportunity shall not affect the responsibility of the State survey agency for making final recommendations for such penalties;

''(bb) in the case where the penalty is imposed for each day of noncompliance, shall not impose a penalty for any day during the period beginning on the initial day of the imposition of the penalty and ending on the day on which the informal dispute resolution process under item (aa) is completed;

''(cc) may provide for the collection of such civil money penalty and the placement of such amounts collected in an escrow account under the direction of the Secretary on the earlier of the date on which the informal dispute resolution process under item (aa) is completed or the date that is 90 days after the date of the imposition of the penalty;

''(dd) may provide that such amounts collected are kept in such account pending the resolution of any subsequent appeals;

''(ee) in the case where the facility successfully appeals the penalty, may provide for the return of such amounts collected (plus interest) to the facility; and

''(ff) in the case where all such appeals are unsuccessful, may provide that some portion of such amounts collected may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities under quality assurance programs, the appointment of temporary management, and other activities approved by the Secretary).

''(VIII) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and except to the extent that such provisions require a hearing prior to the imposition of a civil money penalty) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(2) CONFORMING AMENDMENT.—The second sentence of section 1819(h)(5) of the Social Security Act (42 U.S.C. 1395i–3(h)(5)) is amended by inserting ''(ii),''after ''(i),''.

(b) NURSING FACILITIES.—

(1) PENALTIES IMPOSED BY THE STATE.—

(A) IN GENERAL.—Section 1919(h)(2) of the Social Security Act (42 U.S.C. 1396r(h)(2)) is amended—

(i) in subparagraph (A)(ii), by striking the first sentence and inserting the following: ''A civil money penalty in accordance with subparagraph (G).''; and

(ii) by adding at the end the following new subparagraph:

''(G) CIVIL MONEY PENALTIES.—

''(i) IN GENERAL.—The State may impose a civil money penalty under subparagraph (A)(ii) in the applicable per instance or per day amount (as defined in subclause (II) and (III)) for each day or instance, respectively, of noncompliance (as determined appropriate by the Secretary).

''(ii) APPLICABLE PER INSTANCE AMOUNT.—In this subparagraph, the term 'applicable per instance amount' means—

''(I) in the case where the deficiency is found to be a direct proximate cause of death of a resident of the facility, an amount not to exceed $100,000.

''(II) in each case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than $3,050 and not more than $25,000; and

''(III) in each case of any other deficiency, an amount not less than $250 and not to exceed $3050.

''(iii) APPLICABLE PER DAY AMOUNT.—In this subparagraph, the term 'applicable per day amount' means—

''(I) in each case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than $3,050 and not more than $25,000 and

''(II) in each case of any other deficiency, an amount not less than $250 and not to exceed $3,050.

''(iv) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to clauses (v) and (vi), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under subparagraph (A)(ii) not later than 10 calendar days after the date of such imposition, the State may reduce the amount of the penalty imposed by not more than 50 percent.

''(v) PROHIBITION ON REDUCTION FOR CERTAIN DEFICIENCIES.—

''(I) REPEAT DEFICIENCIES.—The State may not reduce under clause (iv) the amount of a penalty if the State had reduced a penalty imposed on the facility in the preceding year under such clause with respect to a repeat deficiency.

''(II) CERTAIN OTHER DEFICIENCIES.—The State may not reduce under clause (iv) the amount of a penalty if the penalty is imposed for a deficiency described in clause (ii)(II) or (iii)(I) and the actual harm or widespread harm that immediately jeopardizes the health or safety of a resident or residents of the facility, or if the penalty is imposed for a deficiency described in clause (ii)(I).

''(III) LIMITATION ON AGGREGATE REDUCTIONS.—The aggregate reduction in a penalty under clause (iv) may not exceed 35 percent on the basis of self-reporting, on the basis of a waiver of an appeal (as provided for under regulations under section 488.436 of title 42, Code of Federal Regulations), or on the basis of both.

''(vi) COLLECTION OF CIVIL MONEY PENALTIES.—In the case of a civil money penalty imposed under subparagraph (A)(ii), the State—

''(I) subject to subclause (III), shall, not later than 30 days after the date of imposition of the penalty, provide the opportunity for the facility to participate in an independent informal dispute resolution process, established by the State survey agency, which generates a written record prior to the collection of such penalty, but such opportunity shall not affect the responsibility of the State survey agency for making final recommendations for such penalties;

''(II) in the case where the penalty is imposed for each day of noncompliance, shall not impose a penalty for any day during the period beginning on the initial day of the imposition of the penalty and ending on the day on which the informal dispute resolution process under subclause (I) is completed;

''(III) may provide for the collection of such civil money penalty and the placement of such amounts collected in an escrow account under the direction of the State on the earlier of the date on which the informal dispute resolution process under subclause (I) is completed or the date that is 90 days after the date of the imposition of the penalty;

''(IV) may provide that such amounts collected are kept in such account pending the resolution of any subsequent appeals;

''(V) in the case where the facility successfully appeals the penalty, may provide for the return of such amounts collected (plus interest) to the facility; and

''(VI) in the case where all such appeals are unsuccessful, may provide that such funds collected shall be used for the purposes described in the second sentence of subparagraph (A)(ii).''.

(B) CONFORMING AMENDMENT.—The second sentence of section 1919(h)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396r(h)(2)(A)(ii)) is amended by inserting before the period at the end the following: '', and some portion of such funds may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, providing technical assistance to facilities under quality assurance programs, the appointment of temporary management, and other activities approved by the Secretary)''.

(2) PENALTIES IMPOSED BY THE SECRETARY.—

(A) IN GENERAL.—Section 1919(h)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r(h)(3)(C)) is amended to read as follows:

''(ii) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—

''(I) AMOUNT.—Subject to subclause (II), the Secretary may impose a civil money penalty in an amount not to exceed $10,000 for each day or each instance of noncompliance (as determined appropriate by the Secretary).

''(II) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclause (III), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

''(III) PROHIBITION ON REDUCTION FOR REPEAT DEFICIENCIES.—The Secretary may not reduce the amount of a penalty under subclause (II) if the Secretary had reduced a penalty imposed on the facility in the preceding year under such subclause with respect to a repeat deficiency.

''(IV) COLLECTION OF CIVIL MONEY PENALTIES.—In the case of a civil money penalty imposed under this clause, the Secretary—

''(aa) subject to item (bb), shall, not later than 30 days after the date of imposition of the penalty, provide the opportunity for the facility to participate in an independent informal dispute resolution process which generates a written record prior to the collection of such penalty;

''(bb) in the case where the penalty is imposed for each day of noncompliance, shall not impose a penalty for any day during the period beginning on the initial day of the imposition of the penalty and ending on the day on which the informal dispute resolution process under item (aa) is completed;

''(cc) may provide for the collection of such civil money penalty and the placement of such amounts collected in an escrow account under the direction of the Secretary on the earlier of the date on which the informal dispute resolution process under item (aa) is completed or the date that is 90 days after the date of the imposition of the penalty;

''(dd) may provide that such amounts collected are kept in such account pending the resolution of any subsequent appeals;

''(ee) in the case where the facility successfully appeals the penalty, may provide for the return of such amounts collected (plus interest) to the facility; and

''(ff) in the case where all such appeals are unsuccessful, may provide that some portion of such amounts collected may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities under quality assurance programs, the appointment of temporary management, and other activities approved by the Secretary).

''(V) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and except to the extent that such provisions require a hearing prior to the imposition of a civil money penalty) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(B) CONFORMING AMENDMENT.—Section 1919(h)(8) of the Social Security Act (42 U.S.C. 1396r(h)(5)(8)) is amended by inserting ''and in paragraph (3)(C)(ii)'' after ''paragraph (2)(A)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 1422. NATIONAL INDEPENDENT MONITOR PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall establish a pilot program (in this section referred to as the ''pilot program'') to develop, test, and implement use of an independent monitor to oversee interstate and large intrastate chains of skilled nursing facilities and nursing facilities.

(2) SELECTION.—The Secretary shall select chains of skilled nursing facilities and nursing facilities described in paragraph (1) to participate in the pilot program from among those chains that submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) DURATION.—The Secretary shall conduct the pilot program for a two-year period.

(4) IMPLEMENTATION.—The Secretary shall implement the pilot program not later than one year after the date of the enactment of this Act.

(b) REQUIREMENTS.—The Secretary shall evaluate chains selected to participate in the pilot program based on criteria selected by the Secretary, including where evidence suggests that one or more facilities of the chain are experiencing serious safety and quality of care problems. Such criteria may include the evaluation of a chain that includes one or more facilities participating in the ''Special Focus Facility'' program (or a successor program) or one or more facilities with a record of repeated serious safety and quality of care deficiencies.

(c) RESPONSIBILITIES OF THE INDEPENDENT MONITOR.—An independent monitor that enters into a contract with the Secretary to participate in the conduct of such program shall—

(1) conduct periodic reviews and prepare root-cause quality and deficiency analyses of a chain to assess if facilities of the chain are in compliance with State and Federal laws and regulations applicable to the facilities;

(2) undertake sustained oversight of the chain, whether publicly or privately held, to involve the owners of the chain and the principal business partners of such owners in facilitating compliance by facilities of the chain with State and Federal laws and regulations applicable to the facilities;

(3) analyze the management structure, distribution of expenditures, and nurse staffing levels of facilities of the chain in relation to resident census, staff turnover rates, and tenure;

(4) report findings and recommendations with respect to such reviews, analyses, and oversight to the chain and facilities of the chain, to the Secretary and to relevant States; and

(5) publish the results of such reviews, analyses, and oversight.

(d) IMPLEMENTATION OF RECOMMENDATIONS.—

(1) RECEIPT OF FINDING BY CHAIN.—Not later than 10 days after receipt of a finding of an independent monitor under subsection (c)(4), a chain participating in the pilot program shall submit to the independent monitor a report—

(A) outlining corrective actions the chain will take to implement the recommendations in such report; or

(B) indicating that the chain will not implement such recommendations and why it will not do so.

(2) RECEIPT OF REPORT BY INDEPENDENT MONITOR.—Not later than 10 days after the date of receipt of a report submitted by a chain under paragraph (1), an independent monitor shall finalize its recommendations and submit a report to the chain and facilities of the chain, the Secretary, and the State (or States) involved, as appropriate, containing such final recommendations.

(e) COST OF APPOINTMENT.—A chain shall be responsible for a portion of the costs associated with the appointment of independent monitors under the pilot program. The chain shall pay such portion to the Secretary (in an amount and in accordance with procedures established by the Secretary).

(f) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.) as may be necessary for the purpose of carrying out the pilot program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a skilled nursing facility or a nursing facility.

(2) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation.

(4) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395(a)).

(i) EVALUATION AND REPORT.—

(1) EVALUATION.—The Inspector General of the Department of Health and Human Services shall evaluate the pilot program. Such evaluation shall—

(A) determine whether the independent monitor program should be established on a permanent basis; and

(B) if the Inspector General determines that the independent monitor program should be established on a permanent basis, recommend appropriate procedures and mechanisms for such establishment.

(2) REPORT.—Not later than 180 days after the completion of the pilot program, the Inspector General shall submit to Congress and the Secretary a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

SEC. 1423. NOTIFICATION OF FACILITY CLOSURE.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819(c) of the Social Security Act (42 U.S.C. 1395i–3(c)) is amended by adding at the end the following new paragraph:

''(7) NOTIFICATION OF FACILITY CLOSURE.—

''(A) IN GENERAL.—Any individual who is the administrator of a skilled nursing facility must—

''(i) submit to the Secretary, the State long-term care ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, written notification of an impending closure—

''(I) subject to subclause (II), not later than the date that is 60 days prior to the date of such closure; and

''(II) in the case of a facility where the Secretary terminates the facility's participation under this title, not later than the date that the Secretary determines appropriate;

''(ii) ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and

''(iii) include in the notice a plan for the transfer and adequate relocation of the residents of the facility by a specified date prior to closure that has been approved by the State, including assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs and best interests of each resident.

''(B) RELOCATION.—

''(i) IN GENERAL.—The State shall ensure that, before a facility closes, all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting.

''(ii) CONTINUATION OF PAYMENTS UNTIL RESIDENTS RELOCATED.—The Secretary may, as the Secretary determines appropriate, continue to make payments under this title with respect to residents of a facility that has submitted a notification under subparagraph (A) during the period beginning on the date such notification is submitted and ending on the date on which the resident is successfully relocated.''.

(2) CONFORMING AMENDMENTS.—Section 1819(h)(4) of the Social Security Act (42 U.S.C. 1395i–3(h)(4)) is amended—

(A) in the first sentence, by striking ''the Secretary shall terminate'' and inserting ''the Secretary, subject to subsection (c)(7), shall terminate''; and

(B) in the second sentence, by striking ''subsection (c)(2)'' and inserting ''paragraphs (2) and (7) of subsection (c)''.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919(c) of the Social Security Act (42 U.S.C. 1396r(c)) is amended by adding at the end the following new paragraph:

''(9) NOTIFICATION OF FACILITY CLOSURE.—

''(A) IN GENERAL.—Any individual who is an administrator of a nursing facility must—

''(i) submit to the Secretary, the State long-term care ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, written notification of an impending closure—

''(I) subject to subclause (II), not later than the date that is 60 days prior to the date of such closure; and

''(II) in the case of a facility where the Secretary terminates the facility's participation under this title, not later than the date that the Secretary determines appropriate;

''(ii) ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and

''(iii) include in the notice a plan for the transfer and adequate relocation of the residents of the facility by a specified date prior to closure that has been approved by the State, including assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs and best interests of each resident.

''(B) RELOCATION.—

''(i) IN GENERAL.—The State shall ensure that, before a facility closes, all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting.

''(ii) CONTINUATION OF PAYMENTS UNTIL RESIDENTS RELOCATED.—The Secretary may, as the Secretary determines appropriate, continue to make payments under this title with respect to residents of a facility that has submitted a notification under subparagraph (A) during the period beginning on the date such notification is submitted and ending on the date on which the resident is successfully relocated.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

PART 3—IMPROVING STAFF TRAINING

SEC. 1431. DEMENTIA AND ABUSE PREVENTION TRAINING.

(a) SKILLED NURSING FACILITIES.—Section 1819(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i)(I)) is amended by inserting ''(including, in the case of initial training and, if the Secretary determines appropriate, in the case of ongoing training, dementia management training and resident abuse prevention training)'' after ''curriculum''.

(b) NURSING FACILITIES.—Section 1919(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C. 1396r(f)(2)(A)(i)(I)) is amended by inserting ''(including, in the case of initial training and, if the Secretary determines appropriate, in the case of ongoing training, dementia management training and resident abuse prevention training)'' after ''curriculum''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 1432. STUDY AND REPORT ON TRAINING REQUIRED FOR CERTIFIED NURSE AIDES AND SUPERVISORY STAFF.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study on the content of training for certified nurse aides and supervisory staff of skilled nursing facilities and nursing facilities. The study shall include an analysis of the following:

(A) Whether the number of initial training hours for certified nurse aides required under sections 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i)(II); 1396r(f)(2)(A)(i)(II)) should be increased from 75 and, if so, what the required number of initial training hours should be, including any recommendations for the content of such training (including training related to dementia).

(B) Whether requirements for ongoing training under such sections 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II) should be increased from 12 hours per year, including any recommendations for the content of such training.

(2) CONSULTATION.—In conducting the analysis under paragraph (1)(A), the Secretary shall consult with States that, as of the date of the enactment of this Act, require more than 75 hours of training for certified nurse aides.

(3) DEFINITIONS.—In this section:

(A) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation.

(C) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395(a)).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 1433. QUALIFICATION OF DIRECTOR OF FOOD SERVICES OF A SKILLED NURSING FACILITY OR NURSING FACILITY.

(a) MEDICARE.—Section 1819(b)(4)(A) of the Social Security Act (42 U.S.C. 1395i–3(b)(4)(A)) is amended by adding at the end the following: ''With respect to meeting the staffing requirement imposed by the Secretary to carry out clause (iv), the full-time director of food services of the facility, if not a qualified dietitian (as defined in section 483.35(a)(2) of title 42, Code of Federal Regulations, as in effect as of the date of the enactment of this sentence), shall be a Certified Dietary Manager meeting the requirements of the Certifying Board for Dietary Managers, or a Dietetic Technician, Registered meeting the requirements of the Commission on Dietetic Registration or have equivalent military, academic, or other qualifications (as specified by the Secretary).''.

(b) MEDICAID.—Section 1919(b)(4)(A) of the Social Security Act (42 U.S.C. 1396r(b)(4)(A)) is amended by adding at the end the following: ''With respect to meeting the staffing requirement imposed by the Secretary to carry out clause (iv), the full-time director of food services of the facility, if not a qualified dietitian (as defined in section 483.35(a)(2) of title 42, Code of Federal Regulations, as in effect as of the date of the enactment of this sentence), shall be a Certified Dietary Manager meeting the requirements of the Certifying Board for Dietary Managers, or a Dietetic Technician, Registered meeting the requirements of the Commission on Dietetic Registration or have equivalent military, academic, or other qualifications (as specified by the Secretary).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

Subtitle C—Quality Measurements

SEC. 1441. ESTABLISHMENT OF NATIONAL PRIORITIES FOR QUALITY IMPROVEMENT.

Title XI of the Social Security Act, as amended by section 1401(a), is further amended by adding at the end the following new part:

''PART E—QUALITY IMPROVEMENT

''ESTABLISHMENT OF NATIONAL PRIORITIES FOR PERFORMANCE IMPROVEMENT

''SEC. 1191. (a) ESTABLISHMENT OF NATIONAL PRIORITIES BY THE SECRETARY.—The Secretary shall establish and periodically update, not less frequently than triennially, national priorities for performance improvement.

''(b) RECOMMENDATIONS FOR NATIONAL PRIORITIES.—In establishing and updating national priorities under subsection (a), the Secretary shall solicit and consider recommendations from multiple outside stakeholders.

''(c) CONSIDERATIONS IN SETTING NATIONAL PRIORITIES.—With respect to such priorities, the Secretary shall ensure that priority is given to areas in the delivery of health care services in the United States that—

''(1) contribute to a large burden of disease, including those that address the health care provided to patients with prevalent, high-cost chronic diseases;

''(2) have the greatest potential to decrease morbidity and mortality in this country, including those that are designed to eliminate harm to patients;

''(3) have the greatest potential for improving the performance, affordability, and patient-centeredness of health care, including those due to variations in care;

''(4) address health disparities across groups and areas; and

''(5) have the potential for rapid improvement due to existing evidence, standards of care or other reasons.

''(d) DEFINITIONS.—In this part:

''(1) CONSENSUS-BASED ENTITY.—The term 'consensus-based entity' means an entity with a contract with the Secretary under section 1890.

''(2) QUALITY MEASURE.—The term 'quality measure' means a national consensus standard for measuring the performance and improvement of population health, or of institutional providers of services, physicians, and other health care practitioners in the delivery of health care services.

''(e) FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in such proportion as the Secretary determines appropriate), of $2,000,000, for the activities under this section for each of the fiscal years 2010 through 2014.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the provisions of this section, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $2,000,000 for each of the fiscal years 2010 through 2014.''.

SEC. 1442. DEVELOPMENT OF NEW QUALITY MEASURES; GAO EVALUATION OF DATA COLLECTION PROCESS FOR QUALITY MEASUREMENT.

Part E of title XI of the Social Security Act, as added by section 1441, is amended by adding at the end the following new sections:

''SEC. 1192. DEVELOPMENT OF NEW QUALITY MEASURES.

''(a) AGREEMENTS WITH QUALIFIED ENTITIES.—

''(1) IN GENERAL.—The Secretary shall enter into agreements with qualified entities to develop quality measures for the delivery of health care services in the United States.

''(2) FORM OF AGREEMENTS.—The Secretary may carry out paragraph (1) by contract, grant, or otherwise.

''(3) RECOMMENDATIONS OF CONSENSUS-BASED ENTITY.—In carrying out this section, the Secretary shall—

''(A) seek public input; and

''(B) take into consideration recommendations of the consensus-based entity with a contract with the Secretary under section 1890(a).

''(b) DETERMINATION OF AREAS WHERE QUALITY MEASURES ARE REQUIRED.—Consistent with the national priorities established under this part and with the programs administered by the Centers for Medicare & Medicaid Services and in consultation with other relevant Federal agencies, the Secretary shall determine areas in which quality measures for assessing health care services in the United States are needed.

''(c) DEVELOPMENT OF QUALITY MEASURES.—

''(1) PATIENT-CENTERED AND POPULATION-BASED MEASURES.—In entering into agreements under subsection (a), the Secretary shall give priority to the development of quality measures that allow the assessment of—

''(A) health outcomes, presence of impairment, and functional status of patients;

''(B) the continuity and coordination of care and care transitions for patients across providers and health care settings, including end of life care;

''(C) patient experience and patient engagement;

''(D) the safety, effectiveness, and timeliness of care;

''(E) health disparities including those associated with individual race, ethnicity, age, gender, place of residence or language; and

''(F) the efficiency and resource use in the provision of care.

''(2) USE OF FUNDS.—An entity that enters into an agreement under subsection (a) shall develop quality measures that—

''(A) to the extent feasible, have the ability to be collected through the use of health information technologies supporting better delivery of health care services; and

''(B) are available free of charge to users for the use of such measures.

''(3) AVAILABILITY OF MEASURES.—The Secretary shall make quality measures developed under this section available to the public.

''(4) TESTING OF PROPOSED MEASURES.—The Secretary may use amounts made available under subsection (f) to fund the testing of proposed quality measures by qualified entities. Testing funded under this paragraph shall include testing of the feasibility and usability of proposed measures.

''(5) UPDATING OF ENDORSED MEASURES.—The Secretary may use amounts made available under subsection (f) to fund the updating (and testing, if applicable) by consensus-based entities of quality measures that have been previously endorsed by such an entity as new evidence is developed, in a manner consistent with section 1890(b)(3).

''(d) QUALIFIED ENTITIES.—Before entering into agreements with a qualified entity, the Secretary shall ensure that the entity is a public, private, or academic institution with technical expertise in the area of health quality measurement.

''(e) APPLICATION FOR GRANT.—A grant may be made under this section only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(f) FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in such proportion as the Secretary determines appropriate), of $25,000,000, to the Secretary for purposes of carrying out this section for each of the fiscal years 2010 through 2014.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the provisions of this section, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $25,000,000 for each of the fiscal years 2010 through 2014.

''SEC. 1193. GAO EVALUATION OF DATA COLLECTION PROCESS FOR QUALITY MEASUREMENT.

''(a) GAO EVALUATIONS.—The Comptroller General of the United States shall conduct periodic evaluations of the implementation of the data collection processes for quality measures used by the Secretary.

''(b) CONSIDERATIONS.—In carrying out the evaluation under subsection (a), the Comptroller General shall determine—

''(1) whether the system for the collection of data for quality measures provides for validation of data as relevant and scientifically credible;

''(2) whether data collection efforts under the system use the most efficient and cost-effective means in a manner that minimizes administrative burden on persons required to collect data and that adequately protects the privacy of patients' personal health information and provides data security;

''(3) whether standards under the system provide for an appropriate opportunity for physicians and other clinicians and institutional providers of services to review and correct findings; and

''(4) the extent to which quality measures are consistent with section 1192(c)(1) or result in direct or indirect costs to users of such measures.

''(c) REPORT.—The Comptroller General shall submit reports to Congress and to the Secretary containing a description of the findings and conclusions of the results of each such evaluation.''.

SEC. 1443. MULTI-STAKEHOLDER PRE-RULEMAKING INPUT INTO SELECTION OF QUALITY MEASURES.

Section 1808 of the Social Security Act (42 U.S.C. 1395b–9) is amended by adding at the end the following new subsection:

''(d) MULTI-STAKEHOLDER PRE-RULEMAKING INPUT INTO SELECTION OF QUALITY MEASURES.—

''(1) LIST OF MEASURES.—Not later than December 1 before each year (beginning with 2011), the Secretary shall make public a list of measures being considered for selection for quality measurement by the Secretary in rulemaking with respect to payment systems under this title beginning in the payment year beginning in such year and for payment systems beginning in the calendar year following such year, as the case may be.

''(2) CONSULTATION ON SELECTION OF ENDORSED QUALITY MEASURES.—A consensus-based entity that has entered into a contract under section 1890 shall, as part of such contract, convene multi-stakeholder groups to provide recommendations on the selection of individual or composite quality measures, for use in reporting performance information to the public or for use in public health care programs.

''(3) MULTI-STAKEHOLDER INPUT.—Not later than February 1 of each year (beginning with 2011), the consensus-based entity described in paragraph (2) shall transmit to the Secretary the recommendations of multi-stakeholder groups provided under paragraph (2). Such recommendations shall be included in the transmissions the consensus-based entity makes to the Secretary under the contract provided for under section 1890.

''(4) REQUIREMENT FOR TRANSPARENCY IN PROCESS.—

''(A) IN GENERAL.—In convening multi-stakeholder groups under paragraph (2) with respect to the selection of quality measures, the consensus-based entity described in such paragraph shall provide for an open and transparent process for the activities conducted pursuant to such convening.

''(B) SELECTION OF ORGANIZATIONS PARTICIPATING IN MULTI-STAKEHOLDER GROUPS.—The process under paragraph (2) shall ensure that the selection of representatives of multi-stakeholder groups includes provision for public nominations for, and the opportunity for public comment on, such selection.

''(5) USE OF INPUT.—The respective proposed rule shall contain a summary of the recommendations made by the multi-stakeholder groups under paragraph (2), as well as other comments received regarding the proposed measures, and the extent to which such proposed rule follows such recommendations and the rationale for not following such recommendations.

''(6) MULTI-STAKEHOLDER GROUPS.—For purposes of this subsection, the term 'multi-stakeholder groups' means, with respect to a quality measure, a voluntary collaborative of organizations representing persons interested in or affected by the use of such quality measure, such as the following:

''(A) Hospitals and other institutional providers.

''(B) Physicians.

''(C) Health care quality alliances.

''(D) Nurses and other health care practitioners.

''(E) Health plans.

''(F) Patient advocates and consumer groups.

''(G) Employers.

''(H) Public and private purchasers of health care items and services.

''(I) Labor organizations.

''(J) Relevant departments or agencies of the United States.

''(K) Biopharmaceutical companies and manufacturers of medical devices.

''(L) Licensing, credentialing, and accrediting bodies.

''(7) FUNDING.—

''(A) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in such proportion as the Secretary determines appropriate), of $1,000,000, to the Secretary for purposes of carrying out this subsection for each of the fiscal years 2010 through 2014.

''(B) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the provisions of this subsection, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $1,000,000 for each of the fiscal years 2010 through 2014.''.

SEC. 1444. APPLICATION OF QUALITY MEASURES.

(a) INPATIENT HOSPITAL SERVICES.—Section 1886(b)(3)(B) of such Act (42 U.S.C. 1395ww(b)(3)(B)) is amended by adding at the end the following new clause:

''(x)(I) Subject to subclause (II), for purposes of reporting data on quality measures for inpatient hospital services furnished during fiscal year 2012 and each subsequent fiscal year, the quality measures specified under clause (viii) shall be measures selected by the Secretary from measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

''(II) In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical quality measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary. The Secretary shall submit such a non-endorsed measure to the entity for consideration for endorsement. If the entity considers but does not endorse such a measure and if the Secretary does not phase-out use of such measure, the Secretary shall include the rationale for continued use of such a measure in rulemaking.''.

(b) OUTPATIENT HOSPITAL SERVICES.—Section 1833(t)(17) of such Act (42 U.S.C. 1395l(t)(17)) is amended by adding at the end the following new subparagraph:

''(F) USE OF ENDORSED QUALITY MEASURES.—The provisions of clause (x) of section 1886(b)(3)(C) shall apply to quality measures for covered OPD services under this paragraph in the same manner as such provisions

apply to quality measures for inpatient hospital services.''.

(c) PHYSICIANS' SERVICES.—Section 1848(k)(2)(C)(ii) of such Act (42 U.S.C. 1395w–4(k)(2)(C)(ii)) is amended by adding at the end the following: ''The Secretary shall submit such a non-endorsed measure to the entity for consideration for endorsement. If the entity considers but does not endorse such a measure and if the Secretary does not phase-out use of such measure, the Secretary shall include the rationale for continued use of such a measure in rulemaking.''.

(d) RENAL DIALYSIS SERVICES.—Section 1881(h)(2)(B)(ii) of such Act (42 U.S.C. 1395rr(h)(2)(B)(ii)) is amended by adding at the end the following: ''The Secretary shall submit such a non-endorsed measure to the entity for consideration for endorsement. If the entity considers but does not endorse such a measure and if the Secretary does not phase-out use of such measure, the Secretary shall include the rationale for continued use of such a measure in rulemaking.''.

(e) ENDORSEMENT OF STANDARDS.—Section 1890(b)(2) of the Social Security Act (42 U.S.C. 1395aaa(b)(2)) is amended by adding after and below subparagraph (B) the following:

''If the entity does not endorse a measure, such entity shall explain the reasons and provide suggestions about changes to such measure that might make it a potentially endorsable measure.''.

(f) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to quality measures applied for payment years beginning with 2012 or fiscal year 2012, as the case may be.

SEC. 1445. CONSENSUS-BASED ENTITY FUNDING.

Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended by striking ''for each of fiscal years 2009 through 2012'' and inserting ''for fiscal year 2009, and $12,000,000 for each of the fiscal years 2010 through 2012''.

SEC. 1446. QUALITY INDICATORS FOR CARE OF PEOPLE WITH ALZHEIMER'S DISEASE.

(a) QUALITY INDICATORS.—The Secretary of Health and Human Services shall develop quality indicators for the provision of medical services to people with Alzheimer's disease and other dementias and a plan for implementing the indicators to measure the quality of care provided for people with these conditions by physicians, hospitals, and other appropriate providers of services and suppliers.

(b) REPORT.—The Secretary shall submit a report to the Committees on Energy and Commerce and Ways and Means of the United States House of Representatives and to the Committees on Finance and Health, Education, Labor, and Pensions of the United States Senate not later than 24 months after the date of the enactment of this Act setting forth the status of their efforts to implement the requirements of subsection (a).

Subtitle D—Physician Payments Sunshine Provision

SEC. 1451. REPORTS ON FINANCIAL RELATIONSHIPS BETWEEN MANUFACTURERS AND DISTRIBUTORS OF COVERED DRUGS, DEVICES, BIOLOGICALS, OR MEDICAL SUPPLIES UNDER MEDICARE, MEDICAID, OR CHIP AND PHYSICIANS AND OTHER HEALTH CARE ENTITIES AND BETWEEN PHYSICIANS AND OTHER HEALTH CARE ENTITIES.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 1631(a), is further amended by inserting after section 1128G the following new section:

''SEC. 1128H. FINANCIAL REPORTS ON PHYSICIANS' FINANCIAL RELATIONSHIPS WITH MANUFACTURERS AND DISTRIBUTORS OF COVERED DRUGS, DEVICES, BIOLOGICALS, OR MEDICAL SUPPLIES UNDER MEDICARE, MEDICAID, OR CHIP AND WITH ENTITIES THAT BILL FOR SERVICES UNDER MEDICARE.

''(a) REPORTING OF PAYMENTS OR OTHER TRANSFERS OF VALUE.—

''(1) IN GENERAL.—Except as provided in this subsection, not later than March 31, 2011, and annually thereafter, each applicable manufacturer or distributor that provides a payment or other transfer of value to a covered recipient, or to an entity or individual at the request of or designated on behalf of a covered recipient, shall submit to the Secretary, in such electronic form as the Secretary shall require, the following information with respect to the preceding calendar year:

''(A) With respect to the covered recipient, the recipient's name, business address, physician specialty, and national provider identifier.

''(B) With respect to the payment or other transfer of value, other than a drug sample—

''(i) its value and date;

''(ii) the name of the related drug, device, or supply, if available, to the level of specificity available; and

''(iii) a description of its form, indicated (as appropriate for all that apply) as—

''(I) cash or a cash equivalent;

''(II) in-kind items or services;

''(III) stock, a stock option, or any other ownership interest, dividend, profit, or other return on investment; or

''(IV) any other form (as defined by the Secretary).

''(C) With respect to a drug sample, the name, number, date, and dosage units of the sample.

''(2) AGGREGATE REPORTING.—Information submitted by an applicable manufacturer or distributor under paragraph (1) shall include the aggregate amount of all payments or other transfers of value provided by the manufacturer or distributor to covered recipients (and to entities or individuals at the request of or designated on behalf of a covered recipient) during the year involved, including all payments and transfers of value regardless of whether such payments or transfer of value were individually disclosed.

''(3) SPECIAL RULE FOR CERTAIN PAYMENTS OR OTHER TRANSFERS OF VALUE.—In the case where an applicable manufacturer or distributor provides a payment or other transfer of value to an entity or individual at the request of or designated on behalf of a covered recipient, the manufacturer or distributor shall disclose that payment or other transfer of value under the name of the covered recipient.

''(4) DELAYED REPORTING FOR PAYMENTS MADE PURSUANT TO PRODUCT DEVELOPMENT AGREEMENTS.—In the case of a payment or other transfer of value made to a covered recipient by an applicable manufacturer or distributor pursuant to a product development agreement for services furnished in connection with the development of a new drug, device, biological, or medical supply, the applicable manufacturer or distributor may report the value and recipient of such payment or other transfer of value in the first reporting period under this subsection in the next reporting deadline after the earlier of the following:

''(A) The date of the approval or clearance of the covered drug, device, biological, or medical supply by the Food and Drug Administration.

''(B) Two calendar years after the date such payment or other transfer of value was made.

''(5) DELAYED REPORTING FOR PAYMENTS MADE PURSUANT TO CLINICAL INVESTIGATIONS.—In the case of a payment or other transfer of value made to a covered recipient by an applicable manufacturer or distributor in connection with a clinical investigation regarding a new drug, device, biological, or medical supply, the applicable manufacturer or distributor may report as required under this section in the next reporting period under this subsection after the earlier of the following:

''(A) The date that the clinical investigation is registered on the website maintained by the National Institutes of Health pursuant to section 671 of the Food and Drug Administration Amendments Act of 2007.

''(B) Two calendar years after the date such payment or other transfer of value was made.

''(6) CONFIDENTIALITY.—Information described in paragraph (4) or (5) shall be considered confidential and shall not be subject to disclosure under section 552 of title 5, United States Code, or any other similar Federal, State, or local law, until or after the date on which the information is made available to the public under such paragraph.

''(7) PHYSICIANS IN SELF-INSURED HEALTH PLANS.—Nothing in this subsection shall be construed to require the disclosure of a payment or other transfer of value to a physician by a self-insured health plan.

''(b) REPORTING OF OWNERSHIP INTEREST BY PHYSICIANS.—

''(1) HOSPITALS AND OTHER ENTITIES THAT BILL MEDICARE.—Not later than March 31 of each year (beginning with 2011), each hospital or other health care entity (not including a Medicare Advantage organization) that bills the Secretary under part A or part B of title XVIII for services shall report on the ownership shares (other than ownership shares described in section 1877(c)) of each physician who, directly or indirectly, owns an interest in the entity.

''(2) ADDITIONAL PHYSICIAN OWNERSHIP.—Not later than March 31 of each year (beginning with 2011), in addition to the requirement under subsection (a)(1), any applicable manufacturer, applicable group purchasing organization, or applicable distributor shall submit to the Secretary, in such electronic form as the Secretary shall require, the following information regarding any ownership or investment interest (other than an ownership or investment interest in a publicly traded security and mutual fund, as described in section 1877(c)) held by a physician (or an immediate family member of such physician (as defined for purposes of section 1877(a))) in the applicable manufacturer, applicable group purchasing organization or applicable distributor during the preceding year:

''(A) The dollar amount invested by each physician holding such an ownership or investment interest.

''(B) The value and terms of each such ownership or investment interest.

''(C) Any payment or other transfer of value provided to a physician holding such an ownership or investment interest (or to an entity or individual at the request of or designated on behalf of a physician holding such an ownership or investment interest), including the information described in clauses (i) through (iii) of paragraph (a)(1)(B), and information described in subsection (f)(8)(A) and (f)(8)(B).

''(D) Any other information regarding the ownership or investment interest the Secretary determines appropriate.

''(3) DEFINITIONS.—In this subsection:

''(A) PHYSICIAN.—The term 'physician' includes a physician's immediate family members (as defined for purposes of section 1877(a)).

''(B) APPLICABLE GROUP PURCHASING ORGANIZATION.—The term 'applicable group purchasing organization' means any organization or other entity (as defined by the Secretary) that purchases, arranges for, or negotiates the purchase of a covered drug, device, biological, or medical supply.

''(4) STUDY OF PRACTICE PATTERNS IN ADVANCED DIAGNOSTIC IMAGING AND RADIATION ONCOLOGY SERVICES.—The Comptroller General of the United States shall conduct a study to evaluate the extent of use of physician self-referral arrangements and the effects of such arrangements on the cost of providing advanced diagnostic imaging and radiation oncology services to Medicare beneficiaries under title XVIII. The study shall be completed and submitted to Congress not later than July 1, 2011.

''(c) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The Secretary shall establish procedures to ensure that, not later than September 30, 2011, and on June 30 of each year beginning thereafter, the information submitted under subsections (a) and (b), other than information regard drug samples, with respect to the preceding calendar year is made available through an Internet website that—

''(A) is searchable and is in a format that is clear and understandable;

''(B) contains information that is presented by the name of the applicable manufacturer or distributor, the name of the covered recipient, the business address of the covered recipient, the specialty (if applicable) of the covered recipient, the value of the payment or other transfer of value, the date on which the payment or other transfer of value was provided to the covered recipient, the form of the payment or other transfer of value, indicated (as appropriate) under subsection (a)(1)(B)(ii), the nature of the payment or other transfer of value, indicated (as appropriate) under subsection (a)(1)(B)(iii), and the name of the covered drug, device, biological, or medical supply, as applicable;

''(C) contains information that is able to be easily aggregated and downloaded;

''(D) contains a description of any enforcement actions taken to carry out this section, including any penalties imposed under subsection (d), during the preceding year;

''(E) contains background information on industry-physician relationships;

''(F) in the case of information submitted with respect to a payment or other transfer of value described in subsection (a)(5), lists such information separately from the other information submitted under subsection (a) and designates such separately listed information as funding for clinical research;

''(G) contains any other information the Secretary determines would be helpful to the average consumer; and

''(H) provides the covered recipient an opportunity to submit corrections to the information made available to the public with respect to the covered recipient.

''(2) ACCURACY OF REPORTING.—The accuracy of the information that is submitted under subsections (a) and (b) and made available under paragraph (1) shall be the responsibility of the reporting entity reporting under subsection (a) or (b), as applicable. The Secretary shall establish procedures to ensure that the covered recipient is provided with an opportunity to submit corrections to the applicable reporting entity with regard to information made public with respect to the covered recipient and, under such procedures, the corrections shall be transmitted to the Secretary.

''(3) SPECIAL RULE FOR DRUG SAMPLES.—Information relating to drug samples provided under subsection (a) shall not be made available to the public by the Secretary but may be made available outside the Department of Health and Human Services by the Secretary for research or legitimate business purposes pursuant to data use agreements.

''(4) SPECIAL RULE FOR NATIONAL PROVIDER IDENTIFIERS.—Information relating to national provider identifiers provided under subsection (a) shall not be made available to the public by the Secretary but may be made available outside the Department of Health and Human Services by the Secretary for research or legitimate business purposes pursuant to data use agreements.

''(d) PENALTIES FOR NONCOMPLIANCE.—

''(1) FAILURE TO REPORT.—

''(A) IN GENERAL.—Subject to subparagraph (B), except as provided in paragraph (2), any reporting entity that fails to submit information required under subsection (a) or (b), as applicable, in a timely manner in accordance with regulations promulgated to carry out such applicable subsection shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each payment or other transfer of value or ownership or investment interest not reported as required under such subsection. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(B) LIMITATION.—The total amount of civil money penalties imposed under subparagraph (A), with respect to each annual submission of information under subsection (a) by a reporting entity, shall not exceed $150,000.

''(2) KNOWING FAILURE TO REPORT.—

''(A) IN GENERAL.—Subject to subparagraph (B), any reporting entity that knowingly fails to submit information required under subsection (a) or (b), as applicable, in a timely manner in accordance with regulations promulgated to carry out such applicable subsection, shall be subject to a civil money penalty of not less than $10,000, but not more than $100,000, for each payment or other transfer of value or ownership or investment interest not reported as required under such subsection. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(B) LIMITATION.—The total amount of civil money penalties imposed under subparagraph (A) with respect to each annual submission of information under subsection (a) or (b) by an applicable reporting entity shall not exceed $1,000,000, or, if greater, 0.1 percentage of the total annual revenues of the reporting entity.

''(3) USE OF FUNDS.—Funds collected by the Secretary as a result of the imposition of a civil money penalty under this subsection shall be used to carry out this section.

''(4) ENFORCEMENT THROUGH STATE ATTORNEYS GENERAL.—The attorney general of a State, after providing notice to the Secretary of an intent to proceed under this paragraph in a specific case and providing the Secretary with an opportunity to bring an action under this subsection and the Secretary declining such opportunity, may proceed under this subsection against an applicable manufacturer or distributor in the State.

''(e) ANNUAL REPORT TO CONGRESS.—Not later than April 1 of each year beginning with 2011, the Secretary shall submit to Congress a report that includes the following:

''(1) The information submitted under this section during the preceding year, aggregated for each applicable reporting entity that submitted such information during such year.

''(2) A description of any enforcement actions taken to carry out this section, including any penalties imposed under subsection (d), during the preceding year.

''(f) DEFINITIONS.—In this section:

''(1) APPLICABLE DISTRIBUTOR.—The term 'applicable distributor' means—

''(A) any entity, other than an applicable group purchasing organization, that buys and resells, or receives a commission or other similar form of payment, from another seller, for selling or arranging for the sale of a covered drug, device, biological, or medical supply; or

''(B) any entity under common ownership with such an entity described in subparagraph (A) and which provides assistance or support to such entity so described with respect to the production, preparation, propagation, compounding, conversion, processing, marketing, or distribution of a covered drug, device, biological, or medical supply.

Such term does not include a wholesale pharmaceutical distributor.

''(2) APPLICABLE MANUFACTURER.—The term 'applicable manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, processing, marketing, or manufacturer-direct distribution of a covered drug, device, biological, or medical supply (or any entity under common ownership with such entity and which provides assistance or support to such entity with respect to the production, preparation, propagation, compounding, conversion, processing, marketing, or distribution or a covered drug, device, biological, or medical supply). For purposes of this section only, such term does not include a retail pharmacy licensed under State law.

''(3) CLINICAL INVESTIGATION.—The term 'clinical investigation' means any experiment involving one or more human subjects, or materials derived from human subjects, in which a drug or device is administered, dispensed, or used.

''(4) COVERED DRUG, DEVICE, BIOLOGICAL, OR MEDICAL SUPPLY.—The term 'covered' means, with respect to a drug, device, biological, or medical supply, such a drug, device, biological, or medical supply for which payment is available under title XVIII or a State plan under title XIX or XXI (or a waiver of such a plan).

''(5) COVERED RECIPIENT.—The term 'covered recipient' means the following:

''(A) A physician.

''(B) A physician group practice.

''(C) Any other prescriber of a covered drug, device, biological, or medical supply.

''(D) A pharmacy or pharmacist.

''(E) A health insurance issuer, group health plan, or other entity offering a health benefits plan, including any employee of such an issuer, plan, or entity.

''(F) A pharmacy benefit manager, including any employee of such a manager.

''(G) A hospital.

''(H) A medical school.

''(I) A sponsor of a continuing medical education program.

''(J) A patient advocacy or disease specific group.

''(K) A organization of health care professionals.

''(L) A biomedical researcher.

''(M) A group purchasing organization.

''(6) EMPLOYEE.—The term 'employee' has the meaning given such term in section 1877(h)(2).

''(7) KNOWINGLY.—The term 'knowingly' has the meaning given such term in section 3729(b) of title 31, United States Code.

''(8) PAYMENT OR OTHER TRANSFER OF VALUE.—

''(A) IN GENERAL.—The term 'payment or other transfer of value' means a transfer of anything of value for or of any of the following:

''(i) Gift, food, or entertainment.

''(ii) Travel or trip.

''(iii) Honoraria.

''(iv) Research funding or grant.

''(v) Education or conference funding.

''(vi) Consulting fees.

''(vii) Ownership or investment interest and royalties or license fee.

''(B) INCLUSIONS.—Subject to subparagraph (C), the term 'payment or other transfer of value' includes any compensation, gift, honorarium, speaking fee, consulting fee, travel, services, dividend, profit distribution, stock or stock option grant, or any ownership or investment interest held by a physician in a manufacturer (excluding a dividend or other profit distribution from, or ownership or investment interest in, a publicly traded security or mutual fund (as described in section 1877(c))).

''(C) EXCLUSIONS.—The term 'payment or other transfer of value' does not include the following:

''(i) Any payment or other transfer of value provided by an applicable manufacturer or distributor to a covered recipient where the amount transferred to, requested by, or designated on behalf of the covered recipient does not exceed $5.

''(ii) The loan of a covered device for a short-term trial period, not to exceed 90 days, to permit evaluation of the covered device by the covered recipient.

''(iii) Items or services provided under a contractual warranty, including the replacement of a covered device, where the terms of the warranty are set forth in the purchase or lease agreement for the covered device.

''(iv) A transfer of anything of value to a covered recipient when the covered recipient is a patient and not acting in the professional capacity of a covered recipient.

''(v) In-kind items used for the provision of charity care.

''(vi) A dividend or other profit distribution from, or ownership or investment interest in, a publicly traded security and mutual fund (as described in section 1877(c)).

''(vii) Compensation paid by an applicable manufacturer or distributor to a covered recipient who is directly employed by and works solely for such manufacturer or distributor.

''(viii) Payments made to a covered recipient by an applicable manufacturer or by a health plan affiliated with an applicable manufacturer for medical care provided to employees of such manufacturer or their dependents.

''(ix) Any discount (including a rebate).

''(x) Any payment or other transfer of value that is made to a covered recipient indirectly through an entity other than the applicable manufacturer in connection with an activity or service—

''(I) in which the applicable manufacturer is unaware of the identity of the covered recipient and is not using such activity or service to market its product to the covered recipient; and

''(II) that is not designed to market or promote the product to the covered recipient.

''(xi) In the case of an applicable manufacturer who offers a self-insured plan, payments for the provision of health care to employees under the plan.

''(9) PHYSICIAN.—The term 'physician' has the meaning given that term in section 1861(r). For purposes of this section, such term does not include a physician who is an employee of the applicable manufacturer that is required to submit information under subsection (a).

''(10) REPORTING ENTITY.—The term 'reporting entity' means—

''(A) with respect to the reporting requirement under subsection (a), an applicable manufacturer or distributor of a covered drug, device, biological, or medical supply required to report under such subsection; and

''(B) with respect to the reporting requirement under subsection (b), a hospital, other health care entity, applicable manufacturer, applicable distributor, or applicable group purchasing organization required to report physician ownership under such subsection.

''(g) ANNUAL REPORTS TO STATES.—Not later than April 1 of each year beginning with 2011, the Secretary shall submit to States a report that includes a summary of the information submitted under subsections (a), (b), and (e) during the preceding year with respect to covered recipients or other hospitals and entities in the State.

''(h) RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Effective on January 1, 2011, subject to paragraph (2), the provisions of this section shall preempt any law or regulation of a State or of a political subdivision of a State that requires an applicable manufacturer and applicable distributor (as such terms are defined in subsection (f)) to disclose or report, in any format, the type of information (described in subsection (a)) regarding a payment or other transfer of value provided by the manufacturer to a covered recipient (as so defined).

''(2) NO PREEMPTION OF ADDITIONAL REQUIREMENTS.—Paragraph (1) shall not preempt any statute or regulation of a State or political subdivision of a State that requires any of the following:

''(A) The disclosure or reporting of information not of the type required to be disclosed or reported under this section.

''(B) The disclosure or reporting, in any format, of information described in subsection (f)(8)(C), except in the case of information described in clause (i) of subsection (f)(8)(C).

''(C) The disclosure or reporting, in any format, of the type of information by any person or entity other than an applicable manufacturer (as so defined) or a covered recipient (as defined in subsection (f)).

''(D) The disclosure or reporting, in any format, of the type of information required to be disclosed or reported under this section to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes.

Nothing in paragraph (1) shall be construed to limit the discovery or admissibility of information described in this paragraph in a criminal, civil, or administrative proceeding.''.

(b) AVAILABILITY OF INFORMATION FROM THE DISCLOSURE OF FINANCIAL RELATIONSHIP REPORT (DFRR).—The Secretary of Health and Human Services shall submit to Congress a report on the full results of the Disclosure of Physician Financial Relationships surveys required pursuant to section 5006 of the Deficit Reduction Act of 2005. Such report shall be submitted to Congress not later than the date that is 6 months after the date such surveys are collected and shall be made publicly available on an Internet website of the Department of Health and Human Services.

(c) GAO REPORT.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a report on section 1128H of the Social Security Act, as added by subsection (a). Such report shall address the extent to which important transfers of value are being adequately reported under such section (including unreported transfers required by such section as well as transfers not required to be reported by such section), the impact on States of the federal preemption provision under subsection (h) of such section, whether changes have occurred in the pattern of payments as a result of efforts to evade reporting requirements, a description of the financial relationships subject to delayed reporting under subsection (a) of such section, and any recommended improvements to the collection or the analysis of data reported under such section.

Subtitle E—Public Reporting on Health Care-Associated Infections

SEC. 1461. REQUIREMENT FOR PUBLIC REPORTING BY HOSPITALS AND AMBULATORY SURGICAL CENTERS ON HEALTH CARE-ASSOCIATED INFECTIONS.

(a) IN GENERAL.—Title XI of the Social Security Act is amended by inserting after section 1138 the following section:

"SEC. 1138A. REQUIREMENT FOR PUBLIC REPORTING BY HOSPITALS AND AMBULATORY SURGICAL CENTERS ON HEALTH CARE-ASSOCIATED INFECTIONS.

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Secretary shall provide that a hospital (as defined in subsection (g)) or ambulatory surgical center meeting the requirements of titles XVIII or XIX may participate in the programs established under such titles only if, in accordance with this section, the hospital or center reports such information on health care-associated infections that develop in the hospital or center (and such demographic information associated with such infections) as the Secretary specifies.

''(2) REPORTING PROTOCOLS.— Such information shall be reported in accordance with reporting protocols established by the Secretary through the Director of the Centers for Disease Control and Prevention (in this section referred to as the 'CDC') and to the National Healthcare Safety Network of the CDC or under such another reporting system of such Centers as determined appropriate by the Secretary in consultation with such Director.

''(3) COORDINATION WITH HIT.—The Secretary, through the Director of the CDC and the Office of the National Coordinator for Health Information Technology, shall ensure that the transmission of information under this subsection is coordinated with systems established under the HITECH Act, where appropriate.

''(4) PROCEDURES TO ENSURE THE VALIDITY OF INFORMATION.—The Secretary shall establish procedures regarding the validity of the information submitted under this subsection in order to ensure that such information is appropriately compared across hospitals and centers. Such procedures shall address failures to report as well as errors in reporting.

''(5) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this section, the Secretary, through the Director of CDC, shall promulgate regulations to carry out this section.

''(b) PUBLIC POSTING OF INFORMATION.—The Secretary shall promptly post, on the official public Internet site of the Department of Health and Human Services, the information reported under subsection (a). Such information shall be set forth in a manner that allows for the comparison of information on health care-associated infections—

''(1) among hospitals and ambulatory surgical centers; and

''(2) by demographic information.

''(c) ANNUAL REPORT TO CONGRESS.—On an annual basis the Secretary shall submit to the Congress a report that summarizes each of the following:

''(1) The number and types of health care-associated infections reported under subsection (a) in hospitals and ambulatory surgical centers during such year.

''(2) Factors that contribute to the occurrence of such infections, including health care worker immunization rates.

''(3) Based on the most recent information available to the Secretary on the composition of the professional staff of hospitals and ambulatory surgical centers, the number of certified infection control professionals on the staff of hospitals and ambulatory surgical centers.

''(4) The total increases or decreases in health care costs that resulted from increases or decreases in the rates of occurrence of each such type of infection during such year.

''(5) Recommendations, in coordination with the Center for Quality Improvement established under section 931 of the Public Health Service Act, for best practices to eliminate the rates of occurrence of each such type of infection in hospitals and ambulatory surgical centers.

''(d) NON-PREEMPTION OF STATE LAWS.—Nothing in this section shall be construed as preempting or otherwise affecting any provision of State law relating to the disclosure of information on health care-associated infections or patient safety procedures for a hospital or ambulatory surgical center.

''(e) HEALTH CARE-ASSOCIATED INFECTION.—For purposes of this section:

''(1) IN GENERAL.—The term 'health care-associated infection' means an infection that develops in a patient who has received care in any institutional setting where health care is delivered and is related to receiving health care.

''(2) RELATED TO RECEIVING HEALTH CARE.—The term 'related to receiving health care', with respect to an infection, means that the infection was not incubating or present at the time health care was provided.

''(f) APPLICATION TO CRITICAL ACCESS HOSPITALS.—For purposes of this section, the term 'hospital' includes a critical access hospital, as defined in section 1861(mm)(1).''.

(b) EFFECTIVE DATE.—With respect to section 1138A of the Social Security Act (as inserted by subsection (a) of this section), the requirement under such section that hospitals and ambulatory surgical centers submit reports takes effect on such date (not later than 2 years after the date of the enactment of this Act) as the Secretary of Health and Human Services shall specify. In order to meet such deadline, the Secretary may implement such section through guidance or other instructions.

(c) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the program established under section 1138A of the Social Security Act, as inserted by subsection (a). Such report shall include an analysis of the appropriateness of the types of information required for submission, compliance with reporting requirements, the success of the validity procedures established, and any conflict or overlap between the reporting required under such section and any other reporting systems mandated by either the States or the Federal Government.

(d) REPORT ON ADDITIONAL DATA.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the appropriateness of expanding the requirements under such section to include additional information (such as health care worker immunization rates), in order to improve health care quality and patient safety.

TITLE V—MEDICARE GRADUATE MEDICAL EDUCATION

SEC. 1501. DISTRIBUTION OF UNUSED RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (8)'';

(2) in paragraph (4)(H)(i), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (8)'';

(3) in paragraph (7)(E), by inserting ''and paragraph (8)'' after ''this paragraph''; and

(4) by adding at the end the following new paragraph:

''(8) ADDITIONAL REDISTRIBUTION OF UNUSED RESIDENCY POSITIONS.—

''(A) REDUCTIONS IN LIMIT BASED ON UNUSED POSITIONS.—

''(i) PROGRAMS SUBJECT TO REDUCTION.—If a hospital's reference resident level (specified in clause (ii)) is less than the otherwise applicable resident limit (as defined in subparagraph (C)(ii)), effective for portions of cost reporting periods occurring on or after July 1, 2011, the otherwise applicable resident limit shall be reduced by 90 percent of the difference between such otherwise applicable resident limit and such reference resident level.

''(ii) REFERENCE RESIDENT LEVEL.—

''(I) IN GENERAL.—Except as otherwise provided in a subsequent subclause, the reference resident level specified in this clause for a hospital is the highest resident level for any of the 3 most recent cost reporting periods (ending before the date of the enactment of this paragraph) of the hospital for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

''(II) USE OF MOST RECENT ACCOUNTING PERIOD TO RECOGNIZE EXPANSION OF EXISTING PROGRAMS.—If a hospital submits a timely request to increase its resident level due to an expansion, or planned expansion, of an existing residency training program that is not reflected on the most recent settled or submitted cost report, after audit and subject to the discretion of the Secretary, subject to subclause (IV), the reference resident level for such hospital is the resident level that includes the additional residents attributable to such expansion or establishment, as determined by the Secretary. The Secretary is authorized to determine an alternative reference resident level for a hospital that submitted to the Secretary a timely request, before the start of the 2009–2010 academic year, for an increase in its reference resident level due to a planned expansion.

''(III) SPECIAL PROVIDER AGREEMENT.—In the case of a hospital described in paragraph (4)(H)(v), the reference resident level specified in this clause is the limitation applicable under subclause (I) of such paragraph.

''(IV) PREVIOUS REDISTRIBUTION.—The reference resident level specified in this clause for a hospital shall be increased to the extent required to take into account an increase in resident positions made available to the hospital under paragraph (7)(B) that are not otherwise taken into account under a previous subclause.

''(iii) AFFILIATION.—The provisions of clause (i) shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and to the extent the hospitals can demonstrate that they are filling any additional resident slots allocated to other hospitals through an affiliation agreement, the Secretary shall adjust the determination of available slots accordingly, or which the Secretary otherwise has permitted the resident positions (under section 402 of the Social Security Amendments of 1967) to be aggregated for purposes of applying the resident position limitations under this subsection.

''(B) REDISTRIBUTION.—

''(i) IN GENERAL.—The Secretary shall increase the otherwise applicable resident limit for each qualifying hospital that submits an application under this subparagraph by such number as the Secretary may approve for portions of cost reporting periods occurring on or after July 1, 2011. The estimated aggregate number of increases in the otherwise applicable resident limit under this subparagraph may not exceed the Secretary's estimate of the aggregate reduction in such limits attributable to subparagraph (A).

''(ii) REQUIREMENTS FOR QUALIFYING HOSPITALS.—A hospital is not a qualifying hospital for purposes of this paragraph unless the following requirements are met:

''(I) MAINTENANCE OF PRIMARY CARE RESIDENT LEVEL.—The hospital maintains the number of primary care residents at a level that is not less than the base level of primary care residents increased by the number of additional primary care resident positions provided to the hospital under this subparagraph. For purposes of this subparagraph, the 'base level of primary care residents' for a hospital is the level of such residents as of a base period (specified by the Secretary), determined without regard to whether such positions were in excess of the otherwise applicable resident limit for such period but taking into account the application of subclauses (II) and (III) of subparagraph (A)(ii).

''(II) DEDICATED ASSIGNMENT OF ADDITIONAL RESIDENT POSITIONS TO PRIMARY CARE.—The hospital assigns all such additional resident positions for primary care residents.

''(III) ACCREDITATION.—The hospital's residency programs in primary care are fully accredited or, in the case of a residency training program not in operation as of the base year, the hospital is actively applying for such accreditation for the program for such additional resident positions (as determined by the Secretary).

''(iii) CONSIDERATIONS IN REDISTRIBUTION.—In determining for which qualifying hospitals the increase in the otherwise applicable resident limit is provided under this subparagraph, the Secretary shall take into account the demonstrated likelihood of the hospital filling the positions within the first 3 cost reporting periods beginning on or after July 1, 2011, made available under this subparagraph, as determined by the Secretary.

''(iv) PRIORITY FOR CERTAIN HOSPITALS.—In determining for which qualifying hospitals the increase in the otherwise applicable resident limit is provided under this subparagraph, the Secretary shall distribute the increase to qualifying hospitals based on the following criteria:

''(I) The Secretary shall give preference to hospitals that had a reduction in resident training positions under subparagraph (A).

''(II) The Secretary shall give preference to hospitals with 3-year primary care residency training programs, such as family practice and general internal medicine.

''(III) The Secretary shall give preference to hospitals insofar as they have in effect formal arrangements (as determined by the Secretary) that place greater emphasis upon training in Federally qualified health centers, rural health clinics, and other nonprovider settings, and to hospitals that receive additional payments under subsection (d)(5)(F) and emphasize training in an outpatient department.

''(IV) The Secretary shall give preference to hospitals with a number of positions (as of July 1, 2009) in excess of the otherwise applicable resident limit for such period.

''(V) The Secretary shall give preference to hospitals that place greater emphasis upon training in a health professional shortage area (designated under section 332 of the Public Health Service Act) or a health professional needs area (designated under section 2211 of such Act).

''(VI) The Secretary shall give preference to hospitals in States that have low resident-to-population ratios (including a greater preference for those States with lower resident-to-population ratios).

''(v) LIMITATION.—In no case shall more than 20 full-time equivalent additional residency positions be made available under this subparagraph with respect to any hospital.

''(vi) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this subparagraph, the approved FTE resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

''(vii) DISTRIBUTION.—The Secretary shall distribute the increase in resident training positions to qualifying hospitals under this subparagraph not later than July 1, 2011.

''(C) RESIDENT LEVEL AND LIMIT DEFINED.—In this paragraph:

''(i) The term 'resident level' has the meaning given such term in paragraph (7)(C)(i).

''(ii) The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraph (7)(A).

''(D) MAINTENANCE OF PRIMARY CARE RESIDENT LEVEL.—In carrying out this paragraph, the Secretary shall require hospitals that receive additional resident positions under subparagraph (B)—

''(i) to maintain records, and periodically report to the Secretary, on the number of primary care residents in its residency training programs; and

''(ii) as a condition of payment for a cost reporting period under this subsection for such positions, to maintain the level of such positions at not less than the sum of—

''(I) the base level of primary care resident positions (as determined under subparagraph (B)(ii)(I)) before receiving such additional positions; and

''(II) the number of such additional positions.''.

(b) IME.—

(1) IN GENERAL.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the third sentence, is amended—

(A) by striking ''subsection (h)(7)'' and inserting ''subsections (h)(7) and (h)(8)''; and

(B) by striking ''it applies'' and inserting ''they apply''.

(2) CONFORMING PROVISION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following clause:

''(x) For discharges occurring on or after July 1, 2011, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(8)(B), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.''.

(c) CONFORMING AMENDMENT.—Section 422(b)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended by striking ''section 1886(h)(7)'' and all that follows and inserting ''paragraphs (7) and (8) of subsection (h) of section 1886 of the Social Security Act.''.

SEC. 1502. INCREASING TRAINING IN NONPROVIDER SETTINGS.

(a) DIRECT GME.—Section 1886(h)(4)(E) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) by designating the first sentence as a clause (i) with the heading ''IN GENERAL.—'' and appropriate indentation;

(2) by striking ''shall be counted and that all the time'' and inserting ''shall be counted and that—

''(I) effective for cost reporting periods beginning before July 1, 2009, all the time'';

(3) in subclause (I), as inserted by paragraph (1), by striking the period at the end and inserting ''; and''; and

(A) by inserting after subclause (I), as so inserted, the following:

''(II) effective for cost reporting periods beginning on or after July 1, 2009, all the time so spent by a resident shall be counted towards the determination of full-time equivalency, without regard to the setting in which the activities are performed, if the hospital incurs the costs of the stipends and fringe benefits of the resident during the time the resident spends in that setting.

Any hospital claiming under this subparagraph for time spent in a nonprovider setting shall maintain and make available to the Secretary records regarding the amount of such time and such amount in comparison with amounts of such time in such base year as the Secretary shall specify.''.

(b) IME.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended—

(1) by striking ''(iv) Effective for discharges occurring on or after October 1, 1997'' and inserting ''(iv)(I) Effective for discharges occurring on or after October 1, 1997, and before July 1, 2009''; and

(2) by inserting after subclause (I), as inserted by paragraph (1), the following new subclause:

''(II) Effective for discharges occurring on or after July 1, 2009, all the time spent by an intern or resident in patient care activities at an entity in a nonprovider setting shall be counted towards the determination of full-time equivalency if the hospital incurs the costs of the stipends and fringe benefits of the intern or resident during the time the intern or resident spends in that setting.''.

(c) OIG STUDY ON IMPACT ON TRAINING.—The Inspector General of the Department of Health and Human Services shall analyze the data collected by the Secretary of Health and Human Services from the records made available to the Secretary under section 1886(h)(4)(E) of the Social Security Act, as amended by subsection (a), in order to assess the extent to which there is an increase in time spent by medical residents in training in nonprovider settings as a result of the amendments made by this section. Not later than 4 years after the date of the enactment of this Act, the Inspector General shall submit a report to Congress on such analysis and assessment.

(d) DEMONSTRATION PROJECT FOR APPROVED TEACHING HEALTH CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project under which an approved teaching health center (as defined in paragraph (3)) would be eligible for payment under subsections (h) and (k) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) of amounts for its own direct costs of graduate medical education activities for primary care residents, as well as for the direct costs of graduate medical education activities of its contracting hospital for such residents, in a manner similar to the manner in which such payments would be made to a hospital if the hospital were to operate such a program.

(2) CONDITIONS.—Under the demonstration project—

(A) an approved teaching health center shall contract with an accredited teaching hospital to carry out the inpatient responsibilities of the primary care residency program of the hospital involved and is responsible for payment to the hospital for the hospital's costs of the salary and fringe benefits for residents in the program;

(B) the number of primary care residents of the center shall not count against the contracting hospital's resident limit; and

(C) the contracting hospital shall agree not to diminish the number of residents in its primary care residency training program.

(3) APPROVED TEACHING HEALTH CENTER DEFINED.—In this subsection, the term ''approved teaching health center'' means a nonprovider setting, such as a Federally qualified health center or rural health clinic (as defined in section 1861(aa) of the Social Security Act), that develops and operates an accredited primary care residency program for which funding would be available if it were operated by a hospital.

SEC. 1503. RULES FOR COUNTING RESIDENT TIME FOR DIDACTIC AND SCHOLARLY ACTIVITIES AND OTHER ACTIVITIES.

(a) DIRECT GME.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(E), as amended by section 1502(a)—

(A) in clause (i), by striking ''Such rules'' and inserting ''Subject to clause (ii), such rules''; and

(B) by adding at the end the following new clause:

''(ii) TREATMENT OF CERTAIN NONPROVIDER AND DIDACTIC ACTIVITIES.—Such rules shall provide that all time spent by an intern or resident in an approved medical residency training program in a nonprovider setting that is primarily engaged in furnishing patient care (as defined in paragraph (5)(K)) in nonpatient care activities, such as didactic conferences and seminars, but not including research not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Secretary, shall be counted toward the determination of full-time equivalency.'';

(2) in paragraph (4), by adding at the end the following new subparagraph:

''(I) TREATMENT OF CERTAIN TIME IN APPROVED MEDICAL RESIDENCY TRAINING PROGRAMING.—In determining the hospital's number of full-time equivalent residents for purposes of this subsection, all the time that is spent by an intern or resident in an approved medical residency training program on vacation, sick leave, or other approved leave, as such time is defined by the Secretary, and that does not prolong the total time the resident is participating in the approved program beyond the normal duration of the program shall be counted toward the determination of full-time equivalency.''; and

(3) in paragraph (5), by adding at the end the following new subparagraph:

''(K) NONPROVIDER SETTING THAT IS PRIMARILY ENGAGED IN FURNISHING PATIENT CARE.—The term 'nonprovider setting that is primarily engaged in furnishing patient care' means a nonprovider setting in which the primary activity is the care and treatment of patients, as defined by the Secretary.''.

(b) IME DETERMINATIONS.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)), as amended by section 1501(b), is amended by adding at the end the following new clause:

''(xi)(I) The provisions of subparagraph (I) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.

''(II) In determining the hospital's number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in nonpatient care activities, such as didactic conferences and seminars, as such time and activities are defined by the Secretary, that occurs in the hospital shall be counted toward the determination of full-time equivalency if the hospital—

''(aa) is recognized as a subsection (d) hospital;

''(bb) is recognized as a subsection (d) Puerto Rico hospital;

''(cc) is reimbursed under a reimbursement system authorized under section 1814(b)(3); or

''(dd) is a provider-based hospital outpatient department.

''(III) In determining the hospital's number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in research activities that are not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Secretary, shall not be counted toward the determination of full-time equivalency.''.

(c) EFFECTIVE DATES; APPLICATION.—

(1) IN GENERAL.—Except as otherwise provided, the Secretary of Health and Human Services shall implement the amendments made by this section in a manner so as to apply to cost reporting periods beginning on or after January 1, 1983.

(2) DIRECT GME.—Section 1886(h)(4)(E)(ii) of the Social Security Act, as added by subsection (a)(1)(B), shall apply to cost reporting periods beginning on or after July 1, 2008.

(3) IME.—Section 1886(d)(5)(B)(x)(III) of the Social Security Act, as added by subsection (b), shall apply to cost reporting periods beginning on or after October 1, 2001. Such section, as so added, shall not give rise to any inference on how the law in effect prior to such date should be interpreted.

(4) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act or for direct graduate medical education costs under section 1886(h) of such Act.

SEC. 1504. PRESERVATION OF RESIDENT CAP POSITIONS FROM CLOSED HOSPITALS.

(a) DIRECT GME.—Section 1886(h)(4)(H) of the Social Security Act (42 U.S.C. Section 1395ww(h)(4)(H)) is amended by adding at the end the following new clause:

''(vi) REDISTRIBUTION OF RESIDENCY SLOTS AFTER A HOSPITAL CLOSES.—

''(I) IN GENERAL.—The Secretary shall, by regulation, establish a process consistent with subclauses (II) and (III) under which, in the case where a hospital (other than a hospital described in clause (v)) with an approved medical residency program in a State closes on or after the date that is 2 years before the date of the enactment of this clause, the Secretary shall increase the otherwise applicable resident limit under this paragraph for other hospitals in the State in accordance with this clause.

''(II) PROCESS FOR HOSPITALS IN CERTAIN AREAS.—In determining for which hospitals the increase in the otherwise applicable resident limit described in subclause (I) is provided, the Secretary shall establish a process to provide for such increase to one or more hospitals located in the State. Such process shall take into consideration the recommendations submitted to the Secretary by the senior health official (as designated by the chief executive officer of such State) if such recommendations are submitted not later than 180 days after the date of the hospital closure involved (or, in the case of a hospital that closed after the date that is 2 years before the date of the enactment of this clause, 180 days after such date of enactment).

''(III) LIMITATION.—The estimated aggregate number of increases in the otherwise applicable resident limits for hospitals under this clause shall be equal to the estimated number of resident positions in the approved medical residency programs that closed on or after the date described in subclause (I).''.

(b) NO EFFECT ON TEMPORARY FTE CAP ADJUSTMENTS.—The amendments made by this section shall not effect any temporary adjustment to a hospital's FTE cap under section 413.79(h) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act) and shall not affect the application of section 1886(h)(4)(H)(v) of the Social Security Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 422(b)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), as amended by section 1501(c), is amended by striking ''(7) and'' and inserting ''(4)(H)(vi), (7), and''.

(2) Section 1886(h)(7)(E) of the Social Security Act (42 U.S.C. 1395ww(h)(7)(E)) is amended by inserting ''or under paragraph (4)(H)(vi)'' after ''under this paragraph''.

SEC. 1505. IMPROVING ACCOUNTABILITY FOR APPROVED MEDICAL RESIDENCY TRAINING.

(a) SPECIFICATION OF GOALS FOR APPROVED MEDICAL RESIDENCY TRAINING PROGRAMS.—Section 1886(h)(1) of the Social Security Act (42 U.S.C. 1395ww(h)(1)) is amended—

(1) by designating the matter beginning with ''Notwithstanding'' as a subparagraph (A) with the heading ''IN GENERAL.—'' and with appropriate indentation; and

(2) by adding at the end the following new subparagraph:

''(B) GOALS AND ACCOUNTABILITY FOR APPROVED MEDICAL RESIDENCY TRAINING PROGRAMS.—The goals of medical residency training programs are to foster a physician workforce so that physicians are trained to be able to do the following:

''(i) Work effectively in various health care delivery settings, such as nonprovider settings.

''(ii) Coordinate patient care within and across settings relevant to their specialties.

''(iii) Understand the relevant cost and value of various diagnostic and treatment options.

''(iv) Work in inter-professional teams and multi-disciplinary team-based models in provider and nonprovider settings to enhance safety and improve quality of patient care.

''(v) Be knowledgeable in methods of identifying systematic errors in health care delivery and in implementing systematic solutions in case of such errors, including experience and participation in continuous quality improvement projects to improve health outcomes of the population the physicians serve.

''(vi) Be meaningful EHR users (as determined under section 1848(o)(2)) in the delivery of care and in improving the quality of the health of the community and the individuals that the hospital serves.''

(b) GAO STUDY ON EVALUATION OF TRAINING PROGRAMS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate the extent to which medical residency training programs—

(A) are meeting the goals described in section 1886(h)(1)(B) of the Social Security Act, as added by subsection (a), in a range of residency programs, including primary care and other specialties; and

(B) have the appropriate faculty expertise to teach the topics required to achieve such goals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on such study and shall include in such report recommendations as to how medical residency training programs could be further encouraged to meet such goals through means such as—

(A) development of curriculum requirements; and

(B) assessment of the accreditation processes of the Accreditation Council for Graduate Medical Education and the American Osteopathic Association and effectiveness of those processes in accrediting medical residency programs that meet the goals referred to in paragraph (1)(A).

TITLE VI—PROGRAM INTEGRITY

Subtitle A—Increased Funding to Fight Waste, Fraud, and Abuse

SEC. 1601. INCREASED FUNDING AND FLEXIBILITY TO FIGHT FRAUD AND ABUSE.

(a) IN GENERAL.—Section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)) is amended—

(1) by adding at the end the following new paragraph:

''(7) ADDITIONAL FUNDING.—In addition to the funds otherwise appropriated to the Account from the Trust Fund under paragraphs (3) and (4) and for purposes described in paragraphs (3)(C) and (4)(A), there are hereby appropriated an additional $100,000,000 to such Account from such Trust Fund for each fiscal year beginning with 2011. The funds appropriated under this paragraph shall be allocated in the same proportion as the total funding appropriated with respect to paragraphs (3)(A) and (4)(A) was allocated with respect to fiscal year 2010, and shall be available without further appropriation until expended.''.

(2) in paragraph (4)(A)—

(A) by inserting ''for activities described in paragraph (3)(C) and'' after ''necessary''; and

(B) by inserting ''until expended'' after ''appropriation''.

(b) FLEXIBILITY IN PURSUING FRAUD AND ABUSE.—Section 1893(a) of the Social Security Act (42 U.S.C. 1395ddd(a)) is amended by inserting '', or otherwise,'' after ''entities''.

Subtitle B—Enhanced Penalties for Fraud and Abuse

SEC. 1611. ENHANCED PENALTIES FOR FALSE STATEMENTS ON PROVIDER OR SUPPLIER ENROLLMENT APPLICATIONS.

(a) IN GENERAL.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(1) in paragraph (1)(D), by striking all that follows ''in which the person was excluded'' and inserting ''under Federal law from the Federal health care program under which the claim was made, or'';

(2) by striking ''or'' at the end of paragraph (6);

(3) in paragraph (7), by inserting at the end ''or'';

(4) by inserting after paragraph (7) the following new paragraph:

''(8) knowingly makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, agreement, bid, or contract to participate or enroll as a provider of services or supplier under a Federal health care program, including managed care organizations under title XIX, Medicare Advantage organizations under part C of title XVIII, prescription drug plan sponsors under part D of title XVIII, and entities that apply to participate as providers of services or suppliers in such managed care organizations and such plans;'';

(5) in the matter following paragraph (8), as inserted by paragraph (4), by striking ''or in cases under paragraph (7), $50,000 for each such act)'' and inserting ''in cases under paragraph (7), $50,000 for each such act, or in cases under paragraph (8), $50,000 for each false statement, omission, or misrepresentation of a material fact)''; and

(6) in the second sentence, by striking ''for a lawful purpose)'' and inserting ''for a lawful purpose, or in cases under paragraph (8), an assessment of not more than 3 times the amount claimed as the result of the false statement, omission, or misrepresentation of

material fact claimed by a provider of services or supplier whose application to participate contained such false statement, omission, or misrepresentation)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acts committed on or after January 1, 2010.

SEC. 1612. ENHANCED PENALTIES FOR SUBMISSION OF FALSE STATEMENTS MATERIAL TO A FALSE CLAIM.

(a) IN GENERAL.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by section 1611, is further amended—

(1) in paragraph (7), by striking ''or'' at the end;

(2) in paragraph (8), by inserting ''or'' at the end; and

(3) by inserting after paragraph (8), the following new paragraph:

''(9) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim for payment for items and services furnished under a Federal health care program;''; and

(4) in the matter following paragraph (9), as inserted by paragraph (3)—

(A) by striking ''or in cases under paragraph (8)'' and inserting ''in cases under paragraph (8)''; and

(B) by striking ''a material fact)'' and inserting ''a material fact, in cases under paragraph (9), $50,000 for each false record or statement)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acts committed on or after January 1, 2010.

SEC. 1613. ENHANCED PENALTIES FOR DELAYING INSPECTIONS.

(a) IN GENERAL.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by sections 1611 and 1612, is further amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by inserting ''or'' at the end;

(3) by inserting after paragraph (9) the following new paragraph:

''(10) fails to grant timely access, upon reasonable request (as defined by the Secretary in regulations), to the Inspector General of the Department of Health and Human Services, for the purpose of audits, investigations, evaluations, or other statutory functions of the Inspector General of the Department of Health and Human Services;''; and

(4) in the matter following paragraph (10), as inserted by paragraph (3), by inserting '', or in cases under paragraph (10), $15,000 for each day of the failure described in such paragraph'' after ''false record or statement''.

(b) ENSURING TIMELY INSPECTIONS RELATING TO CONTRACTS WITH MA ORGANIZATIONS.—Section 1857(d)(2) of such Act (42 U.S.C. 1395w–27(d)(2)) is amended—

(1) in subparagraph (A), by inserting ''timely'' before ''inspect''; and

(2) in subparagraph (B), by inserting ''timely'' before ''audit and inspect''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations committed on or after January 1, 2010.

SEC. 1614. ENHANCED HOSPICE PROGRAM SAFEGUARDS.

(a) MEDICARE.—Part A of title XVIII of the Social Security Act is amended by inserting after section 1819 the following new section:

''SEC. 1819A. ASSURING QUALITY OF CARE IN HOSPICE CARE.

''(a) IN GENERAL.—If the Secretary determines on the basis of a survey or otherwise, that a hospice program that is certified for participation under this title has demonstrated a substandard quality of care and failed to meet such other requirements as the Secretary may find necessary in the interest of the health and safety of the individuals who are provided care and services by the agency or organization involved and determines—

''(1) that the deficiencies involved immediately jeopardize the health and safety of the individuals to whom the program furnishes items and services, the Secretary shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in subsection (b)(2)(A)(iii) or terminate the certification of the program, and may provide, in addition, for 1 or more of the other remedies described in subsection (b)(2)(A); or

''(2) that the deficiencies involved do not immediately jeopardize the health and safety of the individuals to whom the program furnishes items and services, the Secretary may—

''(A) impose intermediate sanctions developed pursuant to subsection (b), in lieu of terminating the certification of the program; and

''(B) if, after such a period of intermediate sanctions, the program is still not in compliance with such requirements, the Secretary shall terminate the certification of the program.

If the Secretary determines that a hospice program that is certified for participation under this title is in compliance with such requirements but, as of a previous period, was not in compliance with such requirements, the Secretary may provide for a civil money penalty under subsection (b)(2)(A)(i) for the days in which it finds that the program was not in compliance with such requirements.

''(b) INTERMEDIATE SANCTIONS.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement, by not later than July 1, 2012—

''(A) a range of intermediate sanctions to apply to hospice programs under the conditions described in subsection (a), and

''(B) appropriate procedures for appealing determinations relating to the imposition of such sanctions.

''(2) SPECIFIED SANCTIONS.—

''(A) IN GENERAL.—The intermediate sanctions developed under paragraph (1) may include—

''(i) civil money penalties in an amount not to exceed $10,000 for each day of noncompliance or, in the case of a per instance penalty applied by the Secretary, not to exceed $25,000,

''(ii) denial of all or part of the payments to which a hospice program would otherwise be entitled under this title with respect to items and services furnished by a hospice program on or after the date on which the Secretary determines that intermediate sanctions should be imposed pursuant to subsection (a)(2),

''(iii) the appointment of temporary management to oversee the operation of the hospice program and to protect and assure the health and safety of the individuals under the care of the program while improvements are made,

''(iv) corrective action plans, and

''(v) in-service training for staff.

The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under clause (i) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The temporary management under clause (iii) shall not be terminated until the Secretary has determined that the program has the management capability to ensure continued compliance with all requirements referred to in that clause.

''(B) CLARIFICATION.—The sanctions specified in subparagraph (A) are in addition to sanctions otherwise available under State or Federal law and shall not be construed as limiting other remedies, including any remedy available to an individual at common law.

''(C) COMMENCEMENT OF PAYMENT.—A denial of payment under subparagraph (A)(ii) shall terminate when the Secretary determines that the hospice program no longer demonstrates a substandard quality of care and meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the individuals who are provided care and services by the agency or organization involved.

''(3) SECRETARIAL AUTHORITY.—The Secretary shall develop and implement, by not later than July 1, 2011, specific procedures with respect to the conditions under which each of the intermediate sanctions developed under paragraph (1) is to be applied, including the amount of any fines and the severity of each of these sanctions. Such procedures shall be designed so as to minimize the time between identification of deficiencies and imposition of these sanctions and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.''.

(b) APPLICATION TO MEDICAID.—Section 1905(o) of the Social Security Act (42 U.S.C. 1396d(o)) is amended by adding at the end the following new paragraph:

''(4) The provisions of section 1819A shall apply to a hospice program providing hospice care under this title in the same manner as such provisions apply to a hospice program providing hospice care under title XVIII.''.

(c) APPLICATION TO CHIP.—Title XXI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 2114. ASSURING QUALITY OF CARE IN HOSPICE CARE.

''The provisions of section 1819A shall apply to a hospice program providing hospice care under this title in the same manner such provisions apply to a hospice program providing hospice care under title XVIII.''.

SEC. 1615. ENHANCED PENALTIES FOR INDIVIDUALS EXCLUDED FROM PROGRAM PARTICIPATION.

(a) IN GENERAL.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by the previous sections, is further amended—

(1) by striking ''or'' at the end of paragraph (9);

(2) by inserting ''or'' at the end of paragraph (10);

(3) by inserting after paragraph (10) the following new paragraph:

''(11) orders or prescribes an item or service, including without limitation home health care, diagnostic and clinical lab tests, prescription drugs, durable medical equipment, ambulance services, physical or occupational therapy, or any other item or service, during a period when the person has been excluded from participation in a Federal health care program, and the person knows or should know that a claim for such item or service will be presented to such a program;''; and

(4) in the matter following paragraph (11), as inserted by paragraph (2), by striking ''$15,000 for each day of the failure described in such paragraph'' and inserting ''$15,000 for each day of the failure described in such paragraph, or in cases under paragraph (11), $50,000 for each order or prescription for an item or service by an excluded individual''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations committed on or after January 1, 2010.

SEC. 1616. ENHANCED PENALTIES FOR PROVISION OF FALSE INFORMATION BY MEDICARE ADVANTAGE AND PART D PLANS.

(a) IN GENERAL.—Section 1857(g)(2)(A) of the Social Security Act (42 U.S.C. 1395w—

27(g)(2)(A)) is amended by inserting ''except with respect to a determination under subparagraph (E), an assessment of not more than 3 times the amount claimed by such plan or plan sponsor based upon the misrepresentation or falsified information involved,'' after ''for each such determination,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to violations committed on or after January 1, 2010.

SEC. 1617. ENHANCED PENALTIES FOR MEDICARE ADVANTAGE AND PART D MARKETING VIOLATIONS.

(a) IN GENERAL.—Section 1857(g)(1) of the Social Security Act (42 U.S.C. 1395w—27(g)(1)), as amended by section 1221(b), is amended—

(1) in subparagraph (G), by striking ''or'' at the end;

(2) by inserting after subparagraph (H) the following new subparagraphs:

''(I) except as provided under subparagraph (C) or (D) of section 1860D–1(b)(1), enrolls an individual in any plan under this part without the prior consent of the individual or the designee of the individual;

''(J) transfers an individual enrolled under this part from one plan to another without the prior consent of the individual or the designee of the individual or solely for the purpose of earning a commission;

''(K) fails to comply with marketing restrictions described in subsections (h) and (j) of section 1851 or applicable implementing regulations or guidance; or

''(L) employs or contracts with any individual or entity who engages in the conduct described in subparagraphs (A) through (K) of this paragraph;''; and

(3) by adding at the end the following new sentence: ''The Secretary may provide, in addition to any other remedies authorized by law, for any of the remedies described in paragraph (2), if the Secretary determines that any employee or agent of such organization, or any provider or supplier who contracts with such organization, has engaged in any conduct described in subparagraphs (A) through (L) of this paragraph.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations committed on or after January 1, 2010.

SEC. 1618. ENHANCED PENALTIES FOR OBSTRUCTION OF PROGRAM AUDITS.

(a) IN GENERAL.—Section 1128(b)(2) of the Social Security Act (42 U.S.C. 1320a–7(b)(2)) is amended—

(1) in the heading, by inserting ''OR AUDIT'' after ''INVESTIGATION''; and

(2) by striking ''investigation into'' and all that follows through the period and inserting ''investigation or audit related to—''

''(i) any offense described in paragraph (1) or in subsection (a); or

''(ii) the use of funds received, directly or indirectly, from any Federal health care program (as defined in section 1128B(f)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations committed on or after January 1, 2010.

SEC. 1619. EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) IN GENERAL.—Section 1128(c) of the Social Security Act, as previously amended by this division, is further amended—

(1) in the heading, by striking ''AND PERIOD'' and inserting ''PERIOD, AND EFFECT''; and

(2) by adding at the end the following new paragraph:

''(4)(A) For purposes of this Act, subject to subparagraph (C), the effect of exclusion is that no payment may be made by any Federal health care program (as defined in section 1128B(f)) with respect to any item or service furnished—

''(i) by an excluded individual or entity; or

''(ii) at the medical direction or on the prescription of a physician or other authorized individual when the person submitting a claim for such item or service knew or had reason to know of the exclusion of such individual.

''(B) For purposes of this section and sections 1128A and 1128B, subject to subparagraph (C), an item or service has been furnished by an individual or entity if the individual or entity directly or indirectly provided, ordered, manufactured, distributed, prescribed, or otherwise supplied the item or service regardless of how the item or service was paid for by a Federal health care program or to whom such payment was made.

''(C)(i) Payment may be made under a Federal health care program for emergency items or services (not including items or services furnished in an emergency room of a hospital) furnished by an excluded individual or entity, or at the medical direction or on the prescription of an excluded physician or other authorized individual during the period of such individual's exclusion.

''(ii) In the case that an individual eligible for benefits under title XVIII or XIX submits a claim for payment for items or services furnished by an excluded individual or entity, and such individual eligible for such benefits did not know or have reason to know that such excluded individual or entity was so excluded, then, notwithstanding such exclusion, payment shall be made for such items or services. In such case the Secretary shall notify such individual eligible for such benefits of the exclusion of the individual or entity furnishing the items or services. Payment shall not be made for items or services furnished by an excluded individual or entity to an individual eligible for such benefits after a reasonable time (as determined by the Secretary in regulations) after the Secretary has notified the individual eligible for such benefits of the exclusion of the individual or entity furnishing the items or services.

''(iii) In the case that a claim for payment for items or services furnished by an excluded individual or entity is submitted by an individual or entity other than an individual eligible for benefits under title XVIII or XIX or the excluded individual or entity, and the Secretary determines that the individual or entity that submitted the claim took reasonable steps to learn of the exclusion and reasonably relied upon inaccurate or misleading information from the relevant Federal health care program or its contractor, the Secretary may waive repayment of the amount paid in violation of the exclusion to the individual or entity that submitted the claim for the items or services furnished by the excluded individual or entity. If a Federal health care program contractor provided inaccurate or misleading information that resulted in the waiver of an overpayment under this clause, the Secretary shall take appropriate action to recover the improperly paid amount from the contractor.''.

SEC. 1620. OIG AUTHORITY TO EXCLUDE FROM FEDERAL HEALTH CARE PROGRAMS OFFICERS AND OWNERS OF ENTITIES CONVICTED OF FRAUD.

Section 1128(b)(15)(A) of the Social Security Act (42 U.S.C. 1320a–7(b)(15)(A)) is amended—

(1) in clause (i)—

(A) by striking ''has'' and inserting ''had''; and

(B) by striking ''sanctioned entity and who knows or should know (as defined in section 1128A(i)(6)) of'' and inserting ''sanctioned entity at the time of, and who knew or should have known (as defined in section 1128A(i)(6)) of,'' ; and

(2) in clause (ii)—

(A) by striking ''is an officer'' and inserting ''was an officer''; and

(B) by inserting before the period the following: ''at the time of the action constituting the basis for the conviction or exclusion described in subparagraph (B)''.

SEC. 1621. SELF-REFERRAL DISCLOSURE PROTOCOL.

(a) DEVELOPMENT OF SELF-REFERRAL DISCLOSURE PROTOCOL.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in cooperation with the Inspector General of the Department of Health and Human Services, shall establish, not later than 6 months after the date of the enactment of this Act, a protocol to enable health care providers of services and suppliers to disclose an actual or potential violation of section 1877 of the Social Security Act (42 U.S.C. 1395nn) pursuant to a self-referral disclosure protocol (in this section referred to as an ''SRDP''). The SRDP shall include direction to health care providers of services and suppliers on—

(A) a specific person, official, or office to whom such disclosures shall be made; and

(B) instruction on the implication of the SRDP on corporate integrity agreements and corporate compliance agreements.

(2) PUBLICATION ON INTERNET WEBSITE OF SRDP INFORMATION.—The Secretary shall post information on the public Internet website of the Centers for Medicare & Medicaid Services to inform relevant stakeholders of how to disclose actual or potential violations pursuant to an SRDP.

(3) RELATION TO ADVISORY OPINIONS.—The SRDP shall be separate from the advisory opinion process set forth in regulations implementing section 1877(g) of the Social Security Act.

(b) REDUCTION IN AMOUNTS OWED.—The Secretary is authorized to reduce the amount due and owing for all violations under section 1877 of the Social Security Act to an amount less than that specified in subsection (g) of such section. In establishing such amount for a violation, the Secretary may consider the following factors:

(1) The nature and extent of the improper or illegal practice.

(2) The timeliness of such self-disclosure.

(3) The cooperation in providing additional information related to the disclosure.

(4) Such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 18 months after the date on which the SRDP protocol is established under subsection (a)(1), the Secretary shall submit to Congress a report on the implementation of this section. Such report shall include—

(1) the number of health care providers of services and suppliers making disclosures pursuant to an SRDP;

(2) the amounts collected pursuant to the SRDP;

(3) the types of violations reported under the SRDP; and

(4) such other information as may be necessary to evaluate the impact of this section.

(d) RELATION TO OTHER LAW AND REGULATION.—Nothing in this section shall affect the application of section 1128G(c) of the Social Security Act, as added by section 1641, except, in the case of a health care provider of services or supplier who is a person (as defined in paragraph (4) of such section 1128G(c)) who discloses an overpayment (as defined in such paragraph) to the Secretary of Health and Human Services pursuant to a SRDP established under this section, the 60-day period described in paragraph (2) of such section 1128G(c) shall be extended with respect to the return of an overpayment to the extent necessary for the Secretary to determine pursuant to the SRDP the amount due and owing.

Subtitle C—Enhanced Program and Provider Protections

SEC. 1631. ENHANCED CMS PROGRAM PROTECTION AUTHORITY.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128F the following new section:

"SEC. 1128G. ENHANCED PROGRAM AND PROVIDER PROTECTIONS IN THE MEDICARE, MEDICAID, AND CHIP PROGRAMS.

''(a) CERTAIN AUTHORIZED SCREENING, ENHANCED OVERSIGHT PERIODS, AND ENROLLMENT MORATORIA.—

''(1) IN GENERAL.—For periods beginning after January 1, 2011, in the case that the Secretary determines there is a significant risk of fraudulent activity (as determined by the Secretary based on relevant complaints, reports, referrals by law enforcement or other sources, data analysis, trending information, or claims submissions by providers of services and suppliers) with respect to a category of provider of services or supplier of items or services, including a category within a geographic area, under title XVIII, XIX, or XXI, the Secretary may impose any of the following requirements with respect to a provider of services or a supplier (whether such provider or supplier is initially enrolling in the program or is renewing such enrollment):

''(A) Screening under paragraph (2).

''(B) Enhanced oversight periods under paragraph (3).

''(C) Enrollment moratoria under paragraph (4).

In applying this subsection for purposes of title XIX and XXI the Secretary may require a State to carry out the provisions of this subsection as a requirement of the State plan under title XIX or the child health plan under title XXI. Actions taken and determinations made under this subsection shall not be subject to review by a judicial tribunal.

''(2) SCREENING.—For purposes of paragraph (1), the Secretary shall establish procedures under which screening is conducted with respect to providers of services and suppliers described in such paragraph. Such screening may include—

''(A) licensing board checks;

''(B) screening against the list of individuals and entities excluded from the program under title XVIII, XIX, or XXI;

''(C) the excluded provider list system;

''(D) background checks; and

''(E) unannounced pre-enrollment or other site visits.

''(3) ENHANCED OVERSIGHT PERIOD.—For purposes of paragraph (1), the Secretary shall establish procedures to provide for a period of not less than 30 days and not more than 365 days during which providers of services and suppliers described in such paragraph, as the Secretary determines appropriate, would be subject to enhanced oversight, such as required or unannounced (or required and unannounced) site visits or inspections, prepayment review, enhanced review of claims, and such other actions as specified by the Secretary, under the programs under titles XVIII, XIX, and XXI. Under such procedures, the Secretary may extend such period for more than 365 days if the Secretary determines that after the initial period such additional period of oversight is necessary.

''(4) MORATORIUM ON ENROLLMENT OF PROVIDERS AND SUPPLIERS.—For purposes of paragraph (1), the Secretary, based upon a finding of a risk of serious ongoing fraud within a program under title XVIII, XIX, or XXI, may impose a moratorium on the enrollment of providers of services and suppliers within a category of providers of services and suppliers (including a category within a specific geographic area) under such title. Such a moratorium may only be imposed if the Secretary makes a determination that the moratorium would not adversely impact access of individuals to care under such program.

''(5) 90-DAY PERIOD OF ENHANCED OVERSIGHT FOR INITIAL CLAIMS OF DME SUPPLIERS.—For periods beginning after January 1, 2011, if the Secretary determines under paragraph (1) that there is a significant risk of fraudulent activity among suppliers of durable medical equipment, in the case of a supplier of durable medical equipment who is within a category or geographic area under title XVIII identified pursuant to such determination and who is initially enrolling under such title, the Secretary shall, notwithstanding section 1842(c)(2), withhold payment under such title with respect to durable medical equipment furnished by such supplier during the 90-day period beginning on the date of the first submission of a claim under such title for durable medical equipment furnished by such supplier.

''(6) CLARIFICATION.—Nothing in this subsection shall be interpreted to preclude or limit the ability of a State to engage in provider screening or enhanced provider oversight activities beyond those required by the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (23), by inserting before the semicolon at the end the following: ''or by a person to whom or entity to which a moratorium under section 1128G(a)(4) is applied during the period of such moratorium'';

(B) in paragraph (72); by striking at the end ''and'';

(C) in paragraph (73), by striking the period at the end and inserting ''; and''; and

(D) by adding after paragraph (73) the following new paragraph:

''(74) provide that the State will enforce any determination made by the Secretary under subsection (a) of section 1128G (relating to a significant risk of fraudulent activity with respect to a category of provider or supplier described in such subsection (a) through use of the appropriate procedures described in such subsection (a)), and that the State will carry out any activities as required by the Secretary for purposes of such subsection (a).''.

(2) CHIP.—Section 2102 of such Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

''(d) PROGRAM INTEGRITY.—A State child health plan shall include a description of the procedures to be used by the State—

''(1) to enforce any determination made by the Secretary under subsection (a) of section 1128G (relating to a significant risk of fraudulent activity with respect to a category of provider or supplier described in such subsection through use of the appropriate procedures described in such subsection); and

''(2) to carry out any activities as required by the Secretary for purposes of such subsection.''.

(3) MEDICARE.—Section 1866(j) of such Act (42 U.S.C. 1395cc(j)) is amended by adding at the end the following new paragraph:

''(3) PROGRAM INTEGRITY.—The provisions of section 1128G(a) apply to enrollments and renewals of enrollments of providers of services and suppliers under this title.''.

SEC. 1632. ENHANCED MEDICARE, MEDICAID, AND CHIP PROGRAM DISCLOSURE REQUIREMENTS RELATING TO PREVIOUS AFFILIATIONS.

(a) IN GENERAL.—Section 1128G of the Social Security Act, as inserted by section 1631, is amended by adding at the end the following new subsection:

''(b) ENHANCED PROGRAM DISCLOSURE REQUIREMENTS.—

''(1) DISCLOSURE.—A provider of services or supplier who submits on or after July 1, 2011, an application for enrollment and renewing enrollment in a program under title XVIII, XIX, or XXI shall disclose (in a form and manner determined by the Secretary) any current affiliation or affiliation within the previous 10-year period with a provider of services or supplier that has uncollected debt or with a person or entity that has been suspended or excluded under such program, subject to a payment suspension, or has had its billing privileges revoked.

''(2) ENHANCED SAFEGUARDS.—If the Secretary determines that such previous affiliation of such provider or supplier poses a risk of fraud, waste, or abuse, the Secretary may apply such enhanced safeguards as the Secretary determines necessary to reduce such risk associated with such provider or supplier enrolling or participating in the program under title XVIII, XIX, or XXI. Such safeguards may include enhanced oversight, such as enhanced screening of claims, required or unannounced (or required and unannounced) site visits or inspections, additional information reporting requirements, and conditioning such enrollment on the provision of a surety bond.

''(3) AUTHORITY TO DENY PARTICIPATION.—If the Secretary determines that there has been at least one such affiliation and that such affiliation or affiliations, as applicable, of such provider or supplier poses a serious risk of fraud, waste, or abuse, the Secretary may deny the application of such provider or supplier.''.

(b) CONFORMING AMENDMENTS.—

(1) MEDICAID.—Paragraph (74) of section 1902(a) of such Act (42 U.S.C. 1396a(a)), as added by section 1631(b)(1), is amended—

(A) by inserting ''or subsection (b) of such section (relating to disclosure requirements)'' before '', and that the State''; and

(B) by inserting before the period the following: ''and apply any enhanced safeguards, with respect to a provider or supplier described in such subsection (b), as the Secretary determines necessary under such subsection (b)''.

(2) CHIP.—Subsection (d) of section 2102 of such Act (42 U.S.C. 1397bb), as added by section 1631(b)(2), is amended—

(A) in paragraph (1), by striking at the end ''and'';

(B) in paragraph (2) by striking the period at the end and inserting ''; and'' and

(C) by adding at the end the following new paragraph:

''(3) to enforce any determination made by the Secretary under subsection (b) of section 1128G (relating to disclosure requirements) and to apply any enhanced safeguards, with respect to a provider or supplier described in such subsection, as the Secretary determines necessary under such subsection.''.

SEC. 1633. REQUIRED INCLUSION OF PAYMENT MODIFIER FOR CERTAIN EVALUATION AND MANAGEMENT SERVICES.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as amended by section 4101 of the HITECH Act (Public Law 111–5), is amended by adding at the end the following new subsection:

''(p) PAYMENT MODIFIER FOR CERTAIN EVALUATION AND MANAGEMENT SERVICES.—The Secretary shall establish a payment modifier under the fee schedule under this section for evaluation and management services (as specified in section 1842(b)(16)(B)(ii)) that result in the ordering of additional services (such as lab tests), the prescription of drugs, the furnishing or ordering of durable medical equipment in order to enable better monitoring of claims for payment for such additional services under this title, or the ordering, furnishing, or prescribing of other items and services determined by the Secretary to pose a high risk of waste, fraud, and abuse.

The Secretary may require providers of services or suppliers to report such modifier in claims submitted for payment.''.

SEC. 1634. EVALUATIONS AND REPORTS REQUIRED UNDER MEDICARE INTEGRITY PROGRAM.

(a) IN GENERAL.—Section 1893(c) of the Social Security Act (42 U.S.C. 1395ddd(c)) is amended—

(1) in paragraph (3), by striking at the end ''and'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) for the contract year beginning in 2011 and each subsequent contract year, the entity provides assurances to the satisfaction of the Secretary that the entity will conduct periodic evaluations of the effectiveness of the activities carried out by such entity under the Program and will submit to the Secretary an annual report on such activities; and''.

(b) REFERENCE TO MEDICAID INTEGRITY PROGRAM.—For a similar provision with respect to the Medicaid Integrity Program, see section 1752.

SEC. 1635. REQUIRE PROVIDERS AND SUPPLIERS TO ADOPT PROGRAMS TO REDUCE WASTE, FRAUD, AND ABUSE.

(a) IN GENERAL.—Section 1866(j) of the Social Security Act (42 U.S.C. 42 U.S.C. 1395cc(j)), as amended by section 1631(d)(3), is further amended by adding at the end the following new paragraph:

''(4) COMPLIANCE PROGRAMS FOR PROVIDERS OF SERVICES AND SUPPLIERS.—

''(A) IN GENERAL.—The Secretary may not enroll (or renew the enrollment of) a provider of services or a supplier (other than a physician or a skilled nursing facility) under this title if such provider of services or supplier fails to, subject to subparagraph (E), establish a compliance program that contains the core elements established under subparagraph (B) and certify in a manner determined by the Secretary, that the provider or suppler has established such a program.

''(B) ESTABLISHMENT OF CORE ELEMENTS.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall establish core elements for a compliance program under subparagraph (A). Such elements may include written policies, procedures, and standards of conduct, a designated compliance officer and a compliance committee; effective training and education pertaining to fraud, waste, and abuse for the organization's employees, and contractors; a confidential or anonymous mechanism, such as a hotline, to receive compliance questions and reports of fraud, waste, or abuse; disciplinary guidelines for enforcement of standards; internal monitoring and auditing procedures, including monitoring and auditing of contractors; procedures for ensuring prompt responses to detected offenses and development of corrective action initiatives, including responses to potential offenses; and procedures to return all identified overpayments to the programs under this title, title XIX, and title XXI.

''(C) TIMELINE FOR IMPLEMENTATION.—The Secretary shall determine a timeline for the establishment of the core elements under subparagraph (B) and the date on which a provider of services and suppliers (other than physicians and skilled nursing facilities) shall be required to have established such a program for purposes of this subsection.

''(D) PILOT PROGRAM.—The Secretary may conduct a pilot program on the application of this subsection with respect to a category of providers of services or suppliers (other than physicians and skilled nursing facilities) that the Secretary determines to be a category which is at high risk for waste, fraud, and abuse before implementing the requirements of this subsection to all providers of services and suppliers described in subparagraph (C).

''(E) TREATMENT OF SKILLED NURSING FACILITIES.—For the requirement for skilled nursing facilities to establish compliance and ethics programs see section 1819(d)(1)(C).

''(F) CONSTRUCTION.—Nothing in this subsection exempts a physician from participating in a compliance program established by a health care provider or other entity with which the physician is employed, under contract, or affiliated if such compliance is required by such provider or entity.''.

(b) REFERENCE TO SIMILAR MEDICAID PROVISION.—For a similar provision with respect to the Medicaid program under title XIX of the Social Security Act, see section 1753.

SEC. 1636. MAXIMUM PERIOD FOR SUBMISSION OF MEDICARE CLAIMS REDUCED TO NOT MORE THAN 12 MONTHS.

(a) PURPOSE.—In general, the 36-month period currently allowed for claims filing under parts A, B, C, and, D of title XVIII of the Social Security Act presents opportunities for fraud schemes in which processing patterns of the Centers for Medicare & Medicaid Services can be observed and exploited. Narrowing the window for claims processing will not overburden providers and will reduce fraud and abuse.

(b) REDUCING MAXIMUM PERIOD FOR SUBMISSION.—

(1) PART A.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended—

(A) in paragraph (1), by striking ''period of 3 calendar years'' and all that follows and inserting ''period of 1 calendar year from which such services are furnished; and''; and

(B) by adding at the end the following new sentence: ''In applying paragraph (1), the Secretary may specify exceptions to the 1 calendar year period specified in such paragraph.''.

(2) PART B.—Section 1835(a) of such Act (42 U.S.C. 1395n(a)) is amended—

(A) in paragraph (1), by striking ''period of 3 calendar years'' and all that follows and inserting ''period of 1 calendar year from which such services are furnished; and''; and

(B) by adding at the end the following new sentence: ''In applying paragraph (1), the Secretary may specify exceptions to the 1 calendar year period specified in such paragraph.''.

(3) PARTS C AND D.—Section 1857(d) of such Act is amended by adding at the end the following new paragraph:

''(7) PERIOD FOR SUBMISSION OF CLAIMS.—The contract shall require an MA organization or PDP sponsor to require any provider of services under contract with, in partnership with, or affiliated with such organization or sponsor to ensure that, with respect to items and services furnished by such provider to an enrollee of such organization, written request, signed by such enrollee, except in cases in which the Secretary finds it impracticable for the enrollee to do so, is filed for payment for such items and services in such form, in such manner, and by such person or persons as the Secretary may by regulation prescribe, no later than the close of the 1 calendar year period after such items and services are furnished. In applying the previous sentence, the Secretary may specify exceptions to the 1 calendar year period specified.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall be effective for items and services furnished on or after January 1, 2011.

SEC. 1637. PHYSICIANS WHO ORDER DURABLE MEDICAL EQUIPMENT OR HOME HEALTH SERVICES REQUIRED TO BE MEDICARE ENROLLED PHYSICIANS OR ELIGIBLE PROFESSIONALS.

(a) DME.—Section 1834(a)(11)(B) of the Social Security Act (42 U.S.C. 1395m(a)(11)(B)) is amended by striking ''physician'' and inserting ''physician enrolled under section 1866(j) or other professional, as determined by the Secretary''.

(b) HOME HEALTH SERVICES.—

(1) PART A.—Section 1814(a)(2) of such Act (42 U.S.C. 1395(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ''in the case of services described in subparagraph (C), a physician enrolled under section 1866(j) or other professional, as determined by the Secretary,'' before ''or, in the case of services''.

(2) PART B.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) is amended in the matter preceding subparagraph (A) by inserting '', or in the case of services described in subparagraph (A), a physician enrolled under section 1866(j) or other professional, as determined by the Secretary,'' after ''a physician''.

(c) DISCRETION TO EXPAND APPLICATION.—The Secretary may extend the requirement applied by the amendments made by subsections (a) and (b) to durable medical equipment and home health services (relating to requiring certifications and written orders to be made by enrolled physicians and health professions) to other categories of items or services under this title, including covered part D drugs as defined in section 1860D–2(e), if the Secretary determines that such application would help to reduce the risk of waste, fraud, and abuse with respect to such other categories under title XVIII of the Social Security Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to written orders and certifications made on or after July 1, 2010.

SEC. 1638. REQUIREMENT FOR PHYSICIANS TO PROVIDE DOCUMENTATION ON REFERRALS TO PROGRAMS AT HIGH RISK OF WASTE AND ABUSE.

(a) PHYSICIANS AND OTHER SUPPLIERS.—Section 1842(h) of the Social Security Act is further amended by adding at the end the following new paragraph

''(9) The Secretary may disenroll, for a period of not more than one year for each act, a physician or supplier under section 1866(j) if such physician or supplier fails to maintain and, upon request of the Secretary, provide access to documentation relating to written orders or requests for payment for durable medical equipment, certifications for home health services, or referrals for other items or services written or ordered by such physician or supplier under this title, as specified by the Secretary.''.

(b) PROVIDERS OF SERVICES.—Section 1866(a)(1) of such Act (42 U.S.C. 1395cc), is amended—

(1) in subparagraph (U), by striking at the end ''and'';

(2) in subparagraph (V), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(W) maintain and, upon request of the Secretary, provide access to documentation relating to written orders or requests for payment for durable medical equipment, certifications for home health services, or referrals for other items or services written or ordered by the provider under this title, as specified by the Secretary.''.

(c) OIG PERMISSIVE EXCLUSION AUTHORITY.—Section 1128(b)(11) of the Social Security Act (42 U.S.C. 1320a–7(b)(11)) is amended by inserting '', ordering, referring for furnishing, or certifying the need for'' after ''furnishing''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to orders, certifications, and referrals made on or after January 1, 2010.

SEC. 1639. FACE-TO-FACE ENCOUNTER WITH PATIENT REQUIRED BEFORE ELIGIBILITY CERTIFICATIONS FOR HOME HEALTH SERVICES OR DURABLE MEDICAL EQUIPMENT.

(a) CONDITION OF PAYMENT FOR HOME HEALTH SERVICES.—

(1) PART A.—Section 1814(a)(2)(C) of such Act is amended—

(A) by striking ''and such services'' and inserting ''such services''; and

(B) by inserting after ''care of a physician'' the following: '', and, in the case of a certification or recertification made by a physician after January 1, 2010, prior to making such certification the physician must document that the physician has had a face-to-face encounter (including through use of telehealth and other than with respect to encounters that are incident to services involved) with the individual during the 6-month period preceding such certification, or other reasonable timeframe as determined by the Secretary''.

(2) PART B.—Section 1835(a)(2)(A) of the Social Security Act is amended—

(A) by striking ''and'' before ''(iii)''; and

(B) by inserting after ''care of a physician'' the following: '', and (iv) in the case of a certification or recertification after January 1, 2010, prior to making such certification the physician must document that the physician has had a face-to-face encounter (including through use of telehealth and other than with respect to encounters that are incident to services involved) with the individual during the 6-month period preceding such certification or recertification, or other reasonable timeframe as determined by the Secretary''.

(b) CONDITION OF PAYMENT FOR DURABLE MEDICAL EQUIPMENT.—Section 1834(a)(11)(B) of the Social Security Act (42 U.S.C. 1395m(a)(11)(B)) is amended by adding before the period at the end the following: ''and shall require that any written order required for payment under this subsection be written only pursuant to the eligible health care professional authorized to make such written order documenting that such professional has had a face-to-face encounter (including through use of telehealth and other than with respect to encounters that are incident to services involved) with the individual involved during the 6-month period preceding such written order, or other reasonable timeframe as determined by the Secretary''.

(c) APPLICATION TO OTHER AREAS UNDER MEDICARE.—The Secretary may apply a face-to-face encounter requirement similar to the requirement described in the amendments made by subsections (a) and (b) to other items and services for which payment is provided under title XVIII of the Social Security Act based upon a finding that such a decision would reduce the risk of waste, fraud, or abuse.

(d) APPLICATION TO MEDICAID AND CHIP.—The face-to-face encounter requirements described in the amendments made by subsections (a) and (b) and any expanded application of similar requirements pursuant to subsection (c) shall apply with respect to a certification or recertification for home health services under title XIX or XXI of the Social Security Act, a written order for durable medical equipment under such title, and any other applicable item or service identified pursuant to subsection (c) for which payment is made under such title, respectively, in the same manner and to the same extent as such requirements apply in the case of such a certification or recertification, written order, or other applicable item or service so identified, respectively, under title XVIII of such Act.

SEC. 1640. EXTENSION OF TESTIMONIAL SUBPOENA AUTHORITY TO PROGRAM EXCLUSION INVESTIGATIONS.

(a) IN GENERAL.—Section 1128(f) of the Social Security Act (42 U.S.C. 1320a-7(f)) is amended by adding at the end the following new paragraph:

''(4) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II. The Secretary may delegate the authority granted by section 205(d) (as made applicable to this section) to the Inspector General of the Department of Health and Human Services or the Administrator of the Centers for Medicare & Medicaid Services for purposes of any investigation under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to investigations beginning on or after January 1, 2010.

SEC. 1641. REQUIRED REPAYMENTS OF MEDICARE AND MEDICAID OVERPAYMENTS.

Section 1128G of the Social Security Act, as inserted by section 1631 and amended by section 1632, is further amended by adding at the end the following new subsection:

''(c) REPORTS ON AND REPAYMENT OF OVERPAYMENTS IDENTIFIED THROUGH INTERNAL AUDITS AND REVIEWS.—

''(1) REPORTING AND RETURNING OVERPAYMENTS.—If a person knows of an overpayment, the person must—

''(A) report and return the overpayment to the Secretary, the State, an intermediary, a carrier, or a contractor, as appropriate, at the correct address, and

''(B) notify the Secretary, the State, intermediary, carrier, or contractor to whom the overpayment was returned in writing of the reason for the overpayment.

''(2) TIMING.—Subject to section 1620(d) of the Affordable Health Care for America Act, an overpayment must be reported and returned under paragraph (1)(A) by not later than the date that is 60 days after the date the person knows of the overpayment.

Any known overpayment retained later than the applicable date specified in this paragraph creates an obligation as defined in section 3729(b)(3) of title 31 of the United States Code.

''(3) CLARIFICATION.—Repayment of any overpayments (or refunding by withholding of future payments) by a provider of services or supplier does not otherwise limit the provider or supplier's potential liability for administrative obligations such as applicable interests, fines, and penalties or civil or criminal sanctions involving the same claim if it is determined later that the reason for the overpayment was related to fraud or other intentional conduct by the provider or supplier or the employees or agents of such provider or supplier.

''(4) DEFINITIONS.—In this subsection:

''(A) KNOWS.—The term 'knows' has the meaning given the terms 'knowing' and 'knowingly' in section 3729(b) of title 31 of the United States Code.

''(B) OVERPAYMENT.—The term ''overpayment'' means any funds that a person receives or retains under title XVIII, XIX, or XXI to which the person, after applicable reconciliation (pursuant to the applicable existing process under the respective title), is not entitled under such title.

''(C) PERSON.—The term 'person' means a provider of services, supplier, Medicaid managed care organization (as defined in section 1903(m)(1)(A)), Medicare Advantage organization (as defined in section 1859(a)(1)), or PDP sponsor (as defined in section 1860D–41(a)(13)), but excluding a beneficiary.''.

SEC. 1642. EXPANDED APPLICATION OF HARDSHIP WAIVERS FOR OIG EXCLUSIONS TO BENEFICIARIES OF ANY FEDERAL HEALTH CARE PROGRAM.

Section 1128(c)(3)(B) of the Social Security Act (42 U.S.C. 1320a–7(c)(3)(B)) is amended by striking ''individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, or both'' and inserting ''beneficiaries (as defined in section 1128A(i)(5)) of that program''.

SEC. 1643. ACCESS TO CERTAIN INFORMATION ON RENAL DIALYSIS FACILITIES.

Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

''(15) For purposes of evaluating or auditing payments made to renal dialysis facilities for items and services under this section under paragraph (1), each such renal dialysis facility, upon the request of the Secretary, shall provide to the Secretary access to information relating to any ownership or compensation arrangement between such facility and the medical director of such facility or between such facility and any physician.''.

SEC. 1644. BILLING AGENTS, CLEARINGHOUSES, OR OTHER ALTERNATE PAYEES REQUIRED TO REGISTER UNDER MEDICARE.

(a) MEDICARE.—Section 1866(j)(1) of the Social Security Act (42 U.S.C. 1395cc(j)(1)) is amended by adding at the end the following new subparagraph:

''(D) BILLING AGENTS AND CLEARINGHOUSES REQUIRED TO BE REGISTERED UNDER MEDICARE.—Any agent, clearinghouse, or other alternate payee that submits claims on behalf of a health care provider must be registered with the Secretary in a form and manner specified by the Secretary.''.

(b) MEDICAID.—For a similar provision with respect to the Medicaid program under title XIX of the Social Security Act, see section 1759.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims submitted on or after January 1, 2012.

SEC. 1645. CONFORMING CIVIL MONETARY PENALTIES TO FALSE CLAIMS ACT AMENDMENTS.

Section 1128A of the Social Security Act, as amended by sections 1611, 1612, 1613, and 1615, is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to an officer, employee, or agent of the United States, or of any department or agency thereof, or of any State agency (as defined in subsection (i)(1))'';

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking ''participating in a program under title XVIII or a State health care program'' and inserting ''participating in a Federal health care program (as defined in section 1128B(f))''; and

(ii) in subparagraph (A), by striking ''title XVIII or a State health care program'' and inserting ''a Federal health care program (as defined in section 1128B(f))'';

(C) by striking ''or'' at the end of paragraph (10);

(D) by inserting after paragraph (11) the following new paragraphs:

''(12) conspires to commit a violation of this section; or

''(13) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to a Federal health care program, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to a Federal health care program;''; and

(E) in the matter following paragraph (13), as inserted by subparagraph (D)—

(i) by striking ''or'' before ''in cases under paragraph (11)''; and

(ii) by inserting '', in cases under paragraph (12), $50,000 for any violation described in this section committed in furtherance of the conspiracy involved; or in cases under paragraph (13), $50,000 for each false record or statement, or concealment, avoidance, or decrease'' after ''by an excluded individual''; and

(F) in the second sentence, by striking ''such false statement, omission, or misrepresentation)'' and inserting ''such false statement or misrepresentation, in cases under paragraph (12), an assessment of not more than 3 times the total amount that would otherwise apply for any violation described in this section committed in furtherance of the conspiracy involved, or in cases under paragraph (13), an assessment of not more than 3 times the total amount of the obligation to which the false record or statement was material or that was avoided or decreased)''.

(2) in subsection (c)(1), by striking ''six years'' and inserting ''10 years''; and

(3) in subsection (i)—

(A) by amending paragraph (2) to read as follows:

''(2) The term 'claim' means any application, request, or demand, whether under contract, or otherwise, for money or property for items and services under a Federal health care program (as defined in section 1128B(f)), whether or not the United States or a State agency has title to the money or property, that—

''(A) is presented or caused to be presented to an officer, employee, or agent of the United States, or of any department or agency thereof, or of any State agency (as defined in subsection (i)(1)); or

''(B) is made to a contractor, grantee, or other recipient if the money or property is to be spent or used on the Federal health care program's behalf or to advance a Federal health care program interest, and if the Federal health care program—

''(i) provides or has provided any portion of the money or property requested or demanded; or

''(ii) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.'';

(B) by amending paragraph (3) to read as follows:

''(3) The term 'item or service' means, without limitation, any medical, social, management, administrative, or other item or service used in connection with or directly or indirectly related to a Federal health care program.'';

(C) in paragraph (6)—

(i) in subparagraph (C), by striking at the end ''or'';

(ii) in the first subparagraph (D), by striking at the end the period and inserting ''; or''; and

(iii) by redesignating the second subparagraph (D) as a subparagraph (E);

(D) by amending paragraph (7) to read as follows:

''(7) The terms 'knowing', 'knowingly', and 'should know' mean that a person, with respect to information—

''(A) has actual knowledge of the information;

''(B) acts in deliberate ignorance of the truth or falsity of the information; or

''(C) acts in reckless disregard of the truth or falsity of the information;

and require no proof of specific intent to defraud.''; and

(E) by adding at the end the following new paragraphs:

''(8) The term 'obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.

''(9) The term 'material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.''.

SEC. 1646. REQUIRING PROVIDER AND SUPPLIER PAYMENTS UNDER MEDICARE TO BE MADE THROUGH DIRECT DEPOSIT OR ELECTRONIC FUNDS TRANSFER (EFT) AT INSURED DEPOSITORY INSTITUTIONS.

(a) MEDICARE.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

''(e) LIMITATION ON PAYMENT TO PROVIDERS OF SERVICES AND SUPPLIERS.—No payment shall be made under this title for items and services furnished by a provider of services or supplier unless each payment to the provider of services or supplier is in the form of direct deposit or electronic funds transfer to the provider of services' or supplier's account, as applicable, at a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to each payment made to a provider of services, provider, or supplier on or after such date (not later than July 1, 2012) as the Secretary of Health and Human Services shall specify, regardless of when the items and services for which such payment is made were furnished.

SEC. 1647. INSPECTOR GENERAL FOR THE HEALTH CHOICES ADMINISTRATION.

(a) ESTABLISHMENT; APPOINTMENT.—There is hereby established an Office of Inspector General for the Health Choices Administration, to be headed by the Inspector General for the Health Choices Administration to be appointed by the President, by and with the advice and consent of the Senate.

(b) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—

(1) APPLICATION TO HEALTH CHOICES ADMINISTRATION.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Commissioner of the Health Choices Administration established under section 241 of the Affordable Health Care for America Act''; and

(B) in paragraph (2), by striking ''or the Commissions established under section 15301 of title 40, United States Code'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, or the Health Choices Administration established under section 241 of the Affordable Health Care for America Act''.

(2) SPECIAL PROVISIONS RELATING TO HEALTH CHOICES ADMINISTRATION AND HHS.—The Inspector General Act of 1978 (5 U.S.C. App.) is further amended by inserting after section 8L the following new section:

''SEC. 8M SPECIAL PROVISIONS RELATING TO THE HEALTH CHOICES ADMINISTRATION AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

''(a) The Inspector General of the Health Choices Administration shall—

''(1) have the authority to conduct, supervise, and coordinate audits, evaluations, and investigations of the programs and operations of the Health Choices Administration established under section 241 of the Affordable Health Care for America Act, including matters relating to fraud, abuse, and misconduct in connection with the admission and continued participation of any health benefits plan participating in the Health Insurance Exchange established under section 301 of such Act;

''(2) have the authority to conduct audits, evaluations, and investigations relating to any private Exchange-participating health benefits plan, as defined in section 201(c) of such Act;

''(3) have the authority, in consultation with the Office of Inspector General for the Department of Health and Human Services and subject to subsection (b), to conduct audits, evaluations, and investigations relating to the public health insurance option established under section 321 of such Act; and

''(4) have access to all relevant records necessary to carry out this section, including records relating to claims paid by Exchange-participating health benefits plans.

''(b) Authority granted to the Health Choices Administration and the Inspector General of the Health Choices Administration by the Affordable Health Care for America Act does not limit the duties, authorities, and responsibilities of the Office of Inspector General for the Department of Health and Human Services, as in existence as of the date of the enactment of the Affordable Health Care for America Act, to oversee programs and operations of such department. The Office of Inspector General for the Department of Health and Human Services retains primary jurisdiction over fraud and abuse in connection with payments made under the public health insurance option established under section 321 of such Act and administered by the Department of Health and Human Services.''.

(3) APPLICATION OF RULE OF CONSTRUCTION.—Section 8J of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or 8H'' and inserting '', 8H, or 8M''.

(c) EFFECTIVE DATE.—The provisions of and amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle D—Access to Information Needed to Prevent Fraud, Waste, and Abuse

SEC. 1651. ACCESS TO INFORMATION NECESSARY TO IDENTIFY FRAUD, WASTE, AND ABUSE.

(a) GAO ACCESS.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

''§ 721. Access to certain information

''No provision of the Social Security Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under section 716 of this title, including with respect to any information disclosed to or obtained by the Secretary of Health and Human Services under part C or D of title XVIII of the Social Security Act.''.

(b) ACCESS TO MEDICARE PART D DATA PROGRAM INTEGRITY PURPOSES.—

(1) PROVISION OF INFORMATION AS CONDITION OF PAYMENT.—Section 1860D–15(d)(2)(B) of the Social Security Act (42 U.S.C. 1395w–115(d)(2)(B)) is amended—

(A) by striking ''may be used by officers'' and all that follows through the period and inserting ''may be used by—''; and

(B) by adding at the end the following clauses:

''(i) officers, employees, and contractors of the Department of Health and Human Services only for the purposes of, and to the extent necessary in, carrying out this section; and

''(ii) the Inspector General of the Department of Health and Human Services, the Administrator of the Centers for Medicare & Medicaid Services, and the Attorney General only for the purposes of protecting the integrity of the programs under this title and title XIX; conducting the activities described in section 1893 and subparagraphs (A) through (E) of section 1128C(a)(1); and for investigation, audit, evaluation, oversight,

and law enforcement purposes to the extent consistent with applicable law.''.

(2) GENERAL DISCLOSURE OF INFORMATION.—Section 1860D–15(f)(2) of the Social Security Act (42 U.S.C. 1395w–115(f)(2)) is amended—

(A) by striking ''may be used by officers'' and all that follows through the period and inserting ''may be used by—''; and

(B) by adding at the end the following subparagraphs:

''(A) officers, employees, and contractors of the Department of Health and Human Services only for the purposes of, and to the extent necessary in, carrying out this section; and

''(B) the Inspector General of the Department of Health and Human Services, the Administrator of the Centers for Medicare & Medicaid Services, and the Attorney General only for the purposes of protecting the integrity of the programs under this title and title XIX; conducting the activities described in section 1893 and subparagraphs (A) through (E) of section 1128C(a)(1); and for investigation, audit, evaluation, oversight, and law enforcement purposes to the extent consistent with applicable law.''.

SEC. 1652. ELIMINATION OF DUPLICATION BETWEEN THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK AND THE NATIONAL PRACTITIONER DATA BANK.

(a) IN GENERAL.—To eliminate duplication between the Healthcare Integrity and Protection Data Bank (HIPDB) established under section 1128E of the Social Security Act and the National Practitioner Data Bank (NPBD) established under the Health Care Quality Improvement Act of 1986, section 1128E of the Social Security Act (42 U.S.C. 1320a–7e) is amended—

(1) in subsection (a), by striking ''Not later than'' and inserting ''Subject to subsection (h), not later than'';

(2) in the first sentence of subsection (d)(2), by striking ''(other than with respect to requests by Federal agencies)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK; TRANSITION PROCESS.—Effective upon the enactment of this subsection, the Secretary shall implement a process to eliminate duplication between the Healthcare Integrity and Protection Data Bank (in this subsection referred to as the 'HIPDB' established pursuant to subsection (a) and the National Practitioner Data Bank (in this subsection referred to as the 'NPDB') as implemented under the Health Care Quality Improvement Act of 1986 and section 1921 of this Act, including systems testing necessary to ensure that information formerly collected in the HIPDB will be accessible through the NPDB, and other activities necessary to eliminate duplication between the two data banks. Upon the completion of such process, notwithstanding any other provision of law, the Secretary shall cease the operation of the HIPDB and shall collect information required to be reported under the preceding provisions of this section in the NPDB. Except as otherwise provided in this subsection, the provisions of subsections (a) through (g) shall continue to apply with respect to the reporting of (or failure to report), access to, and other treatment of the information specified in this section.''.

(b) ELIMINATION OF THE RESPONSIBILITY OF THE HHS OFFICE OF THE INSPECTOR GENERAL.—Section 1128C(a)(1) of the Social Security Act (42 U.S.C. 1320a–7c(a)(1)) is amended—

(1) in subparagraph (C), by adding at the end ''and'';

(2) in subparagraph (D), by striking at the end '', and'' and inserting a period; and

(3) by striking subparagraph (E).

(c) SPECIAL PROVISION FOR ACCESS TO THE NATIONAL PRACTITIONER DATA BANK BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during the one year period that begins on the effective date specified in subsection (e)(1), the information described in paragraph (2) shall be available from the National Practitioner Data Bank (described in section 1921 of the Social Security Act) to the Secretary of Veterans Affairs without charge.

(2) INFORMATION DESCRIBED.—For purposes of paragraph (1), the information described in this paragraph is the information that would, but for the amendments made by this section, have been available to the Secretary of Veterans Affairs from the Healthcare Integrity and Protection Data Bank.

(d) FUNDING.—Notwithstanding any provisions of this Act, sections 1128E(d)(2) and 1817(k)(3) of the Social Security Act, or any other provision of law, there shall be available for carrying out the transition process under section 1128E(h) of the Social Security Act over the period required to complete such process, and for operation of the National Practitioner Data Bank until such process is completed, without fiscal year limitation—

(1) any fees collected pursuant to section 1128E(d)(2) of such Act; and

(2) such additional amounts as necessary, from appropriations available to the Secretary and to the Office of the Inspector General of the Department of Health and Human Services under clauses (i) and (ii), respectively, of section 1817(k)(3)(A) of such Act, for costs of such activities during the first 12 months following the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made—

(1) by subsection (a)(2) shall take effect on the first day after the Secretary of Health and Human Services certifies that the process implemented pursuant to section 1128E(h) of the Social Security Act (as added by subsection (a)(3)) is complete; and

(2) by subsection (b) shall take effect on the earlier of the date specified in paragraph (1) or the first day of the second succeeding fiscal year after the fiscal year during which this Act is enacted.

SEC. 1653. COMPLIANCE WITH HIPAA PRIVACY AND SECURITY STANDARDS.

The provisions of sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 (and standards promulgated pursuant to such sections) and the Privacy Act of 1974 shall apply with respect to the provisions of this subtitle and amendments made by this subtitle.

SEC. 1654. DISCLOSURE OF MEDICARE FRAUD AND ABUSE HOTLINE NUMBER ON EXPLANATION OF BENEFITS.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b–2) is amended by adding at the end the following new subsection:

''(d) Any statement or notice containing an explanation of the benefits available under this title, including the notice required by subsection (a), distributed for periods after July 1, 2011, shall prominently display in a manner prescribed by the Secretary a separate toll-free telephone number maintained by the Secretary for the receipt of complaints and information about waste, fraud, and abuse in the provision or billing of services under this title.''.

(b) CONFORMING AMENDMENTS.—Section 1804(c) of the Social Security Act (42 U.S.C. 1395b–2(c)) is amended—

(1) in paragraph (2), by adding ''and'' at the end;

(2) in paragraph (3), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (4).

TITLE VII—MEDICAID AND CHIP

Subtitle A—Medicaid and Health Reform

SEC. 1701. ELIGIBILITY FOR INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF THE FEDERAL POVERTY LEVEL.

(a) ELIGIBILITY FOR NON-TRADITIONAL INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF THE FEDERAL POVERTY LEVEL.—

(1) FULL MEDICAID BENEFITS FOR NON-MEDICARE ELIGIBLE INDIVIDUALS.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396b(a)(10)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (VI);

(B) by adding ''or'' at the end of subclause (VII); and

(C) by adding at the end the following new subclause:

''(VIII) who are under 65 years of age, who are not described in a previous subclause of this clause, who are not entitled to hospital insurance benefits under part A of title XVIII, and whose family income (determined using methodologies and procedures specified by the Secretary in consultation with the Health Choices Commissioner) does not exceed 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;''.

(2) MEDICARE COST SHARING ASSISTANCE FOR MEDICARE-ELIGIBLE INDIVIDUALS.—Section 1902(a)(10)(E) of such Act (42 U.S.C. 1396b(a)(10)(E)) is amended—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by adding ''and'' at the end; and

(C) by adding at the end the following new clause:

''(v) for making medical assistance available for medicare cost-sharing described in subparagraphs (B) and (C) of section 1905(p)(3), for individuals under 65 years of age who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) but is less than 150 percent of the official poverty line (referred to in such section) for a family of the size involved; and''.

(3) INCREASED FMAP FOR NON-TRADITIONAL FULL MEDICAID ELIGIBLE INDIVIDUALS.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in the first sentence of subsection (b), by striking ''and'' before ''(4)'' and by inserting before the period at the end the following: '', and (5) 100 percent (for periods before 2015 and 91 percent for periods beginning with 2015) with respect to amounts described in subsection (y)''; and

(B) by adding at the end the following new subsection:

''(y) ADDITIONAL EXPENDITURES SUBJECT TO INCREASED FMAP.—For purposes of section 1905(b)(5), the amounts described in this subsection are the following:

''(1) Amounts expended for medical assistance for individuals described in subclause (VIII) of section 1902(a)(10)(A)(i).''.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed as not providing for coverage under subparagraph (A)(i)(VIII) or (E)(v) of section 1902(a)(10) of the Social Security Act, as added by paragraphs (1) and (2), or an increased FMAP under the amendments made by paragraph (3), for an individual who has been provided medical assistance under title XIX of the Act under a demonstration waiver approved under section 1115 of such Act or with State funds.

(5) CONFORMING AMENDMENTS.—

(A) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(i) by inserting ''1902(a)(10)(A)(i)(VIII),'' after ''1902(a)(10)(A)(i)(VII),''; and

(ii) by inserting ''1902(a)(10)(E)(v),'' before ''1905(p)(1)''.

(B) Section 1905(a) of such Act (42 U.S.C. 1396d(a)), as amended by sections 1714(a)(4) and 1731(c), is further amended, in the matter preceding paragraph (1)—

(i) by striking ''or'' at the end of clause (xiv);

(ii) by adding ''or'' at the end of clause (xv); and

(iii) by inserting after clause (xv) the following:

''(xvi) individuals described in section 1902(a)(10)(A)(i)(VIII),''.

(b) ELIGIBILITY FOR TRADITIONAL MEDICAID ELIGIBLE INDIVIDUALS WITH INCOME NOT EXCEEDING 150 PERCENT OF THE FEDERAL POVERTY LEVEL .—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396b(a)(10)(A)(i)), as amended by subsection (a), is amended—

(A) by striking ''or'' at the end of subclause (VII); and

(B) by adding at the end the following new subclauses:

''(IX) who are over 18, and under 65 years of age, who would be eligible for medical assistance under the State plan under subclause (I) or section 1931 (based on the income standards, methodologies, and procedures in effect as of June 16, 2009) but for income, who are in families whose income does not exceed 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

''(X) beginning with 2014, who are under 19, years of age, who would be eligible for medical assistance under the State plan under subclause (I), (IV) (insofar as it relates to subsection (1)(1)(B)), (VI), or (VII) (based on the income standards, methodologies, and procedures in effect as of June 16, 2009) but for income, who are in families whose income does not exceed 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

''(XI) beginning with 2014, who are under 19 years of age, who are not described in subclause (X), and who would be eligible for child health assistance under a State child health plan insofar as such plan provides benefits under this title (as described in section 2101(a)(2)) based on such plan as in effect as of June 16, 2009; or''.

(2) INCREASED FMAP FOR CERTAIN TRADITIONAL MEDICAID ELIGIBLE INDIVIDUALS.—

(A) INCREASED FMAP FOR ADULTS.—Section 1905(y) of such Act (42 U.S.C. 1396d(y)), as added by subsection (a)(2)(B), is amended by inserting ''or (IX)'' after ''(VIII)''.

(B) ENHANCED FMAP FOR CHILDREN.—Section 1905(b)(4) of such Act is amended by inserting ''1902(a)(10)(A)(i)(X), 1902(a)(10)(A)(i)(XI), or'' after ''on the basis of section''.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as not providing for coverage under subclause (IX), (X), or (XI) of section 1902(a)(10)(A)(i) of the Social Security Act, as added by paragraph (1), or an increased or enhanced FMAP under the amendments made by paragraph (2), for an individual who has been provided medical assistance under title XIX of the Act under a demonstration waiver approved under section 1115 of such Act or with State funds.

(4) CONFORMING AMENDMENT.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)), as amended by subsection (a)(4), is amended by inserting ''1902(a)(10)(A)(i)(IX), 1902(a)(10)(A)(i)(X), 1902(a)(10)(A)(i)(XI),'' after ''1902(a)(10)(A)(i)(VIII),''.

(c) INCREASED MATCHING RATE FOR TEMPORARY COVERAGE OF CERTAIN NEWBORNS.—Section 1905(y) of such Act, as added by subsection (a)(3)(B), is amended by adding at the end the following:

''(2) Amounts expended for medical assistance for children described in section 305(d)(1) of the Affordable Health Care for America Act during the time period specified in such section.''.

(d) NETWORK ADEQUACY.—Section 1932(a)(2) of the Social Security Act (42 U.S.C. 1396u–2(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) ENROLLMENT OF NON-TRADITIONAL MEDICAID ELIGIBLES.—A State may not require under paragraph (1) the enrollment in a managed care entity of an individual described in section 1902(a)(10)(A)(i)(VIII) unless the State demonstrates, to the satisfaction of the Secretary, that the entity, through its provider network and other arrangements, has the capacity to meet the health, mental health, and substance abuse needs of such individuals.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of Y1, and shall apply with respect to items and services furnished on or after such date.

SEC. 1702. REQUIREMENTS AND SPECIAL RULES FOR CERTAIN MEDICAID ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end the following new section:

'' REQUIREMENTS AND SPECIAL RULES FOR CERTAIN MEDICAID ELIGIBLE INDIVIDUALS

''SEC. 1943. (a) COORDINATION WITH NHI EXCHANGE THROUGH MEMORANDUM OF UNDERSTANDING.—

''(1) IN GENERAL.—The State shall enter into a Medicaid memorandum of understanding described in section 305(e)(2) of the Affordable Health Care for America Act with the Health Choices Commissioner, acting in consultation with the Secretary, with respect to coordinating the implementation of the provisions of division A of such Act with the State plan under this title in order to ensure the enrollment of Medicaid eligible individuals in acceptable coverage. Nothing in this section shall be construed as permitting such memorandum to modify or vitiate any requirement of a State plan under this title.

''(2) ENROLLMENT OF EXCHANGE-REFERRED INDIVIDUALS.—

''(A) NON-TRADITIONAL INDIVIDUALS.—Pursuant to such memorandum the State shall accept without further determination the enrollment under this title of an individual determined by the Commissioner to be a non-traditional Medicaid eligible individual. The State shall not do any redeterminations of eligibility for such individuals unless the periodicity of such redeterminations is consistent with the periodicity for redeterminations by the Commissioner of eligibility for affordability credits under subtitle C of title II of division A of the Affordable Health Care for America Act, as specified under such memorandum.

''(B) TRADITIONAL INDIVIDUALS.—Pursuant to such memorandum, the State shall accept without further determination the enrollment under this title of an individual determined by the Commissioner to be a traditional Medicaid eligible individual. The State may do redeterminations of eligibility of such individual consistent with such section and the memorandum.

''(3) DETERMINATIONS OF ELIGIBILITY FOR AFFORDABILITY CREDITS.—If the Commissioner determines that a State Medicaid agency has the capacity to make determinations of eligibility for affordability credits under subtitle C of title II of division A of the Affordable Health Care for America Act, under such memorandum—

''(A) the State Medicaid agency shall conduct such determinations for any Exchange-eligible individual who requests such a determination;

''(B) in the case that a State Medicaid agency determines that an Exchange-eligible individual is not eligible for affordability credits, the agency shall forward the information on the basis of which such determination was made to the Commissioner; and

''(C) the Commissioner shall reimburse the State Medicaid agency for the costs of conducting such determinations.

''(4) REFERRALS UNDER MEMORANDUM.—Pursuant to such memorandum, if an individual applies to the State for assistance in obtaining health coverage and the State determines that the individual is not eligible for medical assistance under this title and is not authorized under such memorandum to make an determination with respect to eligibility for coverage and affordability credits through the Health Insurance Exchange, the State shall refer the individual to the Commissioner for a determination of such eligibility and, with the individual's authorization, provide to the Commissioner information obtained by the State as part of the application process.

''(5) ADDITIONAL TERMS.—Such memorandum shall include such additional provisions as are necessary to implement efficiently the provisions of this section and title II of division A of the Affordable Health Care for America Act.

''(b) TREATMENT OF CERTAIN NEWBORNS.—

''(1) IN GENERAL.—In the case of a child who is deemed under section 305(d) of the Affordable Health Care for America Act to be a Medicaid eligible individual and enrolled under this title pursuant to such section, the State shall provide for a determination, by not later than the end of the period referred to in paragraph (2) of such section, of the child's eligibility for medical assistance under this title.

''(2) EXTENDED TREATMENT AS TRADITIONAL MEDICAID ELIGIBLE INDIVIDUAL.—In accordance with paragraph (2) of section 305(d) of the Affordable Health Care for America Act, in the case of a child described in paragraph (1) of such section who at the end of the period referred to in such paragraph is not otherwise covered under acceptable coverage, the child shall be deemed (until such time as the child obtains such coverage or the State otherwise makes a determination of the child's eligibility for medical assistance under its plan under this title pursuant to paragraph (1)) to be a Medicaid eligible individual described in section 1902(l)(1)(B).

''(c) DEFINITIONS.—In this section:

''(1) MEDICAID ELIGIBLE INDIVIDUAL.—The term 'Medicaid eligible individual' means an individual who is eligible for medical assistance under Medicaid.

''(2) TRADITIONAL MEDICAID ELIGIBLE INDIVIDUAL.—The term 'traditional Medicaid eligible individual' means a Medicaid eligible individual other than an individual who is—

''(A) a Medicaid eligible individual by reason of the application of subclause (VIII) of section 1902(a)(10)(A)(i) of the Social Security Act; or

''(B) a childless adult not described in section 1902(a)(10)(A) or (C) of such Act (as in effect as of the day before the date of the enactment of this Act).

''(3) NON-TRADITIONAL MEDICAID ELIGIBLE INDIVIDUAL.—The term 'non-traditional Medicaid eligible individual' means a Medicaid eligible individual who is not a traditional Medicaid eligible individual.

''(4) MEMORANDUM.—The term 'memorandum' means a Medicaid memorandum of understanding under section 305(e)(2) of the Affordable Health Care for America Act.

''(5) Y1.—The term 'Y1' has the meaning given such term in section 100(c) of the Affordable Health Care for America Act.''.

(b) CONFORMING AMENDMENTS TO ERROR RATE.—

(1) Section 1903(u)(1)(D) of the Social Security Act (42 U.S.C. 1396b(u)(1)(D)) is amended by adding at the end the following new clause:

''(vi) In determining the amount of erroneous excess payments, there shall not be included any erroneous payments made that are attributable to an error in an eligibility determination under subtitle C of title II of division A of the Affordable Health Care for America Act.''.

(2) Section 2105(c)(11) of such Act (42 U.S.C. 1397ee(c)(11)) is amended by adding at the end the following new sentence: ''Clause (vi) of section 1903(u)(1)(D) shall apply with respect to the application of such requirements under this title and title XIX.''.

SEC. 1703. CHIP AND MEDICAID MAINTENANCE OF ELIGIBILITY.

(a) CHIP MAINTENANCE OF ELIGIBILITY.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a), as amended by section 1631(b)(1)(D)—

(A) by striking ''and'' at the end of paragraph (73);

(B) by striking the period at the end of paragraph (74) and inserting ''; and''; and

(C) by inserting after paragraph (74) the following new paragraph:

''(75) provide for maintenance of effort under the State child health plan under title XXI in accordance with subsection (gg).''; and

(2) by adding at the end the following new subsection:

''(gg) CHIP MAINTENANCE OF ELIGIBILITY REQUIREMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), as a condition of its State plan under this title under subsection (a)(75) and receipt of any Federal financial assistance under section 1903(a) for calendar quarters beginning after the date of the enactment of this subsection and before CHIP MOE termination date specified in paragraph (3), a State shall not have in effect eligibility standards, methodologies, or procedures under its State child health plan under title XXI (including any waiver under such title or demonstration project under section 1115) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on June 16, 2009.

''(2) LIMITATION.—Paragraph (1) shall not be construed as preventing a State from imposing a limitation described in section 2110(b)(5)(C)(i)(II) for a fiscal year in order to limit expenditures under its State child health plan under title XXI to those for which Federal financial participation is available under section 2105 for the fiscal year.

''(3) CHIP MOE TERMINATION DATE.—In paragraph (1), the 'CHIP MOE termination date' for a State is the date that is the last day of Y1 (as defined in section 100(c) of the Affordable Health Care for America Act).

''(4) CHIP TRANSITION REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report—

''(A) that compares the benefits packages offered under an average State child health plan under title XXI in 2011 and to the benefit standards initially adopted under section 224(b) of the Affordable Health Care for America Act and for affordability credits under subtitle C of title II of division C of such Act; and

''(B) that includes such recommendations as may be necessary to ensure that—

''(i) such coverage is at least comparable to the coverage provided to children under such an average State child health plan; and

''(ii) there are procedures in effect for the enrollment of CHIP enrollees (including CHIP-eligible pregnant women) at the end of Y1 under this title, into a qualified health benefits plan offered through the Health Insurance Exchange, or into other acceptable coverage (as defined for purposes of such Act) without interruption of coverage or a written plan of treatment.''.

(b) MEDICAID MAINTENANCE OF EFFORT; SIMPLIFYING AND COORDINATING ELIGIBILITY RULES BETWEEN EXCHANGE AND MEDICAID.—

(1) IN GENERAL.—Section 1903 of such Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

''(aa) MAINTENANCE OF MEDICAID EFFORT; SIMPLIFYING AND COORDINATING ELIGIBILITY RULES BETWEEN HEALTH INSURANCE EXCHANGE AND MEDICAID.—

''(1) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a State is not eligible for payment under subsection (a) for a calendar quarter beginning after the date of the enactment of this subsection if eligibility standards, methodologies, or procedures under its plan under this title (including any waiver under this title or demonstration project under section 1115) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on June 16, 2009. The Secretary shall extend such a waiver (including the availability of Federal financial participation under such waiver) for such period as may be required for a State to meet the requirement of the previous sentence.

''(B) EXCEPTION FOR CERTAIN DEMONSTRATION PROJECTS.—In the case of a State demonstration project under section 1115 in effect on June 16, 2009, that permits individuals to be eligible solely to receive a premium or cost-sharing subsidy for individual or group health insurance coverage, effective for coverage provided in Y1—

''(i) the Secretary shall permit the State to amend such waiver to apply more restrictive eligibility standards, methodologies, or procedures with respect to such individuals under such waiver; and

''(ii) the application of such more restrictive, standards, methodologies, or procedures under such an amendment shall not be considered in violation of the requirement of subparagraph (A).

''(2) REMOVAL OF ASSET TEST FOR CERTAIN ELIGIBILITY CATEGORIES.—

''(A) IN GENERAL.—A State is not eligible for payment under subsection (a) for a calendar quarter beginning on or after the first day of Y1 (as defined in section 100(c) of the Affordable Health Care for America Act), if the State applies any asset or resource test in determining (or redetermining) eligibility of any individual on or after such first day under any of the following:

''(i) Subclause (I), (III), (IV), (VI), (VIII), (IX), (X), or (XI) of section 1902(a)(10)(A)(i).

''(ii) Subclause (II), (IX), (XIV) or (XVII) of section 1902(a)(10)(A)(ii).

''(iii) Section 1931(b).

''(B) OVERRIDING CONTRARY PROVISIONS; REFERENCES.—The provisions of this title that prevent the waiver of an asset or resource test described in subparagraph (A) are hereby waived.

''(C) REFERENCES.—Any reference to a provision described in a provision in subparagraph (A) shall be deemed to be a reference to such provision as modified through the application of subparagraphs (A) and (B).''.

(2) CONFORMING AMENDMENTS.—(A) Section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter before clause (i), by inserting ''subject to section 1903(aa)(2),'' after ''(A)''.

(B) Section 1931(b)(1) of such Act (42 U.S.C. 1396u–1(b)(1)) is amended by inserting ''and section 1903(aa)(2)'' after ''and (3)''.

(c) STANDARDS FOR BENCHMARK PACKAGES.—Section 1937(b) of such Act (42 U.S.C. 1396u–7(b)) is amended—

(1) in each of paragraphs (1) and (2), by inserting ''subject to paragraph (5),'' after ''subsection (a)(1),''; and

(2) by adding at the end the following new paragraph:

''(5) MINIMUM STANDARDS.—Effective January 1, 2013, any benchmark benefit package (or benchmark equivalent coverage under paragraph (2)) must meet the minimum benefits and cost-sharing standards of a basic plan offered through the Health Insurance Exchange.''.

(d) REPEAL OF CHIP.—Section 2104(a) of the Social Security Act is amended by inserting at the end the following:

''No funds shall be appropriated or authorized to be appropriated under this section for fiscal year 2014 and subsequent years.''.

SEC. 1704. REDUCTION IN MEDICAID DSH.

(a) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary of Health and Human Services (in this title referred to as the ''Secretary'') shall submit to Congress a report concerning the extent to which, based upon the impact of the health care reforms carried out under division A in reducing the number of uninsured individuals, there is a continued role for Medicaid DSH. In preparing the report, the Secretary shall consult with community-based health care networks serving low-income beneficiaries.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) RECOMMENDATIONS.—Recommendations regarding—

(i) the appropriate targeting of Medicaid DSH within States; and

(ii) the distribution of Medicaid DSH among the States, taking into account the ratio of the amount of DSH funds allocated to a State to the number of uninsured individuals in such State.

(B) SPECIFICATION OF DSH HEALTH REFORM METHODOLOGY.—The DSH Health Reform methodology described in paragraph (2) of subsection (b) for purposes of implementing the requirements of such subsection.

(3) COORDINATION WITH MEDICARE DSH REPORT.—The Secretary shall coordinate the report under this subsection with the report on Medicare DSH under section 1112.

(4) MEDICAID DSH.—In this section, the term ''Medicaid DSH'' means adjustments in payments under section 1923 of the Social Security Act for inpatient hospital services furnished by disproportionate share hospitals.

(b) MEDICAID DSH REDUCTIONS.—

(1) REDUCTIONS.—

(A) IN GENERAL.—For each of fiscal years 2017 through 2019 the Secretary shall effect the following reductions:

(i) REDUCTION DSH ALLOTMENTS.—The Secretary shall reduce DSH allotments to States in the amount specified under the DSH health reform methodology under paragraph (2) for the State for the fiscal year.

(ii) REDUCTIONS IN PAYMENTS.—The Secretary shall reduce payments to States under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for each calendar quarter in the fiscal year, in the manner specified in subparagraph (C), in an amount equal to ¼ of the DSH allotment reduction under clause (i) for the State for the fiscal year.

(B) AGGREGATE REDUCTIONS.—The aggregate reductions in DSH allotments for all States under subparagraph (A)(i) shall be equal to—

(i) $1,500,000,000 for fiscal year 2017;

(ii) $2,500,000,000 for fiscal year 2018; and

(iii) $6,000,000,000 for fiscal year 2019.

The Secretary shall distribute such aggregate reduction among States in accordance with paragraph (2).

(C) MANNER OF PAYMENT REDUCTION.—The amount of the payment reduction under subparagraph (A)(ii) for a State for a quarter shall be deemed an overpayment to the State under title XIX of the Social Security Act to be disallowed against the State's regular quarterly draw for all Medicaid spending under section 1903(d)(2) of such Act (42 U.S.C. 1396b(d)(2)). Such a disallowance is not subject to a reconsideration under 1116(d) of such Act (42 U.S.C. 1316(d)).

(D) DEFINITIONS.—In this section:

(i) STATE.—The term ''State'' means the 50 States and the District of Columbia.

(ii) DSH ALLOTMENT.—The term ''DSH allotment'' means, with respect to a State for a fiscal year, the allotment made under section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) to the State for the fiscal year.

(2) DSH HEALTH REFORM METHODOLOGY.—The Secretary shall carry out paragraph (1) through use of a DSH Health Reform methodology issued by the Secretary that imposes the largest percentage reductions on the States that—

(A) have the lowest percentages of uninsured individuals (determined on the basis of audited hospital cost reports) during the most recent year for which such data are available; or

(B) do not target their DSH payments on—

(i) hospitals with high volumes of Medicaid inpatients (as defined in section 1923(b)(1)(A) of the Social Security Act (42 U.S.C. 1396r–4(b)(1)(A)); and

(ii) hospitals that have high levels of uncompensated care (excluding bad debt).

(3) DSH ALLOTMENT PUBLICATIONS.—

(A) IN GENERAL.—Not later than the publication deadline specified in subparagraph (B), the Secretary shall publish in the Federal Register a notice specifying the DSH allotment to each State under 1923(f) of the Social Security Act for the respective fiscal year specified in such subparagraph, consistent with the application of the DSH Health Reform methodology described in paragraph (2).

(B) PUBLICATION DEADLINE.—The publication deadline specified in this subparagraph is—

(i) January 1, 2016, with respect to DSH allotments described in subparagraph (A) for fiscal year 2017;

(ii) January 1, 2017, with respect to DSH allotments described in subparagraph (A) for fiscal year 2018; and

(iii) January 1, 2018, with respect to DSH allotments described in subparagraph (A) for fiscal year 2019.

(c) CONFORMING AMENDMENTS.—

(1) Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

''(7) SPECIAL RULE FOR FISCAL YEARS 2017, 2018, AND 2019.—For each of fiscal years 2017, 2018, and 2018, the DSH allotments under this subsection are subject to reduction under section 1704(b) of the Affordable Health Care for America Act.''.

(2) The second sentence of section 1923(b)(4) of such Act (42 U.S.C. 1396r–4(b)(4)) is amended by inserting before the period the following: ''or to affect the authority of the Secretary to issue and implement the DSH Health Reform methodology under section 1704(b)(2) of the Affordable Health Care for America Act''.

(d) DISPROPORTIONATE SHARE HOSPITALS (DSH) AND ESSENTIAL ACCESS HOSPITAL (EAH) NON-DISCRIMINATION.—

(1) IN GENERAL.—Section 1923(d) of the Social Security Act (42 U.S.C. 1396r-4) is amended by adding at the end the following new paragraph:

''(4) No hospital may be defined or deemed as a disproportionate share hospital, or as an essential access hospital (for purposes of subsection (f)(6)(A)(iv)), under a State plan under this title or subsection (b) of this section (including any demonstration project under section 1115) unless the hospital—

''(A) provides services to beneficiaries under this title without discrimination on the ground of race, color, national origin, creed, source of payment, status as a beneficiary under this title, or any other ground unrelated to such beneficiary's need for the services or the availability of the needed services in the hospital; and

''(B) makes arrangements for, and accepts, reimbursement under this title for services provided to eligible beneficiaries under this title.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to expenditures made on or after July 1, 2010.

SEC. 1705. EXPANDED OUTSTATIONING.

(a) IN GENERAL.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended by striking ''under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)'' and inserting ''(including receipt and processing of applications of individuals for affordability credits under subtitle C of title II of division A of the Affordable Health Care for America Act pursuant to a Medicaid memorandum of understanding under section 1943(a)(1))''.

(b) EFFECTIVE DATE.—Except as provided in section 1790, the amendment made by subsection (a) shall apply to services furnished on or after July 1, 2010, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

Subtitle B—Prevention

SEC. 1711. REQUIRED COVERAGE OF PREVENTIVE SERVICES.

(a) COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 1701(a)(3)(B), is amended—

(1) in subsection (a)(4)—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following: ''; and (D) preventive services described in subsection (z)''; and

(2) by adding at the end the following new subsection:

''(z) PREVENTIVE SERVICES.—The preventive services described in this subsection are services not otherwise described in subsection (a) or (r) that the Secretary determines are—

''(1)(A) recommended with a grade of A or B by the Task Force for Clinical Preventive Services; or

''(B) vaccines recommended for use as appropriate by the Director of the Centers for Disease Control and Prevention; and

''(2) appropriate for individuals entitled to medical assistance under this title.''.

(b) ELIMINATION OF COST-SHARING.—

(1) Subsections (a)(2)(D) and (b)(2)(D) of section 1916 of such Act (42 U.S.C. 1396o) are each amended by inserting ''preventive services described in section 1905(z),'' after ''emergency services (as defined by the Secretary),''.

(2) Section 1916A(a)(1) of such Act (42 U.S.C. 1396o–1 (a)(1)) is amended by inserting '', preventive services described in section 1905(z),'' after ''subsection (c)''.

(c) CONFORMING AMENDMENT.—Section 1928 of such Act (42 U.S.C. 1396s) is amended—

(1) in subsection (c)(2)(B)(i), by striking ''the advisory committee referred to in subsection (e)'' and inserting ''the Director of the Centers for Disease Control and Prevention'';

(2) in subsection (e), by striking ''Advisory Committee'' and all that follows and inserting ''Director of the Centers for Disease Control and Prevention.''; and

(3) by striking subsection (g).

(d) EFFECTIVE DATE.—Except as provided in section 1790, the amendments made by this section shall apply to services furnished on or after July 1, 2010, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1712. TOBACCO CESSATION.

(a) DROPPING TOBACCO CESSATION EXCLUSION FROM COVERED OUTPATIENT DRUGS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) in subparagraph (G), by inserting before the period at the end the following: '', except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation''; and

(3) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and services furnished on or after January 1, 2010.

SEC. 1713. OPTIONAL COVERAGE OF NURSE HOME VISITATION SERVICES.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 1701(a)(3)(B) and 1711(a), is amended—

(1) in subsection (a)—

(A) in paragraph (27), by striking ''and'' at the end;

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following new paragraph:

''(28) nurse home visitation services (as defined in subsection (aa)); and''; and

(2) by adding at the end the following new subsection:

''(aa) The term 'nurse home visitation services' means home visits by trained nurses to families with a first-time pregnant woman, or a child (under 2 years of age), who is eligible for medical assistance under this title, but only, to the extent determined by the Secretary based upon evidence, that such services are effective in one or more of the following:

''(1) Improving maternal or child health and pregnancy outcomes or increasing birth intervals between pregnancies.

''(2) Reducing the incidence of child abuse, neglect, and injury, improving family stability (including reduction in the incidence of intimate partner violence), or reducing maternal and child involvement in the criminal justice system.

''(3) Increasing economic self-sufficiency, employment advancement, school-readiness, and educational achievement, or reducing dependence on public assistance.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2010.

(c) CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as affecting the ability of a State under title XIX or XXI of the Social Security Act to provide nurse home visitation services as part of another class of items and services falling within the definition of medical assistance or child health assistance under the respective title, or as an administrative expenditure for which payment is made under section 1903(a) or 2105(a) of such Act, respectively, on or after the date of the enactment of this Act.

SEC. 1714. STATE ELIGIBILITY OPTION FOR FAMILY PLANNING SERVICES.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking ''or'' at the end;

(B) in subclause (XIX), by adding ''or'' at the end; and

(C) by adding at the end the following new subclause:

''(XX) who are described in subsection (hh) (relating to individuals who meet certain income standards);''.

(2) GROUP DESCRIBED.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by section 1703, is amended by adding at the end the following new subsection:

''(hh)(1) Individuals described in this subsection are individuals—

''(A) whose income does not exceed an income eligibility level established by the State that does not exceed the highest income eligibility level established under the State plan under this title (or under its State child health plan under title XXI) for pregnant women; and

''(B) who are not pregnant.

''(2) At the option of a State, individuals described in this subsection may include individuals who, had individuals applied on or before January 1, 2007, would have been made eligible pursuant to the standards and processes imposed by that State for benefits described in clause (XV) of the matter following subparagraph (G) of subsection (a)(10) pursuant to a demonstration project waiver granted under section 1115.

''(3) At the option of a State, for purposes of subsection (a)(17)(B), in determining eligibility for services under this subsection, the State may consider only the income of the applicant or recipient.''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIV)'' and inserting ''(XIV)''; and

(B) by inserting '', and (XV) the medical assistance made available to an individual described in subsection (hh) shall be limited to family planning services and supplies described in section 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting'' after ''cervical cancer''.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)), as amended by section 1731(c), is amended in the matter preceding paragraph (1)—

(A) in clause (xiii), by striking ''or'' at the end;

(B) in clause (xiv), by adding ''or'' at the end; and

(C) by inserting after clause (xiv) the following:

''(xv) individuals described in section 1902(hh),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

''PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

''SEC. 1920C. (a) STATE OPTION.—State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(hh) (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1902(hh), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis and treatment services that are provided in conjunction with a family planning service in a family planning setting.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(hh); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of law, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting ''for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section''.

(c) CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)), as amended by section 1703(c)(2), is amended by adding at the end the following:

''(6) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and shall apply to items and services furnished on or after such date.

Subtitle C—Access

SEC. 1721. PAYMENTS TO PRIMARY CARE PRACTITIONERS.

(a) IN GENERAL.—

(1) FEE-FOR-SERVICE PAYMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396b) as amended by sections 1703(a), 1714(a), 1731(a), and 1746, is amended—

(A) in subsection (a)(13)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by adding ''and'' at the end of subparagraph (B); and

(iii) by adding at the end the following new subparagraph:

''(C) payment for primary care services (as defined in subsection (kk)(1)) furnished by physicians (or for services furnished by other health care professionals that would be primary care services under such section if furnished by a physician) at a rate not less than 80 percent of the payment rate that would be applicable if the adjustment described in subsection (kk)(2) were to apply to such services and physicians or professionals (as the case may be) under part B of title XVIII for services furnished in 2010, 90 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2011, or 100 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2012 and each subsequent year;''; and

(B) by adding at the end the following new subsection:

''(kk) INCREASED PAYMENT FOR PRIMARY CARE SERVICES.—For purposes of subsection (a)(13)(C):

''(1) PRIMARY CARE SERVICES DEFINED.—The term 'primary care services' means evaluation and management services, without regard to the specialty of the physician furnishing the services, that are procedure codes (for services covered under title XVIII) for services in the category designated Evaluation and Management in the Health Care Common Procedure Coding System (established by the Secretary under section 1848(c)(5) as of December 31, 2009, and as subsequently modified by the Secretary).

''(2) ADJUSTMENT.—The adjustment described in this paragraph is the substitution of 1.25 percent for the update otherwise provided under section 1848(d)(4) for each year beginning with 2010.''.

(2) UNDER MEDICAID MANAGED CARE PLANS.—Section 1932(f) of such Act (42 U.S.C. 1396u–2(f)) is amended—

(A) in the heading, by adding at the end the following: ''; ADEQUACY OF PAYMENT FOR PRIMARY CARE SERVICES''; and

(B) by inserting before the period at the end the following: ''and, in the case of primary care services described in section 1902(a)(13)(C), consistent with the minimum payment rates specified in such section (regardless of the manner in which such payments are made, including in the form of capitation or partial capitation)''.

(b) INCREASE IN PAYMENT USING INCREASED FMAP.—Section 1905(y) of the Social Security Act, as added by section 1701(a)(3)(B) and as amended by section 1701(c)(2), is amended by adding at the end the following:

''(3)(A) The portion of the amounts expended for medical assistance for services described in section 1902(a)(13)(C) furnished on or after January 1, 2010, that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of June 16, 2009.

''(B) Subparagraph (A) shall not be construed as preventing the payment of Federal financial participation based on the Federal medical assistance percentage for amounts in excess of those specified under such subparagraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2010.

SEC. 1722. MEDICAL HOME PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish under this section a medical home pilot program under which a State may apply to the Secretary for approval of a medical home pilot project described in subsection (b) (in this section referred to as a ''pilot project'') for the application of the medical home concept under title XIX of the Social Security Act. The pilot program shall operate for a period of up to 5 years.

(b) PILOT PROJECT DESCRIBED.—

(1) IN GENERAL.—A pilot project is a project that applies one or more of the medical home models described in section 1866F(a)(3) of the Social Security Act (as inserted by section 1302(a)) or such other model as the Secretary may approve, to individuals (including medically fragile children and high-risk pregnant women) who are eligible for medical assistance under title XIX of the Social Security Act. The Secretary shall provide for appropriate coordination of the pilot program under this section with the medical home pilot program under section 1866F of such Act.

(2) LIMITATION.—A pilot project shall be for a duration of not more than 5 years.

(3) CONSIDERATION FOR CERTAIN TECHNOLOGIES.—In considering applications for pilots projects under this section, the Secretary may approve a project which tests the effectiveness of applications and devices, such as wireless patient management technologies, that are approved by the Food and Drug Administration and enable providers and practitioners to communicate directly with their patients in managing chronic illness.

(c) ADDITIONAL INCENTIVES.—In the case of a pilot project, the Secretary may—

(1) waive the requirements of section 1902(a)(1) of the Social Security Act (relating to statewideness) and section 1902(a)(10)(B) of such Act (relating to comparability); and

(2) increase to up to 90 percent (for the first 2 years of the pilot program) or 75 percent (for the next 3 years) the matching percentage for administrative expenditures (such as those for community care workers).

(d) MEDICALLY FRAGILE CHILDREN.—In the case of a model involving medically fragile children, the model shall ensure that the patient-centered medical home services received by each child, in addition to fulfilling the requirements under 1866F(b)(1) of the Social Security Act, provide for continuous involvement and education of the parent or caregiver and for assistance to the child in obtaining necessary transitional care if a child's enrollment ceases for any reason.

(e) EVALUATION; REPORT.—

(1) EVALUATION.—The Secretary, using the criteria described in section 1866F(e)(1) of the Social Security Act (as inserted by section 1123), shall conduct an evaluation of the pilot program under this section.

(2) REPORT.—Not later than 60 days after the date of completion of the evaluation under paragraph (1), the Secretary shall submit to Congress and make available to the public a report on the findings of the evaluation under such paragraph.

(f) FUNDING.—The additional Federal financial participation resulting from the implementation of the pilot program under this section may not exceed in the aggregate $1,235,000,000 over the 5-year period of the program.

SEC. 1723. TRANSLATION OR INTERPRETATION SERVICES.

(a) IN GENERAL.—Section 1903(a)(2)(E) of the Social Security Act (42 U.S.C. 1396b(a)(2)), as added by section 201(b)(2)(A) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended by inserting ''and other individuals'' after ''children of families''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payment for translation or interpretation services furnished on or after January 1, 2010.

SEC. 1724. OPTIONAL COVERAGE FOR FREESTANDING BIRTH CENTER SERVICES.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 1713(a), is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (29) as paragraph (30);

(B) in paragraph (28), by striking at the end ''and''; and

(C) by inserting after paragraph (28) the following new paragraph:

''(29) freestanding birth center services (as defined in subsection (l)(3)(A)) and other ambulatory services that are offered by a freestanding birth center (as defined in subsection (l)(3)(B)) and that are otherwise included in the plan; and''; and

(2) in subsection (l), by adding at the end the following new paragraph:

''(3)(A) The term 'freestanding birth center services' means services furnished to an individual at a freestanding birth center (as defined in subparagraph (B)), including by a licensed birth attendant (as defined in subparagraph (C)) at such center.

''(B) The term 'freestanding birth center' means a health facility—

''(i) that is not a hospital; and

''(ii) where childbirth is planned to occur away from the pregnant woman's residence.

''(C) The term 'licensed birth attendant' means an individual who is licensed or registered by the State involved to provide health care at childbirth and who provides such care within the scope of practice under which the individual is legally authorized to perform such care under State law (or the State regulatory mechanism provided by State law), regardless of whether the individual is under the supervision of, or associated with, a physician or other health care provider. Nothing in this subparagraph shall be construed as changing State law requirements applicable to a licensed birth attendant.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date of the enactment of this Act.

SEC. 1725. INCLUSION OF PUBLIC HEALTH CLINICS UNDER THE VACCINES FOR CHILDREN PROGRAM.

Section 1928(b)(2)(A)(iii)(I) of the Social Security Act (42 U.S.C. 1396s(b)(2)(A)(iii)(I)) is amended—

(1) by striking ''or a rural health clinic'' and inserting '', a rural health clinic''; and

(2) by inserting ''or a public health clinic,'' after ''1905(l)(1)),''.

SEC. 1726. REQUIRING COVERAGE OF SERVICES OF PODIATRISTS.

(a) IN GENERAL.—Section 1905(a)(5)(A) of the Social Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended by striking ''section 1861(r)(1)'' and inserting ''paragraphs (1) and (3) of section 1861(r)''.

(b) EFFECTIVE DATE.—Except as provided in section 1790, the amendment made by subsection (a) shall apply to services furnished on or after January 1, 2010.

SEC. 1726A. REQUIRING COVERAGE OF SERVICES OF OPTOMETRISTS.

(a) IN GENERAL.—Section 1905(a)(5) of the Social Security Act (42 U.S.C. 1396d(a)(5)) is amended—

(1) by striking ''and'' before ''(B)''; and

(2) by inserting before the semicolon at the end the following: '', and (C) medical and other health services (as defined in section 1861(s)) as authorized by State law, furnished by an optometrist (described in section 1861(r)(4)) to the extent such services may be performed under State law''.

(b) EFFECTIVE DATE.—Except as provided in section 1790, the amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act and shall apply to services furnished or other actions required on or after such date.

SEC. 1727. THERAPEUTIC FOSTER CARE.

(a) RULE OF CONSTRUCTION.—Nothing in this title shall prevent or limit a State from covering therapeutic foster care for eligible children in out-of-home placements under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(b) THERAPEUTIC FOSTER CARE DEFINED.—For purposes of this section, the term ''therapeutic foster care'' means a foster care program that provides—

(1) to the child—

(A) structured daily activities that develop, improve, monitor, and reinforce age-appropriate social, communications, and behavioral skills;

(B) crisis intervention and crisis support services;

(C) medication monitoring;

(D) counseling; and

(E) case management services; and

(2) specialized training for the foster parent and consultation with the foster parent on the management of children with mental illnesses and related health and developmental conditions.

SEC. 1728. ASSURING ADEQUATE PAYMENT LEVELS FOR SERVICES.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by inserting after section 1925 the following new section:

''ASSURING ADEQUATE PAYMENT LEVELS FOR SERVICES

''SEC. 1926. (a) IN GENERAL.—A State plan under this title shall not be considered to meet the requirement of section 1902(a)(30)(A) for a year (beginning with 2011)

unless, by not later than April 1 before the beginning of such year, the State submits to the Secretary an amendment to the plan that specifies the payment rates to be used for such services under the plan in such year and includes in such submission such additional data as will assist the Secretary in evaluating the State's compliance with such requirement, including data relating to how rates established for payments to medicaid managed care organizations under sections 1903(m) and 1932 take into account such payment rates.

''(b) SECRETARIAL REVIEW.—The Secretary, by not later than 90 days after the date of submission of a plan amendment under subsection (a), shall—

''(1) review each such amendment for compliance with the requirement of section 1902(a)(30)(A); and

''(2) approve or disapprove each such amendment.

If the Secretary disapproves such an amendment, the State shall immediately submit a revised amendment that meets such requirement.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 1729. PRESERVING MEDICAID COVERAGE FOR YOUTHS UPON RELEASE FROM PUBLIC INSTITUTIONS.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a), as amended by section 1631(b) and 1703(a), is amended—

(1) by striking ''and'' at the end of paragraph (74);

(2) by striking the period at the end of paragraph (75) and inserting ''; and''; and

(3) by inserting after paragraph (75) the following new paragraph:

''(76) provide that in the case of any youth who is 18 years of age or younger, was enrolled for medical assistance under the State plan immediately before becoming an inmate of a public institution, is 18 years of age or younger upon release from such institution, and is eligible for such medical assistance under the State plan at the time of release from such institution—

''(A) during the period such youth is incarcerated in a public institution, the State shall not terminate eligibility for medical assistance under the State plan for such youth;

''(B) during the period such youth is incarcerated in a public institution, the State shall establish a process that ensures—

''(i) that the State does not claim federal financial participation for services that are provided to such youth and that are excluded under subsection 1905(a)(28)(A); and

''(ii) that the youth receives medical assistance for which federal participation is available under this title;

''(C) on or before the date such youth is released from such institution, the State shall ensure that such youth is enrolled for medical assistance under this title, unless and until there is a determination that the individual is no longer eligible to be so enrolled; and

''(D) the State shall ensure that enrollment under subparagraph (C) will be completed before such date so that the youth can access medical assistance under this title immediately upon leaving the institution.''

SEC. 1730. QUALITY MEASURES FOR MATERNITY AND ADULT HEALTH SERVICES UNDER MEDICAID AND CHIP.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139A the following new section:

''SEC. 1139B. QUALITY MEASURES FOR MATERNITY AND ADULT HEALTH SERVICES UNDER MEDICAID AND CHIP.

''(a) MATERNITY CARE QUALITY MEASURES UNDER MEDICAID AND CHIP.—

''(1) DEVELOPMENT OF MEASURES.—No later than January 1, 2011, the Secretary shall develop and publish for comment a proposed set of measures that accurately describe the quality of maternity care provided under State plans under titles XIX and XXI. The Secretary shall publish a final recommended set of such measures no later than July 1, 2011.

''(2) STANDARDIZED REPORTING FORMAT.—No later than January 1, 2012, the Secretary shall develop and publish a standardized reporting format for maternity care quality measures for use by State programs under titles XIX and XXI to collect data from managed care entities and providers and practitioners that participate in such programs and to report maternity care quality measures to the Secretary.

''(b) OTHER ADULT HEALTH QUALITY MEASURES UNDER MEDICAID.—

''(1) DEVELOPMENT OF MEASURES.—The Secretary shall develop quality measures that are not otherwise developed under section 1192 for services received under State plans under title XIX by individuals who are 21 years of age or older but have not attained age 65. The Secretary shall publish such quality measures through notice and comment rulemaking.

''(2) STANDARDIZED REPORTING FORMAT.—The Secretary shall develop and publish a standardized reporting format for quality measures developed under paragraph (1) and section 1192 for services furnished under State plans under title XIX to individuals who are 21 years of age or older but have not attained age 65 for use under such plans and State plans under title XXI. The format shall enable State agencies administering such plans to collect data from managed care entities and providers and practitioners that participate in such plans and to report quality measures to the Secretary.

''(c) DEVELOPMENT PROCESS.—With respect to the development of quality measures under subsections (a) and (b)—

''(1) USE OF QUALIFIED ENTITIES.—The Secretary may enter into agreements with public, nonprofit, or academic institutions with technical expertise in the area of health quality measurement to assist in such development. The Secretary may carry out these agreements by contract, grant, or otherwise.

''(2) MULTI-STAKEHOLDER PRE-RULEMAKING INPUT.—The Secretary shall obtain the input of stakeholders with respect to such quality measures using a process similar to that described in section 1808(d).

''(3) COORDINATION.—The Secretary shall coordinate the development of such measures under such subsections and with the development of child health quality measures under section 1139A.

''(d) ANNUAL REPORT TO CONGRESS.—No later than January 1, 2013, and annually thereafter, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives the Committee on Finance of the Senate regarding—

''(1) the availability of reliable data relating to the quality of maternity care furnished under State plans under titles XIX and XXI;

''(2) the availability of reliable data relating to the quality of services furnished under State plans under title XIX to adults who are 21 years of age or older but have not attained age 65; and

''(3) recommendations for improving the quality of such care and services furnished under such State plans.

''(e) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual who receives medical assistance under title XIX or child health assistance under title XXI.

''(f) APPROPRIATION.—For purposes of carrying out this section, in addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated $40,000,000 for the 5-fiscal-year period beginning with fiscal year 2010. Funds appropriated under this subsection shall remain available until expended.''.

SEC. 1730A. ACCOUNTABLE CARE ORGANIZATION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish under this section an accountable care program under which a State may apply to the Secretary for approval of an accountable care organization pilot program described in subsection (b) (in this section referred to as a ''pilot program'') for the application of the accountable care organization concept under title XIX of the Social Security Act.

(b) PILOT PROGRAM DESCRIBED.—

(1) IN GENERAL.—The pilot program described in this subsection is a program that applies one or more of the accountable care organization models described in section 1866E of the Social Security Act, as added by section 1301 of this Act.

(2) LIMITATION.—The pilot program shall operate for a period of not more than 5 years.

(c) ADDITIONAL INCENTIVES.—In the case of the pilot program under this section, the Secretary may—

(1) waive the requirements of—

(A) section 1902(a)(1) of the Social Security Act (relating to statewideness);

(B) section 1902(a)(10)(B) of such Act (relating to comparability); and

(2) increase the matching percentage for administrative expenditures up to—

(A) 90 percent (for the first 2 years of the pilot program); and

(B) 75 percent (for the next 3 years).

(d) EVALUATION; REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the pilot program under this section. In conducting such evaluation, the Secretary shall use the criteria used under subsection (g)(1) of section 1866E of the Social Security Act (as inserted by section 1301 of this Act) to evaluate pilot programs under such section.

(2) REPORT.—Not later than 60 days after the date of completion of the evaluation under paragraph (1), the Secretary shall submit to Congress and make available to the public a report on the findings of the evaluation under such paragraph.

SEC. 1730B. FQHC COVERAGE.

Section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)) is amended—

(1) by striking ''or'' at the end of clause (iii);

(2) by striking the semicolon at the end of clause (iv) and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) is receiving a grant under section 399Z–1 of the Public Health Service Act;''.

Subtitle D—Coverage

SEC. 1731. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 1714(a)(1), is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XIX);

(B) by adding ''or'' at the end of subclause (XX); and

(C) by adding at the end the following:

''(XXI) who are described in subsection (ii) (relating to HIV-infected individuals);''; and

(2) by adding at the end, as amended by sections 1703 and 1714(a), the following:

''(ii) Individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause (XVIII) or (XXI) of section 1902(a)(10)(A)(ii)''.

(c) CONFORMING AMENDMENTS.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (xii);

(2) by adding ''or'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(ii),''.

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(5) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(ii) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XXI).''.

(e) EFFECTIVE DATE; SUNSET.—The amendments made by this section shall apply to expenditures for calendar quarters beginning on or after the date of the enactment of this Act, and before January 1, 2013, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1732. EXTENDING TRANSITIONAL MEDICAID ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)), as amended by section 5004(a)(1) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

SEC. 1733. REQUIREMENT OF 12-MONTH CONTINUOUS COVERAGE UNDER CERTAIN CHIP PROGRAMS.

(a) IN GENERAL.—Section 2102(b) of the Social Security Act (42 U.S.C. 1397bb(b)) is amended by adding at the end the following new paragraph:

''(6) REQUIREMENT FOR 12-MONTH CONTINUOUS ELIGIBILITY.—In the case of a State child health plan that provides child health assistance under this title through a means other than described in section 2101(a)(2), the plan shall provide for implementation under this title of the 12-month continuous eligibility option described in section 1902(e)(12) for targeted low-income children whose family income is below 200 percent of the poverty line.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations (and redeterminations) of eligibility made on or after January 1, 2010.

SEC. 1734. PREVENTING THE APPLICATION UNDER CHIP OF COVERAGE WAITING PERIODS FOR CERTAIN CHILDREN.

(a) IN GENERAL.—Section 2102(b)(1) of the Social Security Act (42 U.S.C. 1397bb(b)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(v) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a child described in subparagraph (C).''; and

(2) by adding at the end the following new subparagraph:

''(C) DESCRIPTION OF CHILDREN NOT SUBJECT TO WAITING PERIOD.—For purposes of this paragraph, a child described in this subparagraph is a child who, on the date an application is submitted for such child for child health assistance under this title, meets any of the following requirements:

''(i) INFANTS AND TODDLERS.—The child is under two years of age.

''(ii) LOSS OF GROUP HEALTH PLAN COVERAGE.—The child previously had private health insurance coverage through a group health plan or health insurance coverage offered through an employer and lost such coverage due to—

''(I) termination of an individual's employment;

''(II) a reduction in hours that an individual works for an employer;

''(III) elimination of an individual's retiree health benefits; or

''(IV) termination of an individual's group health plan or health insurance coverage offered through an employer.

''(iii) UNAFFORDABLE PRIVATE COVERAGE.—

''(I) IN GENERAL.—The family of the child demonstrates that the cost of health insurance coverage (including the cost of premiums, co-payments, deductibles, and other cost sharing) for such family exceeds 10 percent of the income of such family.

''(II) DETERMINATION OF FAMILY INCOME.—For purposes of subclause (I), family income shall be determined in the same manner specified by the State for purposes of determining a child's eligibility for child health assistance under this title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date that is 90 days after the date of the enactment of this Act.

SEC. 1735. ADULT DAY HEALTH CARE SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State Medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to services provided on or after October 1, 2008.

SEC. 1736. MEDICAID COVERAGE FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

''(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa as communicated to the Secretary of Health and Human Services in writing, to any individual who lawfully resides in the respective territory in accordance with such Compacts.''.

(b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—Section 403(d) of such Act (8 U.S.C. 1613(d)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) an individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C).''.

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking ''; or'' at the end and inserting a comma;

(2) in paragraph (7), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).''.

SEC. 1737. CONTINUING REQUIREMENT OF MEDICAID COVERAGE OF NONEMERGENCY TRANSPORTATION TO MEDICALLY NECESSARY SERVICES.

(a) REQUIREMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''and (21)'' and inserting '', (21), and (30)''; and

(2) in subparagraph (C)(iv), by striking ''and (17)'' and inserting '', (17), and (30)''.

(b) DESCRIPTION OF SERVICES.—Section 1905(a) of such Act (42 U.S.C. 1395d(a)), as amended by sections 1713(a)(1) and 1724(a)(1), is amended—

(1) in paragraph (29), by striking ''and'' at the end;

(2) by redesignating paragraph (30) as paragraph (31) and by striking the comma at the end and inserting a semicolon; and

(3) by inserting after paragraph (29) the following new paragraph:

''(30) nonemergency transportation to medically necessary services, consistent with the requirement of section 431.53 of title 42, Code of Federal Regulations, as in effect as of June 1, 2008; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to transportation on or after such date.

SEC. 1738. STATE OPTION TO DISREGARD CERTAIN INCOME IN PROVIDING CONTINUED MEDICAID COVERAGE FOR CERTAIN INDIVIDUALS WITH EXTREMELY HIGH PRESCRIPTION COSTS.

Section 1902(e) of the Social Security Act (42 U.S.C. 1396b(e)), as amended by section

203(a) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended by adding at the end the following new paragraph:

''(14)(A) At the option of the State, in the case of an individual with extremely high prescription drug costs described in subparagraph (B) who has been determined (without the application of this paragraph) to be eligible for medical assistance under this title, the State may, in redetermining the individual's eligibility for medical assistance under this title, disregard any family income of the individual to the extent such income is less than an amount that is specified by the State and does not exceed the amount specified in subparagraph (C), or, if greater, income equal to the cost of the orphan drugs described in subparagraph (B)(iii).

''(B) An individual with extremely high prescription drug costs described in this subparagraph for a 12-month period is an individual—

''(i) who is covered under health insurance or a health benefits plan that has a maximum lifetime limit of not less than $1,000,000 which includes all prescription drug coverage;

''(ii) who has exhausted all available prescription drug coverage under the plan as of the beginning of such period;

''(iii) who incurs (or is reasonably expected to incur) on an annual basis during the period costs for orphan drugs in excess of the amount specified in subparagraph (C) for the period; and

''(iv) whose annual family income (determined without regard to this paragraph) as of the beginning of the period does not exceed 75 percent of the amount incurred for such drugs (as described in clause (iii)).

''(C) The amount specified in this subparagraph for a 12-month period beginning in—

''(i) 2009 or 2010, is $200,000; or

''(ii) a subsequent year, is the amount specified in clause (i) (or this subparagraph) for the previous year increased by the annual rate of increase in the medical care component of the consumer price index (U.S. city average) for the 12-month period ending in August of the previous year.

Any amount computed under clause (ii) that is not a multiple of $1,000 shall be rounded to the nearest multiple of $1,000.

''(D) In applying this paragraph, amounts incurred for prescription drugs for cosmetic purposes shall not be taken into account.

''(E) With respect to an individual described in subparagraph (A), notwithstanding section 1916, the State plan—

''(i) shall provide for the application of cost-sharing that is at least nominal as determined under section 1916; and

''(ii) may provide, consistent with section 1916A, for such additional cost-sharing as does not exceed a maximum level of cost-sharing that is specified by the Secretary and is adjusted by the Secretary on an annual basis.

''(F) A State electing the option under this paragraph shall provide for a determination on an individual's application for continued medical assistance under this title within 30 days of the date the application if filed with the State.

''(G) In this paragraph:

''(i) The term 'orphan drugs' means prescription drugs designated under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) as a drug for a rare disease or condition.

''(ii) The term 'health benefits plan' includes coverage under a plan offered under a State high risk pool.''.

SEC. 1739. PROVISIONS RELATING TO COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS (CLASS).

(a) COORDINATION WITH CLASS PROVISIONS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1631(b), 1703(a), 1729, 1753, 1757(a), 1759(a), 1783(a), and 1907(b), is amended—

(1) in paragraph (80), by striking ''and'' at the end;

(2) in paragraph (81), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (81) the following:

''(82) provide that the State will comply with such regulations regarding the application of primary and secondary payor rules with respect to individuals who are eligible for medical assistance under this title and are eligible beneficiaries under the CLASS program established under title XXXII of the Public Health Service Act as the Secretary shall establish.''.

(b) ASSURANCE OF ADEQUATE INFRASTRUCTURE FOR THE PROVISION OF PERSONAL CARE ATTENDANT WORKERS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by subsection (a), is amended—

(1) in paragraph (81), by striking ''and'' at the end;

(2) in paragraph (82), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (82), the following:

''(83) provide that, not later than 2 years after the date of enactment of this paragraph, each State shall—

''(A) assess the extent to which entities such as providers of home care, home health services, home and community service providers, public authorities created to provide personal care services to individuals eligible for medical assistance under the State plan, and nonprofit organizations, are serving or have the capacity to serve as fiscal agents for, employers of, and providers of employment-related benefits for, personal care attendant workers who provide personal care services to individuals receiving benefits under the CLASS program established under title XXXII of the Public Health Service Act, including in rural and underserved areas;

''(B) designate or create such entities to serve as fiscal agents for, employers of, and providers of employment-related benefits for, such workers to ensure an adequate supply of the workers for individuals receiving benefits under the CLASS program, including in rural and underserved areas; and

''(C) ensure that the designation or creation of such entities will not negatively alter or impede existing programs, models, methods, or administration of service delivery that provide for consumer controlled or self-directed home and community services and further ensure that such entities will not impede the ability of individuals to direct and control their home and community services, including the ability to select, manage, dismiss, co-employ, or employ such workers or inhibit such individuals from relying on family members for the provision of personal care services.''.

(c) INCLUSION OF INFORMATION ON SUPPLEMENTAL COVERAGE IN THE NATIONAL CLEARINGHOUSE FOR LONG-TERM CARE INFORMATION; EXTENSION OF FUNDING.—Section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended—

(1) in paragraph (2)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) include information regarding the CLASS program established under title XXXII of the Public Health Service Act.''; and

(2) in paragraph (3)—

(A) by striking ''2010'' and inserting ''2015''; and

(B) by adding at the end the following: ''In addition to the amount appropriated under the previous sentence, there are authorized to be appropriated to carry out this subsection, $7,000,000 for each of fiscal years 2011, 2012, and 2013.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2011.

SEC. 1739A. SENSE OF CONGRESS REGARDING COMMUNITY FIRST CHOICE OPTION TO PROVIDE MEDICAID COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

It is the sense of Congress that States should be allowed to elect under their Medicaid State plans under title XIX of the Social Security Act to implement a Community First Choice Option under which—

(1) coverage of community-based attendant services and supports furnished in homes and communities is available, at an individual's option, to individuals who would otherwise qualify for Medicaid institutional coverage under the respective State plan;

(2) such supports and services include assistance to individuals with disabilities in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks;

(3) the Federal matching assistance percentage (FMAP) under such title for medical assistance for such supports and services is enhanced;

(4) States, consistent with minimum federal standards, ensure quality of such supports and services; and

(5) States collect and provide data to the Secretary of Health and Human Services on the cost and effectiveness and quality of supports and services provided through such option.

Subtitle E—Financing

SEC. 1741. PAYMENTS TO PHARMACISTS.

(a) PHARMACY REIMBURSEMENT LIMITS.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended—

(A) by striking paragraph (5) and inserting the following:

''(5) USE OF AMP IN UPPER PAYMENT LIMITS.—The Secretary shall calculate the Federal upper reimbursement limit established under paragraph (4) as 130 percent of the weighted average (determined on the basis of manufacturer utilization) of monthly average manufacturer prices. Nothing in the previous sentence shall be construed as preventing the Secretary from performing such calculation using a smoothing process in order to reduce significant variations from month to month as a result of rebates, discounts, and other pricing practices, such as in the manner such a process is used by the Secretary in determining the average sales price of a drug or biological under section 1847A.''

(2) DEFINITION OF AMP.—Section 1927(k)(1)(B) of such Act (42 U.S.C. 1396r–8(k)(1)(B)) is amended—

(B) in the heading, by striking ''EXTENDED TO WHOLESALERS'' and inserting ''AND OTHER PAYMENTS''; and

(C) by striking ''regard to'' and all that follows through the period and inserting the following: ''regard to—

''(i) customary prompt pay discounts extended to wholesalers;

''(ii) bona fide service fees paid by manufacturers;

''(iii) reimbursement by manufacturers for recalled, damaged, expired, or otherwise unsalable returned goods, including reimbursement for the cost of the goods and any reimbursement of costs associated with return goods handling and processing, reverse logistics, and drug destruction;

''(iv) sales directly to, or rebates, discounts, or other price concessions provided to, pharmacy benefit managers, managed

care organizations, health maintenance organizations, insurers, mail order pharmacies that are not open to all members of the public, or long term care providers, provided that these rebates, discounts, or price concessions are not passed through to retail pharmacies;

''(v) sales directly to, or rebates, discounts, or other price concessions provided to, hospitals, clinics, and physicians, unless the drug is an inhalation, infusion, or injectable drug, or unless the Secretary determines, as allowed for in Agency administrative procedures, that it is necessary to include such sales, rebates, discounts, and price concessions in order to obtain an accurate AMP for the drug. Such a determination shall not be subject to judicial review; or

''(vi) rebates, discounts, and other price concessions required to be provided under agreements under subsections (f) and (g) of section 1860D–2(f).''.

(3) MANUFACTURER REPORTING REQUIREMENTS.—Section 1927(b)(3)(A) of such Act (42 U.S.C. 1396r–8(b)(3)(A)) is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) by striking the period at the end of clause (iii) and inserting ''; and''; and

(C) by inserting after clause (iii) the following new clause:

''(iv) not later than 30 days after the last day of each month of a rebate period under the agreement, on the manufacturer's total number of units that are used to calculate the monthly average manufacturer price for each covered outpatient drug.''.

(4) AUTHORITY TO PROMULGATE REGULATION.—The Secretary of Health and Human Services may promulgate regulations to clarify the requirements for upper payment limits and for the determination of the average manufacturer price in an expedited manner. Such regulations may become effective on an interim final basis, pending opportunity for public comment.

(5) PHARMACY REIMBURSEMENTS THROUGH DECEMBER 31, 2010.—The specific upper limit under section 447.332 of title 42, Code of Federal Regulations (as in effect on December 31, 2006) applicable to payments made by a State for multiple source drugs under a State Medicaid plan shall continue to apply through December 31, 2010, for purposes of the availability of Federal financial participation for such payments.

(b) DISCLOSURE OF PRICE INFORMATION TO THE PUBLIC.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), in the matter preceding subclause (I), by inserting ''month of a'' after ''each''; and

(B) in the last sentence, by striking ''and shall,'' and all that follows up to the period; and

(2) in subparagraph (D)(v), by inserting ''weighted'' before ''average manufacturer prices''.

SEC. 1742. PRESCRIPTION DRUG REBATES.

(a) ADDITIONAL REBATE FOR NEW FORMULATIONS OF EXISTING DRUGS.—

(1) IN GENERAL.—Section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF NEW FORMULATIONS.—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation with respect to such drug under this section shall be the amount computed under this section for such new drug or, if greater, the product of—

''(i) the average manufacturer price of the line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form;

''(ii) the highest additional rebate (calculated as a percentage of average manufacturer price) under this section for any strength of the original single source drug or innovator multiple source drug; and

''(iii) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the State).

In this subparagraph, the term 'line extension' means, with respect to a drug, a new formulation of the drug, such as an extended release formulation.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to drugs dispensed after December 31, 2009.

(b) INCREASE MINIMUM REBATE PERCENTAGE FOR SINGLE SOURCE DRUGS.—

(1) IN GENERAL.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(A) in subclause (IV), by striking ''and'' at the end;

(B) in subclause (V)—

(i) by inserting ''and before January 1, 2010'' after ''December 31, 1995,''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) after December 31, 2009, is 23.1 percent.''.

(2) RECAPTURE OF TOTAL SAVINGS DUE TO INCREASE.—Section 1927(b)(1) of such Act is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR INCREASED MINIMUM REBATE PERCENTAGE.—

''(i) IN GENERAL.—In addition to the amounts applied as a reduction under subparagraph (B), for rebate periods beginning on or after January 1, 2010, during a fiscal year, the Secretary shall reduce payments to a State under section 1903(a) in the manner specified in clause (ii), in an amount equal to the product of—

''(I) 100 percent minus the Federal medical assistance percentage applicable to the rebate period for the State; and

''(II) the amounts received by the State under such subparagraph that are attributable (as estimated by the Secretary based on utilization and other data) to the increase in the minimum rebate percentage effected by the amendments made by section 1742(b)(1) of the Affordable Health Care for America Act, taking into account the additional drugs included under the amendments made by section 1743 of such Act.

The Secretary shall adjust such payment reduction for a calendar quarter to the extent the Secretary determines, based upon subsequent utilization and other data, that the reduction for such quarter was greater or less than the amount of payment reduction that should have been made.

''(ii) MANNER OF PAYMENT REDUCTION.—The amount of the payment reduction under clause (i) for a State for a quarter shall be deemed an overpayment to the State under this title to be disallowed against the State's regular quarterly draw for all Medicaid spending under section 1903(d)(2). Such a disallowance is not subject to a reconsideration under 1116(d).''.

SEC. 1743. EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking ''and'' at the end;

(2) in clause (xii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xiii) such contract provides that the entity shall report to the State such information, on such timely and periodic basis as specified by the Secretary, as the State may require in order to include, in the information submitted by the State to a manufacturer under section 1927(b)(2)(A) and to the Secretary under section 1927(b)(2)(C), information on covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity and for which the entity is responsible for coverage of such drugs under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 1927 of such Act (42 U.S.C. 1396r-8) is amended——

(1) in the first sentence of subsection (b)(1)(A), by inserting before the period at the end the following: '', including such drugs dispensed to individuals enrolled with a medicaid managed care organization if the organization is responsible for coverage of such drugs'';

(2) in subsection (b)(2), by adding at the end the following new subparagraph:

''(C) REPORTING ON MMCO DRUGS.—On a quarterly basis, each State shall report to the Secretary the total amount of rebates in dollars received from pharmacy manufacturers for drugs provided to individuals enrolled with Medicaid managed care organizations that contract under section 1903(m) and such other information as the Secretary may require to carry out paragraph (1)(C) with respect to such rebates.''; and

(3) in subsection (j)—

(A) in the heading by striking ''EXEMPTION'' and inserting ''SPECIAL RULES''; and

(B) in paragraph (1), by striking ''are not subject to the requirements of this section'' and inserting ''are subject to the requirements of this section unless such drugs are subject to discounts under section 340B of the Public Health Service Act''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010, and shall apply to drugs dispensed on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1744. PAYMENTS FOR GRADUATE MEDICAL EDUCATION.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 1701(a)(3)(B), 1711(a), and 1713(a), is amended by adding at the end the following new subsection:

''(bb) PAYMENT FOR GRADUATE MEDICAL EDUCATION.—

''(1) IN GENERAL.—The term 'medical assistance' includes payment for costs of graduate medical education consistent with this subsection, whether provided in or outside of a hospital.

''(2) SUBMISSION OF INFORMATION.—For purposes of paragraph (1) and section 1902(a)(13)(A)(v), payment for such costs is not consistent with this subsection unless—

''(A) the State submits to the Secretary, in a timely manner and on an annual basis specified by the Secretary, information on total payments for graduate medical education and how such payments are being used for graduate medical education, including—

''(i) the institutions and programs eligible for receiving the funding;

''(ii) the manner in which such payments are calculated;

''(iii) the types and fields of education being supported;

''(iv) the workforce or other goals to which the funding is being applied;

''(v) State progress in meeting such goals; and

''(vi) such other information as the Secretary determines will assist in carrying out paragraphs (3) and (4); and

''(B) such expenditures are made consistent with such goals and requirements as are established under paragraph (4).

''(3) REVIEW OF INFORMATION.—The Secretary shall make the information submitted under paragraph (2) available to the Advisory Committee on Health Workforce Evaluation and Assessment (established under section 2261 of the Public Health Service Act). The Secretary and the Advisory Committee shall independently review the information submitted under paragraph (2), taking into account State and local workforce needs.

''(4) SPECIFICATION OF GOALS AND REQUIREMENTS.—The Secretary shall specify by rule, initially published by not later than December 31, 2011—

''(A) program goals for the use of funds described in paragraph (1), taking into account recommendations of the such Advisory Committee and the goals for approved medical residency training programs described in section 1886(h)(1)(B); and

''(B) requirements for use of such funds consistent with such goals.

Such rule may be effective on an interim basis pending revision after an opportunity for public comment.''.

(b) CONFORMING AMENDMENT.—Section 1902(a)(13)(A) of such Act (42 U.S.C. 1396a(a)(13)(A)), as amended by section 1721(a)(1)(A), is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the semicolon in clause (iv) and inserting '', and''; and

(3) by adding at the end the following new clause:

''(v) in the case of hospitals and at the option of a State, such rates may include, to the extent consistent with section 1905(bb), payment for graduate medical education; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. Nothing in this section shall be construed as affecting payments made before such date under a State plan under title XIX of the Social Security Act for graduate medical education.

SEC. 1745. NURSING FACILITY SUPPLEMENTAL PAYMENT PROGRAM.

(a) TOTAL AMOUNT AVAILABLE FOR PAYMENTS.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') to carry out this section $6,000,000,000, of which the following amounts shall be available for obligation in the following years:

(A) $1,500,000,000 shall be available beginning in 2010.

(B) $1,500,000,000 shall be available beginning in 2011.

(C) $1,500,000,000 shall be available beginning in 2012.

(D) $1,500,000,000 shall be available beginning in 2013.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until all eligible dually-certified facilities (as defined in subsection (b)(3)) have been reimbursed for underpayments under this section during cost reporting periods ending during calendar years 2010 through 2013.

(3) LIMITATION OF AUTHORITY.—The Secretary may not make payments under this section that exceed the funds appropriated under paragraph (1).

(4) DISPOSITION OF REMAINING FUNDS INTO MIF.—Any funds appropriated under paragraph (1) which remain available after the application of paragraph (2) shall be deposited into the Medicaid Improvement Fund under section 1941 of the Social Security Act.

(b) USE OF FUNDS.—

(1) AUTHORITY TO MAKE PAYMENTS.—From the amounts available for obligation in a year under subsection (a), the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall pay the amount determined under paragraph (2) directly to an eligible dually-certified facility for the purpose of providing funding to reimburse such facility for furnishing quality care to Medicaid-eligible individuals.

(2) DETERMINATION OF PAYMENT AMOUNTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the payment amount determined under this paragraph for a year for an eligible dually-certified facility shall be an amount determined by the Secretary as reported on the facility's latest available Medicare cost report.

(B) LIMITATION ON PAYMENT AMOUNT.—In no case shall the payment amount for an eligible dually-certified facility for a year under subparagraph (A) be more than the payment deficit described in paragraph (3)(D) for such facility as reported on the facility's latest available Medicare cost report.

(C) PRO-RATA REDUCTION.—If the amount available for obligation under subsection (a) for a year (as reduced by allowable administrative costs under this section) is insufficient to ensure that each eligible dually-certified facility receives the amount of payment calculated under subparagraph (A), the Secretary shall reduce that amount of payment with respect to each such facility in a pro-rata manner to ensure that the entire amount available for such payments for the year be paid.

(D) NO REQUIRED MATCH.—The Secretary may not require that a State provide matching funds for any payment made under this subsection.

(3) ELIGIBLE DUALLY-CERTIFIED FACILITY DEFINED.—For purposes of this section, the term ''eligible dually-certified facility'' means, for a cost reporting period ending during a year (beginning no earlier than 2010) that is covered by the latest available Medicare cost report, a nursing facility that meets all of the following requirements:

(A) The facility is participating as a nursing facility under title XIX of the Social Security Act and as a skilled nursing facility under title XVIII of such Act during the entire year.

(B) The base Medicaid payment rate (excluding any supplemental payments) to the facility is not less than the base Medicaid payment rate (excluding any supplemental payments) to such facility as of June 16, 2009.

(C) As reported on the facility's latest Medicare cost report—

(i) the Medicaid share of patient days for such facility is not less than 60 percent of the combined Medicare and Medicaid share of resident days for such facility; and

(ii) the combined Medicare and Medicaid share of resident days for such facility, as reported on the facility's latest available Medicare cost report, is not less than 75 percent of the total resident days for such facility.

(D) The facility has received Medicaid reimbursement (including any supplemental payments) for the provision of covered services to Medicaid eligible individuals, as reported on the facility's latest available Medicare cost report, that is significantly less (as determined by the Secretary) than the allowable costs (as determined by the Secretary) incurred by the facility in providing such services.

(E) The facility is not in the highest quartile of costs costs per day, as determined by the Secretary and as adjusted for case mix, wages, and type of facility.

(F) The facility provides quality care, as determined by the Secretary, to—

(i) Medicaid eligible individuals; and

(ii) individuals who are entitled to items and services under part A of title XVIII of the Social Security Act.

(G) In the most recent standard survey available, the facility was not cited for any immediate jeopardy deficiencies as defined by the Secretary.

(H) In the most recent standard survey available, the facility maintains an appropriate staffing level to attain or maintain the highest practicable well-being of each resident as defined by the Secretary.

(I) The facility complies with all the requirements, as determined by the Secretary, contained in sections 1411 through 1416 and the amendments made by such sections.

(J) The facility was not listed as a Centers for Medicare & Medicaid Services Special Focus Facility (SFF) nor as a SFF on a State-based list.

(4) FREQUENCY OF PAYMENT.—Payment of an amount under this subsection to an eligible dually-certified facility shall be made for a year in a lump sum or in such periodic payments in such frequency as the Secretary determines appropriate.

(5) DIRECT PAYMENTS.—Such payment—

(A) shall be made directly by the Secretary to an eligible dually-certified facility or a contractor designated by such facility; and

(B) shall not be made through a State.

(c) ADMINISTRATION.—

(1) ANNUAL APPLICATIONS; DEADLINES.—The Secretary shall establish a process, including deadlines, under which facilities may apply on an annual basis to qualify as eligible dually-certified facilities for payment under subsection (b).

(2) CONTRACTING AUTHORITY.—The Secretary may enter into one or more contracts with entities for the purpose of implementation of this section.

(3) LIMITATION.—The Secretary may not spend more than 0.75 percent of the amount made available under subsection (a) in any year on the costs of administering the program of payments under this section for the year.

(4) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement, by program instruction or otherwise, the provisions of this section.

(5) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of—

(A) the determination of the eligibility of a facility for payments under subsection (b); or

(B) the determination of the amount of any payment made to a facility under such subsection.

(d) ANNUAL REPORTS.—The Secretary shall submit an annual report to the committees with jurisdiction in the Congress on payments made under subsection (b). Each such report shall include information on—

(1) the facilities receiving such payments;

(2) the amount of such payments to such facilities; and

(3) the basis for selecting such facilities and the amount of such payments.

(e) REFERENCE TO REPORT.—For report by the Medicaid and CHIP Payment and Access Commission on the adequacy of payments to nursing facilities under the Medicaid program, see section 1900(b)(2)(B) of the Social Security Act, as amended by section 1784.

(f) DEFINITIONS.—For purposes of this section:

(1) DUALLY-CERTIFIED FACILITY.—The term ''dually-certified facility'' means a facility that is participating as a nursing facility under title XIX of the Social Security Act and as a skilled nursing facility under title XVIII of such Act.

(2) MEDICAID ELIGIBLE INDIVIDUAL.—The term ''Medicaid eligible individual'' means an individual who is eligible for medical assistance, with respect to nursing facility services (as defined in section 1905(f) of the

Social Security Act), under title XIX of the such Act.

(3) STATE.—The term ''State'' means the 50 States and the District of Columbia.

SEC. 1746. REPORT ON MEDICAID PAYMENTS.

Section 1902 of the Social Security Act (42 U.S.C. 1396), as amended by sections 1703(a), 1714(a), and 1731(a), is amended by adding at the end the following new subsection:

''(jj) REPORT ON MEDICAID PAYMENTS.—Each year, on or before a date determined by the Secretary, a State participating in the Medicaid program under this title shall submit to the Administrator of the Centers for Medicare & Medicaid Services—

''(1) information on the determination of rates of payment to providers for covered services under the State plan, including—

''(A) the final rates;

''(B) the methodologies used to determine such rates; and

''(C) justifications for the rates; and

''(2) an explanation of the process used by the State to allow providers, beneficiaries and their representatives, and other concerned State residents a reasonable opportunity to review and comment on such rates, methodologies, and justifications before the State made such rates final.''.

SEC. 1747. REVIEWS OF MEDICAID.

(a) GAO STUDY ON FMAP.—.

(1) STUDY.—The Comptroller General of the United States shall conduct a study regarding federal payments made to the State Medicaid programs under title XIX of the Social Security Act for the purposes of making recommendations to Congress.

(2) REPORT.—Not later than February 15, 2011, the Comptroller General shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1) and the effect on the federal government, States, providers, and beneficiaries of—

(A) removing the 50 percent floor, or 83 percent ceiling, or both, in the Federal medical assistance percentage under section 1905(b)(1) of the Social Security Act; and

(B) revising the current formula for such Federal medical assistance percentage to better reflect State fiscal capacity and State effort to pay for health and long-term care services and to better adjust for national or regional economic downturns.

(b) GAO STUDY ON MEDICAID ADMINISTRATIVE COSTS..—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the administration of the Medicaid program by the Department of Health and Human Services, State Medicaid agencies, and local government agencies. The report shall address the following issues:

(A) The extent to which federal funds for each administrative function, such as survey and certification and claims processing, are being used effectively and efficiently.

(B) The administrative functions on which federal Medicaid funds are expended and the amounts of such expenditures (whether spent directly or by contract).

(2) REPORT.—Not later than February 15, 2011, the Comptroller General shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1).

SEC. 1748. EXTENSION OF DELAY IN MANAGED CARE ORGANIZATION PROVIDER TAX ELIMINATION.

Effective as if included in the enactment of section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171), subsection (b)(2)(A) of such section is amended by striking ''October 1, 2009'' and inserting ''October 1, 2010''.

SEC. 1749. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010'';

(3) in subsection (c)(4)(C)(ii), by striking ''December 2009'' and ''January 2010'' and inserting ''June 2010'' and ''July 2010'', respectively;

(4) in subsection (d), by inserting ''ending before October 1, 2010'' after ''entire fiscal years'' and after ''with respect to fiscal years'';

(5) in subsection (g)(1), by striking ''September 30, 2011'' and inserting ''December 31, 2011''; and

(6) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

Subtitle F—Waste, Fraud, and Abuse

SEC. 1751. HEALTH CARE ACQUIRED CONDITIONS.

(a) MEDICAID NON-PAYMENT FOR CERTAIN HEALTH CARE-ACQUIRED CONDITIONS.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) by striking ''or'' at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting ''; or''; and

(3) by inserting after paragraph (24) the following new paragraph:

''(25) with respect to amounts expended for services related to the presence of a condition that could be identified by a secondary diagnostic code described in section 1886(d)(4)(D)(iv) and for any health care acquired condition determined as a non-covered service under title XVIII.''.

(b) APPLICATION TO CHIP.—Section 2107(e)(1)(G) of such Act (42 U.S.C. 1397gg(e)(1)(G)) is amended by striking ''and (17)'' and inserting ''(17), and (25)''.

(c) PERMISSION TO INCLUDE ADDITIONAL HEALTH CARE-ACQUIRED CONDITIONS.—Nothing in this section shall prevent a State from including additional health care-acquired conditions for non-payment in its Medicaid program under title XIX of the Social Security Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges occurring on or after January 1, 2010.

SEC. 1752. EVALUATIONS AND REPORTS REQUIRED UNDER MEDICAID INTEGRITY PROGRAM.

Section 1936(c)(2)) of the Social Security Act (42 U.S.C. 1396u–7(c)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) For the contract year beginning in 2011 and each subsequent contract year, the entity provides assurances to the satisfaction of the Secretary that the entity will conduct periodic evaluations of the effectiveness of the activities carried out by such entity under the Program and will submit to the Secretary an annual report on such activities.''.

SEC. 1753. REQUIRE PROVIDERS AND SUPPLIERS TO ADOPT PROGRAMS TO REDUCE WASTE, FRAUD, AND ABUSE.

Section 1902(a) of such Act (42 U.S.C. 42 U.S.C. 1396a(a)), as amended by sections 1631(b)(1), 1703, and 1729, is further amended—

(1) in paragraph (75), by striking at the end ''and'';

(2) in paragraph (76), by striking at the end the period and inserting ''; and''; and

(3) by inserting after paragraph (76) the following new paragraph:

''(77) provide that any provider or supplier (other than a physician or nursing facility) providing services under such plan shall, subject to paragraph (5) of section 1874(d), establish a compliance program described in paragraph (1) of such section in accordance with such section.''.

SEC. 1754. OVERPAYMENTS.

(a) IN GENERAL.—Section 1903(d)(2)(C) of the Social Security Act (42 U.S.C. 1396b(d)(2)(C)) is amended—

(1) in the first sentence, by inserting ''(or of 1 year in the case of overpayments due to fraud)'' after ''60 days''; and

(2) in the second sentence, by striking ''the 60 days'' and inserting ''such period''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply in the case of overpayments discovered on or after the date of the enactment of this Act.

SEC. 1755. MANAGED CARE ORGANIZATIONS.

(a) MINIMUM MEDICAL LOSS RATIO.—

(1) MEDICAID.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)), as amended by section 1743(a)(3), is amended—

(A) by striking ''and'' at the end of clause (xii);

(B) by striking the period at the end of clause (xiii) and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(xiv) such contract has a medical loss ratio, as determined in accordance with a methodology specified by the Secretary that is a percentage (not less than 85 percent) as specified by the Secretary.''.

(2) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (H) through (L) as subparagraphs (I) through (M); and

(B) by inserting after subparagraph (G) the following new subparagraph:

''(H) Section 1903(m)(2)(A)(xiv) (relating to application of minimum loss ratios), with respect to comparable contracts under this title.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contracts entered into or renewed on or after July 1, 2010.

(b) PATIENT ENCOUNTER DATA.—

(1) IN GENERAL.—Section 1903(m)(2)(A)(xi) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(xi)) is amended by inserting ''and for the provision of such data to the State at a frequency and level of detail to be specified by the Secretary'' after ''patients''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to contract years beginning on or after January 1, 2010.

SEC. 1756. TERMINATION OF PROVIDER PARTICIPATION UNDER MEDICAID AND CHIP IF TERMINATED UNDER MEDICARE OR OTHER STATE PLAN OR CHILD HEALTH PLAN.

(a) STATE PLAN REQUIREMENT.—Section 1902(a)(39) of the Social Security Act (42 U.S.C. 42 U.S.C. 1396a(a)) is amended by inserting after ''1128A,'' the following: ''terminate the participation of any individual or entity in such program if (subject to such exceptions are permitted with respect to exclusion under sections 1128(b)(3)(C) and 1128(d)(3)(B)) participation of such individual or entity is terminated under title XVIII, any other State plan under this title, or any child health plan under title XXI,''.

(b) APPLICATION TO CHIP.—Section 2107(e)(1)(A) of such Act (42 U.S.C. 1397gg(e)(1)(A)) is amended by inserting before the period at the end the following: ''and section 1902(a)(39) (relating to exclusion and termination of participation)''.

(c) EFFECTIVE DATE.—Except as provided in section 1790, the amendments made by this section shall apply to services furnished on or after January 1, 2011, without regard to

whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1757. MEDICAID AND CHIP EXCLUSION FROM PARTICIPATION RELATING TO CERTAIN OWNERSHIP, CONTROL, AND MANAGEMENT AFFILIATIONS.

(a) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1631(b)(1), 1703(a), 1729, and 1753, is further amended—

(1) in paragraph (76), by striking at the end ''and'';

(2) in paragraph (77), by striking at the end the period and inserting ''; and''; and

(3) by inserting after paragraph (77) the following new paragraph:

''(78) provide that the State agency described in paragraph (9) exclude, with respect to a period, any individual or entity from participation in the program under the State plan if such individual or entity owns, controls, or manages an entity that (or if such entity is owned, controlled, or managed by an individual or entity that)—

''(A) has unpaid overpayments under this title during such period determined by the Secretary or the State agency to be delinquent;

''(B) is suspended or excluded from participation under or whose participation is terminated under this title during such period; or

''(C) is affiliated with an individual or entity that has been suspended or excluded from participation under this title or whose participation is terminated under this title during such period.''.

(b) CHILD HEALTH PLAN REQUIREMENT.—Section 2107(e)(1)(A) of such Act (42 U.S.C. 1397gg(e)(1)(A)), as amended by section 1756(b), is amended by striking ''section 1902(a)(39)'' and inserting ''sections 1902(a)(39) and 1902(a)(78)''.

(c) EFFECTIVE DATE.—Except as provided in section 1790, the amendments made by this section shall apply to services furnished on or after January 1, 2011, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1758. REQUIREMENT TO REPORT EXPANDED SET OF DATA ELEMENTS UNDER MMIS TO DETECT FRAUD AND ABUSE.

Section 1903(r)(1)(F) of the Social Security Act (42 U.S.C. 1396b(r)(1)(F)) is amended by inserting after ''necessary'' the following: ''and including, for data submitted to the Secretary on or after July 1, 2010, data elements from the automated data system that the Secretary determines to be necessary for detection of waste, fraud, and abuse''.

SEC. 1759. BILLING AGENTS, CLEARINGHOUSES, OR OTHER ALTERNATE PAYEES REQUIRED TO REGISTER UNDER MEDICAID.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 42 U.S.C. 1396a(a)), as amended by sections 1631(b), 1703(a), 1729, 1753, and 1757(a), is further amended—

(1) in paragraph (77); by striking at the end ''and'';

(2) in paragraph (78), by striking the period at the end and inserting ''and''; and

(3) by inserting after paragraph (78) the following new paragraph:

''(79) provide that any agent, clearinghouse, or other alternate payee that submits claims on behalf of a health care provider must register with the State and the Secretary in a form and manner specified by the Secretary under section 1866(j)(1)(D).''.

(b) DENIAL OF PAYMENT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by section 1751, is amended—

(1) by striking ''or'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; or''; and

(3) by inserting after paragraph (25) the following new paragraph:

''(26) with respect to any amount paid to a billing agent, clearinghouse, or other alternate payee that is not registered with the State and the Secretary as required under section 1902(a)(79).''.

(c) EFFECTIVE DATE.—Except as provided in section 1790, the amendments made by this section shall apply to claims submitted on or after January 1, 2012, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 1760. DENIAL OF PAYMENTS FOR LITIGATION-RELATED MISCONDUCT.

(a) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by sections 1751(a) and 1759(b), is amended—

(1) by striking ''or'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting ''; or''; and

(3) by inserting after paragraph (26) the following new paragraph:

''(27) with respect to any amount expended—

''(A) on litigation in which a court imposes sanctions on the State, its employees, or its counsel for litigation-related misconduct; or

''(B) to reimburse (or otherwise compensate) a managed care entity for payment of legal expenses associated with any action in which a court imposes sanctions on the managed care entity for litigation-related misconduct.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts expended on or after January 1, 2010.

SEC. 1761. MANDATORY STATE USE OF NATIONAL CORRECT CODING INITIATIVE.

Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by adding ''and'' at the end; and

(C) by adding at the end the following new clause:

''(iv) effective for claims filed on or after October 1, 2010, incorporate compatible methodologies of the National Correct Coding Initiative administered by the Secretary (or any successor initiative to promote correct coding and to control improper coding leading to inappropriate payment) and such other methodologies of that Initiative (or such other national correct coding methodologies) as the Secretary identifies in accordance with paragraph (4);''; and

(2) by adding at the end the following new paragraph:

''(4) Not later than September 1, 2010, the Secretary shall do the following:

''(A) Identify those methodologies of the National Correct Coding Initiative administered by the Secretary (or any successor initiative to promote correct coding and to control improper coding leading to inappropriate payment) which are compatible to claims filed under this title.

''(B) Identify those methodologies of such Initiative (or such other national correct coding methodologies) that should be incorporated into claims filed under this title with respect to items or services for which States provide medical assistance under this title and no national correct coding methodologies have been established under such Initiative with respect to title XVIII.

''(C) Notify States of—

''(i) the methodologies identified under subparagraphs (A) and (B) (and of any other national correct coding methodologies identified under subparagraph (B)); and

''(ii) how States are to incorporate such methodologies into claims filed under this title.

''(D) Submit a report to Congress that includes the notice to States under subparagraph (C) and an analysis supporting the identification of the methodologies made under subparagraphs (A) and (B).''.

Subtitle G—Payments to the Territories

SEC. 1771. PAYMENT TO TERRITORIES.

(a) INCREASE IN CAP.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(1), by striking ''With respect to'' and inserting ''Subject to subsection (h), with respect to''; and

(3) by adding at the end the following new subsection:

''(h) ADDITIONAL INCREASE FOR FISCAL YEARS 2011 THROUGH 2019.—Subject to section 347(b)(1) of the Affordable Health Care for America Act, with respect to fiscal years 2011 through 2019, the amounts otherwise determined under subsections (f) and (g) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands and American Samoa shall be increased by the following amounts:

''(1) For Puerto Rico, for fiscal year 2011, $727,600,000; for fiscal year 2012, $775,000,000; for fiscal year 2013, $850,000,000; for fiscal year 2014, $925,000,000; for fiscal year 2015, $1,000,000,000; for fiscal year 2016, $1,075,000,000; for fiscal year 2017, $1,150,000,000; for fiscal year 2018, $1,225,000,000; and for fiscal year 2019, $1,396,400,000.

''(2) For the Virgin Islands, for fiscal year 2011, $34,000,000; for fiscal year 2012, $37,000,000; for fiscal year 2013, $40,000,000; for fiscal year 2014, $43,000,000; for fiscal year 2015, $46,000,000; for fiscal year 2016, $49,000,000; for fiscal year 2017, $52,000,000; for fiscal year 2018, $55,000,000; and for fiscal year 2019, $58,000,000.

''(3) For Guam, for fiscal year 2011, $34,000,000; for fiscal year 2012, $37,000,000; for fiscal year 2013, $40,000,000; for fiscal year 2014, $43,000,000; for fiscal year 2015, $46,000,000; for fiscal year 2016, $49,000,000; for fiscal year 2017, $52,000,000; for fiscal year 2018, $55,000,000; and for fiscal year 2019, $58,000,000.

''(4) For the Northern Mariana Islands, for fiscal year 2011, $13,500,000; fiscal year 2012, $14,500,000; for fiscal year 2013, $15,500,000; for fiscal year 2014, $16,500,000; for fiscal year 2015, $17,500,000; for fiscal year 2016, $18,500,000; for fiscal year 2017, $19,500,000; for fiscal year 2018, $21,000,000; and for fiscal year 2019, $22,000,000.

''(5) For American Samoa, fiscal year 2011, $22,000,000; fiscal year 2012, $23,687,500; for fiscal year 2013, $24,687,500; for fiscal year 2014, $25,687,500; for fiscal year 2015, $26,687,500; for fiscal year 2016, $27,687,500; for fiscal year 2017, $28,687,500; for fiscal year 2018, $29,687,500; and for fiscal year 2019, $30,687,500.''.

(b) REPORT ON ACHIEVING MEDICAID PARITY PAYMENTS BEGINNING WITH FISCAL YEAR 2020.—

(1) IN GENERAL.—Not later than October 1, 2013, the Secretary of Health and Human Services shall submit to Congress a report that details a plan for the transition of each territory to full parity in Medicaid with the 50 States and the District of Columbia in fiscal year 2020 by modifying their existing Medicaid programs and outlining actions the Secretary and the governments of each territory must take by fiscal year 2020 to ensure parity in financing. Such report shall include

what the Federal medical assistance percentages would be for each territory if the formula applicable to the 50 States were applied. Such report shall also include any recommendations that the Secretary may have as to whether the mandatory ceiling amounts for each territory provided for in section 1108 of the Social Security Act (42 U.S.C. 1308) should be increased any time before fiscal year 2020 due to any factors that the Secretary deems relevant.

(2) PER CAPITA DATA.—As part of such report the Secretary shall include information about per capita income data that could be used to calculate Federal medical assistance percentages under section 1905(b) of the Social Security Act, under section 1108(a)(8)(B) of such Act, for each territory on how such data differ from the per capita income data used to promulgate Federal medical assistance percentages for the 50 States. The report under this subsection shall include recommendations on how the Federal medical assistance percentages can be calculated for the territories beginning in fiscal year 2020 to ensure parity with the 50 States.

(3) SUBSEQUENT REPORTS.—The Secretary shall submit subsequent reports to Congress in 2015, 2017, and 2019 detailing the progress that the Secretary and the governments of each territory have made in fulfilling the actions outlined in the plan submitted under paragraph (1).

(c) APPLICATION OF FMAP FOR ADDITIONAL FUNDS.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following sentence: ''Notwithstanding the first sentence of this subsection and any other provision of law, for fiscal years 2011 through 2019, the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be the highest Federal medical assistance percentage applicable to any of the 50 States or the District of Columbia for the fiscal year involved, taking into account the application of subsections (a) and (b)(1) of section 5001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) to such States and the District for calendar quarters during such fiscal years for which such subsections apply.''.

(d) WAIVERS.—

(1) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(A) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa''; and

(B) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply beginning with fiscal year 2011.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide nonmonetary technical assistance to the governments of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa in upgrading their existing computer systems in order to anticipate meeting reporting requirements necessary to implement the plan contained in the report under subsection (b)(1).

Subtitle H—Miscellaneous

SEC. 1781. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTION TO SECTION 1144 OF THE SOCIAL SECURITY ACT.—The first sentence of section 1144(c)(3) of the Social Security Act (42 U.S.C. 1320b—14(c)(3)) is amended—

(1) by striking ''transmittal''; and

(2) by inserting before the period the following: ''as specified in section 1935(a)(4)''.

(b) CLARIFYING AMENDMENT TO SECTION 1935 OF THE SOCIAL SECURITY ACT.—Section 1935(a)(4) of the Social Security Act (42 U.S.C. 1396u—5(a)(4)), as amended by section 113(b) of Public Law 110–275, is amended—

(1) by striking the second sentence;

(2) by redesignating the first sentence as a subparagraph (A) with appropriate indentation and with the following heading: ''IN GENERAL.—'';

(3) by adding at the end the following subparagraphs:

''(B) FURNISHING MEDICAL ASSISTANCE WITH REASONABLE PROMPTNESS.—For the purpose of a State's obligation under section 1902(a)(8) to furnish medical assistance with reasonable promptness, the date of the electronic transmission of low-income subsidy program data, as described in section 1144(c), from the Commissioner of Social Security to the State Medicaid Agency, shall constitute the date of filing of such application for benefits under the Medicare Savings Program.

''(C) DETERMINING AVAILABILITY OF MEDICAL ASSISTANCE.—For the purpose of determining when medical assistance will be made available, the State shall consider the date of the individual's application for the low income subsidy program to constitute the date of filing for benefits under the Medicare Savings Program.''.

(c) EFFECTIVE DATE RELATING TO MEDICAID AGENCY CONSIDERATION OF LOW-INCOME SUBSIDY APPLICATION AND DATA TRANSMITTAL.—The amendments made by subsections (a) and (b) shall be effective as if included in the enactment of section 113(b) of Public Law 110–275.

(d) TECHNICAL CORRECTION TO SECTION 605 OF CHIPRA.—Section 605 of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by striking ''legal residents'' and inserting ''lawfully residing in the United States''.

(e) TECHNICAL CORRECTION TO SECTION 1905 OF THE SOCIAL SECURITY ACT.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting ''or the care and services themselves, or both'' before ''(if provided in or after''.

(f) CLARIFYING AMENDMENT TO SECTION 1115 OF THE SOCIAL SECURITY ACT.—Section 1115(a) of the Social Security Act (42 U.S.C. 1315(a)) is amended by adding at the end the following: ''If an experimental, pilot, or demonstration project that relates to title XIX is approved pursuant to any part of this subsection, such project shall be treated as part of the State plan, all medical assistance provided on behalf of any individuals affected by such project shall be medical assistance provided under the State plan, and all provisions of this Act not explicitly waived in approving such project shall remain fully applicable to all individuals receiving benefits under the State plan.''.

SEC. 1782. EXTENSION OF QI PROGRAM.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)(iv)) is amended—

(1) by striking ''sections 1933 and'' and by inserting ''section''; and

(2) by striking ''December 2010'' and inserting ''December 2012''.

(b) ELIMINATION OF FUNDING LIMITATION.—

(1) IN GENERAL.—Section 1933 of such Act (42 U.S.C. 1396u–3) is amended—

(A) in subsection (a), by striking ''who are selected to receive such assistance under subsection (b)'';

(B) by striking subsections (b), (c), (e), and (g);

(C) in subsection (d), by striking ''furnished in a State'' and all that follows and inserting ''the Federal medical assistance percentage shall be equal to 100 percent.''; and

(D) by redesignating subsections (d) and (f) as subsections (b) and (c), respectively.

(2) CONFORMING AMENDMENT.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by striking ''1933(d)'' and inserting ''1933(b)''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2011.

SEC. 1783. ASSURING TRANSPARENCY OF INFORMATION.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1631(b), 1703(a), 1729, 1753, 1757(a), 1759(a), and 1907(b), is amended—

(1) by striking ''and'' at the end of paragraph (79);

(2) by striking the period at the end of paragraph (80) and inserting ''; and''; and

(3) by inserting after paragraph (80) the following new paragraph:

''(81) provide that the State will establish and maintain laws, in accordance with the requirements of section 1921A, to require disclosure of information on hospital charges and quality and to make such information available to the public and the Secretary.''; and

(4) by inserting after section 1921 the following new section:

''HOSPITAL PRICE TRANSPARENCY

''SEC. 1921A. (a) IN GENERAL.—The requirements referred to in section 1902(a)(81) are that the laws of a State must—

''(1) require reporting to the State (or its agent) by each hospital located therein, of information on,—

''(A) the charges for the most common inpatient and outpatient hospital services;

''(B) the Medicare and Medicaid reimbursement amount for such services; and

''(C) if the hospitals allows for or provides reduced charges for individuals based on financial need, the factors considered in making determinations for reductions in charges, including any formula for such determination and the contact information for the specific department of a hospital that responds to such inquiries;

''(2) provide for notice to individuals seeking or requiring such services of the availability of information on charges described in paragraph (1);

''(3) provide for timely access to such information, including at least through an Internet website, by individuals seeking or requiring such services; and

''(4) provide for timely access to information regarding the quality of care at each hospital made publicly available in accordance with section 501 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), section 1139A, or section 1139B.

The Secretary shall consult with stakeholders (including those entities in section 1808(d)(6) and the National Governors Association) through a formal process to obtain guidance prior to issuing implementing policies under this section.

''(b) HOSPITAL DEFINED.—For purposes of this section, the term 'hospital' means an institution that meets the requirements of paragraphs (1) and (7) of section 1861(e) and includes those to which section 1820(c) applies.''.

(b) EFFECTIVE DATE; ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2)(B) and section 1790, the amendments made by subsection (a) shall take effect on October 1, 2010.

(2) EXISTING PROGRAMS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall establish a process by which a State with an existing program may certify to the Secretary that its program satisfies the requirements of section 1921A of the Social Security Act, as inserted by subsection (a).

(B) 2-YEAR PERIOD TO BECOME IN COMPLIANCE.—States that, as of the date of the enactment of this Act, administer hospital price transparency policies that do not meet such requirements shall have 2 years from such date to make necessary modifications to come into compliance and shall not be regarded as failing to comply with such requirements during such 2-year period.

SEC. 1784. MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.

(a) REPORT ON NURSING FACILITY PAYMENT POLICIES.—Section 1900(b) of the Social Security Act (42 U.S.C. 1396(b)) is amended by adding at the end the following new paragraph:

''(10) REPORTS ON SPECIAL TOPICS ON PAYMENT POLICIES.—

''(A) NURSING FACILITY PAYMENT POLICIES.—Not later than January 1, 2012, the Commission shall submit to Congress a report on nursing facility payment policies under Medicaid that includes—

''(i) information on the difference between the amount paid by each State to nursing facilities in such State under the Medicaid program under this title and the cost to such facilities of providing efficient quality care to Medicaid eligible individuals;

''(ii) an evaluation of patient outcomes and quality as a result of the supplemental payments under section 1745(b) of the Affordable Health Care for America Act; and

''(iii) whether adjustments should be made under the Medicaid program to the rates that States pay skilled nursing facilities to ensure that such rates are sufficient to provide efficient quality care to Medicaid eligible individuals.''.

(b) PEDIATRIC SUBSPECIALIST PAYMENT POLICIES.—Section 1900(b)(10) of the Social Security Act, as added by subsection (a) is amended by adding at the end the following new subparagraph:

''(B) PEDIATRIC SUBSPECIALIST PAYMENT POLICIES.—Not later than January 1, 2011, the Commission shall submit to Congress a report on payment policies for pediatric subspecialist services under Medicaid that includes—

''(i) a comprehensive review of each State's Medicaid payment rates for inpatient and outpatient pediatric speciality services;

''(ii) a comparison, on a State-by-State basis, of the rates under clause (i) to Medicare payments for similar services;

''(iii) information on any limitations in patient access to pediatric speciality care, such as delays in receiving care or wait times for receiving care;

''(iv) an analysis of the extent to which low Medicaid payment rates in any State contributes to limits in access to pediatric subspecialty services in such State; and

''(v) recommendations to ameliorate any problems found with such payment rates or with access to such services.''.

(c) ADDITIONAL AMENDMENTS.—

(1) COMMISSION STATUS.—Section 1900(a) of the Social Security Act is amended by inserting ''as an agency of Congress'' after ''established''.

(2) EXPANSION OF SCOPE.—Section 1900(b)(1)(A) of the Social Security Act is amended by striking ''children's access'' and inserting ''access by low-income children and other eligible individuals''.

(3) CHANGE IN REPORT DEADLINES.—Subparagraphs (C) and (D) of section 1900(b)(1) of such Act are amended by striking ''2010'' and inserting ''2011'' each place it appears.

(4) REPORT IN HEALTH REFORM.—Section 1900(b)(2) of such Act is amended—

(A) in subparagraph (A)(i), by striking ''skilled'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) by adding at the end the following new subparagraph:

''(C) IMPLEMENTATION OF HEALTH REFORM.—The implementation of the provisions of the Affordable Health Care for America Act that relate to Medicaid or CHIP by the Secretary, the Health Choices Commissioner, and the States, including the effect of such implementation on the access to needed health care items and services by low-income individuals and families.''.

(5) CLARIFICATION OF MEMBERSHIP.—Section 1900(c)(2)(B) of such Act is amended by striking ''consumers'' and inserting ''individuals''.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) CURRENT AUTHORIZATION.—Section 1900(f)(2) of such Act is amended—

(i) in the heading, by inserting ''OF APPROPRIATIONS PRIOR TO 2010'' after ''AUTHORIZATION''; and

(ii) by striking ''There are'' and inserting ''Prior to January 1, 2010, there are''

(B) FUTURE AUTHORIZATION.—Section 1900(f) of such Act is further amended by adding at the end the following new paragraph: after the period the following:

''(3) AUTHORIZATION OF APPROPRIATIONS FOR 2010.—Beginning on January 1, 2010, there is authorized to be appropriated $11,800,000 to carry out the provisions of this section. Such funds shall remain available until expended.''.

SEC. 1785. OUTREACH AND ENROLLMENT OF MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 12 months after date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance regarding standards and best practices for conducting outreach to inform eligible individuals about healthcare coverage under Medicaid under title XIX of the Social Security Act or for child health assistance under CHIP under title XXI of such Act, providing assistance to such individuals for enrollment in applicable programs, and establishing methods or procedures for eliminating application and enrollment barriers. Such guidance shall include provisions to ensure that outreach, enrollment assistance, and administrative simplification efforts are targeted specifically to vulnerable populations such as children, unaccompanied homeless youth, victims of abuse or trauma, individuals with mental health or substance related disorders, and individuals with HIV/AIDS. Guidance issued pursuant to this section relating to methods to increase outreach and enrollment provided for under titles XIX and XXI of the Social Security Act shall specifically target such vulnerable and underserved populations and shall include, but not be limited to, guidance on outstationing of eligibility workers, express lane eligibility, residence requirements, documentation of income and assets, presumptive eligibility, continuous eligibility, and automatic renewal.

(b) IMPLEMENTATION.—In implementing the requirements under subsection (a), the Secretary may use such authorities as are available under law and may work with such entities as the Secretary deems appropriate to facilitate effective implementation of such programs. Not later than 2 years after the enactment of this Act and annually thereafter, the Secretary shall review and report to Congress on progress in implementing targeted outreach, application and enrollment assistance, and administrative simplification methods for such vulnerable and underserved populations as are specified in subsection (a).

SEC. 1786. PROHIBITIONS ON FEDERAL MEDICAID AND CHIP PAYMENT FOR UNDOCUMENTED ALIENS.

Nothing in this title shall change current prohibitions against Federal Medicaid and CHIP payments under titles XIX and XXI of the Social Security Act on behalf of individuals who are not lawfully present in the United States.

SEC. 1787. DEMONSTRATION PROJECT FOR STABILIZATION OF EMERGENCY MEDICAL CONDITIONS BY INSTITUTIONS FOR MENTAL DISEASES.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a demonstration project under which an eligible State (as described in subsection (c)) shall provide reimbursement under the State Medicaid plan under title XIX of the Social Security Act to an institution for mental diseases that is subject to the requirements of section 1867 of the Social Security Act (42 U.S.C. 1395dd) for the provision of medical assistance available under such plan to an individual who—

(1) has attained age 21, but has not attained age 65;

(2) is eligible for medical assistance under such plan; and

(3) requires such medical assistance to stabilize an emergency medical condition.

(b) IN-STAY REVIEW.—The Secretary shall establish a mechanism for in-stay review to determine whether or not the patient has been stabilized (as defined in subsection (h)(5)). This mechanism shall commence before the third day of the inpatient stay. States participating in the demonstration project may manage the provision of these benefits under the project through utilization review, authorization, or management practices, or the application of medical necessity and appropriateness criteria applicable to behavioral health.

(c) ELIGIBLE STATE DEFINED.—

(1) APPLICATION.—Upon approval of an application submitted by a State described in paragraph (2), the State shall be an eligible State for purposes of conducting a demonstration project under this section.

(2) STATE DESCRIBED.—States shall be selected by the Secretary in a manner so as to provide geographic diversity on the basis of the application to conduct a demonstration project under this section submitted by such States.

(d) LENGTH OF DEMONSTRATION PROJECT.—The demonstration project established under this section shall be conducted for a period of 3 consecutive years.

(e) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $75,000,000 for fiscal year 2010.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) 3-YEAR AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available for obligation through December 31, 2012.

(3) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $75,000,000; or

(B) payments be provided by the Secretary under this section after December 31, 2012.

(4) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to eligible States based on their applications and the availability of funds.

(5) PAYMENTS TO STATES.—The Secretary shall pay to each eligible State, from its allocation under paragraph (4), an amount each quarter equal to the Federal medical assistance percentage of expenditures in the quarter for medical assistance described in subsection (a).

(f) REPORTS.—

(1) ANNUAL PROGRESS REPORTS.—The Secretary shall submit annual reports to Congress on the progress of the demonstration project conducted under this section.

(2) FINAL REPORT AND RECOMMENDATION.—An evaluation shall be conducted of the demonstration project's impact on the functioning of the health and mental health service system and on individuals enrolled in the Medicaid program. This evaluation shall include collection of baseline data for one-year prior to the initiation of the demonstration project as well as collection of data from matched comparison states not participating in the demonstration. The evaluation measures shall include the following:

(A) A determination, by State, as to whether the demonstration project resulted in increased access to inpatient mental health services under the Medicaid program and whether average length of stays were longer (or shorter) for individuals admitted under the demonstration project compared with individuals otherwise admitted in comparison sites.

(B) An analysis, by State, regarding whether the demonstration project produced a significant reduction in emergency room visits for individuals eligible for assistance under the Medicaid program or in the duration of emergency room lengths of stay.

(C) An assessment of discharge planning by participating hospitals that ensures access to further (non-emergency) inpatient or residential care as well as continuity of care for those discharged to outpatient care.

(D) An assessment of the impact of the demonstration project on the costs of the full range of mental health services (including inpatient, emergency and ambulatory care) under the plan as contrasted with the comparison areas.

(E) Data on the percentage of consumers with Medicaid coverage who are admitted to inpatient facilities as a result of the demonstration project as compared to those admitted to these same facilities through other means.

(F) A recommendation regarding whether the demonstration project should be continued after December 31, 2012, and expanded on a national basis.

(g) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary shall waive the limitation of subdivision (B) following paragraph (28) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) (relating to limitations on payments for care or services for individuals under 65 years of age who are patients in an institution for mental diseases) for purposes of carrying out the demonstration project under this section.

(2) LIMITED OTHER WAIVER AUTHORITY.—The Secretary may waive other requirements of title XIX of the Social Security Act (including the requirements of sections 1902(a)(1) (relating to statewideness) and 1902(1)(10)(B) (relating to comparability)) only to extent necessary to carry out the demonstration project under this section.

(h) DEFINITIONS.—In this section:

(1) EMERGENCY MEDICAL CONDITION.—The term ''emergency medical condition'' means, with respect to an individual, an individual who expresses suicidal or homicidal thoughts or gestures, if determined dangerous to self or others.

(2) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term ''Federal medical assistance percentage'' has the meaning given that term with respect to a State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(3) INSTITUTION FOR MENTAL DISEASES.—The term ''institution for mental diseases'' has the meaning given to that term in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

(4) MEDICAL ASSISTANCE.—The term ''medical assistance'' has the meaning given to that term in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(5) STABILIZED.—The term ''stabilized'' means, with respect to an individual, that the emergency medical condition no longer exists with respect to the individual and the individual is no longer dangerous to self or others.

(6) STATE.—The term ''State'' has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 1788. APPLICATION OF MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended by striking ''from the Fund'' and all that follows and inserting ''from the Fund, only such amounts as may be appropriated or otherwise made available by law.''.

SEC. 1789. TREATMENT OF CERTAIN MEDICAID BROKERS.

Section 1903(b)(4) of the Social Security Act (42 U.S.C. 1396b(b)(4)) is amended—

(1) in the matter before subparagraph (A), by inserting after ''respect to the broker'' the following: ''(or, in the case of subparagraph (A) and subparagraph (B)(i), if the Inspector General of Department of Health and Human Services finds that the broker has established and maintains procedures to ensure the independence of its enrollment activities from the interests of any managed care entity or provider)''; and

(2) in subparagraph (B)—

(A) by inserting ''(i)'' after ''either''; and

(B) by inserting ''(ii)'' after ''health care provider or''.

SEC. 1790. RULE FOR CHANGES REQUIRING STATE LEGISLATION.

In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet an additional requirement imposed by an amendment made by this title, the State plan shall not be regarded as failing to comply with the requirements of such title XIX solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE VIII—REVENUE-RELATED PROVISIONS

SEC. 1801. DISCLOSURES TO FACILITATE IDENTIFICATION OF INDIVIDUALS LIKELY TO BE INELIGIBLE FOR THE LOW-INCOME ASSISTANCE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM TO ASSIST SOCIAL SECURITY ADMINISTRATION'S OUTREACH TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Paragraph (19) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(19) DISCLOSURES TO FACILITATE IDENTIFICATION OF INDIVIDUALS LIKELY TO BE INELIGIBLE FOR LOW-INCOME SUBSIDIES UNDER MEDICARE PRESCRIPTION DRUG PROGRAM TO ASSIST SOCIAL SECURITY ADMINISTRATION'S OUTREACH TO ELIGIBLE INDIVIDUALS.—

''(A) IN GENERAL.—Upon written request from the Commissioner of Social Security, the following return information (including such information disclosed to the Social Security Administration under paragraph (1) or (5)) shall be disclosed to officers and employees of the Social Security Administration, with respect to any taxpayer identified by the Commissioner of Social Security—

''(i) return information for the applicable year from returns with respect to wages (as defined in section 3121(a) or 3401(a)) and payments of retirement income (as described in paragraph (1) of this subsection),

''(ii) unearned income information and income information of the taxpayer from partnerships, trusts, estates, and subchapter S corporations for the applicable year,

''(iii) if the individual filed an income tax return for the applicable year, the filing status, number of dependents, income from farming, and income from self-employment, on such return,

''(iv) if the individual is a married individual filing a separate return for the applicable year, the social security number (if reasonably available) of the spouse on such return,

''(v) if the individual files a joint return for the applicable year, the social security number, unearned income information, and income information from partnerships, trusts, estates, and subchapter S corporations of the individual's spouse on such return, and

''(vi) such other return information relating to the individual (or the individual's spouse in the case of a joint return) as is prescribed by the Secretary by regulation as might indicate that the individual is likely to be ineligible for a low-income prescription drug subsidy under section 1860D–14 of the Social Security Act.

''(B) APPLICABLE YEAR.—For the purposes of this paragraph, the term 'applicable year' means the most recent taxable year for which information is available in the Internal Revenue Service's taxpayer information records.

''(C) RESTRICTION ON INDIVIDUALS FOR WHOM DISCLOSURE MAY BE REQUESTED.—The Commissioner of Social Security shall request information under this paragraph only with respect to—

''(i) individuals the Social Security Administration has identified, using all other reasonably available information, as likely to be eligible for a low-income prescription drug subsidy under section 1860D–14 of the Social Security Act and who have not applied for such subsidy, and

''(ii) any individual the Social Security Administration has identified as a spouse of an individual described in clause (i).

''(D) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only by officers and employees of the Social Security Administration solely for purposes of identifying individuals likely to be ineligible for a low-income prescription drug subsidy under section 1860D–14 of the Social Security Act for use in outreach efforts under section 1144 of the Social Security Act.''.

(b) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(1) by striking ''(19),'' each place it appears, and

(2) by striking ''or (17)'' each place it appears and inserting ''(17), or (19)''.

(c) CONFORMING AMENDMENT.—Paragraph (3) of section 6103(a) of such Code is amended by striking ''(19),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date which is 12 months after the date of the enactment of this Act.

SEC. 1802. COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. HEALTH CARE COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Care Comparative Effectiveness Research Trust Fund' (hereinafter in this section referred to as the 'CERTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) IN GENERAL.—There are hereby appropriated to the Trust Fund the following:

''(A) For fiscal year 2010, $90,000,000.

''(B) For fiscal year 2011, $100,000,000.

''(C) For fiscal year 2012, $110,000,000.

''(D) For each fiscal year beginning with fiscal year 2013—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) subject to subsection (c)(2), amounts determined by the Secretary of Health and Human Services to be equivalent to the fair share per capita amount computed under subsection (c)(1) for the fiscal year multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act during such fiscal year.

''(2) ADMINISTRATIVE PROVISIONS.—

''(A) TRANSFERS FROM OTHER TRUST FUNDS.—The amounts appropriated by subparagraphs (A), (B), (C), and (D)(ii) of paragraph (1) shall be transferred from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (established under section 1841 of such Act), and from the Medicare Prescription Drug Account within such Trust Fund, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII of such Act from the respective trust fund or account.

''(B) APPROPRIATIONS NOT SUBJECT TO FISCAL YEAR LIMITATION.—The amounts appropriated by paragraph (1) shall not be subject to any fiscal year limitation.

''(C) PERIODIC TRANSFERS, ESTIMATES, AND ADJUSTMENTS.—Except as provided in subparagraph (A), the provisions of section 9601 shall apply to the amounts appropriated by paragraph (1).

''(c) FAIR SHARE PER CAPITA AMOUNT.—

''(1) COMPUTATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fair share per capita amount under this paragraph for a fiscal year (beginning with fiscal year 2013) is an amount computed by the Secretary of Health and Human Services for such fiscal year that, when applied under this section and subchapter B of chapter 34 of the Internal Revenue Code of 1986, will result in revenues to the CERTF of $375,000,000 for the fiscal year.

''(B) ALTERNATIVE COMPUTATION.—

''(i) IN GENERAL.—If the Secretary is unable to compute the fair share per capita amount under subparagraph (A) for a fiscal year, the fair share per capita amount under this paragraph for the fiscal year shall be the default amount determined under clause (ii) for the fiscal year.

''(ii) DEFAULT AMOUNT.—The default amount under this clause for—

''(I) fiscal year 2013 is equal to $2; or

''(II) a subsequent year is equal to the default amount under this clause for the preceding fiscal year increased by the annual percentage increase in the medical care component of the consumer price index (United States city average) for the 12-month period ending with April of the preceding fiscal year.

Any amount determined under subclause (II) shall be rounded to the nearest penny.

''(2) LIMITATION ON MEDICARE FUNDING.—In no case shall the amount transferred under subsection (b)(4)(B) for any fiscal year exceed $90,000,000.

''(d) EXPENDITURES FROM FUND.—

''(1) IN GENERAL.—Subject to paragraph (2), amounts in the CERTF are available, without the need for further appropriations and without fiscal year limitation, to the Secretary of Health and Human Services to carry out section 1181 of the Social Security Act.

''(2) ALLOCATION FOR COMMISSION.—The following amounts in the CERTF shall be available, without the need for further appropriations and without fiscal year limitation, to the Commission to carry out the activities of the Comparative Effectiveness Research Commission established under section 1181(b) of the Social Security Act:

''(A) For fiscal year 2010, $7,000,000.

''(B) For fiscal year 2011, $9,000,000.

''(C) For each fiscal year beginning with 2012, 2.6 percent of the total amount appropriated to the CERTF under subsection (b) for the fiscal year.

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.''.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

''Sec. 9511. Health Care Comparative Effectiveness Research Trust Fund.''.

(b) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(1) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter B—Insured and Self-Insured Health Plans

''Sec. 4375. Health insurance.
''Sec. 4376. Self-insured health plans.
''Sec. 4377. Definitions and special rules.

"SEC. 4375. HEALTH INSURANCE.

''(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the policy.

''(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

''(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

''(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy issued with respect to individuals residing in the United States.

''(2) EXEMPTION FOR CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

''(i) such arrangement shall be treated as a specified health insurance policy, and

''(ii) the person referred to in such subparagraph shall be treated as the issuer.

''(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

"SEC. 4376. SELF-INSURED HEALTH PLANS.

''(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year, there is hereby imposed a fee equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the plan.

''(b) LIABILITY FOR FEE.—

''(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

''(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

''(A) the employer in the case of a plan established or maintained by a single employer,

''(B) the employee organization in the case of a plan established or maintained by an employee organization,

''(C) in the case of—

''(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

''(ii) a multiple employer welfare arrangement, or

''(iii) a voluntary employees' beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

''(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

''(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

''(1) any portion of such coverage is provided other than through an insurance policy, and

''(2) such plan is established or maintained—

''(A) by one or more employers for the benefit of their employees or former employees,

''(B) by one or more employee organizations for the benefit of their members or former members,

''(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

''(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

''(E) by any organization described in section 501(c)(6), or

''(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

"SEC. 4377. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter—

''(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

''(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

''(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

''(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) the term 'person' includes any governmental entity, and

''(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

''(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

''(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

''(A) any insurance program established under title XVIII of the Social Security Act,

''(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

''(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

''(i) members of the Armed Forces of the United States, or

''(ii) veterans, and

''(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

''(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

''(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.''.

(2) CLERICAL AMENDMENTS.—

(A) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

''SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

''SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

''Subchapter A—Policies Issued By Foreign Insurers''.

(B) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to policies and plans for portions of policy or plan years beginning on or after October 1, 2012.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 1901. REPEAL OF TRIGGER PROVISION.

Subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is repealed and the provisions of law amended by such subtitle are restored as if such subtitle had never been enacted.

SEC. 1902. REPEAL OF COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.

Section 1860C–1 of the Social Security Act (42 U.S.C. 1395w–29), as added by section 241(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is repealed.

SEC. 1903. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or September 30, 2011, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting ''and for fiscal year 2010, $1,600,000,'' after ''$6,000,000,''.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking ''2010'' and inserting ''2014 or until expended''.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''March 31, 2011''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''March 31, 2013''.

SEC. 1904. GRANTS TO STATES FOR QUALITY HOME VISITATION PROGRAMS FOR FAMILIES WITH YOUNG CHILDREN AND FAMILIES EXPECTING CHILDREN.

Part B of title IV of the Social Security Act (42 U.S.C. 621–629i) is amended by adding at the end the following:

''Subpart 3—Support for Quality Home Visitation Programs

''SEC. 440. HOME VISITATION PROGRAMS FOR FAMILIES WITH YOUNG CHILDREN AND FAMILIES EXPECTING CHILDREN.

''(a) PURPOSE.—The purpose of this section is to improve the well-being, health, and development of children by enabling the establishment and expansion of high quality programs providing voluntary home visitation for families with young children and families expecting children.

''(b) GRANT APPLICATION.—A State that desires to receive a grant under this section shall submit to the Secretary for approval, at such time and in such manner as the Secretary may require, an application for the grant that includes the following:

''(1) DESCRIPTION OF HOME VISITATION PROGRAMS.—A description of the high quality programs of home visitation for families with young children and families expecting children that will be supported by a grant made to the State under this section, the outcomes the programs are intended to achieve, and the evidence supporting the effectiveness of the programs.

''(2) RESULTS OF NEEDS ASSESSMENT.—The results of a statewide needs assessment that describes—

''(A) the number, quality, and capacity of home visitation programs for families with young children and families expecting children in the State;

''(B) the number and types of families who are receiving services under the programs;

''(C) the sources and amount of funding provided to the programs;

''(D) the gaps in home visitation in the State, including identification of communities that are in high need of the services; and

''(E) training and technical assistance activities designed to achieve or support the goals of the programs.

''(3) ASSURANCES.—Assurances from the State that—

''(A) in supporting home visitation programs using funds provided under this section, the State shall identify and prioritize serving communities that are in high need of such services, especially communities with a high proportion of low-income families or a high incidence of child maltreatment;

''(B) the State will reserve 5 percent of the grant funds for training and technical assistance to the home visitation programs using such funds;

''(C) in supporting home visitation programs using funds provided under this section, the State will promote coordination and collaboration with other home visitation programs (including programs funded under title XIX) and with other child and family services, health services, income supports, and other related assistance;

''(D) home visitation programs supported using such funds will, when appropriate, provide referrals to other programs serving children and families; and

''(E) the State will comply with subsection (i), and cooperate with any evaluation conducted under subsection (j).

''(4) OTHER INFORMATION.—Such other information as the Secretary may require.

''(c) ALLOTMENTS.—

''(1) INDIAN TRIBES.—From the amount reserved under subsection (l)(2) for a fiscal year, the Secretary shall allot to each Indian tribe that meets the requirement of subsection (d), if applicable, for the fiscal year the amount that bears the same ratio to the amount so reserved as the number of children in the Indian tribe whose families have income that does not exceed 200 percent of the poverty line bears to the total number of children in such Indian tribes whose families have income that does not exceed 200 percent of the poverty line.

''(2) STATES AND TERRITORIES.—From the amount appropriated under subsection (m) for a fiscal year that remains after making the reservations required by subsection (l), the Secretary shall allot to each State that is not an Indian tribe and that meets the requirement of subsection (d), if applicable, for the fiscal year the amount that bears the same ratio to the remainder of the amount so appropriated as the number of children in the State whose families have income that does not exceed 200 percent of the poverty line bears to the total number of children in such States whose families have income that does not exceed 200 percent of the poverty line.

''(3) REALLOTMENTS.—The amount of any allotment to a State under a paragraph of this subsection for any fiscal year that the State certifies to the Secretary will not be expended by the State pursuant to this section shall be available for reallotment using the allotment methodology specified in that paragraph. Any amount so reallotted to a State is deemed part of the allotment of the State under this subsection.

''(d) MAINTENANCE OF EFFORT.—Beginning with fiscal year 2011, a State meets the requirement of this subsection for a fiscal year if the Secretary finds that the aggregate expenditures by the State from State and local sources for programs of home visitation for families with young children and families expecting children for the then preceding fiscal year was not less than 100 percent of such aggregate expenditures for the then 2nd preceding fiscal year.

''(e) PAYMENT OF GRANT.—

''(1) IN GENERAL.—The Secretary shall make a grant to each State that meets the requirements of subsections (b) and (d), if applicable, for a fiscal year for which funds are appropriated under subsection (m), in an amount equal to the reimbursable percentage of the eligible expenditures of the State for the fiscal year, but not more than the amount allotted to the State under subsection (c) for the fiscal year.

''(2) REIMBURSABLE PERCENTAGE DEFINED.—In paragraph (1), the term 'reimbursable percentage' means, with respect to a fiscal year—

''(A) 85 percent, in the case of fiscal year 2010;

''(B) 80 percent, in the case of fiscal year 2011; or

''(C) 75 percent, in the case of fiscal year 2012 and any succeeding fiscal year.

''(f) ELIGIBLE EXPENDITURES.—

''(1) IN GENERAL.—In this section, the term 'eligible expenditures'—

''(A) means expenditures to provide voluntary home visitation for as many families with young children (under the age of school entry) and families expecting children as practicable, through the implementation or expansion of high quality home visitation programs that—

''(i) adhere to clear evidence-based models of home visitation that have demonstrated positive effects on important program-determined child and parenting outcomes, such as reducing abuse and neglect and improving child health and development;

''(ii) employ well-trained and competent staff, maintain high quality supervision, provide for ongoing training and professional development, and show strong organizational capacity to implement such a program;

''(iii) establish appropriate linkages and referrals to other community resources and supports;

''(iv) monitor fidelity of program implementation to ensure that services are delivered according to the specified model; and

''(v) provide parents with—

''(I) knowledge of age-appropriate child development in cognitive, language, social, emotional, and motor domains (including knowledge of second language acquisition, in the case of English language learners);

''(II) knowledge of realistic expectations of age-appropriate child behaviors;

''(III) knowledge of health and wellness issues for children and parents;

''(IV) modeling, consulting, and coaching on parenting practices;

''(V) skills to interact with their child to enhance age-appropriate development;

''(VI) skills to recognize and seek help for issues related to health, developmental delays, and social, emotional, and behavioral skills; and

''(VII) activities designed to help parents become full partners in the education of their children;

''(B) includes expenditures for training, technical assistance, and evaluations related to the programs; and

''(C) does not include any expenditure with respect to which a State has submitted a claim for payment under any other provision of Federal law.

''(2) PRIORITY FUNDING FOR PROGRAMS WITH STRONGEST EVIDENCE.—

''(A) IN GENERAL.—The expenditures, described in paragraph (1), of a State for a fiscal year that are attributable to the cost of programs that do not adhere to a model of home visitation with the strongest evidence of effectiveness shall not be considered eligible expenditures for the fiscal year to the extent that the total of the expenditures exceeds the applicable percentage for the fiscal year of the allotment of the State under subsection (c) for the fiscal year.

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the term 'applicable percentage' means, with respect to a fiscal year—

''(i) 60 percent for fiscal year 2010;

''(ii) 55 percent for fiscal year 2011;

''(iii) 50 percent for fiscal year 2012;

''(iv) 45 percent for fiscal year 2013; or

''(v) 40 percent for fiscal year 2014.

''(g) NO USE OF OTHER FEDERAL FUNDS FOR STATE MATCH.—A State to which a grant is made under this section may not expend any Federal funds to meet the State share of the cost of an eligible expenditure for which the State receives a payment under this section.

''(h) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The Secretary may waive or modify the application of any provision of this section, other than subsection (b) or (f), to an Indian tribe if the failure to do so would impose an undue burden on the Indian tribe.

''(2) SPECIAL RULE.—An Indian tribe is deemed to meet the requirement of subsection (d) for purposes of subsections (c) and (e) if—

''(A) the Secretary waives the requirement; or

''(B) the Secretary modifies the requirement, and the Indian tribe meets the modified requirement.

''(i) STATE REPORTS.—Each State to which a grant is made under this section shall submit to the Secretary an annual report on the progress made by the State in addressing the purposes of this section. Each such report shall include a description of—

''(1) the services delivered by the programs that received funds from the grant;

''(2) the characteristics of each such program, including information on the service model used by the program and the performance of the program;

''(3) the characteristics of the providers of services through the program, including staff qualifications, work experience, and demographic characteristics;

''(4) the characteristics of the recipients of services provided through the program, including the number of the recipients, the demographic characteristics of the recipients, and family retention;

''(5) the annual cost of implementing the program, including the cost per family served under the program;

''(6) the outcomes experienced by recipients of services through the program;

''(7) the training and technical assistance provided to aid implementation of the program, and how the training and technical assistance contributed to the outcomes achieved through the program;

''(8) the indicators and methods used to monitor whether the program is being implemented as designed; and

''(9) other information as determined necessary by the Secretary.

''(j) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall, by grant or contract, provide for the conduct of an independent evaluation of the effectiveness of home visitation programs receiving funds provided under this section, which shall examine the following:

''(A) The effect of home visitation programs on child and parent outcomes, including child maltreatment, child health and development, school readiness, and links to community services.

''(B) The effectiveness of home visitation programs on different populations, including the extent to which the ability of programs to improve outcomes varies across programs and populations.

''(2) REPORTS TO THE CONGRESS.—

''(A) INTERIM REPORT.—Within 3 years after the date of the enactment of this section, the Secretary shall submit to the Congress an interim report on the evaluation conducted pursuant to paragraph (1).

''(B) FINAL REPORT.—Within 5 years after the date of the enactment of this section, the Secretary shall submit to the Congress a final report on the evaluation conducted pursuant to paragraph (1).

''(k) ANNUAL REPORTS TO THE CONGRESS.—The Secretary shall submit annually to the Congress a report on the activities carried out using funds made available under this section, which shall include a description of the following:

''(1) The high need communities targeted by States for programs carried out under this section.

''(2) The service delivery models used in the programs receiving funds provided under this section.

''(3) The characteristics of the programs, including—

''(A) the qualifications and demographic characteristics of program staff; and

''(B) recipient characteristics including the number of families served, the demographic characteristics of the families served, and family retention and duration of services.

''(4) The outcomes reported by the programs.

''(5) The research-based instruction, materials, and activities being used in the activities funded under the grant.

''(6) The training and technical activities, including on-going professional development, provided to the programs.

''(7) The annual costs of implementing the programs, including the cost per family served under the programs.

''(8) The indicators and methods used by States to monitor whether the programs are being been implemented as designed.

''(l) RESERVATIONS OF FUNDS.—From the amounts appropriated for a fiscal year under subsection (m), the Secretary shall reserve—

''(1) an amount equal to 5 percent of the amounts to pay the cost of the evaluation provided for in subsection (j), and the provision to States of training and technical assistance, including the dissemination of best practices in early childhood home visitation; and

''(2) after making the reservation required by paragraph (1), an amount equal to 3 percent of the amount so appropriated, to pay for grants to Indian tribes under this section.

''(m) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the Secretary to carry out this section—

''(1) $50,000,000 for fiscal year 2010;

''(2) $100,000,000 for fiscal year 2011;

''(3) $150,000,000 for fiscal year 2012;

''(4) $200,000,000 for fiscal year 2013; and

''(5) $250,000,000 for fiscal year 2014.

''(n) INDIAN TRIBES TREATED AS STATES.—In this section, paragraphs (4), (5), and (6) of section 431(a) shall apply.''.

SEC. 1905. IMPROVED COORDINATION AND PROTECTION FOR DUAL ELIGIBLES.

Title XI of the Social Security Act is amended by inserting after section 1150 the following new section:

''IMPROVED COORDINATION AND PROTECTION FOR DUAL ELIGIBLES

''SEC. 1150A. (a) IN GENERAL.—The Secretary shall provide, through an identifiable office or program within the Centers for Medicare & Medicaid Services, for a focused effort to provide for improved coordination between Medicare and Medicaid and protection in the case of dual eligibles (as defined in subsection (g)). The office or program shall—

''(1) review Medicare and Medicaid policies related to enrollment, benefits, service delivery, payment, and grievance and appeals processes under parts A and B of title XVIII, under the Medicare Advantage program under part C of such title, and under title XIX;

''(2) identify areas of such policies where better coordination and protection could improve care and costs; and

''(3) issue guidance to States regarding improving such coordination and protection.

''(b) ELEMENTS.—The improved coordination and protection under this section shall include efforts—

''(1) to simplify access of dual eligibles to benefits and services under Medicare and Medicaid;

''(2) to improve care continuity for dual eligibles and ensure safe and effective care transitions;

''(3) to harmonize regulatory conflicts between Medicare and Medicaid rules with regard to dual eligibles; and

''(4) to improve total cost and quality performance under Medicare and Medicaid for dual eligibles.

''(c) RESPONSIBILITIES.—In carrying out this section, the Secretary shall provide for the following:

''(1) An examination of Medicare and Medicaid payment systems to develop strategies to foster more integrated and higher quality care.

''(2) Development of methods to facilitate access to post-acute and community-based services and to identify actions that could lead to better coordination of community-based care.

''(3) A study of enrollment of dual eligibles in the Medicare Savings Program (as defined in section 1144(c)(7)), under Medicaid, and in the low-income subsidy program under section 1860D–14 to identify methods to more efficiently and effectively reach and enroll dual eligibles.

''(4) An assessment of communication strategies for dual eligibles to determine whether additional informational materials or outreach is needed, including an assessment of the Medicare website, 1–800–MEDICARE, and the Medicare handbook.

''(5) Research and evaluation of areas where service utilization, quality, and access to cost sharing protection could be improved and an assessment of factors related to enrollee satisfaction with services and care delivery.

''(6) Collection (and making available to the public) of data and a database that describe the eligibility, benefit and cost-sharing assistance available to dual eligibles by State.

''(7) Support for coordination of State and Federal contracting and oversight for dual coordination programs supportive of the goals described in subsection (b).

''(8) Support for State Medicaid agencies through the provision of technical assistance for Medicare and Medicaid coordination initiatives designed to improve acute and long-term care for dual eligibles.

''(9) Monitoring total combined Medicare and Medicaid program costs in serving dual eligibles and making recommendations for optimizing total quality and cost performance across both programs.

''(10) Coordination of activities relating to Medicare Advantage plans under 1859(b)(6)(B)(ii) and Medicaid.

''(d) REPORTING.—The Office or program shall work with relevant State agencies and any appropriate quality measurement entities to improve and coordinate reporting requirements for Medicare and Medicaid. In addition, the Office or program shall seek to minimize duplication in reporting requirements, where appropriate, and to identify opportunities to combine assessment requirements, where appropriate. The Office or program shall seek to identify quality metrics and assessment requirements that facilitate comparisons of the quality of care received by beneficiaries enrolled in or entitled to benefits under fee-for-service Medicare, the Medicare Advantage program, fee-for-service Medicaid, and Medicaid managed care, and combinations thereof (including integrated Medicare-Medicaid programs for dual eligibles).

''(e) ENDORSEMENT.—The Secretary shall seek endorsement by the entity with a contract under section 1890(a) of quality measures and benchmarks developed under this section.

''(f) CONSULTATION WITH STAKEHOLDERS.—The Office or program shall consult with relevant stakeholders, including dual eligible beneficiaries representatives for dual eligible beneficiaries, health plans, providers, and relevant State agencies, in the development of policies related to integrated Medicare-Medicaid programs for dual eligibles.

''(g) PERIODIC REPORTS.—Not later than 1 year after the date of the enactment of this section and every 3 years thereafter the Secretary shall submit to Congress a report on progress in activities conducted under this section.

''(h) DEFINITIONS.—In this section:

''(1) DUAL ELIGIBLE.—The term 'dual eligible' means an individual who is dually eligible for benefits under title XVIII, and medical assistance under title XIX, including such individuals who are eligible for benefits under the Medicare Savings Program (as defined in section 1144(c)(7)).

''(2) MEDICARE; MEDICAID.—The terms 'Medicare' and 'Medicaid' mean the programs under titles XVIII and XIX, respectively.''.

SEC. 1906. ASSESSMENT OF MEDICARE COST-INTENSIVE DISEASES AND CONDITIONS.

(a) INITIAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an assessment of the diseases and conditions that are the most cost-intensive for the Medicare program and, to the extent possible, assess the diseases and conditions that could become cost-intensive for Medicare in the future. In conducting the assessment, the Secretary shall include the input of relevant research agencies, including the National Institutes of Health, the Agency for Healthcare Research and Quality, the Food and Drug Administration, and the Centers for Medicare & Medicaid Services.

(2) REPORT.—Not later than January 1, 2011, the Secretary shall transmit a report to the Committees on Energy and Commerce, Ways and Means, and Appropriations of the House of Representatives and the Committees on Health, Education, Labor and Pensions, Finance, and Appropriations of the Senate on the assessment conducted under paragraph (1). Such report shall—

(A) include the assessment of current and future trends of cost-intensive diseases and conditions described in such paragraph;

(B) address whether current research priorities are appropriately addressing current and future cost-intensive conditions so identified; and

(C) include recommendations concerning research in the Department of Health and Human Services that should be funded to improve the prevention, treatment, or cure of such cost-intensive diseases and conditions.

(b) UPDATES OF ASSESSMENT.—Not later than January 1, 2013, and biennially thereafter, the Secretary shall—

(1) review and update the assessment and recommendations described in subsection (a)(1); and

(2) submit a report described in subsection (a)(2) to the Committees specified in subsection (a)(2) on such updated assessment and recommendations.

SEC. 1907. ESTABLISHMENT OF CENTER FOR MEDICARE AND MEDICAID INNOVATION WITHIN CMS.

(a) IN GENERAL.—Title XI of the Social Security Act is amended by inserting after section 1115 the following new section:

''CENTER FOR MEDICARE AND MEDICAID INNOVATION

''SEC. 1115A. (a) CENTER FOR MEDICARE AND MEDICAID INNOVATION ESTABLISHED.—

''(1) IN GENERAL.—There is created within the Centers for Medicare & Medicaid Services a Center for Medicare and Medicaid Innovation (in this section referred to as the 'CMI') to carry out the duties described in this section. The purpose of the CMI is to test innovative payment and service delivery models to improve the coordination, quality, and efficiency of health care services provided to applicable individuals defined in paragraph (4)(A).

''(2) DEADLINE.—The Secretary shall ensure that the CMI is carrying out the duties described in this section by not later than January 1, 2011.

''(3) CONSULTATION.—In carrying out the duties under this section, the CMI shall consult representatives of relevant Federal agencies, clinical and analytical experts with expertise in medicine and health care management, and States. The CMI shall use open door forums or other mechanisms to seek input from interested parties.

''(4) DEFINITIONS.—In this section:

''(A) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(i) an individual who is enrolled under part B and entitled to benefits under part A of title XVIII;

''(ii) an individual who is eligible for medical assistance under title XIX; or

''(iii) an individual who meets the criteria of both clauses (i) and (ii).

''(B) APPLICABLE TITLE.—The term 'applicable title' means title XVIII, title XIX, or both.

''(b) TESTING OF MODELS (PHASE I).—

''(1) IN GENERAL.—The CMI shall test payment and service delivery models in accordance with selection criteria under paragraph (2) to determine the effect of applying such models under the applicable title (as defined in subsection (a)(4)(B)) on program expenditures under such titles and the quality of care received by individuals receiving benefits under such title.

''(2) SELECTION OF MODELS TO BE TESTED.—

''(A) IN GENERAL.—The Secretary shall give preference to testing models for which, as determined by the Administrator of the Centers for Medicare & Medicaid Services and using such input from outside the Centers as the Administrator determines appropriate, there is evidence that the model addresses a defined population for which there are deficits in care leading to poor clinical outcomes or potentially avoidable expenditures. The Administrator shall focus on models expected to reduce program costs under the applicable title while preserving or enhancing the quality of care received by individuals receiving benefits under such title.

''(B) APPLICATION TO OTHER DEMONSTRATIONS.—The Secretary shall operate the demonstration programs under sections 1222 and 1236 of the Affordable Health Care for America Act through the CMI in accordance with the rules applicable under this section, including those relating to evaluations, terminations, and expansions.

''(3) BUDGET NEUTRALITY.—

''(A) INITIAL PERIOD.—The Secretary shall not require, as a condition for testing a model under paragraph (1), that the design of such model ensure that such model is budget neutral initially with respect to expenditures under the applicable title.

''(B) TERMINATION.—The Secretary shall terminate or modify the design and implementation of a model unless the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services, with respect to spending under the applicable title, certifies), after testing has begun, that the model is expected to—

''(i) improve the quality of care (as determined by the Administrator of the Centers for Medicare & Medicaid Services) without increasing spending under such title;

''(ii) reduce spending under such titles without reducing the quality of care; or

''(iii) do both.

Such termination may occur at any time after such testing has begun and before completion of the testing.

''(4) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of each model tested under this subsection. Such evaluation shall include an analysis of—

''(i) the quality of care furnished under the model, including through the use of patient-level outcomes measures; and

''(ii) the changes in spending under the applicable titles by reason of the model.

The Secretary shall make the results of each evaluation under this paragraph available to the public in a timely fashion.

''(B) MEASURE SELECTION.—To the extent feasible, the Secretary shall select measures under this paragraph that reflect national priorities for quality improvement and patient-centered care consistent with the measures developed under section 1192(c)(1).

''(5) TESTING PERIOD.—In no case shall a model be tested under this subsection for more than a 7-year period.

''(c) EXPANSION OF MODELS (PHASE II).—The Secretary may expand the duration and the scope of a model that is being tested under subsection (b) (including implementation on a nationwide basis), to the extent determined appropriate by the Secretary, if—

''(1) the Secretary determines that such expansion is expected—

''(A) to improve the quality of patient care without increasing spending under the applicable titles;

''(B) to reduce spending under applicable titles without reducing the quality of care; or

''(C) to do both;

''(2) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce (or not result in any increase in) net program spending under applicable titles; and

''(3) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits under the applicable title for applicable individuals.

''(d) IMPLEMENTATION.—

''(1) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII and of sections 1902 and 1903(m) as may be necessary solely for purposes of carrying out this section with respect to testing models described in subsection (b).

''(2) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(A) the selection of models for testing or expansion under this section;

''(B) the elements, parameters, scope, and duration of such models for testing or dissemination;

''(C) the termination or modification of the design and implementation of a model under subsection (b)(3)(B); and

''(D) determinations about expansion of the duration and scope of a model under subsection (c) including the determination that a model is not expected to meet criteria described in paragraphs (1) or (2) of such subsection.

''(3) ADMINISTRATION.—Chapter 35 of title 44, United States Code shall not apply to the testing and evaluation of models or expansion of such models under this section.

''(4) FUNDING FOR TESTING ITEMS AND SERVICES AND ADMINISTRATIVE COSTS.—

''(A) ADDITIONAL BENEFITS.—There shall be available until expended, equally divided from the Federal Supplementary Hospital Insurance Trust Fund and Federal Supplementary Medical Insurance Trust Fund for payments for additional benefits for items and services under models tested under subsection (b) not otherwise covered under this title and applicable to benefits under this title, and for researching, designing, implementing, and evaluating such models, $350,000,000 for fiscal year 2010, $440,000,000 for fiscal year 2011, $550,000,000 for fiscal year 2012, and, for a subsequent fiscal year, the amount determined under this subparagraph for the preceding fiscal year increased by the annual percentage rate of increase in total expenditures under this title for the subsequent fiscal year as estimated in the latest available Annual Report of the Board of Trustees as described in section 1841(b)(2).

''(B) MEDICAID.—For administrative costs of the Centers for Medicare & Medicaid Services for administering this section with respect to title XIX, from any amounts in the Treasury not otherwise appropriated there are appropriated to the Secretary for the Centers for Medicare & Medicaid Services Program Management Account $25,000,000 for each fiscal year beginning with fiscal year 2010. Amounts appropriated under this subparagraph for a fiscal year shall be available until expended.

''(e) REPORT TO CONGRESS.—Beginning in 2012, and not less than once every other year thereafter, the Secretary shall submit to Congress a report on activities under this section. Each such report shall describe the payment models tested under subsection (b), including the number of individuals described in subsection (a)(4)(A)(i) and of individuals described in subsection (a)(4)(A)(ii) participating in such models and payments made under applicable titles for services on behalf of such individuals, any models chosen for expansion under subsection (c), and the results from evaluations under subsection (b)(4). In addition, each such report shall provide such recommendations as the Secretary believes are appropriate for legislative action to facilitate the development and expansion of successful payment models.''.

(b) MEDICAID CONFORMING AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1631(b), 1703(a), 1729, 1753, 1757(a), and 1759(a), is amended—

(1) in paragraph (78), by striking ''and'' at the end;

(2) in paragraph (79), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (79) the following new paragraph:

''(80) provide for implementation of the payment models specified by the Secretary under section 1115A(c) for implementation on a nationwide basis unless the State demonstrates to the satisfaction of the Secretary that implementation would not be administratively feasible or appropriate to the health care delivery system of the State.''.

SEC. 1908. APPLICATION OF EMERGENCY SERVICES LAWS.

Nothing in this Act shall be construed to relieve any health care provider from providing emergency services as required by State or Federal law, including section 1867 of the Social Security Act (popularly known as ''EMTALA'').

SEC. 1909. DISREGARD UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM OF COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(3) by adding at the end the following:

''(26) The first $2,000 per year received by such individual (or such spouse) for participation in a clinical trial to test a treatment for a rare disease or condition (within the meaning of section 5(b)(2) of the Orphan Drug Act (Public Law 97–414)), that—

''(A) has been reviewed and approved by an institutional review board that—

''(i) is established to protect the rights and welfare of human subjects participating in research; and

''(ii) meet the standards for such bodies set forth in part 46 of title 45, Code of Federal Regulations; and

''(B) meets the standards for protection of human subjects for clinical research (as set forth in such part).''.

(b) RESOURCE DISREGARD.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(3) by inserting after paragraph (16) the following:

''(17) the first $2,000 per year received by such individual (or such spouse) for participation in a clinical trial, as described in section 1612(b)(26).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable for calendar months beginning after the earlier of—

(1) the date the Commissioner of Social Security promulgates regulations to carry out the amendments; or

(2) the 180-day period that begins with the date of the enactment of this Act.

DIVISION C—PUBLIC HEALTH AND WORKFORCE DEVELOPMENT

SEC. 2001. TABLE OF CONTENTS; REFERENCES.

(a) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 2001. Table of contents; references.
Sec. 2002. Public Health Investment Fund.
Sec. 2003. Deficit neutrality.

TITLE I—COMMUNITY HEALTH CENTERS

Sec. 2101. Increased funding.

TITLE II—WORKFORCE

Subtitle A—Primary Care Workforce

PART 1—NATIONAL HEALTH SERVICE CORPS

Sec. 2201. National Health Service Corps.
Sec. 2202. Authorizations of appropriations.

PART 2—PROMOTION OF PRIMARY CARE AND DENTISTRY

Sec. 2211. Frontline health providers.

''SUBPART XI—HEALTH PROFESSIONAL NEEDS AREAS

''Sec. 340H. In general.
''Sec. 340I. Loan repayments.
''Sec. 340J. Report.
''Sec. 340K. Allocation.

Sec. 2212. Primary care student loan funds.
Sec. 2213. Training in family medicine, general internal medicine, general pediatrics, geriatrics, and physician assistants.
Sec. 2214. Training of medical residents in community-based settings.
Sec. 2215. Training for general, pediatric, and public health dentists and dental hygienists.
Sec. 2216. Authorization of appropriations.
Sec. 2217. Study on effectiveness of scholarships and loan repayments.

Subtitle B—Nursing Workforce

Sec. 2221. Amendments to Public Health Service Act.

Subtitle C—Public Health Workforce

Sec. 2231. Public Health Workforce Corps.

''SUBPART XII—PUBLIC HEALTH WORKFORCE

''Sec. 340L. Public Health Workforce Corps.
''Sec. 340M. Public Health Workforce Scholarship Program.
''Sec. 340N. Public Health Workforce Loan Repayment Program.

Sec. 2232. Enhancing the public health workforce.
Sec. 2233. Public health training centers.
Sec. 2234. Preventive medicine and public health training grant program.
Sec. 2235. Authorization of appropriations.

Subtitle D—Adapting Workforce to Evolving Health System Needs

PART 1—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

Sec. 2241. Scholarships for disadvantaged students, loan repayments and fellowships regarding faculty positions, and educational assistance in the health professions regarding individuals from disadvantaged backgrounds.
Sec. 2242. Nursing workforce diversity grants.
Sec. 2243. Coordination of diversity and cultural competency programs.

PART 2—INTERDISCIPLINARY TRAINING PROGRAMS

Sec. 2251. Cultural and linguistic competency training for health professionals.
Sec. 2252. Innovations in interdisciplinary care training.

PART 3—ADVISORY COMMITTEE ON HEALTH WORKFORCE EVALUATION AND ASSESSMENT

Sec. 2261. Health workforce evaluation and assessment.

PART 4—HEALTH WORKFORCE ASSESSMENT

Sec. 2271. Health workforce assessment.

PART 5—AUTHORIZATION OF APPROPRIATIONS

Sec. 2281. Authorization of appropriations.

TITLE III—PREVENTION AND WELLNESS

Sec. 2301. Prevention and wellness.

''TITLE XXXI—PREVENTION AND WELLNESS

''Subtitle A—Prevention and Wellness Trust

''Sec. 3111. Prevention and Wellness Trust.

''Subtitle B—National Prevention and Wellness Strategy

''Sec. 3121. National Prevention and Wellness Strategy.

''Subtitle C—Prevention Task Forces

''Sec. 3131. Task Force on Clinical Preventive Services.
''Sec. 3132. Task Force on Community Preventive Services.

''Subtitle D—Prevention and Wellness Research

''Sec. 3141. Prevention and wellness research activity coordination.
''Sec. 3142. Community prevention and wellness research grants.
''Sec. 3143. Research on subsidies and rewards to encourage wellness and healthy behaviors.

''Subtitle E—Delivery of Community Prevention and Wellness Services

''Sec. 3151. Community prevention and wellness services grants.

''Subtitle F—Core Public Health Infrastructure

''Sec. 3161. Core public health infrastructure for State, local, and tribal health departments.
''Sec. 3162. Core public health infrastructure and activities for CDC.

''Subtitle G—General Provisions

''Sec. 3171. Definitions.

TITLE IV—QUALITY AND SURVEILLANCE

Sec. 2401. Implementation of best practices in the delivery of health care.
Sec. 2402. Assistant Secretary for Health Information.
Sec. 2403. Authorization of appropriations.

TITLE V—OTHER PROVISIONS

Subtitle A—Drug Discount for Rural and Other Hospitals; 340B Program Integrity

Sec. 2501. Expanded participation in 340B program.
Sec. 2502. Improvements to 340B program integrity.
Sec. 2503. Effective date.

Subtitle B—Programs

PART 1—GRANTS FOR CLINICS AND CENTERS

Sec. 2511. School-based health clinics.
Sec. 2512. Nurse-Managed health centers.
Sec. 2513. Federally qualified behavioral health centers.

PART 2—OTHER GRANT PROGRAMS

Sec. 2521. Comprehensive programs to provide education to nurses and create a pipeline to nursing.
Sec. 2522. Mental and behavioral health training.
Sec. 2523. Reauthorization of telehealth and telemedicine grant programs.
Sec. 2524. No child left unimmunized against influenza: demonstration program using elementary and secondary schools as influenza vaccination centers.
Sec. 2525. Extension of Wisewoman Program.
Sec. 2526. Healthy teen initiative to prevent teen pregnancy.
Sec. 2527. National training initiatives on autism spectrum disorders.
Sec. 2528. Implementation of medication management services in treatment of chronic diseases.
Sec. 2529. Postpartum depression.
Sec. 2530. Grants to promote positive health behaviors and outcomes.
Sec. 2531. Medical liability alternatives.
Sec. 2532. Infant mortality pilot programs.
Sec. 2533. Secondary school health sciences training program.
Sec. 2534. Community-based collaborative care networks.
Sec. 2535. Community-based overweight and obesity prevention program.
Sec. 2536. Reducing student-to-school nurse ratios.
Sec. 2537. Medical-legal partnerships.
Sec. 2538. Screening, Brief Intervention, referral, and treatment for mental health and substance abuse disorders.
Sec. 2539. Grants to assist in developing medical schools in federally-designated health professional shortage areas.

PART 3—EMERGENCY CARE-RELATED PROGRAMS

Sec. 2551. Trauma care centers.
Sec. 2552. Emergency care coordination.
Sec. 2553. Pilot programs to improve emergency medical care.
Sec. 2554. Assisting veterans with military emergency medical training to become State-licensed or certified emergency medical technicians (EMTs).
Sec. 2555. Dental emergency responders: public health and medical response.
Sec. 2556. Dental emergency responders: homeland security.

PART 4—PAIN CARE AND MANAGEMENT PROGRAMS

Sec. 2561. Institute of Medicine Conference on Pain.
Sec. 2562. Pain research at National Institutes of Health.
Sec. 2563. Public awareness campaign on pain management.

Subtitle C—Food and Drug Administration

PART 1—IN GENERAL

Sec. 2571. National medical device registry.
Sec. 2572. Nutrition labeling of standard menu items at chain restaurants and of articles of food sold from vending machines.
Sec. 2573. Protecting consumer access to generic drugs.

PART 2—BIOSIMILARS

Sec. 2575. Licensure pathway for biosimilar biological products.
Sec. 2576. Fees relating to biosimilar biological products.
Sec. 2577. Amendments to certain patent provisions.

Subtitle D—Community Living Assistance Services and Supports

Sec. 2581. Establishment of national voluntary insurance program for purchasing community living assistance services and support (CLASS program).

''TITLE XXXII—COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS

''Sec. 3201. Purpose.
''Sec. 3202. Definitions.
''Sec. 3203. CLASS Independence Benefit Plan.
''Sec. 3204. Enrollment and disenrollment requirements.
''Sec. 3205. Benefits.
''Sec. 3206. CLASS Independence Fund.
''Sec. 3207. CLASS Independence Advisory Council.
''Sec. 3208. Regulations; annual report.
''Sec. 3209. Inspector General's report.

Subtitle E—Miscellaneous

Sec. 2585. States failing to adhere to certain employment obligations.
Sec. 2586. Health centers under Public Health Service Act; liability protections for volunteer practitioners.
Sec. 2587. Report to Congress on the current state of parasitic diseases that have been overlooked among the poorest Americans.
Sec. 2588. Office of Women's Health.
Sec. 2588A. Offices of Minority Health.
Sec. 2589. Long-Term Care and Family Caregiver Support.
Sec. 2590. Web site on health care labor market and related educational and training opportunities.
Sec. 2591. Online health workforce training programs.
Sec. 2592. Access for individuals with disabilities.
Sec. 2593. Duplicative Grant programs.
Sec. 2594. Diabetes screening collaboration and outreach program.
Sec. 2595. Improvement of vital statistics collection.
Sec. 2596. National health service corps demonstration on incentive payments.

(b) REFERENCES.—Except as otherwise specified, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2002. PUBLIC HEALTH INVESTMENT FUND.

(a) ESTABLISHMENT OF FUNDS.—

(1) IN GENERAL.—Subject to section 2003, there is hereby established in the Treasury a separate account to be known as the ''Public Health Investment Fund'' (referred to in this section and section 2003 as the ''Fund'').

(2) FUNDING.—

(A) There shall be deposited into the Fund—

(i) for fiscal year 2011, $4,600,000,000;
(ii) for fiscal year 2012, $5,600,000,000;
(iii) for fiscal year 2013, $6,900,000,000;
(iv) for fiscal year 2014, $7,800,000,000; and
(v) for fiscal year 2015, $9,000,000,000.

(B) Amounts deposited into the Fund shall be derived from general revenues of the Treasury only for the fiscal years set forth in this section, and amounts appropriated from the Fund shall remain available until expended.

(b) AUTHORIZATION OF APPROPRIATIONS FROM THE FUND.—

(1) NEW FUNDING.—

(A) IN GENERAL.—Subject to section 2003, amounts in the Fund are authorized to be appropriated for carrying out activities under designated public health provisions.

(B) DESIGNATED PROVISIONS.—For purposes of this paragraph, the term ''designated public health provisions'' means the provisions for which amounts are authorized to be appropriated under section 330(s), 338(c), 338H–1, 799C, 872, or 3111 of the Public Health Service Act, as added by this division.

(2) BASELINE FUNDING.—

(A) IN GENERAL.—Amounts in the Fund are authorized to be appropriated (as described in paragraph (1)) for a fiscal year only if (excluding any amounts in or appropriated from the Fund) the amounts specified in subparagraph (B) for the fiscal year involved are equal to or greater than the amounts specified in subparagraph (B) for fiscal year 2008.

(B) AMOUNTS SPECIFIED.—The amounts specified in this subparagraph, with respect to a fiscal year are the amounts appropriated (excluding any amounts in or appropriated from the Fund) for the following:

(i) Community health centers (including funds appropriated under the authority of section 330 of the Public Health Service Act (42 U.S.C. 254b)).

(ii) The National Health Service Corps Program (including funds appropriated under the authority of section 338 of such Act (42 U.S.C. 254k)).

(iii) The National Health Service Corps Scholarship and Loan Repayment Programs (including funds appropriated under the authority of section 338H of such Act (42 U.S.C. 254q)).

(iv) Primary care education programs (including funds appropriated under the authority of sections 736, 740, 741, and 747 of such Act (42 U.S.C. 293, 293d, and 293k)).

(v) Sections 761 and 770 of such Act (42 U.S.C. 294n and 295e).

(vi) Nursing workforce development (including funds appropriated under the authority of title VIII of such Act (42 U.S.C. 296 et seq.)).

(vii) The National Center for Health Statistics (including funds appropriated under the authority of sections 304, 306, 307, and 308 of such Act (42 U.S.C. 242b, 242k, 242l, and 242m)).

(viii) The Agency for Healthcare Research and Quality (including funds made available under the authority of title IX of such Act (42 U.S.C. 299 et seq.)).

SEC. 2003. DEFICIT NEUTRALITY.

(a) AVAILABILITY.—Funds appropriated or made available pursuant to sections 330(s), 338(c), 338H–1, 799C, 872, or 3111 of the Public Health Service Act, as added by this division, are only available for the purposes set forth in this Act. Appropriations shall not be available and are precluded from obligation for any other purpose.

(b) ESTIMATION OF BUDGETARY IMPACT.—For the purposes of estimating the spending effects of this Act, the authorization of appropriations from the Fund, to the extent amounts in the Fund are derived from the general revenues of the Treasury, shall be treated as new direct spending and attributed to this Act.

(c) BUDGETARY TREATMENT.—For the purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Fund, to the extent amounts in the Fund are derived from the general revenues of the Treasury, and not in excess of amounts subsequently appropriated from the Fund, shall be deemed to be included on the list of appropriations referenced under section 250(c)(17) of that Act.

TITLE I—COMMUNITY HEALTH CENTERS

SEC. 2101. INCREASED FUNDING.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (r)(1)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by inserting at the end the following:

''(F) such sums as may be necessary for each of fiscal years 2013 through 2015.''; and

(2) by inserting after subsection (r) the following:

''(s) ADDITIONAL FUNDING.—For the purpose of carrying out this section, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) For fiscal year 2011, $1,000,000,000.

''(2) For fiscal year 2012, $1,500,000,000.

''(3) For fiscal year 2013, $2,500,000,000.

''(4) For fiscal year 2014, $3,000,000,000.

''(5) For fiscal year 2015, $4,000,000,000.''.

TITLE II—WORKFORCE

Subtitle A—Primary Care Workforce

PART 1—NATIONAL HEALTH SERVICE CORPS

SEC. 2201. NATIONAL HEALTH SERVICE CORPS.

(a) FULFILLMENT OF OBLIGATED SERVICE REQUIREMENT THROUGH HALF-TIME SERVICE.—

(1) WAIVERS.—Subsection (i) of section 331 (42 U.S.C. 254d) is amended—

(A) in paragraph (1), by striking ''In carrying out subpart III'' and all that follows through the period and inserting ''In carrying out subpart III, the Secretary may, in accordance with this subsection, issue waivers to individuals who have entered into a contract for obligated service under the Scholarship Program or the Loan Repayment Program under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical practice that is half-time.'';

(B) in paragraph (2)—

(i) in subparagraphs (A)(ii) and (B), by striking ''less than full time'' each place it appears and inserting ''half time'';

(ii) in subparagraphs (C) and (F), by striking ''less than full-time service'' each place it appears and inserting ''half-time service''; and

(iii) by amending subparagraphs (D) and (E) to read as follows:

''(D) the entity and the Corps member agree in writing that the Corps member will perform half-time clinical practice;

''(E) the Corps member agrees in writing to fulfill all of the service obligations under section 338C through half-time clinical practice and either—

''(i) double the period of obligated service that would otherwise be required; or

''(ii) in the case of contracts entered into under section 338B, accept a minimum service obligation of 2 years with an award amount equal to 50 percent of the amount that would otherwise be payable for full-time service; and''; and

(C) in paragraph (3), by striking ''In evaluating a demonstration project described in paragraph (1)'' and inserting ''In evaluating waivers issued under paragraph (1)''.

(2) DEFINITIONS.—Subsection (j) of section 331 (42 U.S.C. 254d) is amended by adding at the end the following:

''(5) The terms 'full time' and 'full-time' mean a minimum of 40 hours per week in a clinical practice, for a minimum of 45 weeks per year.

''(6) The terms 'half time' and 'half-time' mean a minimum of 20 hours per week (not to exceed 39 hours per week) in a clinical practice, for a minimum of 45 weeks per year.''.

(b) REAPPOINTMENT TO NATIONAL ADVISORY COUNCIL.—Section 337(b)(1) (42 U.S.C. 254j(b)(1)) is amended by striking ''Members may not be reappointed to the Council.''.

(c) LOAN REPAYMENT AMOUNT.—Section 338B(g)(2)(A) (42 U.S.C. 254l–1(g)(2)(A)) is amended by striking ''$35,000'' and inserting ''$50,000, plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation,''.

(d) TREATMENT OF TEACHING AS OBLIGATED SERVICE.—Subsection (a) of section 338C (42 U.S.C. 254m) is amended by adding at the end the following: ''The Secretary may treat teaching as clinical practice for up to 20 percent of such period of obligated service.''.

SEC. 2202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NATIONAL HEALTH SERVICE CORPS PROGRAM.—Section 338 (42 U.S.C. 254k) is amended—

(1) in subsection (a), by striking ''2012'' and inserting ''2015''; and

(2) by adding at the end the following:

''(c) For the purpose of carrying out this subpart, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $63,000,000 for fiscal year 2011.

''(2) $66,000,000 for fiscal year 2012.

''(3) $70,000,000 for fiscal year 2013.

''(4) $73,000,000 for fiscal year 2014.

''(5) $77,000,000 for fiscal year 2015.''.

(b) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(1) in section 338H(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) for each of fiscal years 2013 through 2015, such sums as may be necessary.''; and

(2) by inserting after section 338H the following:

''SEC. 338H–1. ADDITIONAL FUNDING.

''For the purpose of carrying out this subpart, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $254,000,000 for fiscal year 2011.

''(2) $266,000,000 for fiscal year 2012.

''(3) $278,000,000 for fiscal year 2013.

''(4) $292,000,000 for fiscal year 2014.

''(5) $306,000,000 for fiscal year 2015.''.

PART 2—PROMOTION OF PRIMARY CARE AND DENTISTRY

SEC. 2211. FRONTLINE HEALTH PROVIDERS.

Part D of title III (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''Subpart XI—Health Professional Needs Areas

''SEC. 340H. IN GENERAL.

''(a) PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program, to be known as the Frontline Health Providers Loan Repayment Program, to address unmet health care needs in health professional needs areas through loan repayments under section 340I.

''(b) DESIGNATION OF HEALTH PROFESSIONAL NEEDS AREAS.—

''(1) IN GENERAL.—In this subpart, the term 'health professional needs area' means an area, population, or facility that is designated by the Secretary in accordance with paragraph (2).

''(2) DESIGNATION.—To be designated by the Secretary as a health professional needs area under this subpart:

''(A) In the case of an area, the area must be a rational area for the delivery of health services.

''(B) The area, population, or facility must have, in one or more health disciplines, specialties, or subspecialties for the population served, as determined by the Secretary—

''(i) insufficient capacity of health professionals; or

''(ii) high needs for health services, including services to address health disparities.

''(C) With respect to the delivery of primary health services, the area, population, or facility must not include a health professional shortage area (as designated under section 332), except that the area, population, or facility may include such a health professional shortage area in which there is an unmet need for such services.

''(c) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1) hold a degree in a course of study or program (approved by the Secretary) from a school defined in section 799B(1)(A) (other than a school of public health);

''(2) hold a degree in a course of study or program (approved by the Secretary) from a school or program defined in subparagraph (C), (D), or (E)(4) of section 799B(1), as designated by the Secretary;

''(3) be enrolled as a full-time student—

''(A) in a school or program defined in subparagraph (C), (D), or (E)(4) of section 799B(1), as designated by the Secretary, or a school described in paragraph (1); and

''(B) in the final year of a course of study or program, offered by such school or program and approved by the Secretary, leading to a degree in a discipline referred to in subparagraph (A) (other than a graduate degree in public health), (C), (D), or (E)(4) of section 799B(1);

''(4) be a practitioner described in section 1842(b)(18)(C) or 1848(k)(3)(B)(iii) or (iv) of the Social Security Act; or

''(5) be a practitioner in the field of respiratory therapy, medical technology, or radiologic technology.

''(d) DEFINITIONS.—In this subpart:

''(1) The term 'health disparities' has the meaning given to the term in section 3171.

''(2) The term 'primary health services' has the meaning given to such term in section 331(a)(3)(D).

''SEC. 340I. LOAN REPAYMENTS.

''(a) LOAN REPAYMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into contracts with individuals under which—

''(1) the individual agrees—

''(A) to serve as a full-time primary health services provider or as a full-time or part-time provider of other health services for a period of time equal to 2 years or such longer period as the individual may agree to;

''(B) to serve in a health professional needs area in a health discipline, specialty, or a subspecialty for which the area, population, or facility is designated as a health professional needs area under section 340H; and

''(C) in the case of an individual described in section 340H(c)(3) who is in the final year of study and who has accepted employment as a primary health services provider or provider of other health services in accordance with subparagraphs (A) and (B), to complete the education or training and maintain an acceptable level of academic standing (as determined by the educational institution offering the course of study or training); and

''(2) the Secretary agrees to pay, for each year of such service, an amount on the principal and interest of the undergraduate or graduate educational loans (or both) of the individual that is not more than 50 percent of the average award made under the National Health Service Corps Loan Repayment Program under subpart III in that year.

''(b) PRACTICE SETTING.—A contract entered into under this section shall allow the individual receiving the loan repayment to satisfy the service requirement described in subsection (a)(1) through employment in a solo or group practice, a clinic, an accredited public or private nonprofit hospital, or any other health care entity, as deemed appropriate by the Secretary.

''(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III of part D shall, except as inconsistent with this section, apply to the loan repayment program under this subpart in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under section 338B.

''(d) INSUFFICIENT NUMBER OF APPLICANTS.—If there are an insufficient number of applicants for loan repayments under this section to obligate all appropriated funds, the Secretary shall transfer the unobligated funds to the National Health Service Corps for the purpose of recruiting applicants and entering into contracts with individuals so as to ensure a sufficient number of participants in the National Health Service Corps for the following year.

''SEC. 340J. REPORT.

''The Secretary shall submit to the Congress an annual report on the program carried out under this subpart.

''SEC. 340K. ALLOCATION.

''Of the amount of funds obligated under this subpart each fiscal year for loan repayments—

''(1) 90 percent shall be for physicians and other health professionals providing primary health services; and

''(2) 10 percent shall be for health professionals not described in paragraph (1).''.

SEC. 2212. PRIMARY CARE STUDENT LOAN FUNDS.

(a) IN GENERAL.—Section 735 (42 U.S.C. 292y) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) DETERMINATION OF FINANCIAL NEED.—The Secretary—

''(1) may require, or authorize a school or other entity to require, the submission of financial information to determine the financial resources available to any individual seeking assistance under this subpart; and

''(2) shall take into account the extent to which such individual is financially independent in determining whether to require or authorize the submission of such information regarding such individual's family members.''.

(b) REVISED GUIDELINES.—The Secretary of Health and Human Services shall—

(1) strike the second sentence of section 57.206(b)(1) of title 42, Code of Federal Regulations; and

(2) make such other revisions to guidelines and regulations in effect as of the date of the enactment of this Act as may be necessary for consistency with the amendments made by paragraph (1).

SEC. 2213. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GERIATRICS, AND PHYSICIAN ASSISTANTS.

Section 747 (42 U.S.C. 293k) is amended—

(1) by amending the section heading to read as follows: ''**PRIMARY CARE TRAINING AND ENHANCEMENT**'';

(2) by redesignating subsection (e) as subsection (g); and

(3) by striking subsections (a) through (d) and inserting the following:

''(a) PROGRAM.—The Secretary shall establish a primary care training and capacity building program consisting of awarding grants and contracts under subsections (b) and (c).

''(b) SUPPORT AND DEVELOPMENT OF PRIMARY CARE TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall make grants to, or enter into contracts with, eligible entities—

''(A) to plan, develop, operate, or participate in an accredited professional training program, including an accredited residency or internship program, in the field of family medicine, general internal medicine, general pediatrics, or geriatrics for medical students, interns, residents, or practicing physicians;

''(B) to provide financial assistance in the form of traineeships and fellowships to medical students, interns, residents, or practicing physicians, who are participants in any such program, and who plan to specialize or work in family medicine, general internal medicine, general pediatrics, or geriatrics;

''(C) to plan, develop, operate, or participate in an accredited program for the training of physicians who plan to teach in family medicine, general internal medicine, general pediatrics, or geriatrics training programs including in community-based settings;

''(D) to provide financial assistance in the form of traineeships and fellowships to practicing physicians who are participants in any such programs and who plan to teach in a family medicine, general internal medicine, general pediatrics, or geriatrics training program; and

''(E) to plan, develop, operate, or participate in an accredited program for physician assistant education, and for the training of individuals who plan to teach in programs to provide such training.

''(2) ELIGIBILITY.—To be eligible for a grant or contract under paragraph (1), an entity shall be—

''(A) an accredited school of medicine or osteopathic medicine, public or nonprofit private hospital, or physician assistant training program;

''(B) a public or private nonprofit entity; or

''(C) a consortium of 2 or more entities described in subparagraphs (A) and (B).

''(c) CAPACITY BUILDING IN PRIMARY CARE.—

''(1) IN GENERAL.—The Secretary shall make grants to or enter into contracts with eligible entities to establish, maintain, or improve—

''(A) academic administrative units (including departments, divisions, or other appropriate units) in the specialties of family medicine, general internal medicine, general pediatrics, or geriatrics; or

''(B) programs that improve clinical teaching in such specialties.

''(2) ELIGIBILITY.—To be eligible for a grant or contract under paragraph (1), an entity shall be an accredited school of medicine or osteopathic medicine.

''(d) PREFERENCE.—In awarding grants or contracts under this section, the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

''(1) Training a high or significantly improved percentage of health professionals who provide primary care.

''(2) Training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care professionals).

''(3) A high rate of placing graduates in practice settings having the principal focus of serving in underserved areas or populations experiencing health disparities (including serving patients eligible for medical assistance under title XIX of the Social Security Act or for child health assistance under title XXI of such Act or those with special health care needs).

''(4) Supporting teaching programs that address the health care needs of vulnerable populations.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.

''(f) DEFINITION.—In this section, the term 'health disparities' has the meaning given the term in section 3171.''.

SEC. 2214. TRAINING OF MEDICAL RESIDENTS IN COMMUNITY-BASED SETTINGS.

Title VII (42 U.S.C. 292 et seq.) is amended—

(1) by redesignating section 748 as 749A; and

(2) by inserting after section 747 the following:

''SEC. 748. TRAINING OF MEDICAL RESIDENTS IN COMMUNITY-BASED SETTINGS.

''(a) PROGRAM.—The Secretary shall establish a program for the training of medical residents in community-based settings consisting of awarding grants and contracts under this section.

''(b) DEVELOPMENT AND OPERATION OF COMMUNITY-BASED PROGRAMS.—The Secretary shall make grants to, or enter into contracts with, eligible entities—

''(1) to plan and develop a new primary care residency training program, which may include—

''(A) planning and developing curricula;

''(B) recruiting and training residents and faculty; and

''(C) other activities designated to result in accreditation of such a program; or

''(2) to operate or participate in an established primary care residency training program, which may include—

''(A) planning and developing curricula;

''(B) recruitment and training of residents; and

''(C) retention of faculty.

''(c) ELIGIBLE ENTITY.—To be eligible to receive a grant or contract under subsection (b), an entity shall—

''(1) be designated as a recipient of payment for the direct costs of medical education under section 1886(k) of the Social Security Act;

''(2) be designated as an approved teaching health center under section 1502(d) of the Affordable Health Care for America Act and continuing to participate in the demonstration project under such section;

''(3) be an applicant for designation described in paragraph (1) or (2) and have demonstrated to the Secretary appropriate involvement of an accredited teaching hospital to carry out the inpatient responsibilities associated with a primary care residency training program; or

''(4) be eligible to be designated as described in paragraph (1) or (2), not be an applicant as described in paragraph (3), and have demonstrated appropriate involvement of an accredited teaching hospital to carry out the inpatient responsibilities associated with a primary care residency training program.

''(d) PREFERENCES.—In awarding grants and contracts under paragraph (1) or (2) of subsection (b), the Secretary shall give preference to entities that—

''(1) support teaching programs that address the health care needs of vulnerable populations; or

''(2) are a Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act) or a rural health clinic (as defined in section 1861(aa)(2) of such Act).

''(e) ADDITIONAL PREFERENCES FOR ESTABLISHED PROGRAMS.—In awarding grants and contracts under subsection (b)(2), the Secretary shall give preference to entities that have a demonstrated record of training—

''(1) a high or significantly improved percentage of health professionals who provide primary care;

''(2) individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care professionals); or

''(3) individuals who practice in settings having the principal focus of serving underserved areas or populations experiencing health disparities (including serving patients eligible for medical assistance under title XIX of the Social Security Act or for child health assistance under title XXI of such Act or those with special health care needs).

''(f) PERIOD OF AWARDS.—

''(1) IN GENERAL.—The period of a grant or contract under this section—

''(A) shall not exceed 3 years for awards under subsection (b)(1); and

''(B) shall not exceed 5 years for awards under subsection (b)(2).

''(2) SPECIAL RULES.—

''(A) An award of a grant or contract under subsection (b)(1) shall not be renewed.

''(B) The period of a grant or contract awarded to an entity under subsection (b)(2) shall not overlap with the period of any grant or contact awarded to the same entity under subsection (b)(1).

''(g) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.

''(h) DEFINITIONS.—In this section:

''(1) HEALTH DISPARITIES.—The term 'health disparities' has the meaning given the term in section 3171.

''(2) PRIMARY CARE RESIDENT.—The term 'primary care resident' has the meaning given the term in section 1886(h)(5)(H) of the Social Security Act.

''(3) PRIMARY CARE RESIDENCY TRAINING PROGRAM.—The term 'primary care residency training program' means an approved medical residency training program described in section 1886(h)(5)(A) of the Social Security Act for primary care residents that is—

''(A) in the case of entities seeking awards under subsection (b)(1), actively applying to be accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association; or

''(B) in the case of entities seeking awards under subsection (b)(2), so accredited.

''(i) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to section 799C(a) for a fiscal year, not more than 17 percent of such amount shall be made available to carry out this section.''.

SEC. 2215. TRAINING FOR GENERAL, PEDIATRIC, AND PUBLIC HEALTH DENTISTS AND DENTAL HYGIENISTS.

Title VII (42 U.S.C. 292 et seq.) is amended—

(1) in section 791(a)(1), by striking ''747 and 750'' and inserting ''747, 749, and 750''; and

(2) by inserting after section 748, as added, the following:

''SEC. 749. TRAINING FOR GENERAL, PEDIATRIC, AND PUBLIC HEALTH DENTISTS AND DENTAL HYGIENISTS.

''(a) PROGRAM.—The Secretary shall establish a training program for oral health professionals consisting of awarding grants and contracts under this section.

''(b) SUPPORT AND DEVELOPMENT OF ORAL HEALTH TRAINING PROGRAMS.—The Secretary shall make grants to, or enter into contracts with, eligible entities—

''(1) to plan, develop, operate, or participate in an accredited professional training program for oral health professionals;

''(2) to provide financial assistance to oral health professionals who are in need thereof, who are participants in any such program, and who plan to work in general, pediatric, or public health dentistry, or dental hygiene;

''(3) to plan, develop, operate, or participate in a program for the training of oral health professionals who plan to teach in general, pediatric, or public health dentistry, or dental hygiene;

''(4) to provide financial assistance in the form of traineeships and fellowships to oral health professionals who plan to teach in general, pediatric, or public health dentistry or dental hygiene;

''(5) to establish, maintain, or improve—

''(A) academic administrative units (including departments, divisions, or other appropriate units) in the specialties of general, pediatric, or public health dentistry; or

''(B) programs that improve clinical teaching in such specialties;

''(6) to plan, develop, operate, or participate in predoctoral and postdoctoral training in general, pediatric, or public health dentistry programs;

''(7) to plan, develop, operate, or participate in a loan repayment program for full-time faculty in a program of general, pediatric, or public health dentistry; and

''(8) to provide technical assistance to pediatric dental training programs in developing and implementing instruction regarding the oral health status, dental care needs, and risk-based clinical disease management of all pediatric populations with an emphasis on underserved children.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under this section, an entity shall be—

''(1) an accredited school of dentistry, training program in dental hygiene, or public or nonprofit private hospital;

''(2) a training program in dental hygiene at an accredited institution of higher education;

''(3) a public or private nonprofit entity; or

''(4) a consortium of—

''(A) 1 or more of the entities described in paragraphs (1) through (3); and

''(B) an accredited school of public health.

''(d) PREFERENCE.—In awarding grants or contracts under this section, the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

''(1) Training a high or significantly improved percentage of oral health professionals who practice general, pediatric, or public health dentistry.

''(2) Training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among oral health professionals).

''(3) A high rate of placing graduates in practice settings having the principal focus of serving in underserved areas or populations experiencing health disparities (including serving patients eligible for medical assistance under title XIX of the Social Security Act or for child health assistance under title XXI of such Act or those with special health care needs).

''(4) Supporting teaching programs that address the oral health needs of vulnerable populations.

''(5) Providing instruction regarding the oral health status, oral health care needs, and risk-based clinical disease management of all pediatric populations with an emphasis on underserved children.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'health disparities' has the meaning given the term in section 3171.

''(2) The term 'oral health professional' means an individual training or practicing—

''(A) in general dentistry, pediatric dentistry, public health dentistry, or dental hygiene; or

''(B) another oral health specialty, as deemed appropriate by the Secretary.''.

SEC. 2216. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Part F of title VII (42 U.S.C. 295j et seq.) is amended by adding at the end the following:

"SEC. 799C. FUNDING THROUGH PUBLIC HEALTH INVESTMENT FUND.

''(a) PROMOTION OF PRIMARY CARE AND DENTISTRY.—For the purpose of carrying out subpart XI of part D of title III and sections 747, 748, and 749, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $240,000,000 for fiscal year 2011.

''(2) $253,000,000 for fiscal year 2012.

''(3) $265,000,000 for fiscal year 2013.

''(4) $278,000,000 for fiscal year 2014.

''(5) $292,000,000 for fiscal year 2015.''.

(b) EXISTING AUTHORIZATION OF APPROPRIATIONS.—Subsection (g)(1), as so redesignated, of section 747 (42 U.S.C. 293k) is amended by striking ''2002'' and inserting ''2015''.

SEC. 2217. STUDY ON EFFECTIVENESS OF SCHOLARSHIPS AND LOAN REPAYMENTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effectiveness of scholarship and loan repayment programs under subparts III and XI of part D of title III of the Public Health Service Act, as amended or added by sections 2201 and 2211, including whether scholarships or loan repayments are more effective in—

(1) incentivizing physicians, and other providers, to pursue careers in primary care specialties;

(2) retaining such primary care providers; and

(3) encouraging such primary care providers to practice in underserved areas.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report on the results of the study under subsection (a).

Subtitle B—Nursing Workforce

SEC. 2221. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) DEFINITIONS.—Section 801 (42 U.S.C. 296 et seq.) is amended—

(1) in paragraph (1), by inserting ''nurse-managed health centers,'' after ''nursing centers,''; and

(2) by adding at the end the following:

''(16) NURSE-MANAGED HEALTH CENTER.—The term 'nurse-managed health center'—

''(A) means a nurse-practice arrangement, managed by one or more advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations and is associated with an accredited school of nursing, Federally qualified health center, or independent nonprofit health or social services agency; and

''(B) shall not be construed as changing State law requirements applicable to an advanced practice nurse or the authorized scope of practice of such a nurse.''.

(b) GRANTS FOR HEALTH PROFESSIONS EDUCATION.—Title VIII (42 U.S.C. 296 et seq.) is amended by striking section 807.

(c) REPORTS.—Part A of title VIII (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

"SEC. 809. REPORTS.

''The Secretary shall submit to the Congress a separate annual report on the activities carried out under each of sections 811, 821, 836, 846A, and 861.''.

(d) ADVANCED EDUCATION NURSING GRANTS.—Section 811(f) (42 U.S.C. 296j(f)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking ''that agrees'' and all that follows through the end and inserting: ''that agrees to expend the award—

''(A) to train advanced education nurses who will practice in health professional shortage areas designated under section 332; or

''(B) to increase diversity among advanced education nurses.''.

(e) NURSE EDUCATION, PRACTICE, AND RETENTION GRANTS.—Section 831 (42 U.S.C. 296p) is amended—

(1) in subsection (b), by amending paragraph (3) to read as follows:

''(3) providing coordinated care, quality care, and other skills needed to practice nursing; or''; and

(2) by striking subsection (e) and redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

(f) STUDENT LOANS.—Subsection (a) of section 836 (42 U.S.C. 297b) is amended—

(1) by striking ''$2,500'' and inserting ''$3,300'';

(2) by striking ''$4,000'' and inserting ''$5,200'';

(3) by striking ''$13,000'' and inserting ''$17,000''; and

(4) by adding at the end the following: ''Beginning with fiscal year 2012, the dollar amounts specified in this subsection shall be adjusted by an amount determined by the Secretary on an annual basis to reflect inflation.''.

(g) LOAN REPAYMENT.—Section 846 (42 U.S.C. 297n) is amended—

(1) in subsection (a), by amending paragraph (3) to read as follows:

''(3) who enters into an agreement with the Secretary to serve for a period of not less than 2 years—

''(A) as a nurse at a health care facility with a critical shortage of nurses; or

''(B) as a faculty member at an accredited school of nursing;''; and

(2) in subsection (g)(1), by striking ''to provide health services'' each place it appears and inserting ''to provide health services or serve as a faculty member''.

(h) NURSE FACULTY LOAN PROGRAM.—Paragraph (2) of section 846A(c) (42 U.S.C. 297n–1(c)) is amended by striking ''$30,000'' and all that follows through the semicolon and inserting ''$35,000, plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation;''.

(i) PUBLIC SERVICE ANNOUNCEMENTS.—Title VIII (42 U.S.C. 296 et seq.) is amended by striking part H.

(j) TECHNICAL AND CONFORMING AMENDMENTS.—Title VIII (42 U.S.C. 296 et seq.) is amended—

(1) by moving section 810 (relating to prohibition against discrimination by schools on the basis of sex) so that it follows section 809, as added by subsection (c);

(2) in sections 835, 836, 838, 840, and 842, by striking the term ''this subpart'' each place it appears and inserting ''this part'';

(3) in section 836(h), by striking the last sentence;

(4) in section 836, by redesignating subsection (l) as subsection (k);

(5) in section 839, by striking ''839'' and all that follows through ''(a)'' and inserting ''839. (a)'';

(6) in section 835(b), by striking ''841'' each place it appears and inserting ''871'';

(7) by redesignating section 841 as section 871, moving part F to the end of the title, and redesignating such part as part H;

(8) in part G—

(A) by redesignating section 845 as section 851; and

(B) by redesignating part G as part F; and

(9) in part I—

(A) by redesignating section 855 as section 861; and

(B) by redesignating part I as part G.

(k) FUNDING.—

(1) IN GENERAL.—Part H, as redesignated, of title VIII is amended by adding at the end the following:

"SEC. 872. FUNDING THROUGH PUBLIC HEALTH INVESTMENT FUND.

''For the purpose of carrying out this title, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $115,000,000 for fiscal year 2011.

''(2) $122,000,000 for fiscal year 2012.

''(3) $127,000,000 for fiscal year 2013.

''(4) $134,000,000 for fiscal year 2014.

''(5) $140,000,000 for fiscal year 2015.''.

(2) EXISTING AUTHORIZATIONS OF APPROPRIATIONS.—

(A) SECTIONS 831, 846, 846A, AND 861.—Sections 831(g) (as so redesignated), 846(i)(1) (42 U.S.C. 297n(i)(1)), 846A(f) (42 U.S.C. 297n–1(f)), and 861(e) (as so redesignated) are amended by striking ''2007'' each place it appears and inserting ''2015''.

(B) SECTION 871.—Section 871, as so redesignated by subsection (j), is amended to read as follows:

"SEC. 871. FUNDING.

''For the purpose of carrying out parts B, C, and D (subject to section 851(g)), there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2015.''.

Subtitle C—Public Health Workforce

SEC. 2231. PUBLIC HEALTH WORKFORCE CORPS.

Part D of title III (42 U.S.C. 254b et seq.), as amended by section 2211, is amended by adding at the end the following:

"Subpart XII—Public Health Workforce

"SEC. 340L. PUBLIC HEALTH WORKFORCE CORPS.

''(a) ESTABLISHMENT.—There is established, within the Service, the Public Health Workforce Corps (in this subpart referred to as the 'Corps'), for the purpose of ensuring an adequate supply of public health professionals throughout the Nation. The Corps shall consist of—

''(1) such officers of the Regular and Reserve Corps of the Service as the Secretary may designate;

''(2) such civilian employees of the United States as the Secretary may appoint; and

''(3) such other individuals who are not employees of the United States.

''(b) ADMINISTRATION.—Except as provided in subsection (c), the Secretary shall carry out this subpart acting through the Administrator of the Health Resources and Services Administration.

''(c) PLACEMENT AND ASSIGNMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a methodology for placing and assigning Corps participants as public health professionals. Such methodology may allow for placing and assigning such participants in State, local, and tribal health departments and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

''(d) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart II shall, except as inconsistent with this subpart, apply to the Public Health Workforce Corps in the same manner and to the same extent as such provisions apply to the National Health Service Corps established under section 331.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the programs carried out under this subpart.

"SEC. 340M. PUBLIC HEALTH WORKFORCE SCHOLARSHIP PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Scholarship Program (referred to in this section as the 'Program') for the purpose described in section 340L(a).

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1)(A) be accepted for enrollment, or be enrolled, as a full-time or part-time student

in a course of study or program (approved by the Secretary) at an accredited graduate school or program of public health; or

''(B) have demonstrated expertise in public health and be accepted for enrollment, or be enrolled, as a full-time or part-time student in a course of study or program (approved by the Secretary) at—

''(i) an accredited graduate school or program of nursing; health administration, management, or policy; preventive medicine; laboratory science; veterinary medicine; or dental medicine; or

''(ii) another accredited graduate school or program, as deemed appropriate by the Secretary;

''(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps; and

''(3) sign and submit to the Secretary a written contract (described in subsection (c)) to serve full-time as a public health professional, upon the completion of the course of study or program involved, for the period of obligated service described in subsection (c)(2)(E).

''(c) CONTRACT.—The written contract between the Secretary and an individual under subsection (b)(3) shall contain—

''(1) an agreement on the part of the Secretary that the Secretary will—

''(A) provide the individual with a scholarship for a period of years (not to exceed 4 academic years) during which the individual shall pursue an approved course of study or program to prepare the individual to serve in the public health workforce; and

''(B) accept (subject to the availability of appropriated funds) the individual into the Corps;

''(2) an agreement on the part of the individual that the individual will—

''(A) accept provision of such scholarship to the individual;

''(B) maintain full-time or part-time enrollment in the approved course of study or program described in subsection (b)(1) until the individual completes that course of study or program;

''(C) while enrolled in the approved course of study or program, maintain an acceptable level of academic standing (as determined by the educational institution offering such course of study or program);

''(D) if applicable, complete a residency or internship; and

''(E) serve full-time as a public health professional for a period of time equal to the greater of—

''(i) 1 year for each academic year for which the individual was provided a scholarship under the Program; or

''(ii) 2 years; and

''(3) an agreement by both parties as to the nature and extent of the scholarship assistance, which may include—

''(A) payment of reasonable educational expenses of the individual, including tuition, fees, books, equipment, and laboratory expenses; and

''(B) payment of a stipend of not more than $1,269 (plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation) per month for each month of the academic year involved, with the dollar amount of such a stipend determined by the Secretary taking into consideration whether the individual is enrolled full-time or part-time.

''(d) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III shall, except as inconsistent with this subpart, apply to the scholarship program under this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established under section 338A.

''SEC. 340N. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this section as the 'Program') for the purpose described in section 340L(a).

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1)(A) have a graduate degree from an accredited school or program of public health;

''(B) have demonstrated expertise in public health and have a graduate degree in a course of study or program (approved by the Secretary) from—

''(i) an accredited school or program of nursing; health administration, management, or policy; preventive medicine; laboratory science; veterinary medicine; or dental medicine; or

''(ii) another accredited school or program approved by the Secretary; or

''(C) be enrolled as a full-time or part-time student in the final year of a course of study or program (approved by the Secretary) offered by a school or program described in subparagraph (A) or (B), leading to a graduate degree;

''(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

''(3) if applicable, complete a residency or internship; and

''(4) sign and submit to the Secretary a written contract (described in subsection (c)) to serve full-time as a public health professional for the period of obligated service described in subsection (c)(2).

''(c) CONTRACT.—The written contract between the Secretary and an individual under subsection (b)(4) shall contain—

''(1) an agreement by the Secretary to repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant public health workforce educational degree in accordance with the terms of the contract;

''(2) an agreement by the individual to serve full-time as a public health professional for a period of time equal to 2 years or such longer period as the individual may agree to; and

''(3) in the case of an individual described in subsection (b)(1)(C) who is in the final year of study and who has accepted employment as a public health professional, in accordance with section 340L(c), an agreement on the part of the individual to complete the education or training, maintain an acceptable level of academic standing (as determined by the educational institution offering the course of study or training), and serve the period of obligated service described in paragraph (2).

''(d) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for reasonable educational expenses, including tuition, fees, books, equipment, and laboratory expenses, incurred by the individual.

''(2) PAYMENTS FOR YEARS SERVED.—

''(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (c), the Secretary may pay up to $35,000 (plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation) on behalf of the individual for loans described in paragraph (1).

''(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(e) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subpart III shall, except as inconsistent with this subpart, apply to the loan repayment program under this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under section 338B.''.

SEC. 2232. ENHANCING THE PUBLIC HEALTH WORKFORCE.

Section 765 (42 U.S.C. 295) is amended to read as follows:

''SEC. 765. ENHANCING THE PUBLIC HEALTH WORKFORCE.

''(a) PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall establish a public health workforce training and enhancement program consisting of awarding grants and contracts under subsection (b).

''(b) GRANTS AND CONTRACTS.—The Secretary shall award grants to, or enter into contracts with, eligible entities—

''(1) to plan, develop, operate, or participate in, an accredited professional training program in the field of public health (including such a program in nursing; health administration, management, or policy; preventive medicine; laboratory science; veterinary medicine; or dental medicine) for members of the public health workforce, including midcareer professionals;

''(2) to provide financial assistance in the form of traineeships and fellowships to students who are participants in any such program and who plan to specialize or work in the field of public health;

''(3) to plan, develop, operate, or participate in a program for the training of public health professionals who plan to teach in any program described in paragraph (1); and

''(4) to provide financial assistance in the form of traineeships and fellowships to public health professionals who are participants in any program described in paragraph (1) and who plan to teach in the field of public health, including nursing; health administration, management, or policy; preventive medicine; laboratory science; veterinary medicine; or dental medicine.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under this section, an entity shall be—

''(1) an accredited health professions school, including an accredited school or program of public health; nursing; health administration, management, or policy; preventive medicine; laboratory science; veterinary medicine; or dental medicine;

''(2) a State, local, or tribal health department;

''(3) a public or private nonprofit entity; or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(d) PREFERENCE.—In awarding grants or contracts under this section, the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

''(1) Training a high or significantly improved percentage of public health professionals who serve in underserved communities.

''(2) Training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among public health professionals).

''(3) Training individuals in public health specialties experiencing a significant shortage of public health professionals (as determined by the Secretary).

''(4) Training a high or significantly improved percentage of public health professionals serving in the Federal Government or a State, local, or tribal government.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.''.

SEC. 2233. PUBLIC HEALTH TRAINING CENTERS.

Section 766 (42 U.S.C. 295a) is amended—

(1) in subsection (b)(1), by striking ''in furtherance of the goals established by the Secretary for the year 2000'' and inserting ''in furtherance of the goals established by the Secretary in the national prevention and wellness strategy under section 3121''; and

(2) by adding at the end the following:

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.''.

SEC. 2234. PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING GRANT PROGRAM.

Section 768 (42 U.S.C. 295c) is amended to read as follows:

''SEC. 768. PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING GRANT PROGRAM.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall award grants to, or enter into contracts with, eligible entities to provide training to graduate medical residents in preventive medicine specialties.

''(b) ELIGIBILITY.—To be eligible for a grant or contract under subsection (a), an entity shall be—

''(1) an accredited school of public health or school of medicine or osteopathic medicine;

''(2) an accredited public or private nonprofit hospital;

''(3) a State, local, or tribal health department; or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(c) USE OF FUNDS.—Amounts received under a grant or contract under this section shall be used to—

''(1) plan, develop (including the development of curricula), operate, or participate in an accredited residency or internship program in preventive medicine or public health;

''(2) defray the costs of practicum experiences, as required in such a program; and

''(3) establish, maintain, or improve—

''(A) academic administrative units (including departments, divisions, or other appropriate units) in preventive medicine and public health; or

''(B) programs that improve clinical teaching in preventive medicine and public health.

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.''.

SEC. 2235. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 799C, as added by section 2216 of this Act, is amended by adding at the end the following:

''(b) PUBLIC HEALTH WORKFORCE.—For the purpose of carrying out subpart XII of part D of title III and sections 765, 766, and 768, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $51,000,000 for fiscal year 2011.

''(2) $54,000,000 for fiscal year 2012.

''(3) $57,000,000 for fiscal year 2013.

''(4) $59,000,000 for fiscal year 2014.

''(5) $62,000,000 for fiscal year 2015.''.

(b) EXISTING AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 770 (42 U.S.C. 295e) is amended by striking ''2002'' and inserting ''2015''.

Subtitle D—Adapting Workforce to Evolving Health System Needs

PART 1—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

SEC. 2241. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS, LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS, AND EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Paragraph (1) of section 738(a) (42 U.S.C. 293b(a)) is amended by striking ''not more than $20,000'' and all that follows through the end of the paragraph and inserting: ''not more than $35,000 (plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation) of the principal and interest of the educational loans of such individuals.''.

SEC. 2242. NURSING WORKFORCE DIVERSITY GRANTS.

Subsection (b) of section 821 (42 U.S.C. 296m) is amended—

(1) in the heading, by striking ''GUIDANCE'' and inserting ''CONSULTATION''; and

(2) by striking ''shall take into consideration'' and all that follows through ''consult with nursing associations'' and inserting ''shall, as appropriate, consult with nursing associations''.

SEC. 2243. COORDINATION OF DIVERSITY AND CULTURAL COMPETENCY PROGRAMS.

(a) IN GENERAL.—Title VII (42 U.S.C. 292 et seq.) is amended by inserting after section 739 the following:

''SEC. 739A. COORDINATION OF DIVERSITY AND CULTURAL COMPETENCY PROGRAMS.

''The Secretary shall, to the extent practicable, coordinate the activities carried out under this part and section 821 in order to enhance the effectiveness of such activities and avoid duplication of effort.''.

(b) REPORT.—Section 736 (42 U.S.C. 293) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) REPORT.—The Secretary shall submit to the Congress an annual report on the activities carried out under this section.''.

PART 2—INTERDISCIPLINARY TRAINING PROGRAMS

SEC. 2251. CULTURAL AND LINGUISTIC COMPETENCY TRAINING FOR HEALTH PROFESSIONALS.

Section 741 (42 U.S.C. 293e) is amended—

(1) in the section heading, by striking ''**GRANTS FOR HEALTH PROFESSIONS EDUCATION**'' and inserting ''**CULTURAL AND LINGUISTIC COMPETENCY TRAINING FOR HEALTH PROFESSIONALS**'';

(2) by redesignating subsection (b) as subsection (h); and

(3) by striking subsection (a) and inserting the following:

''(a) PROGRAM.—The Secretary shall establish a cultural and linguistic competency training program for health professionals, including nurse professionals, consisting of awarding grants and contracts under subsection (b).

''(b) CULTURAL AND LINGUISTIC COMPETENCY TRAINING.—The Secretary shall award grants to, or enter into contracts with, eligible entities—

''(1) to test, develop, and evaluate models of cultural and linguistic competency training (including continuing education) for health professionals; and

''(2) to implement cultural and linguistic competency training programs for health professionals developed under paragraph (1) or otherwise.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under subsection (b), an entity shall be—

''(1) an accredited health professions school or program;

''(2) an academic health center;

''(3) a public or private nonprofit entity; or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(d) PREFERENCE.—In awarding grants and contracts under this section, the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

''(1) Addressing, or partnering with an entity with experience addressing, the cultural and linguistic competency needs of the population to be served through the grant or contract.

''(2) Addressing health disparities.

''(3) Placing health professionals in regions experiencing significant changes in the cultural and linguistic demographics of populations, including communities along the United States-Mexico border.

''(4) Carrying out activities described in subsection (b) with respect to more than one health profession discipline, specialty, or subspecialty.

''(e) CONSULTATION.—The Secretary shall carry out this section in consultation with the heads of appropriate health agencies and offices in the Department of Health and Human Services, including the Office of Minority Health and the National Center on Minority Health and Health Disparities.

''(f) DEFINITION.—In this section, the term 'health disparities' has the meaning given to the term in section 3171.

''(g) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.''.

SEC. 2252. INNOVATIONS IN INTERDISCIPLINARY CARE TRAINING.

Part D of title VII (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

''SEC. 759. INNOVATIONS IN INTERDISCIPLINARY CARE TRAINING.

''(a) PROGRAM.—The Secretary shall establish an innovations in interdisciplinary care training program consisting of awarding grants and contracts under subsection (b).

''(b) TRAINING PROGRAMS.—The Secretary shall award grants to, or enter into contracts with, eligible entities—

''(1) to test, develop, and evaluate health professional training programs (including continuing education) designed to promote—

''(A) the delivery of health services through interdisciplinary and team-based models, which may include patient-centered medical home models, medication therapy management models, and models integrating physical, mental, or oral health services; and

''(B) coordination of the delivery of health care within and across settings, including health care institutions, community-based settings, and the patient's home; and

''(2) to implement such training programs developed under paragraph (1) or otherwise.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under subsection (b), an entity shall be—

''(1) an accredited health professions school or program;

''(2) an academic health center;

''(3) a public or private nonprofit entity (including an area health education center or a geriatric education center); or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(d) PREFERENCES.—In awarding grants and contracts under this section, the Secretary shall give preference to entities that

have a demonstrated record of at least one of the following:

''(1) Training a high or significantly improved percentage of health professionals who serve in underserved communities.

''(2) Broad interdisciplinary team-based collaborations.

''(3) Addressing health disparities.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'health disparities' has the meaning given the term in section 3171.

''(2) The term 'interdisciplinary' means collaboration across health professions and specialties, which may include public health, nursing, allied health, dietetics or nutrition, and appropriate health specialties.''.

PART 3—ADVISORY COMMITTEE ON HEALTH WORKFORCE EVALUATION AND ASSESSMENT

SEC. 2261. HEALTH WORKFORCE EVALUATION AND ASSESSMENT.

Subpart 1 of part E of title VII (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''SEC. 764. HEALTH WORKFORCE EVALUATION AND ASSESSMENT.

''(a) ADVISORY COMMITTEE.—The Secretary, acting through the Assistant Secretary for Health, shall establish a permanent advisory committee to be known as the Advisory Committee on Health Workforce Evaluation and Assessment (referred to in this section as the 'Advisory Committee') to develop and implement an integrated, coordinated, and strategic national health workforce policy reflective of current and evolving health workforce needs.

''(b) RESPONSIBILITIES.—The Advisory Committee shall—

''(1) not later than 1 year after the date of the establishment of the Advisory Committee, submit recommendations to the Secretary on—

''(A) classifications of the health workforce to ensure consistency of data collection on the health workforce; and

''(B) based on such classifications, standardized methodologies and procedures to enumerate the health workforce;

''(2) not later than 2 years after the date of the establishment of the Advisory Committee, submit recommendations to the Secretary on—

''(A) the supply, diversity, and geographic distribution of the health workforce;

''(B) the retention and expansion of the health workforce (on a short- and long-term basis) to ensure quality and adequacy of such workforce; and

''(C) policies to carry out the recommendations made pursuant to subparagraphs (A) and (B); and

''(3) not later than 4 years after the date of the establishment of the Advisory Committee, and every 2 years thereafter, submit updated recommendations to the Secretary under paragraphs (1) and (2).

''(c) ROLE OF AGENCY.—The Secretary shall provide ongoing administrative, research, and technical support for the operations of the Advisory Committee, including coordinating and supporting the dissemination of the recommendations of the Advisory Committee.

''(d) MEMBERSHIP.—

''(1) NUMBER; APPOINTMENT.—The Secretary shall appoint 15 members to serve on the Advisory Committee.

''(2) TERMS.—

''(A) IN GENERAL.—The Secretary shall appoint members of the Advisory Committee for a term of 3 years and may reappoint such members, but the Secretary may not appoint any member to serve more than a total of 6 years.

''(B) STAGGERED TERMS.—Notwithstanding subparagraph (A), of the members first appointed to the Advisory Committee under paragraph (1)—

''(i) 5 shall be appointed for a term of 1 year;

''(ii) 5 shall be appointed for a term of 2 years; and

''(iii) 5 shall be appointed for a term of 3 years.

''(3) QUALIFICATIONS.—Members of the Advisory Committee shall be appointed from among individuals who possess expertise in at least one of the following areas:

''(A) Conducting and interpreting health workforce market analysis, including health care labor workforce analysis.

''(B) Conducting and interpreting health finance and economics research.

''(C) Delivering and administering health care services.

''(D) Delivering and administering health workforce education and training.

''(4) REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall—

''(A) include no less than one representative of each of—

''(i) health professionals within the health workforce;

''(ii) health care patients and consumers;

''(iii) employers;

''(iv) labor unions; and

''(v) third-party health payors; and

''(B) ensure that—

''(i) all areas of expertise described in paragraph (3) are represented;

''(ii) the members of the Advisory Committee include members who, collectively, have significant experience working with—

''(I) populations in urban and federally designated rural and nonmetropolitan areas; and

''(II) populations who are underrepresented in the health professions, including underrepresented minority groups; and

''(iii) individuals who are directly involved in health professions education or practice do not constitute a majority of the members of the Advisory Committee.

''(5) DISCLOSURE AND CONFLICTS OF INTEREST.—Members of the Advisory Committee shall not be considered employees of the Federal Government by reason of service on the Advisory Committee, except members of the Advisory Committee shall be considered to be special Government employees within the meaning of section 107 of the Ethics in Government Act of 1978 (5 U.S.C. App.) and section 208 of title 18, United States Code, for the purposes of disclosure and management of conflicts of interest under those sections.

''(6) NO PAY; RECEIPT OF TRAVEL EXPENSES.—Members of the Advisory Committee shall not receive any pay for service on the Committee, but may receive travel expenses, including a per diem, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

''(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Education and the Secretary of Labor.

''(f) COLLABORATION.—The Advisory Committee shall collaborate with the advisory bodies at the Health Resources and Services Administration, the National Advisory Council (as authorized in section 337), the Advisory Committee on Training in Primary Care Medicine and Dentistry (as authorized in section 749A), the Advisory Committee on Interdisciplinary, Community-Based Linkages (as authorized in section 756), the Advisory Council on Graduate Medical Education (as authorized in section 762), and the National Advisory Council on Nurse Education and Practice (as authorized in section 851).

''(g) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) except for section 14 of such Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

''(h) REPORT.—The Secretary shall submit to the Congress an annual report on the activities of the Advisory Committee.

''(i) DEFINITION.—In this section, the term 'health workforce' includes all health care providers with direct patient care and support responsibilities, including physicians, nurses, physician assistants, pharmacists, oral health professionals (as defined in section 749(f)(2)), allied health professionals, mental and behavioral health professionals (as defined in section 775(f)(2)), and public health professionals (including veterinarians engaged in public health practice).''.

PART 4—HEALTH WORKFORCE ASSESSMENT

SEC. 2271. HEALTH WORKFORCE ASSESSMENT.

(a) IN GENERAL.—Section 761 (42 U.S.C. 294n) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The Secretary shall, based upon the classifications and standardized methodologies and procedures developed by the Advisory Committee on Health Workforce Evaluation and Assessment under section 764(b)—

''(1) collect data on the health workforce (as defined in section 764(i)), disaggregated by field, discipline, and specialty, with respect to—

''(A) the supply (including retention) of health professionals relative to the demand for such professionals;

''(B) the diversity of health professionals (including with respect to race, ethnic background, and sex); and

''(C) the geographic distribution of health professionals; and

''(2) collect such data on individuals participating in the programs authorized by subtitles A, B, and C and part 1 of subtitle D of title II of division C of the Affordable Health Care for America Act.

''(b) GRANTS AND CONTRACTS FOR HEALTH WORKFORCE ANALYSIS.—

''(1) IN GENERAL.—The Secretary may award grants to, or enter into contracts with, eligible entities to carry out subsection (a).

''(2) ELIGIBILITY.—To be eligible for a grant or contract under this subsection, an entity shall be—

''(A) an accredited health professions school or program;

''(B) an academic health center;

''(C) a State, local, or tribal government;

''(D) a public or private entity; or

''(E) a consortium of 2 or more entities described in subparagraphs (A) through (D).

''(c) COLLABORATION AND DATA SHARING.—The Secretary shall collaborate with Federal departments and agencies, health professions organizations (including health professions education organizations), and professional medical societies for the purpose of carrying out subsection (a).

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the data collected under subsection (a).''.

(b) PERIOD BEFORE COMPLETION OF NATIONAL STRATEGY.—Pending completion of the classifications and standardized methodologies and procedures developed by the Advisory Committee on Health Workforce Evaluation and Assessment under section 764(b) of the Public Health Service Act, as added by section 2261, the Secretary of Health and Human Services, acting through

the Administrator of the Health Resources and Services Administration and in consultation with such Advisory Committee, may make a judgment about the classifications, methodologies, and procedures to be used for collection of data under section 761(a) of the Public Health Service Act, as amended by this section.

PART 5—AUTHORIZATION OF APPROPRIATIONS

SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 799C, as added and amended, is further amended by adding at the end the following:

''(c) HEALTH PROFESSIONS TRAINING FOR DIVERSITY.—For the purpose of carrying out sections 736, 737, 738, 739, and 739A, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $90,000,000 for fiscal year 2011.
''(2) $97,000,000 for fiscal year 2012.
''(3) $100,000,000 for fiscal year 2013.
''(4) $104,000,000 for fiscal year 2014.
''(5) $110,000,000 for fiscal year 2015.

''(d) INTERDISCIPLINARY TRAINING PROGRAMS, ADVISORY COMMITTEE ON HEALTH WORKFORCE EVALUATION AND ASSESSMENT, AND HEALTH WORKFORCE ASSESSMENT.—For the purpose of carrying out sections 741, 759, 761, and 764, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, the following:

''(1) $87,000,000 for fiscal year 2011.
''(2) $97,000,000 for fiscal year 2012.
''(3) $103,000,000 for fiscal year 2013.
''(4) $105,000,000 for fiscal year 2014.
''(5) $113,000,000 for fiscal year 2015.''.

(b) EXISTING AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SECTION 736.—Paragraph (1) of section 736(i) (42 U.S.C. 293(h)), as redesignated, is amended by striking ''2002'' and inserting ''2015''.

(2) SECTIONS 737, 738, AND 739.—Subsections (a), (b), and (c) of section 740 are amended by striking ''2002'' each place it appears and inserting ''2015''.

(3) SECTION 741.—Subsection (h), as so redesignated, of section 741 is amended—

(A) by striking ''and'' after ''fiscal year 2003,''; and

(B) by inserting '', and such sums as may be necessary for each subsequent fiscal year through the end of fiscal year 2015'' before the period at the end.

(4) SECTION 761.—Subsection (e)(1), as so redesignated, of section 761 is amended by striking ''2002'' and inserting ''2015''.

TITLE III—PREVENTION AND WELLNESS

SEC. 2301. PREVENTION AND WELLNESS.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XXX the following:

''TITLE XXXI—PREVENTION AND WELLNESS

''Subtitle A—Prevention and Wellness Trust

''SEC. 3111. PREVENTION AND WELLNESS TRUST.

(a) ''DEPOSITS INTO TRUST.—There is established a Prevention and Wellness Trust. There are authorized to be appropriated to the Trust, out of any monies in the Public Health Investment Fund—

''(1) for fiscal year 2011, $2,400,000,000;
''(2) for fiscal year 2012, $2,845,000,000;
''(3) for fiscal year 2013, $3,100,000,000;
''(4) for fiscal year 2014, $3,455,000,000; and
''(5) for fiscal year 2015, $3,600,000,000.

''(b) AVAILABILITY OF FUNDS.—Amounts in the Prevention and Wellness Trust shall be available, as provided in advance in appropriation Acts, for carrying out this title.

''(c) ALLOCATION.—Of the amounts authorized to be appropriated in subsection (a), there are authorized to be appropriated—

''(1) for carrying out subtitle C (Prevention Task Forces), $30,000,000 for each of fiscal years 2011 through 2015;

''(2) for carrying out subtitle D (Prevention and Wellness Research)—

''(A) for fiscal year 2011, $155,000,000;
''(B) for fiscal year 2012, $205,000,000;
''(C) for fiscal year 2013, $255,000,000;
''(D) for fiscal year 2014, $305,000,000; and
''(E) for fiscal year 2015, $355,000,000;

''(3) for carrying out subtitle E (Delivery of Community Preventive and Wellness Services)—

''(A) for fiscal year 2011, $1,065,000,000;
''(B) for fiscal year 2012, $1,260,000,000;
''(C) for fiscal year 2013, $1,365,000,000;
''(D) for fiscal year 2014, $1,570,000,000; and
''(E) for fiscal year 2015, $1,600,000,000;

''(4) for carrying out section 3161 (Core Public Health Infrastructure for State, Local, and Tribal Health Departments)—

''(A) for fiscal year 2011, $800,000,000;
''(B) for fiscal year 2012, $1,000,000,000;
''(C) for fiscal year 2013, $1,100,000,000;
''(D) for fiscal year 2014, $1,200,000,000; and
''(E) for fiscal year 2015, $1,265,000,000; and

''(5) for carrying out section 3162 (Core Public Health Infrastructure and Activities for CDC), $350,000,000 for each of fiscal years 2011 through 2015.

''Subtitle B—National Prevention and Wellness Strategy

''SEC. 3121. NATIONAL PREVENTION AND WELLNESS STRATEGY.

''(a) IN GENERAL.—The Secretary shall submit to the Congress within one year after the date of the enactment of this section, and at least every 2 years thereafter, a national strategy that is designed to improve the Nation's health through evidence-based clinical and community prevention and wellness activities (in this section referred to as 'prevention and wellness activities'), including core public health infrastructure improvement activities.

''(b) CONTENTS.—The strategy under subsection (a) shall include each of the following:

''(1) Identification of specific national goals and objectives in prevention and wellness activities that take into account appropriate public health measures and standards, including departmental measures and standards (including Healthy People and National Public Health Performance Standards).

''(2) Establishment of national priorities for prevention and wellness, taking into account unmet prevention and wellness needs.

''(3) Establishment of national priorities for research on prevention and wellness, taking into account unanswered research questions on prevention and wellness.

''(4) Identification of health disparities in prevention and wellness.

''(5) Review of prevention payment incentives, the prevention workforce, and prevention delivery system capacity.

''(6) A plan for addressing and implementing paragraphs (1) through (5).

''(c) CONSULTATION.—In developing or revising the strategy under subsection (a), the Secretary shall consult with the following:

''(1) The heads of appropriate health agencies and offices in the Department, including the Office of the Surgeon General of the Public Health Service, the Office of Minority Health, the Office on Women's Health, and the Substance Abuse and Mental Health Services Administration.

''(2) As appropriate, the heads of other Federal departments and agencies whose programs have a significant impact upon health (as determined by the Secretary).

''(3) As appropriate, nonprofit and for-profit entities.

''(4) The Association of State and Territorial Health Officials and the National Association of County and City Health Officials.

''(5) The Task Force on Community Preventive Services and the Task Force on Clinical Preventive Services.

''Subtitle C—Prevention Task Forces

''SEC. 3131. TASK FORCE ON CLINICAL PREVENTIVE SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall establish a permanent task force to be known as the Task Force on Clinical Preventive Services (in this section referred to as the 'Task Force').

''(b) RESPONSIBILITIES.—The Task Force shall—

''(1) identify clinical preventive services for review;

''(2) review the scientific evidence related to the benefits, effectiveness, appropriateness, and costs of clinical preventive services identified under paragraph (1) for the purpose of developing, updating, publishing, and disseminating evidence-based recommendations on the use of such services;

''(3) as appropriate, take into account health disparities in developing, updating, publishing, and disseminating evidence-based recommendations on the use of such services;

''(4) identify gaps in clinical preventive services research and evaluation and recommend priority areas for such research and evaluation;

''(5) pursuant to section 3143(c), determine whether subsidies and rewards meet the Task Force's standards for a grade of A or B;

''(6) as appropriate, consult with the clinical prevention stakeholders board in accordance with subsection (f);

''(7) consult with the Task Force on Community Preventive Services established under section 3132; and

''(8) as appropriate, in carrying out this section, consider the national strategy under section 3121.

''(c) ROLE OF AGENCY.—The Secretary shall provide ongoing administrative, research, and technical support for the operations of the Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

''(d) MEMBERSHIP.—

''(1) NUMBER; APPOINTMENT.—The Task Force shall be composed of 30 members, appointed by the Secretary.

''(2) TERMS.—

''(A) IN GENERAL.—The Secretary shall appoint members of the Task Force for a term of 6 years and may reappoint such members, but the Secretary may not appoint any member to serve more than a total of 12 years.

''(B) STAGGERED TERMS.—Notwithstanding subparagraph (A), of the members first appointed to serve on the Task Force after the enactment of this title—

''(i) 10 shall be appointed for a term of 2 years;

''(ii) 10 shall be appointed for a term of 4 years; and

''(iii) 10 shall be appointed for a term of 6 years.

''(3) QUALIFICATIONS.—Members of the Task Force shall be appointed from among individuals who possess expertise in at least one of the following areas:

''(A) Health promotion and disease prevention.

''(B) Evaluation of research and systematic evidence reviews.

''(C) Application of systematic evidence reviews to clinical decisionmaking or health policy.

''(D) Clinical primary care in child and adolescent health.

''(E) Clinical primary care in adult health, including women's health.

''(F) Clinical primary care in geriatrics.

''(G) Clinical counseling and behavioral services for primary care patients.

''(4) REPRESENTATION.—In appointing members of the Task Force, the Secretary shall ensure that—

''(A) all areas of expertise described in paragraph (3) are represented; and

''(B) the members of the Task Force include individuals with expertise in health disparities.

''(e) SUBGROUPS.—As appropriate to maximize efficiency, the Task Force may delegate authority for conducting reviews and making recommendations to subgroups consisting of Task Force members, subject to final approval by the Task Force.

''(f) CLINICAL PREVENTION STAKEHOLDERS BOARD.—

''(1) IN GENERAL.—The Task Force shall convene a clinical prevention stakeholders board composed of representatives of appropriate public and private entities with an interest in clinical preventive services to advise the Task Force on developing, updating, publishing, and disseminating evidence-based recommendations on the use of clinical preventive services.

''(2) MEMBERSHIP.—The members of the clinical prevention stakeholders board shall include representatives of the following:

''(A) Health care consumers and patient groups.

''(B) Providers of clinical preventive services, including community-based providers.

''(C) Federal departments and agencies, including—

''(i) appropriate health agencies and offices in the Department, including the Office of the Surgeon General of the Public Health Service, the Office of Minority Health, the National Center on Minority Health and Health Disparities, and the Office on Women's Health; and

''(ii) as appropriate, other Federal departments and agencies whose programs have a significant impact upon health (as determined by the Secretary).

''(D) Private health care payors.

''(3) RESPONSIBILITIES.—In accordance with subsection (b)(6), the clinical prevention stakeholders board shall—

''(A) recommend clinical preventive services for review by the Task Force;

''(B) suggest scientific evidence for consideration by the Task Force related to reviews undertaken by the Task Force;

''(C) provide feedback regarding draft recommendations by the Task Force; and

''(D) assist with efforts regarding dissemination of recommendations by the Director of the Agency for Healthcare Research and Quality.

''(g) DISCLOSURE AND CONFLICTS OF INTEREST.—Members of the Task Force or the clinical prevention stakeholders board shall not be considered employees of the Federal Government by reason of service on the Task Force or the clinical prevention stakeholders board, except members of the Task Force or the clinical prevention stakeholders board shall be considered to be special Government employees within the meaning of section 107 of the Ethics in Government Act of 1978 (5 U.S.C. App.) and section 208 of title 18, United States Code, for the purposes of disclosure and management of conflicts of interest under those sections.

''(h) NO PAY; RECEIPT OF TRAVEL EXPENSES.—Members of the Task Force or the clinical prevention stakeholders board shall not receive any pay for service on the Task Force, but may receive travel expenses, including a per diem, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

''(i) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) except for section 14 of such Act shall apply to the Task Force to the extent that the provisions of such Act do not conflict with the provisions of this title.

''(j) REPORT.—The Secretary shall submit to the Congress an annual report on the Task Force, including with respect to gaps identified and recommendations made under subsection (b)(4).

"SEC. 3132. TASK FORCE ON COMMUNITY PREVENTIVE SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a permanent task force to be known as the Task Force on Community Preventive Services (in this section referred to as the 'Task Force').

''(b) RESPONSIBILITIES.—The Task Force shall—

''(1) identify community preventive services for review;

''(2) review the scientific evidence related to the benefits, effectiveness, appropriateness, and costs of community preventive services identified under paragraph (1) for the purpose of developing, updating, publishing, and disseminating evidence-based recommendations on the use of such services;

''(3) as appropriate, take into account health disparities in developing, updating, publishing, and disseminating evidence-based recommendations on the use of such services;

''(4) identify gaps in community preventive services research and evaluation and recommend priority areas for such research and evaluation;

''(5) pursuant to section 3143(d), determine whether subsidies and rewards are effective;

''(6) as appropriate, consult with the community prevention stakeholders board in accordance with subsection (f);

''(7) consult with the Task Force on Clinical Preventive Services established under section 3131; and

''(8) as appropriate, in carrying out this section, consider the national strategy under section 3121.

''(c) ROLE OF AGENCY.—The Secretary shall provide ongoing administrative, research, and technical support for the operations of the Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

''(d) MEMBERSHIP.—

''(1) NUMBER; APPOINTMENT.—The Task Force shall be composed of 30 members, appointed by the Secretary.

''(2) TERMS.—

''(A) IN GENERAL.—The Secretary shall appoint members of the Task Force for a term of 6 years and may reappoint such members, but the Secretary may not appoint any member to serve more than a total of 12 years.

''(B) STAGGERED TERMS.—Notwithstanding subparagraph (A), of the members first appointed to serve on the Task Force after the enactment of this section—

''(i) 10 shall be appointed for a term of 2 years;

''(ii) 10 shall be appointed for a term of 4 years; and

''(iii) 10 shall be appointed for a term of 6 years.

''(3) QUALIFICATIONS.—Members of the Task Force shall be appointed from among individuals who possess expertise in at least one of the following areas:

''(A) Public health.

''(B) Evaluation of research and systematic evidence reviews.

''(C) Disciplines relevant to community preventive services, including health promotion; disease prevention; chronic disease; worksite health; school-site health; qualitative and quantitative analysis; and health economics, policy, law, and statistics.

''(4) REPRESENTATION.—In appointing members of the Task Force, the Secretary—

''(A) shall ensure that all areas of expertise described in paragraph (3) are represented;

''(B) shall ensure that such members include sufficient representatives of each of—

''(i) State health officers;

''(ii) local health officers;

''(iii) health care practitioners; and

''(iv) public health practitioners; and

''(C) shall appoint individuals who have expertise in health disparities.

''(e) SUBGROUPS.—As appropriate to maximize efficiency, the Task Force may delegate authority for conducting reviews and making recommendations to subgroups consisting of Task Force members, subject to final approval by the Task Force.

''(f) COMMUNITY PREVENTION STAKEHOLDERS BOARD.—

''(1) IN GENERAL.—The Task Force shall convene a community prevention stakeholders board composed of representatives of appropriate public and private entities with an interest in community preventive services to advise the Task Force on developing, updating, publishing, and disseminating evidence-based recommendations on the use of community preventive services.

''(2) MEMBERSHIP.—The members of the community prevention stakeholders board shall include representatives of the following:

''(A) Health care consumers and patient groups.

''(B) Providers of community preventive services, including community-based providers.

''(C) Federal departments and agencies, including—

''(i) appropriate health agencies and offices in the Department, including the Office of the Surgeon General of the Public Health Service, the Office of Minority Health, the National Center on Minority Health and Health Disparities, and the Office on Women's Health; and

''(ii) as appropriate, other Federal departments and agencies whose programs have a significant impact upon health (as determined by the Secretary).

''(D) Private health care payors.

''(3) RESPONSIBILITIES.—In accordance with subsection (b)(6), the community prevention stakeholders board shall—

''(A) recommend community preventive services for review by the Task Force;

''(B) suggest scientific evidence for consideration by the Task Force related to reviews undertaken by the Task Force;

''(C) provide feedback regarding draft recommendations by the Task Force; and

''(D) assist with efforts regarding dissemination of recommendations by the Director of the Centers for Disease Control and Prevention.

''(g) DISCLOSURE AND CONFLICTS OF INTEREST.—Members of the Task Force or the community prevention stakeholders board shall not be considered employees of the Federal Government by reason of service on the Task Force or the community prevention stakeholders board, except members of the Task Force or the community prevention stakeholders board shall be considered to be special Government employees within the meaning of section 107 of the Ethics in Government Act of 1978 (5 U.S.C. App.) and section 208 of title 18, United States Code, for the purposes of disclosure and management of conflicts of interest under those sections.

''(h) NO PAY; RECEIPT OF TRAVEL EXPENSES.—Members of the Task Force or the community prevention stakeholders board shall not receive any pay for service on the Task Force, but may receive travel expenses,

including a per diem, in accordance with applicable provisions of subchapter I of chapter 57 of title 5, United States Code.

''(i) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) except for section 14 of such Act shall apply to the Task Force to the extent that the provisions of such Act do not conflict with the provisions of this title.

''(j) REPORT.—The Secretary shall submit to the Congress an annual report on the Task Force, including with respect to gaps identified and recommendations made under subsection (b)(4).

"Subtitle D—Prevention and Wellness Research

"SEC. 3141. PREVENTION AND WELLNESS RESEARCH ACTIVITY COORDINATION.

''In conducting or supporting research on prevention and wellness, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the heads of other agencies within the Department of Health and Human Services conducting or supporting such research, shall take into consideration the national strategy under section 3121 and the recommendations of the Task Force on Clinical Preventive Services under section 3131 and the Task Force on Community Preventive Services under section 3132.

"SEC. 3142. COMMUNITY PREVENTION AND WELLNESS RESEARCH GRANTS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct, or award grants to eligible entities to conduct, research in priority areas identified by the Secretary in the national strategy under section 3121 or by the Task Force on Community Preventive Services as required by section 3132.

''(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be—

''(1) a State, local, or tribal department of health;

''(2) a public or private nonprofit entity; or

''(3) a consortium of 2 or more entities described in paragraphs (1) and (2).

''(c) REPORT.—The Secretary shall submit to the Congress an annual report on the program of research under this section.

"SEC. 3143. RESEARCH ON SUBSIDIES AND REWARDS TO ENCOURAGE WELLNESS AND HEALTHY BEHAVIORS.

''(a) RESEARCH AND DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall conduct, or award grants to public or nonprofit private entities to conduct, research and demonstration projects on the use of financial and in-kind subsidies and rewards to encourage individuals and communities to promote wellness, adopt healthy behaviors, and use evidence-based preventive health services.

''(2) FOCUS.—Research and demonstration projects under paragraph (1) shall focus on—

''(A) tobacco use, obesity, and other prevention and wellness priorities identified by the Secretary in the national strategy under section 3121;

''(B) the initiation, maintenance, and long-term sustainability of wellness promotion; adoption of healthy behaviors; and use of evidence-based preventive health services; and

''(C) populations at high risk of preventable diseases and conditions.

''(b) FINDINGS; REPORT.—

''(1) SUBMISSION OF FINDINGS.—The Secretary shall submit the findings of research and demonstration projects under subsection (a) to—

''(A) the Task Force on Clinical Preventive Services established under section 3131 or the Task Force on Community Preventive Services established under section 3132, as appropriate; and

''(B) the Health Benefits Advisory Committee established by section 223 of the Affordable Health Care for America Act.

''(2) REPORT TO CONGRESS.—Not later than 18 months after the initiation of research and demonstration projects under subsection (a), the Secretary shall submit a report to the Congress on the progress of such research and projects, including any preliminary findings.

''(c) INCLUSION IN ESSENTIAL BENEFITS PACKAGE.—If, on the basis of the findings of research and demonstration projects under subsection (a) or other sources consistent with section 3131, the Task Force on Clinical Preventive Services determines that a subsidy or reward meets the Task Force's standards for a grade A or B, the Secretary shall ensure that the subsidy or reward is included in the essential benefits package under section 222.

''(d) INCLUSION AS ALLOWABLE USE OF COMMUNITY PREVENTION AND WELLNESS SERVICES GRANTS.—If, on the basis of the findings of research and demonstration projects under subsection (a) or other sources consistent with section 3132, the Task Force on Community Preventive Services determines that a subsidy or reward is effective, the Secretary shall ensure that the subsidy or reward becomes an allowable use of grant funds under section 3151.

''(e) NONDISCRIMINATION; NO TIE TO PREMIUM OR COST SHARING.—In carrying out this section, the Secretary shall ensure that any subsidy or reward—

''(1) does not have a discriminatory effect on the basis of any personal characteristic extraneous to the provision of high-quality health care or related services; and

''(2) is not tied to the premium or cost sharing of an individual under any qualified health benefits plan (as defined in section 100(c)).

"Subtitle E—Delivery of Community Prevention and Wellness Services

"SEC. 3151. COMMUNITY PREVENTION AND WELLNESS SERVICES GRANTS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a program for the delivery of community prevention and wellness services consisting of awarding grants to eligible entities—

''(1) to provide evidence-based, community prevention and wellness services in priority areas identified by the Secretary in the national strategy under section 3121; or

''(2) to plan such services.

''(b) ELIGIBILITY.—

''(1) DEFINITION.—To be eligible for a grant under this section, an entity shall be—

''(A) a State, local, or tribal department of health;

''(B) a public or private entity; or

''(C) a consortium that—

''(i) consists of 2 or more entities described in subparagraph (A) or (B); and

''(ii) may be a community partnership representing a Health Empowerment Zone.

''(2) HEALTH EMPOWERMENT ZONE.—In this subsection, the term 'Health Empowerment Zone' means an area—

''(A) in which multiple community prevention and wellness services are implemented in order to address one or more health disparities, including those identified by the Secretary in the national strategy under section 3121; and

''(B) which is represented by a community partnership that demonstrates community support and coordination with State, local, or tribal health departments and includes—

''(i) a broad cross section of stakeholders;

''(ii) residents of the community; and

''(iii) representatives of entities that have a history of working within and serving the community.

''(c) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to entities that—

''(1) will address one or more goals or objectives identified by the Secretary in the national strategy under section 3121;

''(2) will address significant health disparities, including those identified by the Secretary in the national strategy under section 3121;

''(3) will address unmet community prevention and wellness needs and avoid duplication of effort;

''(4) have been demonstrated to be effective in communities comparable to the proposed target community;

''(5) will contribute to the evidence base for community prevention and wellness services;

''(6) demonstrate that the community prevention and wellness services to be funded will be sustainable; and

''(7) demonstrate coordination or collaboration across governmental and nongovernmental partners.

''(d) HEALTH DISPARITIES.—Of the funds awarded under this section for a fiscal year, the Secretary shall award not less than 50 percent for planning or implementing community prevention and wellness services whose primary purpose is to achieve a measurable reduction in one or more health disparities, including those identified by the Secretary in the national strategy under section 3121.

''(e) EMPHASIS ON RECOMMENDED SERVICES.—For fiscal year 2014 and subsequent fiscal years, the Secretary shall award grants under this section only for planning or implementing services recommended by the Task Force on Community Preventive Services under section 3132 or deemed effective based on a review of comparable rigor (as determined by the Director of the Centers for Disease Control and Prevention).

''(f) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

''(1) to build or acquire real property or for construction; or

''(2) for services or planning to the extent that payment has been made, or can reasonably be expected to be made—

''(A) under any insurance policy;

''(B) under any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act); or

''(C) by an entity which provides health services on a prepaid basis.

''(g) REPORT.—The Secretary shall submit to the Congress an annual report on the program of grants awarded under this section.

''(h) DEFINITIONS.—In this section, the term 'evidence-based' means that methodologically sound research has demonstrated a beneficial health effect, in the judgment of the Director of the Centers for Disease Control and Prevention.

"Subtitle F—Core Public Health Infrastructure

"SEC. 3161. CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.

''(a) PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a core public health infrastructure program consisting of awarding grants under subsection (b).

''(b) GRANTS.—

''(1) AWARD.—For the purpose of addressing core public health infrastructure needs, the Secretary—

''(A) shall award a grant to each State health department; and

''(B) may award grants on a competitive basis to State, local, or tribal health departments.

''(2) ALLOCATION.—Of the total amount of funds awarded as grants under this subsection for a fiscal year—

''(A) not less than 50 percent shall be for grants to State health departments under paragraph (1)(A); and

''(B) not less than 30 percent shall be for grants to State, local, or tribal health departments under paragraph (1)(B).

''(c) USE OF FUNDS.—The Secretary may award a grant to an entity under subsection (b)(1) only if the entity agrees to use the grant to address core public health infrastructure needs, including those identified in the accreditation process under subsection (g).

''(d) FORMULA GRANTS TO STATE HEALTH DEPARTMENTS.—In making grants under subsection (b)(1)(A), the Secretary shall award funds to each State health department in accordance with—

''(1) a formula based on population size; burden of preventable disease and disability; and core public health infrastructure gaps, including those identified in the accreditation process under subsection (g); and

''(2) application requirements established by the Secretary, including a requirement that the State submit a plan that demonstrates to the satisfaction of the Secretary that the State's health department will—

''(A) address its highest priority core public health infrastructure needs; and

''(B) as appropriate, allocate funds to local health departments within the State.

''(e) COMPETITIVE GRANTS TO STATE, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.—In making grants under subsection (b)(1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs identified in the accreditation process under subsection (g).

''(f) MAINTENANCE OF EFFORT.—The Secretary may award a grant to an entity under subsection (b) only if the entity demonstrates to the satisfaction of the Secretary that—

''(1) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

''(2) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives the grant.

''(g) ESTABLISHMENT OF A PUBLIC HEALTH ACCREDITATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) develop, and periodically review and update, standards for voluntary accreditation of State, local, or tribal health departments and public health laboratories for the purpose of advancing the quality and performance of such departments and laboratories; and

''(B) implement a program to accredit such health departments and laboratories in accordance with such standards.

''(2) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a private nonprofit entity to carry out paragraph (1).

''(h) REPORT.—The Secretary shall submit to the Congress an annual report on progress being made to accredit entities under subsection (g), including—

''(1) a strategy, including goals and objectives, for accrediting entities under subsection (g) and achieving the purpose described in subsection (g)(1); and

''(2) identification of gaps in research related to core public health infrastructure and recommendations of priority areas for such research.

"SEC. 3162. CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR CDC.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and improve the core public health infrastructure and activities of the Centers for Disease Control and Prevention to address unmet and emerging public health needs.

''(b) REPORT.—The Secretary shall submit to the Congress an annual report on the activities funded through this section.

"Subtitle G—General Provisions

"SEC. 3171. DEFINITIONS.

''In this title:

''(1) The term 'core public health infrastructure' includes workforce capacity and competency; laboratory systems; health information, health information systems, and health information analysis; communications; financing; other relevant components of organizational capacity; and other related activities.

''(2) The terms 'Department' and 'departmental' refer to the Department of Health and Human Services.

''(3) The term 'health disparities' includes health and health care disparities and means population-specific differences in the presence of disease, health outcomes, or access to health care. For purposes of the preceding sentence, a population may be delineated by race, ethnicity, primary language, sex, sexual orientation, gender identity, disability, socioeconomic status, or rural, urban, or other geographic setting, and any other population or subpopulation determined by the Secretary to experience significant gaps in disease, health outcomes, or access to health care.

''(4) The term 'tribal' refers to an Indian tribe, a Tribal organization, or an Urban Indian organization, as such terms are defined in section 4 of the Indian Health Care Improvement Act.''.

(b) TRANSITION PROVISIONS APPLICABLE TO TASK FORCES.—

(1) FUNCTIONS, PERSONNEL, ASSETS, LIABILITIES, AND ADMINISTRATIVE ACTIONS.—All functions, personnel, assets, and liabilities of, and administrative actions applicable to, the Preventive Services Task Force convened under section 915(a) of the Public Health Service Act and the Task Force on Community Preventive Services (as such section and Task Forces were in existence on the day before the date of the enactment of this Act) shall be transferred to the Task Force on Clinical Preventive Services and the Task Force on Community Preventive Services, respectively, established under sections 3131 and 3132 of the Public Health Service Act, as added by subsection (a).

(2) RECOMMENDATIONS.—All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services, as in existence on the day before the date of the enactment of this Act, shall be considered to be recommendations of the Task Force on Clinical Preventive Services and the Task Force on Community Preventive Services, respectively, established under sections 3131 and 3132 of the Public Health Service Act, as added by subsection (a).

(3) MEMBERS ALREADY SERVING.—

(A) INITIAL MEMBERS.—The Secretary of Health and Human Services may select those individuals already serving on the Preventive Services Task Force and the Task Force on Community Preventive Services, as in existence on the day before the date of the enactment of this Act, to be among the first members appointed to the Task Force on Clinical Preventive Services and the Task Force on Community Preventive Services, respectively, under sections 3131 and 3132 of the Public Health Service Act, as added by subsection (a).

(B) CALCULATION OF TOTAL SERVICE.—In calculating the total years of service of a member of a task force for purposes of section 3131(d)(2)(A) or 3132(d)(2)(A) of the Public Health Service Act, as added by subsection (a), the Secretary of Health and Human Services shall not include any period of service by the member on the Preventive Services Task Force or the Task Force on Community Preventive Services, respectively, as in existence on the day before the date of the enactment of this Act.

(c) PERIOD BEFORE COMPLETION OF NATIONAL STRATEGY.—Pending completion of the national strategy under section 3121 of the Public Health Service Act, as added by subsection (a), the Secretary of Health and Human Services, acting through the relevant agency head, may make a judgment about how the strategy will address an issue and rely on such judgment in carrying out any provision of subtitle C, D, E, or F of title XXXI of such Act, as added by subsection (a), that requires the Secretary—

(1) to take into consideration such strategy;

(2) to conduct or support research or provide services in priority areas identified in such strategy; or

(3) to take any other action in reliance on such strategy.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (61) of section 3(b) of the Indian Health Care Improvement Act (25 U.S.C. 1602) is amended by striking ''United States Preventive Services Task Force'' and inserting ''Task Force on Clinical Preventive Services''.

(2) Section 126 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F of Public Law 106–554) is amended by striking ''United States Preventive Services Task Force'' each place it appears and inserting ''Task Force on Clinical Preventive Services''.

(3) Paragraph (7) of section 317D(a) of the Public Health Service Act (42 U.S.C. 247b–5(a)) is amended by striking ''United States Preventive Services Task Force'' and inserting ''Task Force on Clinical Preventive Services''.

(4) Section 915 of the Public Health Service Act (42 U.S.C. 299b–4) is amended by striking subsection (a).

(5) Subsections (s)(2)(AA)(iii)(II), (xx)(1), and (ddd)(1)(B) of section 1861 of the Social Security Act (42 U.S.C. 1395x) are amended by striking ''United States Preventive Services Task Force'' each place it appears and inserting ''Task Force on Clinical Preventive Services''.

TITLE IV—QUALITY AND SURVEILLANCE

SEC. 2401. IMPLEMENTATION OF BEST PRACTICES IN THE DELIVERY OF HEALTH CARE.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 931 through 938 as sections 941 through 948, respectively;

(3) in section 948(1), as redesignated, by striking ''931'' and inserting ''941''; and

(4) by inserting after part C the following:

"PART D—IMPLEMENTATION OF BEST PRACTICES IN THE DELIVERY OF HEALTH CARE

"SEC. 931. CENTER FOR QUALITY IMPROVEMENT.

''(a) IN GENERAL.—There is established the Center for Quality Improvement (referred to in this part as the 'Center'), to be headed by the Director.

''(b) PRIORITIZATION.—

''(1) IN GENERAL.—The Director shall prioritize areas for the identification, development, evaluation, and implementation of

best practices (including innovative methodologies and strategies) for quality improvement activities in the delivery of health care services (in this section referred to as 'best practices').

''(2) CONSIDERATIONS.—In prioritizing areas under paragraph (1), the Director shall consider—

''(A) the priorities established under section 1191 of the Social Security Act; and

''(B) the key health indicators identified by the Assistant Secretary for Health Information under section 1709.

''(3) LIMITATIONS.—In conducting its duties under this subsection, the Center for Quality Improvement shall not develop quality-adjusted life year measures or any other methodologies that can be used to deny benefits to a beneficiary against the beneficiary's wishes on the basis of the beneficiary's age, life expectancy, present or predicted disability, or expected quality of life.

''(c) OTHER RESPONSIBILITIES.—The Director, acting directly or by awarding a grant or contract to an eligible entity, shall—

''(1) identify existing best practices under subsection (e);

''(2) develop new best practices under subsection (f);

''(3) evaluate best practices under subsection (g);

''(4) implement best practices under subsection (h);

''(5) ensure that best practices are identified, developed, evaluated, and implemented under this section consistent with standards adopted by the Secretary under section 3004 for health information technology used in the collection and reporting of quality information (including for purposes of the demonstration of meaningful use of certified electronic health record (EHR) technology by physicians and hospitals under the Medicare program (under sections 1848(o)(2) and 1886(n)(3), respectively, of the Social Security Act)); and

''(6) provide for dissemination of information and reporting under subsections (i) and (j).

''(d) ELIGIBILITY.—To be eligible for a grant or contract under subsection (c), an entity shall—

''(1) be a nonprofit entity;

''(2) agree to work with a variety of institutional health care providers, physicians, nurses, and other health care practitioners; and

''(3) if the entity is not the organization holding a contract under section 1153 of the Social Security Act for the area to be served, agree to cooperate with and avoid duplication of the activities of such organization.

''(e) IDENTIFYING EXISTING BEST PRACTICES.—The Director shall identify best practices that are—

''(1) currently utilized by health care providers (including hospitals, physician and other clinician practices, community cooperatives, and other health care entities) that deliver consistently high-quality, efficient health care services; and

''(2) easily adapted for use by other health care providers and for use across a variety of health care settings.

''(f) DEVELOPING NEW BEST PRACTICES.—The Director shall develop best practices that are—

''(1) based on a review of existing scientific evidence;

''(2) sufficiently detailed for implementation and incorporation into the workflow of health care providers; and

''(3) designed to be easily adapted for use by health care providers across a variety of health care settings.

''(g) EVALUATION OF BEST PRACTICES.—The Director shall evaluate best practices identified or developed under this section. Such evaluation—

''(1) shall include determinations of which best practices—

''(A) most reliably and effectively achieve significant progress in improving the quality of patient care; and

''(B) are easily adapted for use by health care providers across a variety of health care settings;

''(2) shall include regular review, updating, and improvement of such best practices; and

''(3) may include in-depth case studies or empirical assessments of health care providers (including hospitals, physician and other clinician practices, community cooperatives, and other health care entities) and simulations of such best practices for determinations under paragraph (1).

''(h) IMPLEMENTATION OF BEST PRACTICES.—

''(1) IN GENERAL.—The Director shall enter into arrangements with entities in a State or region to implement best practices identified or developed under this section. Such implementation—

''(A) may include forming collaborative multi-institutional teams; and

''(B) shall include an evaluation of the best practices being implemented, including the measurement of patient outcomes before, during, and after implementation of such best practices.

''(2) PREFERENCES.—In carrying out this subsection, the Director shall give priority to health care providers implementing best practices that—

''(A) have the greatest impact on patient outcomes and satisfaction;

''(B) are the most easily adapted for use by health care providers across a variety of health care settings;

''(C) promote coordination of health care practitioners across the continuum of care; and

''(D) engage patients and their families in improving patient care and outcomes.

''(i) PUBLIC DISSEMINATION OF INFORMATION.—The Director shall provide for the public dissemination of information with respect to best practices and activities under this section. Such information shall be made available in appropriate formats and languages to reflect the varying needs of consumers and diverse levels of health literacy.

''(j) REPORT.—

''(1) IN GENERAL.—The Director shall submit an annual report to the Congress and the Secretary on activities under this section.

''(2) CONTENT.—Each report under paragraph (1) shall include—

''(A) information on activities conducted pursuant to grants and contracts awarded;

''(B) summary data on patient outcomes before, during, and after implementation of best practices; and

''(C) recommendations on the adaptability of best practices for use by health providers.''.

(b) INITIAL QUALITY IMPROVEMENT ACTIVITIES AND INITIATIVES TO BE IMPLEMENTED.—Until the Director of the Agency for Healthcare Research and Quality has established initial priorities under section 931(b) of the Public Health Service Act, as added by subsection (a), the Director shall, for purposes of such section, prioritize the following:

(1) HEALTH CARE-ASSOCIATED INFECTIONS.—Reducing health care-associated infections, including infections in nursing homes and outpatient settings.

(2) SURGERY.—Increasing hospital and outpatient perioperative patient safety, including reducing surgical-site infections and surgical errors (such as wrong-site surgery and retained foreign bodies).

(3) EMERGENCY ROOM.—Improving care in hospital emergency rooms, including through the use of principles of efficiency of design and delivery to improve patient flow.

(4) OBSTETRICS.—Improving the provision of obstetrical and neonatal care, including the identification of interventions that are effective in reducing the risk of preterm and premature labor and the implementation of best practices for labor and delivery care.

(5) PEDIATRICS.—Improving the provision of preventive and developmental child health services, including interventions that can reduce child health disparities (as defined in section 3171 of the Public Health Service Act, as added by section 2301) and reduce the risk of developing chronic health-threatening conditions that affect an individual's life course development.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Director of the Agency for Healthcare Research and Quality shall submit a report to the Congress on the impact of the nurse-to-patient ratio on the quality of care and patient outcomes, including recommendations for further integration into quality measurement and quality improvement activities.

SEC. 2402. ASSISTANT SECRETARY FOR HEALTH INFORMATION.

(a) ESTABLISHMENT.—Title XVII (42 U.S.C. 300u et seq.) is amended—

(1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and

(2) by inserting after section 1708 the following:

"SEC. 1709. ASSISTANT SECRETARY FOR HEALTH INFORMATION.

''(a) IN GENERAL.—There is established within the Department an Assistant Secretary for Health Information (in this section referred to as the 'Assistant Secretary'), to be appointed by the Secretary.

''(b) RESPONSIBILITIES.—The Assistant Secretary shall—

''(1) ensure the collection, collation, reporting, and publishing of information (including full and complete statistics) on key health indicators regarding the Nation's health and the performance of the Nation's health care;

''(2) facilitate and coordinate the collection, collation, reporting, and publishing of information regarding the Nation's health and the performance of the Nation's health care (other than information described in paragraph (1));

''(3)(A) develop standards for the collection of data regarding the Nation's health and the performance of the Nation's health care; and

''(B) in carrying out subparagraph (A)—

''(i) ensure appropriate specificity and standardization for data collection at the national, regional, State, and local levels;

''(ii) include standards, as appropriate, for the collection of accurate data on health disparities;

''(iii) ensure, with respect to data on race and ethnicity, consistency with the 1997 Office of Management and Budget Standards for Maintaining, Collecting and Presenting Federal Data on Race and Ethnicity (or any successor standards); and

''(iv) in consultation with the Director of the Office of Minority Health, and the Director of the Office of Civil Rights of the Department, develop standards for the collection of data on health and health care with respect to primary language;

''(4) provide support to Federal departments and agencies whose programs have a significant impact upon health (as determined by the Secretary) for the collection and collation of information described in paragraphs (1) and (2);

''(5) ensure the sharing of information described in paragraphs (1) and (2) among the agencies of the Department;

''(6) facilitate the sharing of information described in paragraphs (1) and (2) by Federal departments and agencies whose programs

have a significant impact upon health (as determined by the Secretary);

''(7) identify gaps in information described in paragraphs (1) and (2) and the appropriate agency or entity to address such gaps;

''(8) facilitate and coordinate identification and monitoring of health disparities by the agencies of the Department to inform program and policy efforts to reduce such disparities, including facilitating and funding analyses conducted in cooperation with the Social Security Administration, the Bureau of the Census, and other appropriate agencies and entities;

''(9) consistent with privacy, proprietary, and other appropriate safeguards, facilitate public accessibility of datasets (such as de-identified Medicare datasets or publicly available data on key health indicators) by means of the Internet; and

''(10) award grants or contracts for the collection and collation of information described in paragraphs (1) and (2) (including through statewide surveys that provide standardized information).

''(c) KEY HEALTH INDICATORS.—

''(1) IN GENERAL.—In carrying out subsection (b)(1), the Assistant Secretary shall—

''(A) identify, and reassess at least once every 3 years, key health indicators described in such subsection;

''(B) publish statistics on such key health indicators for the public—

''(i) not less than annually; and

''(ii) on a supplemental basis whenever warranted by—

''(I) the rate of change for a key health indicator; or

''(II) the need to inform policy regarding the Nation's health and the performance of the Nation's health care; and

''(C) ensure consistency with the national strategy developed by the Secretary under section 3121 and consideration of the indicators specified in the reports under sections 308, 903(a)(6), and 913(b)(2).

''(2) RELEASE OF KEY HEALTH INDICATORS.—The regulations, rules, processes, and procedures of the Office of Management and Budget governing the review, release, and dissemination of key health indicators shall be the same as the regulations, rules, processes, and procedures of the Office of Management and Budget governing the review, release, and dissemination of Principal Federal Economic Indicators (or equivalent statistical data) by the Bureau of Labor Statistics.

''(d) COORDINATION.—In carrying out this section, the Assistant Secretary shall coordinate with—

''(1) public and private entities that collect and disseminate information on health and health care, including foundations; and

''(2) the head of the Office of the National Coordinator for Health Information Technology to ensure optimal use of health information technology.

''(e) REQUEST FOR INFORMATION FROM DEPARTMENTS AND AGENCIES.—Consistent with applicable law, the Assistant Secretary may secure directly from any Federal department or agency information necessary to enable the Assistant Secretary to carry out this section.

''(f) REPORT.—

''(1) SUBMISSION.—The Assistant Secretary shall submit to the Secretary and the Congress an annual report containing—

''(A) a description of national, regional, or State changes in health or health care, as reflected by the key health indicators identified under subsection (c)(1);

''(B) a description of gaps in the collection, collation, reporting, and publishing of information regarding the Nation's health and the performance of the Nation's health care;

''(C) recommendations for addressing such gaps and identification of the appropriate agency within the Department or other entity to address such gaps;

''(D) a description of analyses of health disparities, including the results of completed analyses, the status of ongoing longitudinal studies, and proposed or planned research; and

''(E) a plan for actions to be taken by the Assistant Secretary to address gaps described in subparagraph (B).

''(2) CONSIDERATION.—In preparing a report under paragraph (1), the Assistant Secretary shall take into consideration the findings and conclusions in the reports under sections 308, 903(a)(6), and 913(b)(2).

''(g) PROPRIETARY AND PRIVACY PROTECTIONS.—Nothing in this section shall be construed to affect applicable proprietary or privacy protections.

''(h) CONSULTATION.—In carrying out this section, the Assistant Secretary shall consult with—

''(1) the heads of appropriate health agencies and offices in the Department, including the Office of the Surgeon General of the Public Health Service, the Office of Minority Health, and the Office on Women's Health; and

''(2) as appropriate, the heads of other Federal departments and agencies whose programs have a significant impact upon health (as determined by the Secretary).

''(i) DEFINITION.—In this section:

''(1) The terms 'agency' and 'agencies' include an epidemiology center established under section 214 of the Indian Health Care Improvement Act.

''(2) The term 'Department' means the Department of Health and Human Services.

''(3) The term 'health disparities' has the meaning given to such term in section 3171.''.

(b) OTHER COORDINATION RESPONSIBILITIES.—Title III (42 U.S.C. 241 et seq.) is amended—

(1) in paragraphs (1) and (2) of section 304(c) (42 U.S.C. 242b(c)), by inserting '', acting through the Assistant Secretary for Health Information,'' after ''The Secretary'' each place it appears; and

(2) in section 306(j) (42 U.S.C. 242k(j)), by inserting '', acting through the Assistant Secretary for Health Information,'' after ''of this section, the Secretary''.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS.

Section 799C, as added and amended, is further amended by adding at the end the following:

''(e) QUALITY AND SURVEILLANCE.—For the purpose of carrying out part D of title IX and section 1709, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated, out of any monies in the Public Health Investment Fund, $300,000,000 for each of fiscal years 2011 through 2015.''.

TITLE V—OTHER PROVISIONS

Subtitle A—Drug Discount for Rural and Other Hospitals; 340B Program Integrity

SEC. 2501. EXPANDED PARTICIPATION IN 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

''(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act, or a free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act).

''(O) An entity receiving funds under title V of the Social Security Act (relating to maternal and child health) for the provision of health services.

''(P) An entity receiving funds under subpart I of part B of title XIX of the Public Health Service Act (relating to comprehensive mental health services) for the provision of community mental health services.

''(Q) An entity receiving funds under subpart II of such part B (relating to the prevention and treatment of substance abuse) for the provision of treatment services for substance abuse.

''(R) An entity that is a Medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv) of the Social Security Act).

''(S) An entity that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

''(T) An entity that is classified as a rural referral center under section 1886(d)(5)(C) of the Social Security Act.''.

(b) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L)—

(A) by adding ''and'' at the end of clause (i);

(B) by striking ''; and'' at the end of clause (ii) and inserting a period; and

(C) by striking clause (iii); and

(2) in paragraph (5), by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following:

''(C) PROHIBITING USE OF GROUP PURCHASING ARRANGEMENTS.—A hospital described in subparagraph (L), (M), (N), (R), (S), or (T) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement.''.

SEC. 2502. IMPROVEMENTS TO 340B PROGRAM INTEGRITY.

(a) INTEGRITY IMPROVEMENTS.—Section 340B (42 U.S.C. 256b) is amended—

(1) by striking subsections (c) and (d); and

(2) by inserting after subsection (b) the following:

''(c) IMPROVEMENTS IN PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing, through an appropriate policy or regulatory issuance, standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Conducting periodic monitoring of sales transactions to covered entities.

''(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies,

including the issuance of refunds pursuant to the procedures set forth in clause (ii).

''(ii) The establishment of procedures for the issuance of refunds to covered entities by manufacturers in the event that the Secretary finds there has been an overcharge, including the following:

''(I) Submission to the Secretary by manufacturers of an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

''(iii) Notwithstanding any other provision of law prohibiting the disclosure of ceiling prices or data used to calculate the ceiling price, the provision of access to covered entities and State Medicaid agencies through an Internet website of the Department of Health and Human Services or contractor to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in a manner that ensures protection of privileged pricing data from unauthorized disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such rebates, discounts, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) In addition to authorities under section 1927(b)(3) of the Social Security Act, the Secretary may conduct audits of manufacturers and wholesalers to ensure the integrity of the program under this section, including audits on the market price of covered drugs.

''(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

''(vii) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary within one year of the date of the enactment of the Affordable Health Care for America Act; and

''(II) shall apply to any manufacturer with an agreement under this section and shall not exceed $100,000 for each instance where a manufacturer knowingly charges a covered entity a price for purchase of a drug that exceeds the maximum applicable price under subsection (a)(1) or that knowingly violates any other provision of this section, or withholds or provides false information to the Secretary or to covered entities under this section.

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements under subsection (a)(5).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet Web site of the Department of Health and Human Services relating to this section.

''(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the Web site described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary;

''(II) shall not exceed $5,000 for each violation; and

''(III) shall apply to any covered entity that knowingly violates subparagraph (a)(5)(B) or knowingly violates any other provision of this section.

''(vi) The exclusion of a covered entity from participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established in regulations, that—

''(I) a violation of a requirement of this section was repeated and knowing; and

''(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance.

''(vii) The referral of matters as appropriate to the Food and Drug Administration, the Office of Inspector General of Department of Health and Human Services, or other Federal agencies.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under paragraph (4), the Secretary may establish and implement an administrative process for the resolution of the following:

''(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

''(B) Claims by manufacturers that covered entities have violated subsection (a)(5)(A) or (a)(5)(B).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 340B(a) (42 U.S.C. 256b(a)) is amended—

(A) by adding at the end of paragraph (1) the following: ''Such agreement shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price. Such agreement shall require that, if the supply of a covered drug is insufficient to meet demand, then the manufacturer may utilize an allocation method that is reported in writing to the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to an entity's participation in the program under this section. Notwithstanding any other provision of law, if the Secretary requests a manufacturer to enter into a new or amended agreement under this section that complies with current law and if the manufacturer opts not to sign the new or amended agreement, then any existing agreement between the manufacturer and the Secretary under this section is deemed to no longer meet the requirements of this section for purposes of this section and section 1927 of the Social Security Act.''; and

(B) by adding at the end the following paragraph:

''(11) QUARTERLY REPORTS.—An agreement described in paragraph (1) shall require that the manufacturer furnish the Secretary with reports on a quarterly basis that include the following information:

''(A) The price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price').

''(B) The component information used to calculate the ceiling price as determined necessary to administer the requirements of the program under this section.

''(C) Rebates, discounts, and other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered drugs to covered entities.''.

(2) Section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking subparagraph (D).

SEC. 2503. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle shall take effect on the date of the enactment of this Act, and sections 2501, 2502(a)(1), and 2502(b)(2) shall apply to drugs dispensed on or after such date.

(b) EFFECTIVENESS.—The amendments made by this subtitle shall be effective, and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)), and of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)), notwithstanding any other provision of law.

Subtitle B—Programs

PART 1—GRANTS FOR CLINICS AND CENTERS

SEC. 2511. SCHOOL-BASED HEALTH CLINICS.

(a) IN GENERAL.—Part Q of title III (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399Z–1. SCHOOL-BASED HEALTH CLINICS.

''(a) PROGRAM.—The Secretary shall establish a school-based health clinic program consisting of awarding grants to eligible entities to support the operation of school-based health clinics (referred to in this section as 'SBHCs').

''(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall—

''(1) be an SBHC (as defined in subsection (l)(3)); and

''(2) submit an application at such time, in such manner, and containing such information as the Secretary may require, including at a minimum—

''(A) evidence that the applicant meets all criteria necessary to be designated as an SBHC;

''(B) evidence of local need for the services to be provided by the SBHC;

''(C) an assurance that—

''(i) SBHC services will be provided in accordance with Federal, State, and local laws;

''(ii) the SBHC has established and maintains collaborative relationships with other health care providers in the catchment area of the SBHC;

''(iii) the SBHC will provide onsite access during the academic day when school is in session and has an established network of support and access to services with backup health providers when the school or SBHC is closed;

''(iv) the SBHC will be integrated into the school environment and will coordinate

health services with appropriate school personnel and other community providers co-located at the school; and

''(v) the SBHC sponsoring facility assumes all responsibility for the SBHC administration, operations, and oversight; and

''(D) such other information as the Secretary may require.

''(c) USE OF FUNDS.—Funds awarded under a grant under this section—

''(1) may be used for—

''(A) providing training related to the provision of comprehensive primary health services and additional health services;

''(B) the management and operation of SBHC programs, including through subcontracts; and

''(C) the payment of salaries for health professionals and other appropriate SBHC personnel; and

''(2) may not be used to provide abortions.

''(d) CONSIDERATION OF NEED.—In determining the amount of a grant under this section, the Secretary shall take into consideration—

''(1) the financial need of the SBHC;

''(2) State, local, or other sources of funding provided to the SBHC; and

''(3) other factors as determined appropriate by the Secretary.

''(e) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to SBHCs that have a demonstrated record of service to at least one of the following:

''(1) A high percentage of medically underserved children and adolescents.

''(2) Communities or populations in which children and adolescents have difficulty accessing health and mental health services.

''(3) Communities with high percentages of children and adolescents who are uninsured, underinsured, or eligible for medical assistance under Federal or State health benefits programs (including titles XIX and XXI of the Social Security Act).

''(f) MATCHING REQUIREMENT.—The Secretary may award a grant to an SBHC under this section only if the SBHC agrees to provide, from non-Federal sources, an amount equal to 20 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—The Secretary may award a grant to an SBHC under this section only if the SBHC demonstrates to the satisfaction of the Secretary that funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the SBHC for operation of the SBHC (including each activity described in paragraph (1) or (2) of subsection (c)).

''(h) PAYOR OF LAST RESORT.—The Secretary may award a grant to an SBHC under this section only if the SBHC demonstrates to the satisfaction of the Secretary that funds received through the grant will not be expended for any activity to the extent that payment has been made, or can reasonably be expected to be made—

''(1) under any insurance policy;

''(2) under any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act); or

''(3) by an entity which provides health services on a prepaid basis.

''(i) REGULATIONS REGARDING REIMBURSEMENT FOR HEALTH SERVICES.—The Secretary shall issue regulations regarding the reimbursement for health services provided by SBHCs to individuals eligible to receive such services through the program under this section, including reimbursement under any insurance policy or any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act).

''(j) TECHNICAL ASSISTANCE.—The Secretary shall provide (either directly or by grant or contract) technical and other assistance to SBHCs to assist such SBHCs to meet the requirements of this section. Such assistance may include fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the SBHCs of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the SBHCs.

''(k) EVALUATION; REPORT.—The Secretary shall—

''(1) develop and implement a plan for evaluating SBHCs and monitoring quality performances under the awards made under this section; and

''(2) submit to the Congress on an annual basis a report on the program under this section.

''(l) DEFINITIONS.—In this section:

''(1) COMPREHENSIVE PRIMARY HEALTH SERVICES.—The term 'comprehensive primary health services' means the core services offered by SBHCs, which—

''(A) shall include—

''(i) comprehensive health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions and referrals to, and followup for, specialty care; and

''(ii) mental health assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs; and

''(B) may include additional services, such as oral health, social, and age-appropriate health education services, including nutritional counseling.

''(2) MEDICALLY UNDERSERVED CHILDREN AND ADOLESCENTS.—The term 'medically underserved children and adolescents' means a population of children and adolescents who are residents of an area designated by the Secretary as an area with a shortage of personal health services and health infrastructure for such children and adolescents.

''(3) SCHOOL-BASED HEALTH CLINIC.—The term 'school-based health clinic' means a health clinic that—

''(A) is located in, or is adjacent to, a school facility of a local educational agency;

''(B) is organized through school, community, and health provider relationships;

''(C) is administered by a sponsoring facility;

''(D) provides comprehensive primary health services during school hours to children and adolescents by health professionals in accordance with State and local laws and regulations, established standards, and community practice; and

''(E) does not perform abortion services.

''(4) SPONSORING FACILITY.—The term 'sponsoring facility' is—

''(A) a hospital;

''(B) a public health department;

''(C) a community health center;

''(D) a nonprofit health care entity whose mission is to provide access to comprehensive primary health care services;

''(E) a local educational agency; or

''(F) a program administered by the Indian Health Service or the Bureau of Indian Affairs or operated by an Indian tribe or a tribal organization under the Indian Self-Determination and Education Assistance Act, a Native Hawaiian entity, or an urban Indian program under title V of the Indian Health Care Improvement Act.

''(m) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.''.

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall begin awarding grants under section 399Z–1 of the Public Health Service Act, as added by subsection (a), not later than July 1, 2010, without regard to whether or not final regulations have been issued under section 399Z–1(i) of such Act.

(c) TERMINATION OF STUDY.—Section 2(b) of the Health Care Safety Net Act of 2008 (42 U.S.C. 254b note) is amended by striking paragraph (2) (relating to a school-based health center study).

SEC. 2512. NURSE-MANAGED HEALTH CENTERS.

Title III (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART S—NURSE-MANAGED HEALTH CENTERS

"SEC. 399FF. NURSE-MANAGED HEALTH CENTERS.

''(a) PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a nurse-managed health center program consisting of awarding grants to entities under subsection (b).

''(b) GRANT.—The Secretary shall award grants to entities—

''(1) to plan and develop a nurse-managed health center; or

''(2) to operate a nurse-managed health center.

''(c) USE OF FUNDS.—Amounts received as a grant under subsection (b) may be used for activities including the following:

''(1) Purchasing or leasing equipment.

''(2) Training and technical assistance related to the provision of comprehensive primary care services and wellness services.

''(3) Other activities for planning, developing, or operating, as applicable, a nurse-managed health center.

''(d) ASSURANCES APPLICABLE TO BOTH PLANNING AND OPERATION GRANTS.—

''(1) IN GENERAL.—The Secretary may award a grant under this section to an entity only if the entity demonstrates to the Secretary's satisfaction that—

''(A) nurses, in addition to managing the center, will be adequately represented as providers at the center; and

''(B) not later than 90 days after receiving the grant, the entity will establish a community advisory committee composed of individuals, a majority of whom are being served by the center, to provide input into the nurse-managed health center's operations.

''(2) MATCHING REQUIREMENT.—The Secretary may award a grant under this section to an entity only if the entity agrees to provide, from non-Federal sources, an amount equal to 20 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

''(3) PAYOR OF LAST RESORT.—The Secretary may award a grant under this section to an entity only if the entity demonstrates to the satisfaction of the Secretary that funds received through the grant will not be expended for any activity to the extent that payment has been made, or can reasonably be expected to be made—

''(A) under any insurance policy;

''(B) under any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act); or

''(C) by an entity which provides health services on a prepaid basis.

''(4) MAINTENANCE OF EFFORT.—The Secretary may award a grant under this section to an entity only if the entity demonstrates to the satisfaction of the Secretary that—

''(A) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the activities to be funded through the grant; and

''(B) with respect to such activities, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the lesser of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives the grant.

''(e) ADDITIONAL ASSURANCE FOR PLANNING GRANTS.—The Secretary may award a grant under subsection (b)(1) to an entity only if the entity agrees—

''(1) to assess the needs of the medically underserved populations proposed to be served by the nurse-managed health center; and

''(2) to design services and operations of the nurse-managed health center for such populations based on such assessment.

''(f) ADDITIONAL ASSURANCE FOR OPERATION GRANTS.—The Secretary may award a grant under subsection (b)(2) to an entity only if the entity assures that the nurse-managed health center will provide—

''(1) comprehensive primary care services, wellness services, and other health care services deemed appropriate by the Secretary;

''(2) care without respect to insurance status or income of the patient; and

''(3) direct access to client-centered services offered by advanced practice nurses, other nurses, physicians, physician assistants, or other qualified health professionals.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide (either directly or by grant or contract) technical and other assistance to nurse-managed health centers to assist such centers in meeting the requirements of this section. Such assistance may include fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to nurse-managed health centers regarding the various resources available under this section and how those resources can best be used to meet the health needs of the communities served by nurse-managed health centers.

''(h) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

''(i) DEFINITIONS.—In this section:

''(1) COMPREHENSIVE PRIMARY CARE SERVICES.—The term 'comprehensive primary care services' has the meaning given to the term 'required primary health services' in section 330(b)(1).

''(2) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given to such term in section 330(b)(3).

''(3) NURSE-MANAGED HEALTH CENTER.—The term 'nurse-managed health center' has the meaning given to such term in section 801.

''(4) WELLNESS SERVICES.—The term 'wellness services' means any health-related service or intervention, not including primary care, which is designed to reduce identifiable health risks and increase healthy behaviors intended to prevent the onset of disease or lessen the impact of existing chronic conditions by teaching more effective management techniques that focus on individual self-care and patient-driven decisionmaking.

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

SEC. 2513. FEDERALLY QUALIFIED BEHAVIORAL HEALTH CENTERS.

Section 1913 (42 U.S.C. 300x–3) is amended—

(1) in subsection (a)(2)(A), by striking ''community mental health services'' and inserting ''behavioral health services (of the type offered by federally qualified behavioral health centers consistent with subsection (c)(3))'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) services under the plan will be provided only through appropriate, qualified community programs (which may include federally qualified behavioral health centers, child mental health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental health primary consumer-directed programs); and''; and

(B) in paragraph (2), by striking ''community mental health centers'' and inserting ''federally qualified behavioral health centers''; and

(3) by striking subsection (c) and inserting the following:

''(c) CRITERIA FOR FEDERALLY QUALIFIED BEHAVIORAL HEALTH CENTERS.—

''(1) IN GENERAL.—The Administrator shall certify, and recertify at least every 5 years, federally qualified behavioral health centers as meeting the criteria specified in this subsection.

''(2) REGULATIONS.—Not later than 18 months after the date of the enactment of the Affordable Health Care for America Act, the Administrator shall issue final regulations for certifying centers under paragraph (1).

''(3) CRITERIA.—The criteria referred to in subsection (b)(2) are that the center performs each of the following:

''(A) Provide services in locations that ensure services will be available and accessible promptly and in a manner which preserves human dignity and assures continuity of care.

''(B) Provide services in a mode of service delivery appropriate for the target population.

''(C) Provide individuals with a choice of service options where there is more than one efficacious treatment.

''(D) Employ a core staff of clinical staff that is multidisciplinary and culturally and linguistically competent.

''(E) Provide services, within the limits of the capacities of the center, to any individual residing or employed in the service area of the center.

''(F) Provide, directly or through contract, to the extent covered for adults in the State Medicaid plan and for children in accordance with section 1905(r) of the Social Security Act regarding early and periodic screening, diagnosis, and treatment, each of the following services:

''(i) Screening, assessment, and diagnosis, including risk assessment.

''(ii) Person-centered treatment planning or similar processes, including risk assessment and crisis planning.

''(iii) Outpatient clinic mental health services, including screening, assessment, diagnosis, psychotherapy, substance abuse counseling, medication management, and integrated treatment for mental illness and substance abuse which shall be evidence-based (including cognitive behavioral therapy, dialectical behavioral therapy, motivational interviewing, and other such therapies which are evidence-based).

''(iv) Outpatient clinic primary care services, including screening and monitoring of key health indicators and health risk (including screening for diabetes, hypertension, and cardiovascular disease and monitoring of weight, height, body mass index (BMI), blood pressure, blood glucose or HbA1C, and lipid profile).

''(v) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.

''(vi) Targeted case management (services to assist individuals gaining access to needed medical, social, educational, and other services and applying for income security and other benefits to which they may be entitled).

''(vii) Psychiatric rehabilitation services including skills training, assertive community treatment, family psychoeducation, disability self-management, supported employment, supported housing services, therapeutic foster care services, multisystemic therapy, and such other evidence-based practices as the Secretary may require.

''(viii) Peer support and counselor services and family supports.

''(G) Maintain linkages, and where possible enter into formal contracts with, inpatient psychiatric facilities and substance abuse detoxification and residential programs.

''(H) Make available to individuals served by the center, directly, through contract, or through linkages with other programs, each of the following:

''(i) Adult and youth peer support and counselor services.

''(ii) Family support services for families of children with serious mental disorders.

''(iii) Other community or regional services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies and facilities, housing agencies and programs, employers, and other social services.

''(iv) Onsite or offsite access to primary care services.

''(v) Enabling services, including outreach, transportation, and translation.

''(vi) Health and wellness services, including services for tobacco cessation.''.

PART 2—OTHER GRANT PROGRAMS

SEC. 2521. COMPREHENSIVE PROGRAMS TO PROVIDE EDUCATION TO NURSES AND CREATE A PIPELINE TO NURSING.

(a) PURPOSES.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including certified nurse assistants, licensed practical nurses, licensed vocational nurses, and registered nurses) for incumbent ancillary health care workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, health care providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by health care providers and health care labor organizations or other organizations representing staff nurses and frontline health care workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) GRANTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary health care workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be—

(1) a health care entity that is jointly administered by a health care employer and a labor union representing the health care employees of the employer and that carries out activities using labor-management training funds as provided for under section 302(c)(6) of the Labor Management Relations Act, 1947 (29 U.S.C. 186(c)(6));

(2) an entity that operates a training program that is jointly administered by—

(A) one or more health care providers or facilities, or a trade association of health care providers; and

(B) one or more organizations which represent the interests of direct care health care workers or staff nurses and in which the direct care health care workers or staff nurses have direct input as to the leadership of the organization;

(3) a State training partnership program that consists of nonprofit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community-based organizations, community colleges, and accredited schools of nursing; or

(4) a school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

(d) ADDITIONAL REQUIREMENTS FOR HEALTH CARE EMPLOYER DESCRIBED IN SUBSECTION (c).—To be eligible for a grant under this section, a health care employer described in subsection (c) shall demonstrate that it—

(1) has an established program within its facility to encourage the retention of existing nurses;

(2) provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) supports programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent health care workers to allow their participation in nursing career ladder programs, including certified nurse assistants, licensed practical nurses, licensed vocational nurses, and registered nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a bachelor of science in nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate's, bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) USE OF FUNDS.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent health care workers to become nurses (including certified nurse assistants, licensed practical nurses, licensed vocational nurses, and registered nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English-as-a-second-language education, GED education, precollege counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, and accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention postgraduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued health care coverage to enable incumbent health care workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full-time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing associate's, bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and health care providers.

(g) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent health care workers to become nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the health care facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, and patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to the Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 2522. MENTAL AND BEHAVIORAL HEALTH TRAINING.

Part E of title VII (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Mental and Behavioral Health Training

"SEC. 775. MENTAL AND BEHAVIORAL HEALTH TRAINING PROGRAM.

''(a) PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish an interdisciplinary mental and behavioral health training program consisting of awarding grants and contracts under subsection (b).

''(b) SUPPORT AND DEVELOPMENT OF MENTAL AND BEHAVIORAL HEALTH TRAINING PROGRAMS.—The Secretary shall make grants to, or enter into contracts with, eligible entities—

''(1) to plan, develop, operate, or participate in an accredited professional training program for mental and behavioral health professionals to promote—

''(A) interdisciplinary training; and

''(B) coordination of the delivery of health care within and across settings, including health care institutions, community-based settings, and the patient's home;

''(2) to provide financial assistance to mental and behavioral health professionals, who are participants in any such program, and who plan to work in the field of mental and behavioral health;

''(3) to plan, develop, operate, or participate in an accredited program for the training of mental and behavioral health professionals who plan to teach in the field of mental and behavioral health; and

''(4) to provide financial assistance in the form of traineeships and fellowships to mental and behavioral health professionals who

are participants in any such program and who plan to teach in the field of mental and behavioral health.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under subsection (b), an entity shall be—

''(1) an accredited health professions school, including an accredited school or program of psychology, psychiatry, social work, marriage and family therapy, professional mental health or substance abuse counseling, or addiction medicine;

''(2) an accredited public or nonprofit private hospital;

''(3) a public or private nonprofit entity; or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(d) PREFERENCE.—In awarding grants or contracts under this section, the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

''(1) Training a high or significantly improved percentage of health professionals who serve in underserved communities.

''(2) Supporting teaching programs that address the health care needs of vulnerable populations.

''(3) Training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among mental and behavioral health professionals).

''(4) Training individuals who serve geriatric populations with an emphasis on underserved elderly.

''(5) Training individuals who serve pediatric populations with an emphasis on underserved children.

''(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

''(f) DEFINITION.—In this section:

''(1) The term 'interdisciplinary' means collaboration across health professions, specialties, and subspecialties, which may include public health, nursing, allied health, dietetics or nutrition, and appropriate health specialties.

''(2) The term 'mental and behavioral health professional' means an individual training or practicing—

''(A) in psychology; general, geriatric, child or adolescent psychiatry; social work; marriage and family therapy; professional mental health or substance abuse counseling; or addiction medicine; or

''(B) another mental and behavioral health specialty, as deemed appropriate by the Secretary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $60,000,000 for each of fiscal years 2011 through 2015. Of the amounts appropriated to carry out this section for a fiscal year, not less than 15 percent shall be used for training programs in psychology.''.

SEC. 2523. REAUTHORIZATION OF TELEHEALTH AND TELEMEDICINE GRANT PROGRAMS.

(a) TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.—Section 330I (42 U.S.C. 254c–14) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) (relating to frontier communities); and

(B) by inserting after paragraph (2) the following:

''(3) HEALTH DISPARITIES.—The term 'health disparities' has the meaning given such term in section 3171.'';

(2) in subsection (d)(1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) reduce health disparities.'';

(3) in subsection (f)(1)(B)(iii)—

(A) in subclause (VII), by inserting '', including skilled nursing facilities'' before the period at the end;

(B) in subclause (IX), by inserting '', including county mental health and public mental health facilities'' before the period at the end; and

(C) by adding at the end the following:

''(XIII) Renal dialysis facilities.'';

(4) by amending subsection (i) to read as follows:

''(i) PREFERENCES.—

''(1) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to eligible entities meeting at least one of the following:

''(A) NETWORK.—The eligible entity is a health care provider in, or proposing to form, a health care network that furnishes services in a medically underserved area or a health professional shortage area.

''(B) BROAD GEOGRAPHIC COVERAGE.—The eligible entity demonstrates broad geographic coverage in the rural or medically underserved areas of the State or States in which the entity is located.

''(C) HEALTH DISPARITIES.—The eligible entity demonstrates how the project to be funded through the grant will address health disparities.

''(D) LINKAGES.—The eligible entity agrees to use the grant to establish or develop plans for telehealth systems that will link rural hospitals and rural health care providers to other hospitals, health care providers, and patients.

''(E) EFFICIENCY.—The eligible entity agrees to use the grant to promote greater efficiency in the use of health care resources.

''(F) VIABILITY.—The eligible entity demonstrates the long-term viability of projects through—

''(i) availability of non-Federal funding sources; or

''(ii) institutional and community support for the telehealth network.

''(G) SERVICES.—The eligible entity provides a plan for coordinating system use by eligible entities and prioritizes use of grant funds for health care services over nonclinical uses.

''(2) TELEHEALTH RESOURCE CENTERS.—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to eligible entities meeting at least one of the following:

''(A) PROVISION OF A BROAD RANGE OF SERVICES.—The eligible entity has a record of success in the provision of a broad range of telehealth services to medically underserved areas or populations.

''(B) PROVISION OF TELEHEALTH TECHNICAL ASSISTANCE.—The eligible entity has a record of success in the provision of technical assistance to providers serving medically underserved communities or populations in the establishment and implementation of telehealth services.

''(C) COLLABORATION AND SHARING OF EXPERTISE.—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.'';

(5) in subsection (j)(2)(B), by striking ''such projects for fiscal year 2001'' and all that follows through the period and inserting ''such projects for fiscal year 2010.'';

(6) in subsection (k)(1)—

(A) in subparagraph (E)(i), by striking ''transmission of medical data'' and inserting ''transmission and electronic archival of medical data''; and

(B) by amending subparagraph (F) to read as follows:

''(F) developing projects to use telehealth technology to—

''(i) facilitate collaboration between health care providers;

''(ii) promote telenursing services; or

''(iii) promote patient understanding and adherence to national guidelines for chronic disease and self-management of such conditions;'';

(7) in subsection (q), by striking ''Not later than September 30, 2005'' and inserting ''Not later than 1 year after the date of the enactment of the Affordable Health Care for America Act, and annually thereafter'';

(8) by striking subsection (r);

(9) by redesignating subsection (s) as subsection (r); and

(10) in subsection (r) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking ''and'' before ''such sums''; and

(ii) by inserting '', $10,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2015'' before the semicolon; and

(B) in paragraph (2)—

(i) by striking ''and'' before ''such sums''; and

(ii) by inserting '', $10,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2015'' before the period.

(b) TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.—Subsection (b) of section 330L (42 U.S.C. 254c–18) is amended by inserting '', $10,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2015'' before the period at the end.

SEC. 2524. NO CHILD LEFT UNIMMUNIZED AGAINST INFLUENZA: DEMONSTRATION PROGRAM USING ELEMENTARY AND SECONDARY SCHOOLS AS INFLUENZA VACCINATION CENTERS.

(a) PURPOSE.—The Secretary of Health and Human Services in consultation with the Secretary of Education, shall award grants to eligible partnerships to carry out demonstration programs designed to test the feasibility of using the Nation's elementary schools and secondary schools as influenza vaccination centers.

(b) IN GENERAL.—The Secretary shall coordinate with the Secretary of Labor, the Secretary of Education, State Medicaid agencies, State insurance agencies, and private insurers to carry out a program consisting of awarding grants under subsection (c) to ensure that children have coverage for all reasonable and customary expenses related to influenza vaccinations, including the costs of purchasing and administering the vaccine incurred when influenza vaccine is administered outside of the physician's office in a school or other related setting.

(c) PROGRAM DESCRIPTION.—

(1) GRANTS.—From amounts appropriated pursuant to subsection (l), the Secretary shall award grants to eligible partnerships to be used to provide influenza vaccinations to children in elementary and secondary schools, in coordination with school nurses, school health care programs, community health care providers, State insurance agencies, or private insurers.

(2) ACIP RECOMMENDATIONS.—The program under this section shall be designed to administer vaccines consistent with the recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) for the annual vaccination of all children 5 through 19 years of age.

(3) PARTICIPATION VOLUNTARY.—Participation by a school or an individual shall be voluntary.

(d) USE OF FUNDS.—Eligible partnerships receiving a grant under this section shall ensure the maximum number of children access influenza vaccinations as follows:

(1) COVERED CHILDREN.—To the extent to which payment of the costs of purchasing or

administering the influenza vaccine for children is not covered through other federally funded programs or through private insurance, eligible partnerships receiving a grant shall use funds to purchase and administer influenza vaccinations.

(2) CHILDREN COVERED BY OTHER FEDERAL PROGRAMS.—For children who are eligible under other federally funded programs for payment of the costs of purchasing or administering the influenza vaccine, eligible partnerships receiving a grant shall not use funds provided under this section for such costs.

(3) CHILDREN COVERED BY PRIVATE HEALTH INSURANCE.—For children who have private insurance, eligible partnerships receiving a grant shall offer assistance in accessing coverage for vaccinations administered through the program under this section.

(e) PRIVACY.—The Secretary shall ensure that the program under this section adheres to confidentiality and privacy requirements of section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and section 444 of the General Education Provisions Act (20 U.S.C. 1232g; commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'').

(f) APPLICATION.—An eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(g) DURATION.—Eligible partnerships receiving a grant shall administer a demonstration program funded through this section over a period of 2 consecutive school years.

(h) CHOICE OF VACCINE.—The program under this section shall not restrict the discretion of a health care provider to administer any influenza vaccine approved by the Food and Drug Administration for use in pediatric populations.

(i) AWARDS.—The Secretary shall award—

(1) a minimum of 10 grants in 10 different States to eligible partnerships that each include one or more public schools serving primarily low-income students; and

(2) a minimum of 5 grants in 5 different States to eligible partnerships that each include one or more public schools located in a rural local educational agency.

(j) REPORT.—Not later than 90 days following the completion of the program under this section, the Secretary shall submit to the Committees on Education and Labor, Energy and Commerce, and Appropriations of the House of Representatives and to the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate a report on the results of the program. The report shall include—

(1) an assessment of the influenza vaccination rates of school-age children in localities where the program is implemented, compared to the national average influenza vaccination rates for school-aged children, including whether school-based vaccination assists in achieving the recommendations of the Advisory Committee on Immunization Practices;

(2) an assessment of the utility of employing elementary schools and secondary schools as a part of a multistate, community-based pandemic response program that is consistent with existing Federal and State pandemic response plans;

(3) an assessment of the feasibility of using existing Federal and private insurance funding in establishing a multistate, school-based vaccination program for seasonal influenza vaccination;

(4) an assessment of the number of education days gained by students as a result of seasonal vaccinations based on absenteeism rates;

(5) a determination of whether the program under this section—

(A) increased vaccination rates in the participating localities; and

(B) was implemented for sufficient time for gathering enough valid data; and

(6) a recommendation on whether the program should be continued, expanded, or terminated.

(k) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a local public health department, or another health organization defined by the Secretary as eligible to submit an application, and one or more elementary and secondary schools.

(2) ELEMENTARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) LOW-INCOME.—The term ''low-income'' means a student, age 5 through 19, eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.).

(4) RURAL LOCAL EDUCATIONAL AGENCY.—The term ''rural local educational agency'' means an eligible local educational agency described in section 6211(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)(1)).

(5) SECRETARY.—Except as otherwise specified, the term ''Secretary'' means the Secretary of Health and Human Services.

(l) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 2525. EXTENSION OF WISEWOMAN PROGRAM.

Section 1509 of the Public Health Service Act (42 U.S.C. 300n–4a) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting ''IN GENERAL.—''; and

(B) in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''purpose'' and inserting the following: ''may make grants to such States for the purpose''; and

(2) in subsection (d)(1), by striking ''there are authorized'' and all that follows through the period and inserting ''there are authorized to be appropriated $70,000,000 for fiscal year 2011, $73,500,000 for fiscal year 2012, $77,000,000 for fiscal year 2013, $81,000,000 for fiscal year 2014, and $85,000,000 for fiscal year 2015.''.

SEC. 2526. HEALTHY TEEN INITIATIVE TO PREVENT TEEN PREGNANCY.

Part B of title III (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

''SEC. 317U. HEALTHY TEEN INITIATIVE TO PREVENT TEEN PREGNANCY.

''(a) PROGRAM.—To the extent and in the amount of appropriations made in advance in appropriations Acts, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a program consisting of making grants, in amounts determined under subsection (c), to each State that submits an application in accordance with subsection (d) for an evidence-based education program described in subsection (b).

''(b) USE OF FUNDS.—Amounts received by a State under this section shall be used to conduct or support evidence-based education programs (directly or through grants or contracts to public or private nonprofit entities, including schools and community-based and faith-based organizations) to reduce teen pregnancy or sexually transmitted diseases.

''(c) DISTRIBUTION OF FUNDS.—The Director shall, for fiscal year 2011 and each subsequent fiscal year, make a grant to each State described in subsection (a) in an amount equal to the product of—

''(1) the amount appropriated to carry out this section for the fiscal year; and

''(2) the percentage determined for the State under section 502(c)(1)(B)(ii) of the Social Security Act.

''(d) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information and assurance of compliance with this section as the Secretary may require. At a minimum, an application shall to the satisfaction of the Secretary—

''(1) describe how the State's proposal will address the needs of at-risk teens in the State;

''(2) identify the evidence-based education program or programs selected from the registry developed under subsection (g) that will be used to address risks in priority populations;

''(3) describe how the program or programs will be implemented and any adaptations to the evidence-based model that will be made;

''(4) list any private and public entities with whom the State proposes to work, including schools and community-based and faith-based organizations, and demonstrate their capacity to implement the proposed program or programs; and

''(5) identify an independent entity that will evaluate the impact of the program or programs.

''(e) EVALUATION.—

''(1) REQUIREMENT.—As a condition on receipt of a grant under this section, a State shall agree—

''(A) to arrange for an independent evaluation of the impact of the programs to be conducted or supported through the grant; and

''(B) submit reports to the Secretary on such programs and the results of evaluation of such programs.

''(2) FUNDING LIMITATION.—Of the amounts made available to a State through a grant under this section for any fiscal year, not more than 10 percent may be used for such evaluation.

''(f) RULE OF CONSTRUCTION.—This section shall not be construed to preempt or limit any State law regarding parental involvement and decisionmaking in children's education.

''(g) REGISTRY OF ELIGIBLE PROGRAMS.—The Secretary shall develop not later than 180 days after the date of the enactment of the Affordable Health Care for America Act, and periodically update thereafter, a publicly available registry of programs described in subsection (b) that, as determined by the Secretary—

''(1) meet the definition of the term 'evidence-based' in subsection (i);

''(2) are medically and scientifically accurate; and

''(3) provide age-appropriate information.

''(h) MATCHING FUNDS.—The Secretary may award a grant to a State under this section for a fiscal year only if the State agrees to provide, from non-Federal sources, an amount equal to $1 (in cash or in kind) for each $4 provided through the grant to carry out the activities supported by the grant.

''(i) DEFINITION.—In this section, the term 'evidence-based' means based on a model that has been found, in methodologically sound research—

''(1) to delay initiation of sex;

''(2) to decrease number of partners;

''(3) to reduce teen pregnancy;

''(4) to reduce sexually transmitted infection rates; or

''(5) to improve rates of contraceptive use.

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $50,000,000 for each of fiscal years 2011 through 2015.''.

SEC. 2527. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

Title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) is amended by adding at the end the following:

"Subtitle F—National Training Initiative on Autism Spectrum Disorders

"SEC. 171. NATIONAL TRAINING INITIATIVE.

''(a) GRANTS AND TECHNICAL ASSISTANCE.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Interagency Autism Coordinating Committee, shall award multiyear grants to eligible entities to provide individuals (including parents and health, allied health, vocational, and educational professionals) with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services rendered to children and adults with autism, and their families, to address unmet needs related to autism.

''(B) ELIGIBLE ENTITY.—To be eligible to receive a grant under this subsection, an entity shall be—

''(i) a University Center for Excellence in Developmental Disabilities Education, Research, and Service; or

''(ii) a comparable interdisciplinary education, research, and service entity.

''(C) APPLICATION REQUIREMENTS.—An entity that desires to receive a grant for a program under this paragraph shall submit to the Secretary an application—

''(i) demonstrating that the entity has capacity to—

''(I) provide training and technical assistance in evidence-based practices to evaluate, and provide effective interventions, services, treatments, and supports to, children and adults with autism and their families;

''(II) include individuals with autism and their families as part of the program to ensure that an individual- and family-centered approach is used;

''(III) share and disseminate materials and practices that are developed for, and evaluated to be effective in, the provision of training and technical assistance; and

''(IV) provide training, technical assistance, interventions, services, treatments, and supports under this subsection statewide.

''(ii) providing assurances that the entity will—

''(I) provide trainees under this subsection with an appropriate balance of interdisciplinary academic and community-based experiences; and

''(II) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the number of individuals who have benefitted from, and outcomes of, the provision of training and technical assistance under this subsection;

''(iii) providing assurances that training, technical assistance, dissemination of information, and services under this subsection will be—

''(I) consistent with the goals of this Act, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act, and the Elementary and Secondary Education Act of 1965; and

''(II) conducted in coordination with relevant State agencies, institutions of higher education, and service providers; and

''(iv) containing such other information and assurances as the Secretary may require.

''(D) USE OF FUNDS.—A grant received under this subsection shall be used to provide individuals (including parents and health, allied health, vocational, and educational professionals) with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services rendered to children and adults with autism, and their families, to address unmet needs related to autism. Such training, education, assistance, and information shall include each of the following:

''(i) Training health, allied health, vocational, and educational professionals to identify, evaluate the needs of, and develop interventions, services, treatments, and supports for, children and adults with autism.

''(ii) Developing model services and supports that demonstrate evidence-based practices.

''(iii) Developing systems and products that allow for the interventions, services, treatments, and supports to be evaluated for fidelity of implementation.

''(iv) Working to expand the availability of evidence-based, lifelong interventions; educational, employment, and transition services; and community supports.

''(v) Providing statewide technical assistance in collaboration with relevant State agencies, institutions of higher education, autism advocacy groups, and community-based service providers.

''(vi) Working to develop comprehensive systems of supports and services for individuals with autism and their families, including seamless transitions between education and health systems across the lifespan.

''(vii) Promoting training, technical assistance, dissemination of information, supports, and services.

''(viii) Developing mechanisms to provide training and technical assistance, including for-credit courses, intensive summer institutes, continuing education programs, distance based programs, and Web-based information dissemination strategies.

''(ix) Promoting activities that support community-based family and individual services and enable individuals with autism and related developmental disabilities to fully participate in society and achieve good quality-of-life outcomes.

''(x) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children and adults with autism.

''(E) AMOUNT OF GRANTS.—The amount of a grant to any entity for a fiscal year under this section shall be not less than $250,000.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the amount appropriated to carry out this subsection for a fiscal year to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to—

''(A) assist in national dissemination of specific information, including evidence-based best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

''(B) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

''(C) assist in the coordination of activities of grantees under this subsection;

''(D) develop a Web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

''(E) serve as a research-based resource for Federal and State policymakers on information concerning the provision of training and technical assistance for the assessment, and provision of supports and services for, children and adults with autism;

''(F) convene experts from multiple interdisciplinary training programs, individuals with autism, and the families of such individuals to discuss and make recommendations with regard to training issues related to assessment, interventions, services, treatment, and supports for children and adults with autism; and

''(G) undertake any other functions that the Secretary determines to be appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated $17,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.

''(b) EXPANSION OF THE NUMBER OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

''(1) GRANTS.—To provide for the establishment of up to 4 new University Centers for Excellence in Developmental Disabilities Education, Research, and Service, the Secretary shall award up to 4 grants to institutions of higher education.

''(2) APPLICABLE PROVISIONS.—Except for subsection (a)(3), the provisions of subsection (a) shall apply with respect to grants under this subsection to the same extent and in the same manner as such provisions apply with respect to grants under subsection (a).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) are minority institutions that have demonstrated capacity to meet the requirements of this section and provide services to individuals with autism and their families; or

''(B) are located in a State with one or more underserved populations.

''(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $2,000,000 for each of fiscal years 2011 through 2015.

''(c) DEFINITIONS.—In this section:

''(1) The term 'autism' means an autism spectrum disorder or a related developmental disability.

''(2) The term 'interventions' means educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism.

''(3) The term 'minority institution' has the meaning given to such term in section 365 of the Higher Education Act of 1965.

''(4) The term 'services' means services to assist individuals with autism to live more independently in their communities.

''(5) The term 'treatments' means health services, including mental health services, designed to improve or ameliorate symptoms associated with autism.

''(6) The term 'University Center for Excellence in Developmental Disabilities Education, Research, and Service' means a University Center for Excellence in Development Disabilities Education, Research, and Service that has been or is funded through subtitle D or subsection (b).''.

SEC. 2528. IMPLEMENTATION OF MEDICATION MANAGEMENT SERVICES IN TREATMENT OF CHRONIC DISEASES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Agency for Health Care Research and Quality, shall establish a program to provide grants to eligible entities to implement medication management services (referred to in this section as ''MTM services'') provided by licensed pharmacists, as a part of a collaborative, multidisciplinary, interprofessional approach to the treatment of chronic diseases for targeted individuals, to improve the quality of care and reduce overall cost in the treatment of such diseases. The Secretary shall commence the grant program not later than May 1, 2011.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) provide a setting appropriate for MTM services, as recommended by the experts described in subsection (e);

(2) submit to the Secretary a plan for achieving long-term financial sustainability;

(3) where applicable, submit a plan for coordinating MTM services with other local providers and where applicable, through or in collaboration with the Medicare Medical Home Pilot program as established by section 1866F of the Social Security Act, as added by section 1302(a) of this Act;

(4) submit a plan for meeting the requirements under subsection (c); and

(5) submit to the Secretary such other information as the Secretary may require.

(c) MTM SERVICES TO TARGETED INDIVIDUALS.—The MTM services provided with the assistance of a grant awarded under subsection (a) shall, as allowed by State law (including applicable collaborative pharmacy practice agreements), include—

(1) performing or obtaining necessary assessments of the health and functional status of each patient receiving such MTM services;

(2) formulating a medication treatment plan according to therapeutic goals agreed upon by the prescriber and the patient or caregiver or authorized representative of the patient;

(3) selecting, initiating, modifying, recommending changes to, or administering medication therapy;

(4) monitoring, which may include access to, ordering, or performing laboratory assessments, and evaluating the response of the patient to therapy, including safety and effectiveness;

(5) performing an initial comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events, quarterly targeted medication reviews for ongoing monitoring, and additional followup interventions on a schedule developed collaboratively with the prescriber;

(6) documenting the care delivered and communicating essential information about such care (including a summary of the medication review) and the recommendations of the pharmacist to other appropriate health care providers of the patient in a timely fashion;

(7) providing education and training designed to enhance the understanding and appropriate use of the medications by the patient, caregiver, and other authorized representative;

(8) providing information, support services, and resources and strategies designed to enhance patient adherence with therapeutic regimens;

(9) coordinating and integrating MTM services within the broader health care management services provided to the patient; and

(10) such other patient care services as are allowed under the scopes of practice for pharmacists for purposes of other Federal programs.

(d) TARGETED INDIVIDUALS.—MTM services provided by licensed pharmacists under a grant awarded under subsection (a) shall be offered to targeted individuals who—

(1) take 4 or more prescribed medications (including over-the-counter and dietary supplements);

(2) take any high-risk medications;

(3) have 2 or more chronic diseases, as identified by the Secretary; or

(4) have undergone a transition of care, or other factors, as determined by the Secretary, that are likely to create a high risk of medication-related problems.

(e) CONSULTATION WITH EXPERTS.—In designing and implementing MTM services provided under grants awarded under subsection (a), the Secretary shall consult with Federal, State, private, public-private, and academic entities, pharmacy and pharmacist organizations, health care organizations, consumer advocates, chronic disease groups, and other stakeholders involved with the research, dissemination, and implementation of pharmacist-delivered MTM services, as the Secretary determines appropriate. The Secretary, in collaboration with this group, shall determine whether it is possible to incorporate rapid cycle process improvement concepts in use in other Federal programs that have implemented MTM services.

(f) REPORTING TO THE SECRETARY.—An entity that receives a grant under subsection (a) shall submit to the Secretary a report that describes and evaluates, as requested by the Secretary, the activities carried out under subsection (c), including quality measures, as determined by the Secretary.

(g) EVALUATION AND REPORT.—The Secretary shall submit to the relevant committees of Congress a report which shall—

(1) assess the clinical effectiveness of pharmacist-provided services under the MTM services program, as compared to usual care, including an evaluation of whether enrollees maintained better health with fewer hospitalizations and emergency room visits than similar patients not enrolled in the program;

(2) assess changes in overall health care resource of targeted individuals;

(3) assess patient and prescriber satisfaction with MTM services;

(4) assess the impact of patient-cost-sharing requirements on medication adherence and recommendations for modifications;

(5) identify and evaluate other factors that may impact clinical and economic outcomes, including demographic characteristics, clinical characteristics, and health services use of the patient, as well as characteristics of the regimen, pharmacy benefit, and MTM services provided; and

(6) evaluate the extent to which participating pharmacists who maintain a dispensing role have a conflict of interest in the provision of MTM services, and if such conflict is found, provide recommendations on how such a conflict might be appropriately addressed.

(h) GRANT TO FUND DEVELOPMENT OF PERFORMANCE MEASURES.—The Secretary may award grants or contracts to eligible entities for the purpose of funding the development of performance measures that assess the use and effectiveness of medication therapy management services.

SEC. 2529. POSTPARTUM DEPRESSION.

(a) EXPANSION AND INTENSIFICATION OF ACTIVITIES.—

(1) CONTINUATION OF ACTIVITIES.—The Secretary is encouraged to expand and intensify activities on postpartum conditions.

(2) PROGRAMS FOR POSTPARTUM CONDITIONS.—In carrying out paragraph (1), the Secretary is encouraged to continue research to expand the understanding of the causes of, and treatments for, postpartum conditions, including conducting and supporting the following:

(A) Basic research concerning the etiology and causes of the conditions.

(B) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(C) The development of improved screening and diagnostic techniques.

(D) Clinical research for the development and evaluation of new treatments.

(E) Information and education programs for health professionals and the public, which may include a coordinated national campaign that—

(i) is designed to increase the awareness and knowledge of postpartum conditions;

(ii) may include public service announcements through television, radio, and other means; and

(iii) may focus on—

(I) raising awareness about screening;

(II) educating new mothers and their families about postpartum conditions to promote earlier diagnosis and treatment; and

(III) ensuring that such education includes complete information concerning postpartum conditions, including its symptoms, methods of coping with the illness, and treatment resources.

(b) REPORT BY THE SECRETARY.—

(1) STUDY.—The Secretary shall conduct a study on the benefits of screening for postpartum conditions.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the study required by paragraph (1) and submit a report to the Congress on the results of such study.

(c) SENSE OF CONGRESS REGARDING LONGITUDINAL STUDY OF RELATIVE MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study (during the period of fiscal years 2011 through 2020) on the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(2) REPORT.—Beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study, such Director may prepare and submit to the Congress reports on the findings of the study.

(d) DEFINITIONS.—In this section:

(1) The term ''postpartum condition'' means postpartum depression or postpartum psychosis.

(2) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, in addition to any other amounts authorized to be appropriated for such purpose, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2013.

SEC. 2530. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS AND OUTCOMES.

Part P of title III (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS AND OUTCOMES.

''(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to eligible entities to promote positive health behaviors for populations in medically underserved communities through the use of community health workers.

''(b) USE OF FUNDS.—Grants awarded under subsection (a) shall be used to support community health workers—

''(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent in medically underserved communities, especially racial and ethnic minority populations;

''(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

''(A) poor nutrition;

''(B) physical inactivity;

''(C) being overweight or obese;

''(D) tobacco use;

''(E) alcohol and substance use;

''(F) injury and violence;

''(G) risky sexual behavior;

''(H) untreated mental health problems;

''(I) untreated dental and oral health problems; and

''(J) understanding informed consent;

''(3) to educate and provide guidance regarding effective strategies to promote positive health behaviors within the family;

''(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, Medicare under title XVIII of such Act, and Medicaid under title XIX of such Act;

''(5) to educate and refer underserved populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services, and to eliminate duplicative care; or

''(6) to educate, guide, and provide home visitation services regarding maternal health and prenatal care.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance is sought under this section;

''(B) contain an assurance that, with respect to each community health worker program receiving funds under the grant, such program will provide training and supervision to community health workers to enable such workers to provide authorized program services;

''(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

''(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

''(E) contain a plan to document and disseminate project descriptions and results to other States and organizations as identified by the Secretary; and

''(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

''(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

''(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

''(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

''(1) propose to target geographic areas—

''(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

''(B) with a high percentage of residents who suffer from chronic diseases including pulmonary conditions, hypertension, heart disease, mental disorders, diabetes, and asthma; and

''(C) with a high infant mortality rate;

''(2) have experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

''(3) have documented community activity and experience with community health workers.

''(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions, especially those that graduate a disproportionate number of health and health care students from underrepresented racial and ethnic minority backgrounds. Nothing in this section shall be construed to require such collaboration.

''(f) EVIDENCE-BASED INTERVENTIONS.—The Secretary shall encourage community health worker programs receiving funding under this section to implement an outcome-based payment system that rewards community health workers for connecting underserved populations with the most appropriate services at the most appropriate time. Nothing in this section shall be construed to require such payment.

''(g) QUALITY ASSURANCE AND COST EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

''(h) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications under this section and shall determine whether such programs are in compliance with the guidelines established under subsection (g).

''(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications under this section with respect to planning, developing, and operating programs under the grant.

''(j) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant project.

''(2) CONTENTS.—The report required under paragraph (1) shall include the following:

''(A) A description of the programs for which grant funds were used.

''(B) The number of individuals served under such programs.

''(C) An evaluation of—

''(i) the effectiveness of such programs;

''(ii) the cost of such programs; and

''(iii) the impact of the programs on the health outcomes of the community residents.

''(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

''(E) Recommendations regarding training to enhance career opportunities for community health workers.

''(k) DEFINITIONS.—In this section:

''(1) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health, including oral and mental, or nutrition needs; and

''(F) by providing referral and followup services or otherwise coordinating care.

''(2) COMMUNITY SETTING.—The term 'community setting' means a home or a community organization located in the neighborhood in which a participant resides.

''(3) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community identified by a State, United States territory or possession, or federally recognized Indian tribe—

''(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

''(B) a significant portion of which is a health professional shortage area as designated under section 332.

''(4) SUPPORT.—The term 'support' means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private nonprofit entity (including a State or public subdivision of a State, a public health department, or a federally qualified health center), or a consortium of any of such entities, located in the United States or territory thereof.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2011 through 2015.''.

SEC. 2531. MEDICAL LIABILITY ALTERNATIVES.

(a) INCENTIVE PAYMENTS FOR MEDICAL LIABILITY REFORM.—

(1) IN GENERAL.—To the extent and in the amounts made available in advance in appropriations Acts, the Secretary shall make an incentive payment, in an amount determined by the Secretary, to each State that has an alternative medical liability law in compliance with this section.

(2) DETERMINATION BY SECRETARY.—The Secretary shall determine that a State has an alternative medical liability law in compliance with this section if the Secretary is satisfied that—

(A) the State enacted the law after the date of the enactment of this Act and is implementing the law;

(B) the law is effective; and

(C) the contents of the law are in accordance with paragraph (4).

(3) CONSIDERATIONS FOR DETERMINING EFFECTIVENESS.—In determining whether an alternative medical liability law is effective under paragraph (2)(B), the Secretary shall consider whether the law—

(A) makes the medical liability system more reliable through prevention of, or prompt and fair resolution of, disputes;

(B) encourages the disclosure of health care errors; and

(C) maintains access to affordable liability insurance.

(4) CONTENTS OF ALTERNATIVE MEDICAL LIABILITY LAW.—The contents of an alternative liability law are in accordance with this paragraph if—

(A) the litigation alternatives contained in the law consist of certificate of merit, early offer, or both; and

(B) the law does not limit attorneys' fees or impose caps on damages.

(5) NO LIMITATION ON OTHER STATE LAWS.—Nothing in this section shall be construed to—

(A) preempt or modify the application of any existing State law that limits attorneys' fees or imposes caps on damages;

(B) impair the authority of a State to establish or implement a law limiting attorneys' fees or imposing caps on damages; or

(C) restrict the eligibility of a State for an incentive payment under this section on the basis of a law described in subparagraph (A)

or (B) so long as any such law is not established or implemented as part of the law described in paragraph (4), as determined by the Secretary.

(b) USE OF INCENTIVE PAYMENTS.—Amounts received by a State as an incentive payment under this section shall be used to improve health care in that State.

(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the States applying for or receiving an incentive payment under this section.

(d) REPORTS.—Beginning not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congress an annual report on the progress States have made in enacting and implementing alternative medical liability laws in compliance with this section. Such reports shall contain sufficient documentation regarding the effectiveness of such laws to enable an objective comparative analysis of such laws.

(e) DEFINITION.—In this section—

(1) the term ''Secretary'' means the Secretary of Health and Human Services; and

(2) the term ''State'' includes the several States, District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary, to remain available until expended.

SEC. 2532. INFANT MORTALITY PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Director, shall award grants to eligible entities to create, implement, and oversee infant mortality pilot programs.

(b) PERIOD OF A GRANT.—The period of a grant under this section shall be 5 consecutive fiscal years.

(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible entities proposing to serve any of the 15 counties or groups of counties with the highest rates of infant mortality in the United States in the past 3 years.

(d) USE OF FUNDS.—Any infant mortality pilot program funded under this section may—

(1) include the development of a plan that identifies the individual needs of each community to be served and strategies to address those needs;

(2) provide outreach to at-risk mothers through programs deemed appropriate by the Director;

(3) develop and implement standardized systems for improved access, utilization, and quality of social, educational, and clinical services to promote healthy pregnancies, full term births, and healthy infancies delivered to women and their infants, such as—

(A) counseling on infant care, feeding, and parenting;

(B) postpartum care;

(C) prevention of premature delivery; and

(D) additional counseling for at-risk mothers, including smoking cessation programs, drug treatment programs, alcohol treatment programs, nutrition and physical activity programs, postpartum depression and domestic violence programs, social and psychological services, dental care, and parenting programs;

(4) establish a rural outreach program to provide care to at-risk mothers in rural areas;

(5) establish a regional public education campaign, including a campaign to—

(A) prevent preterm births; and

(B) educate the public about infant mortality; and

(6) provide for any other activities, programs, or strategies as identified by the community plan.

(e) LIMITATION.—Of the funds received through a grant under this section for a fiscal year, an eligible entity shall not use more than 10 percent for program evaluation.

(f) REPORTS ON PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after receiving a grant, and annually thereafter for the duration of the grant period, each entity that receives a grant under subsection (a) shall submit a report to the Secretary detailing its infant mortality pilot program.

(2) CONTENTS OF REPORT.—The reports required under paragraph (1) shall include information such as the methodology of, and outcomes and statistics from, the grantee's infant mortality pilot program.

(3) EVALUATION.—The Secretary shall use the reports required under paragraph (1) to evaluate, and conduct statistical research on, infant mortality pilot programs funded through this section.

(g) DEFINITIONS.—For the purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Centers for Disease Control and Prevention.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State, county, city, territorial, or tribal health department that has submitted a proposal to the Secretary that the Secretary deems likely to reduce infant mortality rates within the standard metropolitan statistical area involved.

(3) TRIBAL.—The term ''tribal'' refers to an Indian tribe, a Tribal organization, or an Urban Indian organization, as such terms are defined in section 4 of the Indian Health Care Improvement Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $10,000,000 for each of fiscal years 2011 through 2015.

SEC. 2533. SECONDARY SCHOOL HEALTH SCIENCES TRAINING PROGRAM.

(a) PROGRAM.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Secretary of Education, may establish a health sciences training program consisting of awarding grants and contracts under subsection (b) to prepare secondary school students for careers in health professions.

(b) DEVELOPMENT AND IMPLEMENTATION OF HEALTH SCIENCES CURRICULA.—The Secretary may make grants to, or enter into contracts with, eligible entities—

(1) to plan, develop, or implement secondary school health sciences curricula, including curricula in biology, chemistry, physiology, mathematics, nutrition, and other courses deemed appropriate by the Secretary to prepare students for associate's or bachelor's degree programs in health professions or bachelor's degree programs in health professions-related majors; and

(2) to increase the interest of secondary school students in applying to, and enrolling in, accredited associate's or bachelor's degree programs in health professions or bachelor's degree programs in health professions-related majors, including through—

(A) work-study programs;

(B) programs to increase awareness of careers in health professions; and

(C) other activities to increase such interest.

(c) ELIGIBILITY.—To be eligible for a grant or contract under subsection (b), an entity shall—

(1) be a local educational agency; and

(2) provide assurances that activities under the grant or contract will be carried out in partnership with an accredited health professions school or program, public or private nonprofit hospital, or public or private nonprofit entity.

(d) PREFERENCE.—In awarding grants and contracts under subsection (b), the Secretary shall give preference to entities that have a demonstrated record of at least one of the following:

(1) Graduating a high or significantly improved percentage of students who have exhibited mastery in secondary school State science standards.

(2) Graduating students from disadvantaged backgrounds, including racial and ethnic minorities who are underrepresented in—

(A) associate's or bachelor's degree programs in health professions or bachelor's degree programs in health professions-related majors; or

(B) health professions.

(e) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.

(f) DEFINITIONS.—In this section:

(1) The term ''health profession'' means the profession of any member of the health workforce, as defined in section 764(i) of the Public Health Service Act, as added by section 2261.

(2) The term ''local educational agency'' has the meaning given to the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term ''secondary school''—

(A) means a secondary school, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) includes any such school that is a middle school.

(4) The term ''Secretary'' means the Secretary of Health and Human Services except as otherwise specified.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 2534. COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.

(a) PURPOSE.—The purpose of this subtitle is to establish and provide assistance to community-based collaborative care networks—

(1) to develop or strengthen coordination of services to allow all individuals, including the uninsured and low-income, to receive efficient and higher quality care and to gain entry into and receive services from a comprehensive system of care;

(2) to develop efficient and sustainable infrastructure for a health care delivery system characterized by effective collaboration, information sharing, and clinical and financial coordination among providers of care in the community;

(3) to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions; and

(4) to reduce the use of emergency departments, inpatient and other expensive resources of hospitals and other providers.

(b) CREATION OF THE COMMUNITY-BASED COLLABORATIVE CARE NETWORK PROGRAM.—Part D of title III (42 U.S.C. 254b et seq.), as amended, is further amended by inserting after subpart XII the following new subpart:

''Subpart XIII—Community-Based Collaborative Care Network Program

''SEC. 340O. COMMUNITY-BASED COLLABORATIVE CARE NETWORK PROGRAM.

''(a) IN GENERAL.—The Secretary may award grants to eligible entities for the purpose of establishing model projects to accomplish the following goals:

''(1) To reduce unnecessary use of items and services furnished in emergency departments of hospitals (especially to ensure that individuals without health insurance coverage or with inadequate health insurance coverage do not use the services of such department instead of the services of a primary care provider) through methods such as—

''(A) screening individuals who seek emergency department services for possible eligibility under relevant governmental health programs or for subsidies under such programs; and

''(B) providing such individuals referrals for followup care and chronic condition care.

''(2) To manage chronic conditions to reduce their severity, negative health outcomes, and expense.

''(3) To encourage health care providers to coordinate their efforts so that the most vulnerable patient populations seek and obtain primary care.

''(4) To provide more comprehensive and coordinated care to vulnerable low-income individuals and individuals without health insurance coverage or with inadequate coverage.

''(5) To provide mechanisms for improving both quality and efficiency of care for low-income individuals and families, with an emphasis on those most likely to remain uninsured despite the existence of government programs to make health insurance more affordable.

''(6) To increase preventive services, including screening and counseling, to those who would otherwise not receive such screening, in order to improve health status and reduce long-term complications and costs.

''(7) To ensure the availability of community-wide safety net services, including emergency and trauma care.

''(b) ELIGIBILITY AND GRANTEE SELECTION.—

''(1) APPLICATION.—A community-based collaborative care network described in subsection (d) shall submit to the Secretary an application in such form and manner and containing such information as specified by the Secretary. Such information shall at least—

''(A) identify the health care providers participating in the community-based collaborative care network proposed by the applicant and, if a provider designated in paragraph (d)(1)(B) is not included, the reason such provider is not so included;

''(B) include a description of how the providers plan to collaborate to provide comprehensive and integrated care for low-income individuals, including uninsured and underinsured individuals;

''(C) include a description of the organizational and joint governance structure of the community-based collaborative care network in a manner so that it is clear how decisions will be made, and how the decision-making process of the network will include appropriate representation of the participating entities;

''(D) define the geographic areas and populations that the network intends to serve;

''(E) define the scope of services that the network intends to provide and identify any reasons why such services would not include a suggested core service identified by the Secretary under paragraph (3);

''(F) demonstrate the network's ability to meet the requirements of this section; and

''(G) provide assurances that grant funds received shall be used to support the entire community-based collaborative care network.

''(2) SELECTION OF GRANTEES.—

''(A) IN GENERAL.—The Secretary shall select community-based collaborative care networks to receive grants from applications submitted under paragraph (1) on the basis of quality of the proposal involved, geographic diversity (including different States and regions served and urban and rural diversity), and the number of low-income and uninsured individuals that the proposal intends to serve.

''(B) PRIORITY.—The Secretary shall give priority to proposals from community-based collaborative care networks that—

''(i) include the capability to provide the broadest range of services to low-income individuals; and

''(ii) include providers that currently serve a high volume of low-income individuals.

''(C) RENEWAL.—In subsequent years, based on the performance of grantees, the Secretary may provide renewal grants to prior year grant recipients.

''(3) SUGGESTED CORE SERVICES.—For purposes of paragraph (1)(E), the Secretary shall develop a list of suggested core patient and core network services to be provided by a community-based collaborative care network. The Secretary may select a community-based collaborative care network under paragraph (2), the application of which does not include all such services, if such application provides a reasonable explanation why such services are not proposed to be included, and the Secretary determines that the application is otherwise high quality.

''(4) TERMINATION AUTHORITY.—The Secretary may terminate selection of a community-based collaborative care network under this section for good cause. Such good cause shall include a determination that the network—

''(A) has failed to provide a comprehensive range of coordinated and integrated health care services as required under subsection (d)(2);

''(B) has failed to meet reasonable quality standards;

''(C) has misappropriated funds provided under this section; or

''(D) has failed to make progress toward accomplishing goals set out in subsection (a).

''(c) USE OF FUNDS.—

''(1) USE BY GRANTEES.—Grant funds are provided to community-based collaborative care networks to carry out the following activities:

''(A) Assist low-income individuals without adequate health care coverage to—

''(i) access and appropriately use health services;

''(ii) enroll in applicable public or private health insurance programs;

''(iii) obtain referrals to and see a primary care provider in case such an individual does not have a primary care provider; and

''(iv) obtain appropriate care for chronic conditions.

''(B) Improve heath care by providing case management, application assistance, and appropriate referrals such as through methods to—

''(i) create and meaningfully use a health information technology network to track patients across collaborative providers;

''(ii) perform health outreach, such as by using neighborhood health workers who may inform individuals about the availability of safety net and primary care providers available through the community-based collaborative care network;

''(iii) provide for followup outreach to remind patients of appointments or follow-up care instructions;

''(iv) provide transportation to individuals to and from the site of care;

''(v) expand the capacity to provide care at any provider participating in the community-based collaborative care network, including telehealth, hiring new clinical or administrative staff, providing access to services after-hours, on weekends, or otherwise providing an urgent care alternative to an emergency department; and

''(vi) provide a primary care provider or medical home for each network patient.

''(C) Provide direct patient care services as described in their application and approved by the Secretary.

''(2) GRANT FUNDS TO HRSA GRANTEES.—The Secretary may limit the percent of grant funding that may be spent on direct care services provided by grantees of programs administered by the Health Resources and Services Administration (in this section referred to as 'HRSA') or impose other requirements on HRSA grantees participating in a community-based collaborative care network as may be necessary for consistency with the requirements of such programs.

''(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 7 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, developing of tools, disseminating of information, and evaluation.

''(d) COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.—

''(1) IN GENERAL.—

''(A) DESCRIPTION.—A community-based collaborative care network described in this subsection is a consortium of health care providers with a joint governance structure that provides a comprehensive range of coordinated and integrated health care services for low-income patient populations or medically underserved communities (whether or not such individuals receive benefits under title XVIII, XIX, or XXI of the Social Security Act, private or other health insurance or are uninsured or underinsured) and that complies with any applicable minimum eligibility requirements that the Secretary may determine appropriate.

''(B) REQUIRED INCLUSION.—Each such network shall include the following providers that serve the community (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation)—

''(i) A safety net hospital that provides services to a high volume of low-income patients, as demonstrated by meeting the criteria in section 1923(b)(1) of the Social Security Act, or other similar criteria determined by the Secretary; and

''(ii) All Federally qualified health centers (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa))) located in the geographic area served by the Coordinated Care Network;

''(C) ADDITIONAL INCLUSIONS.—Each such network may include any of the following additional providers:

''(i) A hospital, including a critical access hospital (as defined in section 1820(c)(2) of the Social Security Act (42 U.S.C. 1395i–4(c)(2))).

''(ii) A county or municipal department of health.

''(iii) A rural health clinic or a rural health network (as defined in sections 1861(aa) and 1820(d) of the Social Security Act, respectively (42 U.S.C. 1395x(aa), 1395i–4(d))).

''(iv) A community clinic, including a mental health clinic, substance abuse clinic, or a reproductive health clinic.

''(v) A health center controlled network as defined by section 330(e)(1)(C) of the Public Health Service Act

''(vi) A private practice physician or group practice.

''(vii) A nurse or physician assistant or group practice.

''(viii) An adult day care center.

''(ix) A home health provider.

''(x) Any other type of provider specified by the Secretary, which has a desire to serve low-income and uninsured patients.

''(D) CONSTRUCTION.—

''(i) Nothing in this section shall prohibit a single entity from qualifying as community-based collaborative care network so long as such single entity meets the criteria of a community-based collaborative care network. If the network does not include the providers referenced in clauses (i) and (ii) of

subparagraph (B) of this paragraph, the application must explain the reason pursuant to subsection (b)(1)(A).

''(ii) Participation in a community-based collaborative care network shall not affect Federally qualified health centers' obligation to comply with the governance requirements under section 330 of the Public Health Service Act (42 U.S.C. 254b).

''(iii) Federally qualified health centers participating in a community-based collaborative care network may not be required to provide services beyond their Federal Health Center scope of project approved by HRSA.

''(iv) Nothing in this section shall be construed to expand medical malpractice liability protection under the Federal Tort Claims Act for Section 330-funded Federally qualified health centers.

''(2) COMPREHENSIVE RANGE OF COORDINATED AND INTEGRATED HEALTH CARE SERVICES.—The Secretary shall define criteria for evaluating whether the services offered by a community-based collaborative care network qualify as a comprehensive range of coordinated and integrated health care services. Such criteria may vary based on the needs of the geographic areas and populations to be served by the network and may include the following:

''(A) Requiring community-based collaborative care networks to include at least the suggested core services identified under subsection (b)(3), or whichever subset of the suggested core services is applicable to a particular network.

''(B) Requiring such networks to assign each patient of the network to a primary care provider responsible for managing that patient's care.

''(C) Requiring the services provided by a community-based collaborative care network to include support services appropriate to meet the health needs of low-income populations in the network's community, which may include chronic care management, nutritional counseling, transportation, language services, enrollment counselors, social services and other services as proposed by the network.

''(D) Providing that the services provided by a community-based collaborative care network may also include long-term care services and other services not specified in this subsection.

''(E) Providing for the approval by the Secretary of a scope of community-based collaborative care network services for each network that addresses an appropriate minimum scope of work consistent with the setting of the network and the health professionals available in the community the network serves.

''(3) CLARIFICATION.—Participation in a community-based collaborative care network shall not disqualify a health care provider from reimbursement under title XVIII, XIX, or XXI of the Social Security Act with respect to services otherwise reimbursable under such title. Nothing in this section shall prevent a community-based collaborative care network that is otherwise eligible to contract with Medicare, a private health insurer, or any other appropriate entity to provide care under Medicare, under health insurance coverage offered by the insurer, or otherwise.

''(e) EVALUATIONS.—

''(1) GRANTEE REPORTS.—Beginning in the third year following an initial grant, each community-based collaborative care network shall submit to the Secretary, with respect to each year the grantee has received a grant, an evaluation on the activities carried out by the community-based collaborative care network under the community-based collaborative care network program and shall include—

''(A) the number of people served;

''(B) the most common health problems treated;

''(C) any reductions in emergency department use;

''(D) any improvements in access to primary care;

''(E) an accounting of how amounts received were used, including identification of amounts used for patient care services as may be required for HRSA grantees; and

''(F) to the extent requested by the Secretary, any quality measures or any other measures specified by the Secretary.

''(2) PROGRAM REPORTS.—The Secretary shall submit to Congress an annual evaluation (beginning not later than 6 months after the first reports under paragraph (1) are submitted) on the extent to which emergency department use was reduced as a result of the activities carried out by the community-based collaborative care network under the program. Each such evaluation shall also include information on—

''(A) the prevalence of certain chronic conditions in various populations, including a comparison of such prevalence in the general population versus in the population of individuals with inadequate health insurance coverage;

''(B) demographic characteristics of the population of uninsured and underinsured individuals served by the community-based collaborative care network involved; and

''(C) the conditions of such individuals for whom services were requested at such emergency departments of participating hospitals.

''(3) AUDIT AUTHORITY.—The Secretary may conduct periodic audits and request periodic spending reports of community-based collaborative care networks under the community-based collaborative care network program.

''(f) CLARIFICATION.—Nothing in this section requires a provider to report individually identifiable information of an individual to government agencies, unless the individual consents, consistent with HIPAA privacy and security law, as defined in section 3009(a)(2).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2011 through 2015.''.

SEC. 2535. COMMUNITY-BASED OVERWEIGHT AND OBESITY PREVENTION PROGRAM.

Part Q of title III (42 U.S.C. 280h et seq.) is amended by inserting after section 399W the following:

''SEC. 399W–1. COMMUNITY-BASED OVERWEIGHT AND OBESITY PREVENTION PROGRAM.

''(a) PROGRAM.—The Secretary shall establish a community-based overweight and obesity prevention program consisting of awarding grants and contracts under subsection (b).

''(b) GRANTS.—The Secretary shall award grants to, or enter into contracts with, eligible entities—

''(1) to plan evidence-based programs for the prevention of overweight and obesity among children and their families through improved nutrition and increased physical activity; or

''(2) to implement such programs.

''(c) ELIGIBILITY.—To be eligible for a grant or contract under subsection (b), an entity shall be a community partnership that demonstrates community support and includes—

''(1) a broad cross section of stakeholders, such as—

''(A) hospitals, health care systems, community health centers, or other health care providers;

''(B) universities, local educational agencies, or childcare providers;

''(C) State, local, and tribal health departments;

''(D) State, local, and tribal park and recreation departments;

''(E) employers; and

''(F) health insurance companies;

''(2) residents of the community; and

''(3) representatives of public and private entities that have a history of working within and serving the community.

''(d) PERIOD OF AWARDS.—

''(1) IN GENERAL.—The period of a grant or contract under this section shall be 5 years, subject to renewal under paragraph (2).

''(2) RENEWAL.—At the end of each fiscal year, the Secretary may renew a grant or contract award under this section only if the grant or contract recipient demonstrates to the Secretary's satisfaction that the recipient has made appropriate, measurable progress in preventing overweight and obesity.

''(e) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may award a grant or contract under this section to an entity only if the entity demonstrates to the Secretary's satisfaction that—

''(A) not later than 90 days after receiving the grant or contract, the entity will establish a steering committee to provide input on the assessment of, and recommendations on improvements to, the entity's program funded through the grant or contract; and

''(B) the entity has conducted or will conduct an assessment of the overweight and obesity problem in its community, including the extent of the problem and factors contributing to the problem.

''(2) MATCHING REQUIREMENT.—The Secretary may award a grant or contract to an eligible entity under this section only if the entity agrees to provide, from non-Federal sources, an amount equal to $1 (in cash or in kind) for each $9 provided through the grant or contract to carry out the activities supported by the grant or contract.

''(3) PAYOR OF LAST RESORT.—The Secretary may award a grant or contract under this section to an entity only if the entity demonstrates to the satisfaction of the Secretary that funds received through the grant or contract will not be expended for any activity to the extent that payment has been made, or can reasonably be expected to be made—

''(A) under any insurance policy;

''(B) under any Federal or State health benefits program (including titles XIX and XXI of the Social Security Act); or

''(C) by an entity which provides health services on a prepaid basis.

''(4) MAINTENANCE OF EFFORT.—The Secretary may award a grant or contract under this section to an entity only if the entity demonstrates to the satisfaction of the Secretary that—

''(A) funds received through the grant or contract will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the activities to be funded through the grant or contract; and

''(B) with respect to such activities, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the lesser of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives the grant or contract.

''(f) PREFERENCES.—In awarding grants and contracts under this section, the Secretary shall give preference to eligible entities that—

''(1) will serve communities with high levels of overweight and obesity and related chronic diseases; or

''(2) will plan or implement activities for the prevention of overweight and obesity in school or workplace settings.

''(g) REPORT.—The Secretary shall submit to the Congress an annual report on the program of grants and contracts awarded under this section.

''(h) DEFINITIONS.—In this section:

''(1) The term 'evidence-based' means that methodologically sound research has demonstrated a beneficial health effect in the judgment of the Secretary and includes the Ways to Enhance Children's Activity and Nutrition (We Can) program and curriculum of the National Institutes of Health.

''(2) The term 'local educational agency' has the meaning given to the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.''.

SEC. 2536. REDUCING STUDENT-TO-SCHOOL NURSE RATIOS.

(a) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, may make demonstration grants to eligible local educational agencies for the purpose of reducing the student-to-school nurse ratio in public elementary and secondary schools.

(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary of Education shall give special consideration to applications submitted by high-need local educational agencies that demonstrate the greatest need for new or additional nursing services among children in the public elementary and secondary schools served by the agency, in part by providing information on current ratios of students to school nurses.

(3) MATCHING FUNDS.—The Secretary of Education may require recipients of grants under this subsection to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.

(b) REPORT.—Not later than 24 months after the date on which assistance is first made available to local educational agencies under this section, the Secretary of Education shall submit to the Congress a report on the results of the demonstration grant program carried out under this section, including an evaluation of the effectiveness of the program in improving the student-to-school nurse ratios described in subsection (a) and an evaluation of the impact of any resulting enhanced health of students on learning.

(c) DEFINITIONS.—For purposes of this section:

(1) The terms ''elementary school'', ''local educational agency'', and ''secondary school'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) The term ''eligible local educational agency'' means a local educational agency in which the student-to-school nurse ratio in the public elementary and secondary schools served by the agency is 750 or more students to every school nurse.

(3) The term ''high-need local educational agency'' means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line.

(4) The term ''nurse'' means a licensed nurse, as defined under State law.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 2537. MEDICAL-LEGAL PARTNERSHIPS.

(a) IN GENERAL.—The Secretary shall establish a nationwide demonstration project consisting of—

(1) awarding grants to, and entering into contracts with, medical-legal partnerships to assist patients and their families to navigate health-related programs and activities; and

(2) evaluating the effectiveness of such partnerships.

(b) USE OF FUNDS.—Amounts received as a grant or contract under this section shall be used to assist patients and their families to navigate health care-related programs and activities and thereby achieve one or more of the following goals:

(1) Enhancing access to health care services.

(2) Improving health outcomes for low-income individuals.

(3) Reducing health disparities.

(4) Enhancing wellness and prevention of chronic conditions.

(c) PROHIBITION.—No funds under this section may be used—

(1) for any medical malpractice or other civil action or proceeding; or

(2) to assist individuals who are not lawfully present in the United States.

(d) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the demonstration project under this section. Such report shall include the following:

(1) A description of the extent to which medical-legal partnerships funded through this section achieved the goals described in subsection (b).

(2) Recommendations on the possibility of extending or expanding the demonstration project.

(e) DEFINITIONS.—In this section:

(1) The term ''health disparities'' has the meaning given to the term in section 3171 of the Public Health Service Act, as added by section 2301.

(2) The term ''medical-legal partnership'' means an entity—

(A) that is a collaboration between—

(i) a community health center, public hospital, children's hospital, or other provider of health care services to a significant number of low-income beneficiaries; and

(ii) one or more attorneys; and

(B) whose primary mission is to assist patients and their families navigate health care-related programs and activities.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 2538. SCREENING, BRIEF INTERVENTION, REFERRAL, AND TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

Part D of title V (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

''SEC. 544. SCREENING, BRIEF INTERVENTION, REFERRAL, AND TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

''(a) PROGRAM.—The Secretary, acting through the Administrator, shall establish a program (consisting of awarding grants, contracts, and cooperative agreements under subsection (b)) on mental health and substance abuse screening, brief intervention, referral, and recovery services for individuals in primary health care settings.

''(b) USE OF FUNDS.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, entities—

''(1) to provide mental health and substance abuse screening, brief interventions, referral, and recovery services;

''(2) to coordinate these services with primary health care services in the same program and setting;

''(3) to develop a network of facilities to which patients may be referred if needed;

''(4) to purchase needed screening and other tools that are—

''(A) necessary for providing these services; and

''(B) supported by evidence-based research; and

''(5) to maintain communication with appropriate State mental health and substance abuse agencies.

''(c) ELIGIBILITY.—To be eligible for a grant, contract, or cooperative agreement under this section, an entity shall be a public or private nonprofit entity that—

''(1) provides primary health services;

''(2) seeks to integrate mental health and substance abuse services into its service system;

''(3) has developed a working relationship with providers of mental health and substance abuse services;

''(4) demonstrates a need for the inclusion of mental health and substance abuse services in its service system; and

''(5) agrees—

''(A) to prepare and submit to the Secretary at the end of the grant, contract, or cooperative agreement period an evaluation of all activities funded through the grant, contract, or cooperative agreement; and

''(B) to use such performance measures as may be stipulated by the Secretary for purposes of such evaluation.

''(d) PREFERENCE.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give preference to entities that—

''(1) provide services in rural or frontier areas of the Nation;

''(2) provide services to special needs populations, including American Indian or Alaska Native populations; or

''(3) provide services in school-based health clinics or on university and college campuses.

''(e) DURATION.—The period of a grant, contract, or cooperative agreement under this section may not exceed 5 years.

''(f) REPORT.—Not later than 4 years after the first appropriation of funds to carry out this section, the Secretary shall submit a report to the Congress on the program under this section—

''(1) including an evaluation of the benefits of integrating mental health and substance abuse care within primary health care; and

''(2) focusing on the performance measures stipulated by the Secretary under subsection (c)(5).

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.

''(2) PROGRAM MANAGEMENT.—Of the funds appropriated to carry out this section for a fiscal year, the Secretary may use not more than 5 percent to manage the program under this section.''.

SEC. 2539. GRANTS TO ASSIST IN DEVELOPING MEDICAL SCHOOLS IN FEDERALLY-DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) GRANTS AUTHORIZED.—The Secretary of Health and Human Services may make grants to nonprofit organizations or institutions of higher education for the purpose of assisting the organization or institution involved to develop a medical school if—

(1) the medical school will be located in an area that is designated (under section 332 of

the Public Health Service Act (42 U.S.C. 254(e)) as a health professional shortage area;

(2) the organization or institution provides assurances satisfactory to the Secretary of substantial private or public funding from non-Federal sources for the development of the medical school; and

(3) the organization or institution provides assurances satisfactory to the Secretary that accreditation will be achieved for the medical school.

(b) USE OF GRANT FUNDS.—Grants awarded under this section may be used for the acquisition and building of the medical school campus in a health professional shortage area and the purchase of equipment, curriculum and faculty development, and general operations related to the development and establishment of the medical school.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $100,000,000 for each of fiscal years 2011 through 2015.

Page 1523, strike lines 5 through 17 and insert the following:

''(i) IN GENERAL.—A violation of subparagraph (A) shall be subject to enforcement by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as would an unfair and deceptive act or practice in or affecting interstate commerce or an unfair method of competition in or affecting interstate commerce prohibited under section 5 of the Federal Trade Commission Act, as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subsection.

PART 3—EMERGENCY CARE-RELATED PROGRAMS

SEC. 2551. TRAUMA CARE CENTERS.

(a) GRANTS FOR TRAUMA CARE CENTERS.—Section 1241 (42 U.S.C. 300d–41) is amended to read as follows:

''SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

''(a) IN GENERAL.—The Secretary shall establish a trauma center program consisting of awarding grants under section (b).

''(b) GRANTS.—The Secretary shall award grants as follows:

''(1) EXISTING CENTERS.—Grants to public, private nonprofit, Indian Health Service, Indian tribal, and urban Indian trauma centers—

''(A) to further the core missions of such centers; or

''(B) to provide emergency relief to ensure the continued and future availability of trauma services by trauma centers—

''(i) at risk of closing or operating in an area where a closing has occurred within their primary service area; or

''(ii) in need of financial assistance following a natural disaster or other catastrophic event, such as a terrorist attack.

''(2) NEW CENTERS.—Grants to local governments and public or private nonprofit entities to establish new trauma centers in urban areas with a substantial degree of trauma resulting from violent crimes.

''(c) MINIMUM QUALIFICATIONS OF TRAUMA CENTERS.—

''(1) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—

''(A) LIMITATION.—Subject to subparagraph (B), the Secretary may not award a grant to an existing trauma center under this section unless the center is a participant in a trauma care system that substantially complies with section 1213.

''(B) EXEMPTION.—Subparagraph (A) shall not apply to trauma centers that are located in States with no existing trauma care system.

''(2) DESIGNATION.—The Secretary may not award a grant under this section to an existing trauma center unless the center is—

''(A) verified as a trauma center by the American College of Surgeons; or

''(B) designated as a trauma center by the applicable State health or emergency medical services authority.''.

(b) CONSIDERATIONS IN MAKING GRANTS.—Section 1242 (42 U.S.C. 300d–42) is amended to read as follows:

''SEC. 1242. CONSIDERATIONS IN MAKING GRANTS.

''(a) CORE MISSION AWARDS.—

''(1) IN GENERAL.—In awarding grants under section 1241(b)(1)(A), the Secretary shall—

''(A) reserve a minimum of 25 percent of the amount allocated for such grants for level III and level IV trauma centers in rural or underserved areas;

''(B) reserve a minimum of 25 percent of the amount allocated for such grants for level I and level II trauma centers in urban areas; and

''(C) give preference to any application made by a trauma center—

''(i) in a geographic area where growth in demand for trauma services exceeds capacity;

''(ii) that demonstrates the financial support of the State or political subdivision involved;

''(iii) that has at least 1 graduate medical education fellowship in trauma or trauma-related specialties, including neurological surgery, surgical critical care, vascular surgery, and spinal cord injury, for which demand is exceeding supply; or

''(iv) that demonstrates a substantial commitment to serving vulnerable populations.

''(2) FINANCIAL SUPPORT.—For purposes of paragraph (1)(C)(ii), financial support may be demonstrated by State or political subdivision funding for the trauma center's capital or operating expenses (including through State trauma regional advisory coordination activities, Medicaid funding designated for trauma services, or other governmental funding). State funding derived from Federal support shall not constitute State or local financial support for purposes of preferential treatment under this subsection.

''(3) USE OF FUNDS.—The recipient of a grant under section 1241(b)(1)(A) shall carry out, consistent with furthering the core missions of the center, one or more of the following activities:

''(A) Providing 24-hour-a-day, 7-day-a-week trauma care availability.

''(B) Reducing overcrowding related to throughput of trauma patients.

''(C) Enhancing trauma surge capacity.

''(D) Ensuring physician and essential personnel availability.

''(E) Trauma education and outreach.

''(F) Coordination with local and regional trauma care systems.

''(G) Such other activities as the Secretary may deem appropriate.

''(b) EMERGENCY AWARDS; NEW CENTERS.—In awarding grants under paragraphs (1)(B) and (2) of section 1241(b), the Secretary shall—

''(1) give preference to any application submitted by an applicant that demonstrates the financial support (in accordance with subsection (a)(2)) of the State or political subdivision involved for the activities to be funded through the grant for each fiscal year during which payments are made to the center under the grant; and

''(2) give preference to any application submitted for a trauma center that—

''(A) is providing or will provide trauma care in a geographic area in which the availability of trauma care has either significantly decreased as a result of a trauma center in the area permanently ceasing participation in a system described in section 1241(c)(1) as of a date occurring during the 2-year period preceding the fiscal year for which the trauma center is applying to receive a grant, or in geographic areas where growth in demand for trauma services exceeds capacity;

''(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur substantial uncompensated care costs in an amount that renders the center unable to continue participation in such system and results in a significant decrease in the availability of trauma care in the geographic area;

''(C) operates or will operate in rural areas where trauma care availability will significantly decrease if the center is forced to close or downgrade service and substantial costs are contributing to a likelihood of such closure or downgradation;

''(D) is in a geographic location substantially affected by a natural disaster or other catastrophic event such as a terrorist attack; or

''(E) will establish a new trauma service in an urban area with a substantial degree of trauma resulting from violent crimes.

''(c) DESIGNATIONS OF LEVELS OF TRAUMA CENTERS IN CERTAIN STATES.—In the case of a State which has not designated 4 levels of trauma centers, any reference in this section to—

''(1) a level I or level II trauma center is deemed to be a reference to a trauma center within the highest 2 levels of trauma centers designated under State guidelines; and

''(2) a level III or IV trauma center is deemed to be a reference to a trauma center not within such highest 2 levels.''.

(c) CERTAIN AGREEMENTS.—Section 1243 (42 U.S.C. 300d–43) is amended to read as follows:

''SEC. 1243. CERTAIN AGREEMENTS.

''(a) COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.—The Secretary may not award a grant to an applicant under section 1241(b) unless the applicant agrees that—

''(1) the trauma center involved will continue participation, or in the case of a new center will participate, in the system described in section 1241(c)(1), except as provided in section 1241(c)(1)(B), throughout the grant period beginning on the date that the center first receives payments under the grant; and

''(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

''(A) the amount of assistance provided to the center under section 1241; and

''(B) an amount representing interest on the amount specified in subparagraph (A).

''(b) MAINTENANCE OF FINANCIAL SUPPORT.—With respect to activities for which funds awarded through a grant under section 1241 are authorized to be expended, the Secretary may not award such a grant unless the applicant agrees that, during the period in which the trauma center involved is receiving payments under the grant, the center will maintain access to trauma services at levels not less than the levels for the prior year, taking into account—

''(1) reasonable volume fluctuation that is not caused by intentional trauma boundary reduction;

''(2) downgrading of the level of services; and

''(3) whether such center diverts its incoming patients away from such center 5 percent or more of the time during which the center is in operation over the course of the year.

''(c) TRAUMA CARE REGISTRY.—The Secretary may not award a grant to a trauma center under section 1241(b)(1) unless the center agrees that—

''(1) not later than 6 months after the date on which the center submits a grant application to the Secretary, the center will establish and operate a registry of trauma cases in accordance with guidelines developed by the American College of Surgeons; and

''(2) in carrying out paragraph (1), the center will maintain information on the number of trauma cases treated by the center and, for each such case, the extent to which the center incurs uncompensated costs in providing trauma care.''.

(d) GENERAL PROVISIONS.—Section 1244 (42 U.S.C. 300d–44) is amended to read as follows:

''SEC. 1244. GENERAL PROVISIONS.

''(a) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under a grant under section 1241(b)(1) shall be for 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

''(b) ELIGIBILITY.—The acquisition of, or eligibility for, a grant under section 1241(b) shall not preclude a trauma center's eligibility for another grant described in such section.

''(c) FUNDING DISTRIBUTION.—Of the total amount appropriated for a fiscal year under section 1245—

''(1) 90 percent shall be used for grants under paragraph (1)(A) of section 1241(b); and

''(2) 10 percent shall be used for grants under paragraphs (1)(B) and (2) of section 1241(b).

''(d) REPORT.—Beginning 2 years after the date of the enactment of the Affordable Health Care for America Act, and every 2 years thereafter, the Secretary shall biennially—

''(1) report to Congress on the status of the grants made pursuant to section 1241;

''(2) evaluate and report to Congress on the overall financial stability of trauma centers in the United States;

''(3) report on the populations using trauma care centers and include aggregate patient data on income, race, ethnicity, and geography; and

''(4) evaluate the effectiveness and efficiency of trauma care center activities using standard public health measures and evaluation methodologies.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 1245 (42 U.S.C. 300d–45) is amended to read as follows:

''SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2015. Such authorization of appropriations is in addition to any other authorization of appropriations or amounts that are available for such purpose.

''(b) REALLOCATION.—The Secretary shall reallocate for grants under section 1241(b)(1)(A) any funds appropriated for grants under paragraph (1)(B) or (2) of section 1241(b), but not obligated due to insufficient applications eligible for funding.''.

SEC. 2552. EMERGENCY CARE COORDINATION.

(a) IN GENERAL.—Subtitle B of title XXVIII (42 U.S.C. 300hh–10 et seq.) is amended by adding at the end the following:

''SEC. 2816. EMERGENCY CARE COORDINATION.

''(a) EMERGENCY CARE COORDINATION CENTER.—

''(1) ESTABLISHMENT.—The Secretary shall establish, within the Office of the Assistant Secretary for Preparedness and Response, an Emergency Care Coordination Center (in this section referred to as the 'Center'), to be headed by a director.

''(2) DUTIES.—The Secretary, acting through the Director of the Center, in coordination with the Federal Interagency Committee on Emergency Medical Services, shall—

''(A) promote and fund research in emergency medicine and trauma health care;

''(B) promote regional partnerships and more effective emergency medical systems in order to enhance appropriate triage, distribution, and care of routine community patients; and

''(C) promote local, regional, and State emergency medical systems' preparedness for and response to public health events.

''(b) COUNCIL OF EMERGENCY CARE.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Center, shall establish a Council of Emergency Care to provide advice and recommendations to the Director on carrying out this section.

''(2) COMPOSITION.—The Council shall be comprised of employees of the departments and agencies of the Federal Government who are experts in emergency care and management.

''(c) REPORT.—

''(1) SUBMISSION.—Not later than 12 months after the date of the enactment of the Affordable Health Care for America Act, the Secretary shall submit to the Congress an annual report on the activities carried out under this section.

''(2) CONSIDERATIONS.—In preparing a report under paragraph (1), the Secretary shall consider factors including—

''(A) emergency department crowding and boarding; and

''(B) delays in care following presentation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

(b) FUNCTIONS, PERSONNEL, ASSETS, LIABILITIES, AND ADMINISTRATIVE ACTIONS.—All functions, personnel, assets, and liabilities of, and administrative actions applicable to, the Emergency Care Coordination Center, as in existence on the day before the date of the enactment of this Act, shall be transferred to the Emergency Care Coordination Center established under section 2816(a) of the Public Health Service Act, as added by subsection (a).

SEC. 2553. PILOT PROGRAMS TO IMPROVE EMERGENCY MEDICAL CARE.

Part B of title III (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

''SEC. 315. REGIONALIZED COMMUNICATION SYSTEMS FOR EMERGENCY CARE RESPONSE.

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall award not fewer than 4 multiyear contracts or competitive grants to eligible entities to support demonstration programs that design, implement, and evaluate innovative models of regionalized, comprehensive, and accountable emergency care systems.

''(b) ELIGIBLE ENTITY; REGION.—

''(1) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State or a partnership of 1 or more States and 1 or more local governments.

''(2) REGION.—In this section, the term 'region' means an area within a State, an area that lies within multiple States, or a similar area (such as a multicounty area), as determined by the Secretary.

''(c) DEMONSTRATION PROGRAM.—The Secretary shall award a contract or grant under subsection (a) to an eligible entity that proposes a demonstration program to design, implement, and evaluate an emergency medical system that—

''(1) coordinates with public safety services, public health services, emergency medical services, medical facilities, and other entities within a region;

''(2) coordinates an approach to emergency medical system access throughout the region, including 9–1–1 public safety answering points and emergency medical dispatch;

''(3) includes a mechanism, such as a regional medical direction or transport communications system, that operates throughout the region to ensure that the correct patient is taken to the medically appropriate facility (whether an initial facility or a higher level facility) in a timely fashion;

''(4) allows for the tracking of prehospital and hospital resources, including inpatient bed capacity, emergency department capacity, on-call specialist coverage, ambulance diversion status, and the coordination of such tracking with regional communications and hospital destination decisions; and

''(5) includes a consistent regionwide prehospital, hospital, and interfacility data management system that—

''(A) complies with the National EMS Information System, the National Trauma Data Bank, and others;

''(B) reports data to appropriate Federal and State databanks and registries; and

''(C) contains information sufficient to evaluate key elements of prehospital care, hospital destination decisions, including initial hospital and interfacility decisions, and relevant outcomes of hospital care.

''(d) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that seeks a contract or grant described in subsection (a) shall submit to the Secretary an application at such time and in such manner as the Secretary may require.

''(2) APPLICATION INFORMATION.—Each application shall include—

''(A) an assurance from the eligible entity that the proposed system—

''(i) has been coordinated with the applicable State office of emergency medical services (or equivalent State office);

''(ii) is compatible with the applicable State emergency medical services system;

''(iii) includes consistent indirect and direct medical oversight of prehospital, hospital, and interfacility transport throughout the region;

''(iv) coordinates prehospital treatment and triage, hospital destination, and interfacility transport throughout the region;

''(v) includes a categorization or designation system for special medical facilities throughout the region that is—

''(I) consistent with State laws and regulations; and

''(II) integrated with the protocols for transport and destination throughout the region; and

''(vi) includes a regional medical direction system, a patient tracking system, and a resource allocation system that—

''(I) support day-to-day emergency care system operation;

''(II) can manage surge capacity during a major event or disaster; and

''(III) are integrated with other components of the national and State emergency preparedness system;

''(B) an agreement to make available non-Federal contributions in accordance with subsection (e); and

''(C) such other information as the Secretary may require.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs of the activities to be carried out each year with a contract or grant under subsection (a), a condition for the receipt of the contract or grant is that the eligible entity involved agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(f) PRIORITY.—The Secretary shall give priority for the award of the contracts or grants described in subsection (a) to any eligible entity that serves a medically underserved population (as defined in section 330(b)(3)).

''(g) REPORT.—Not later than 90 days after the completion of a demonstration program under subsection (a), the recipient of such contract or grant described in such subsection shall submit to the Secretary a report containing the results of an evaluation of the program, including an identification of—

''(1) the impact of the regional, accountable emergency care system on patient outcomes for various critical care categories, such as trauma, stroke, cardiac emergencies, and pediatric emergencies;

''(2) the system characteristics that contribute to the effectiveness and efficiency of the program (or lack thereof);

''(3) methods of assuring the long-term financial sustainability of the emergency care system;

''(4) the State and local legislation necessary to implement and to maintain the system; and

''(5) the barriers to developing regionalized, accountable emergency care systems, as well as the methods to overcome such barriers.

''(h) EVALUATION.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall enter into a contract with an academic institution or other entity to conduct an independent evaluation of the demonstration programs funded under subsection (a), including an evaluation of—

''(1) the performance of the eligible entities receiving the funds; and

''(2) the impact of the demonstration programs.

''(i) DISSEMINATION OF FINDINGS.—The Secretary shall, as appropriate, disseminate to the public and to the appropriate committees of the Congress, the information contained in a report made under subsection (h).

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $12,000,000 for each of fiscal years 2011 through 2015.

''(2) RESERVATION.—Of the amount appropriated to carry out this section for a fiscal year, the Secretary shall reserve 3 percent of such amount to carry out subsection (h) (relating to an independent evaluation).''.

SEC. 2554. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO BECOME STATE-LICENSED OR CERTIFIED EMERGENCY MEDICAL TECHNICIANS (EMTS).

(a) IN GENERAL.—Part B of title III (42 U.S.C. 243 et seq.), as amended, is amended by inserting after section 315 the following:

''SEC. 315A. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO BECOME STATE-LICENSED OR CERTIFIED EMERGENCY MEDICAL TECHNICIANS (EMTS).

''(a) PROGRAM.—The Secretary shall establish a program consisting of awarding grants to States to assist veterans who received and completed military emergency medical training while serving in the Armed Forces of the United States to become, upon their discharge or release from active duty service, State-licensed or certified emergency medical technicians.

''(b) USE OF FUNDS.—Amounts received as a grant under this section may be used to assist veterans described in subsection (a) to become State-licensed or certified emergency medical technicians as follows:

''(1) Providing training.

''(2) Providing reimbursement for costs associated with—

''(A) training; or

''(B) applying for licensure or certification.

''(3) Expediting the licensing or certification process.

''(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall demonstrate to the Secretary's satisfaction that the State has a shortage of emergency medical technicians.

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

(b) GAO STUDY AND REPORT.—The Comptroller General of the United States shall—

(1) conduct a study on the barriers experienced by veterans who received training as medical personnel while serving in the Armed Forces of the United States and, upon their discharge or release from active duty service, seek to become licensed or certified in a State as civilian health professionals; and

(2) not later than 2 years after the date of the enactment of this Act, submit to the Congress a report on the results of such study, including recommendations on whether the program established under section 315A of the Public Health Service Act, as added by subsection (a), should be expanded to assist veterans seeking to become licensed or certified in a State as health providers other than emergency medical technicians.

SEC. 2555. DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.

(a) NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(3) (42 U.S.C. 300hh–1(b)(3)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''dental and'' before ''mental health facilities''; and

(2) in subparagraph (D), by inserting ''and dental'' after ''medical''.

(b) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

SEC. 2556. DENTAL EMERGENCY RESPONDERS: HOMELAND SECURITY.

(a) NATIONAL RESPONSE FRAMEWORK.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting ''and dental'' after ''emergency medical''.

(b) NATIONAL PREPAREDNESS SYSTEM.—Subparagraph (B) of section 653(b)(4) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753(b)(4)) is amended by striking ''public health and medical'' and inserting ''public health, medical, and dental''.

(c) CHIEF MEDICAL OFFICER.—Paragraph (5) of section 516(c) of the Homeland Security Act of 2002 (6 U.S.C. 321e(c)) is amended by striking ''medical community'' and inserting ''medical and dental communities''.

PART 4—PAIN CARE AND MANAGEMENT PROGRAMS

SEC. 2561. INSTITUTE OF MEDICINE CONFERENCE ON PAIN.

(a) CONVENING.—Not later than June 30, 2011, the Secretary of Health and Human Services shall seek to enter into an agreement with the Institute of Medicine of the National Academies to convene a Conference on Pain (in this section referred to as ''the Conference'').

(b) PURPOSES.—The purposes of the Conference shall be to—

(1) increase the recognition of pain as a significant public health problem in the United States;

(2) evaluate the adequacy of assessment, diagnosis, treatment, and management of acute and chronic pain in the general population, and in identified racial, ethnic, gender, age, and other demographic groups that may be disproportionately affected by inadequacies in the assessment, diagnosis, treatment, and management of pain;

(3) identify barriers to appropriate pain care, including—

(A) lack of understanding and education among employers, patients, health care providers, regulators, and third-party payors;

(B) barriers to access to care at the primary, specialty, and tertiary care levels, including barriers—

(i) specific to those populations that are disproportionately undertreated for pain;

(ii) related to physician concerns over regulatory and law enforcement policies applicable to some pain therapies; and

(iii) attributable to benefit, coverage, and payment policies in both the public and private sectors; and

(C) gaps in basic and clinical research on the symptoms and causes of pain, and potential assessment methods and new treatments to improve pain care; and

(4) establish an agenda for action in both the public and private sectors that will reduce such barriers and significantly improve the state of pain care research, education, and clinical care in the United States.

(c) OTHER APPROPRIATE ENTITY.—If the Institute of Medicine declines to enter into an agreement under subsection (a), the Secretary of Health and Human Services may enter into such agreement with another appropriate entity.

(d) REPORT.—A report summarizing the Conference's findings and recommendations shall be submitted to the Congress not later than June 30, 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $500,000 for each of fiscal years 2011 and 2012.

SEC. 2562. PAIN RESEARCH AT NATIONAL INSTITUTES OF HEALTH.

Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409J. PAIN RESEARCH.

''(a) RESEARCH INITIATIVES.—

''(1) IN GENERAL.—The Director of NIH is encouraged to continue and expand, through the Pain Consortium, an aggressive program of basic and clinical research on the causes of and potential treatments for pain.

''(2) ANNUAL RECOMMENDATIONS.—Not less than annually, the Pain Consortium, in consultation with the Division of Program Coordination, Planning, and Strategic Initiatives, shall develop and submit to the Director of NIH recommendations on appropriate pain research initiatives that could be undertaken with funds reserved under section 402A(c)(1) for the Common Fund or otherwise available for such initiatives.

''(3) DEFINITION.—In this subsection, the term 'Pain Consortium' means the Pain Consortium of the National Institutes of Health or a similar trans-National Institutes of Health coordinating entity designated by the Secretary for purposes of this subsection.

''(b) INTERAGENCY PAIN RESEARCH COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish not later than 1 year after the date

of the enactment of this section and as necessary maintain a committee, to be known as the Interagency Pain Research Coordinating Committee (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services and other Federal agencies that relate to pain research.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be composed of the following voting members:

''(i) Not more than 7 voting Federal representatives as follows:

''(I) The Director of the Centers for Disease Control and Prevention.

''(II) The Director of the National Institutes of Health and the directors of such national research institutes and national centers as the Secretary determines appropriate.

''(III) The heads of such other agencies of the Department of Health and Human Services as the Secretary determines appropriate.

''(IV) Representatives of other Federal agencies that conduct or support pain care research and treatment, including the Department of Defense and the Department of Veterans Affairs.

''(ii) Twelve additional voting members appointed under subparagraph (B).

''(B) ADDITIONAL MEMBERS.—The Committee shall include additional voting members appointed by the Secretary as follows:

''(i) Six members shall be appointed from among scientists, physicians, and other health professionals, who—

''(I) are not officers or employees of the United States;

''(II) represent multiple disciplines, including clinical, basic, and public health sciences;

''(III) represent different geographical regions of the United States; and

''(IV) are from practice settings, academia, manufacturers, or other research settings.

''(ii) Six members shall be appointed from members of the general public, who are representatives of leading research, advocacy, and service organizations for individuals with pain-related conditions.

''(C) NONVOTING MEMBERS.—The Committee shall include such nonvoting members as the Secretary determines to be appropriate.

''(3) CHAIRPERSON.—The voting members of the Committee shall select a chairperson from among such members. The selection of a chairperson shall be subject to the approval of the Director of NIH.

''(4) MEETINGS.—The Committee shall meet at the call of the chairperson of the Committee or upon the request of the Director of NIH, but in no case less often than once each year.

''(5) DUTIES.—The Committee shall—

''(A) develop a summary of advances in pain care research supported or conducted by the Federal agencies relevant to the diagnosis, prevention, and treatment of pain and diseases and disorders associated with pain;

''(B) identify critical gaps in basic and clinical research on the symptoms and causes of pain;

''(C) make recommendations to ensure that the activities of the National Institutes of Health and other Federal agencies, including the Department of Defense and the Department of Veteran Affairs, are free of unnecessary duplication of effort;

''(D) make recommendations on how best to disseminate information on pain care; and

''(E) make recommendations on how to expand partnerships between public entities, including Federal agencies, and private entities to expand collaborative, crosscutting research.

''(6) REVIEW.—The Secretary shall review the necessity of the Committee at least once every 2 years.''.

SEC. 2563. PUBLIC AWARENESS CAMPAIGN ON PAIN MANAGEMENT.

Part B of title II (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

''SEC. 249. NATIONAL EDUCATION OUTREACH AND AWARENESS CAMPAIGN ON PAIN MANAGEMENT.

''(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this section, the Secretary shall establish and implement a national pain care education outreach and awareness campaign described in subsection (b).

''(b) REQUIREMENTS.—The Secretary shall design the public awareness campaign under this section to educate consumers, patients, their families, and other caregivers with respect to—

''(1) the incidence and importance of pain as a national public health problem;

''(2) the adverse physical, psychological, emotional, societal, and financial consequences that can result if pain is not appropriately assessed, diagnosed, treated, or managed;

''(3) the availability, benefits, and risks of all pain treatment and management options;

''(4) having pain promptly assessed, appropriately diagnosed, treated, and managed, and regularly reassessed with treatment adjusted as needed;

''(5) the role of credentialed pain management specialists and subspecialists, and of comprehensive interdisciplinary centers of treatment expertise;

''(6) the availability in the public, nonprofit, and private sectors of pain management-related information, services, and resources for consumers, employers, third-party payors, patients, their families, and caregivers, including information on—

''(A) appropriate assessment, diagnosis, treatment, and management options for all types of pain and pain-related symptoms; and

''(B) conditions for which no treatment options are yet recognized; and

''(7) other issues the Secretary deems appropriate.

''(c) CONSULTATION.—In designing and implementing the public awareness campaign required by this section, the Secretary shall consult with organizations representing patients in pain and other consumers, employers, physicians including physicians specializing in pain care, other pain management professionals, medical device manufacturers, and pharmaceutical companies.

''(d) COORDINATION.—

''(1) LEAD OFFICIAL.—The Secretary shall designate one official in the Department of Health and Human Services to oversee the campaign established under this section.

''(2) AGENCY COORDINATION.—The Secretary shall ensure the involvement in the public awareness campaign under this section of the Surgeon General of the Public Health Service, the Director of the Centers for Disease Control and Prevention, and such other representatives of offices and agencies of the Department of Health and Human Services as the Secretary determines appropriate.

''(e) UNDERSERVED AREAS AND POPULATIONS.—In designing the public awareness campaign under this section, the Secretary shall—

''(1) take into account the special needs of geographic areas and racial, ethnic, gender, age, and other demographic groups that are currently underserved; and

''(2) provide resources that will reduce disparities in access to appropriate diagnosis, assessment, and treatment.

''(f) GRANTS AND CONTRACTS.—The Secretary may make awards of grants, cooperative agreements, and contracts to public agencies and private nonprofit organizations to assist with the development and implementation of the public awareness campaign under this section.

''(g) EVALUATION AND REPORT.—Not later than the end of fiscal year 2012, the Secretary shall prepare and submit to the Congress a report evaluating the effectiveness of the public awareness campaign under this section in educating the general public with respect to the matters described in subsection (b).

''(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2011 and $4,000,000 for each of fiscal years 2012 and 2015.''.

Subtitle C—Food and Drug Administration

PART 1—IN GENERAL

SEC. 2571. NATIONAL MEDICAL DEVICE REGISTRY.

(a) REGISTRY.—

(1) IN GENERAL.—Section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''National Medical Device Registry

''(g)(1)(A) The Secretary shall establish a national medical device registry (in this subsection referred to as the 'registry') to facilitate analysis of postmarket safety and outcomes data on each covered device.

''(B) In this subsection, the term 'covered device'—

''(i) shall include each class III device; and

''(ii) may include, as the Secretary determines appropriate and specifies in regulation, a class II device that is life-supporting or life-sustaining.

''(C) Notwithstanding subparagraph (B)(i), the Secretary may by order exempt a class III device from the provisions of this subsection if the Secretary concludes that inclusion of information on the device in the registry will not provide useful information on safety or effectiveness.

''(2) In developing the registry, the Secretary shall, in consultation with the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Agency for Healthcare Research and Quality, the head of the Office of the National Coordinator for Health Information Technology, and the Secretary of Veterans Affairs, determine the best methods for—

''(A) including in the registry, in a manner consistent with subsection (f), appropriate information to identify each covered device by type, model, and serial number or other unique identifier;

''(B) validating methods for analyzing patient safety and outcomes data from multiple sources and for linking such data with the information included in the registry as described in subparagraph (A), including, to the extent feasible, use of—

''(i) data provided to the Secretary under other provisions of this chapter; and

''(ii) information from public and private sources identified under paragraph (3);

''(C) integrating the activities described in this subsection (so as to avoid duplication) with—

''(i) activities under paragraph (3) of section 505(k) (relating to active postmarket risk identification);

''(ii) activities under paragraph (4) of section 505(k) (relating to advanced analysis of drug safety data);

''(iii) other postmarket device surveillance activities of the Secretary authorized by this chapter; and

''(iv) registries carried out by or for the Agency for Healthcare Research and Quality; and

''(D) providing public access to the data and analysis collected or developed through

the registry in a manner and form that protects patient privacy and proprietary information and is comprehensive, useful, and not misleading to patients, physicians, and scientists.

''(3)(A) To facilitate analyses of postmarket safety and patient outcomes for covered devices, the Secretary shall, in collaboration with public, academic, and private entities, develop methods to—

''(i) obtain access to disparate sources of patient safety and outcomes data, including—

''(I) Federal health-related electronic data (such as data from the Medicare program under title XVIII of the Social Security Act or from the health systems of the Department of Veterans Affairs);

''(II) private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data); and

''(III) other data as the Secretary deems necessary to permit postmarket assessment of device safety and effectiveness; and

''(ii) link data obtained under clause (i) with information in the registry.

''(B) In this paragraph, the term 'data' refers to information respecting a covered device, including claims data, patient survey data, standardized analytic files that allow for the pooling and analysis of data from disparate data environments, electronic health records, and any other data deemed appropriate by the Secretary.

''(4) The Secretary shall promulgate regulations for establishment and operation of the registry under paragraph (1). Such regulations—

''(A)(i) in the case of covered devices that are sold on or after the date of the enactment of this subsection, shall require manufacturers of such devices to submit information to the registry, including, for each such device, the type, model, and serial number or, if required under subsection (f), other unique device identifier; and

''(ii) in the case of covered devices that are sold before such date, may require manufacturers of such devices to submit such information to the registry, if deemed necessary by the Secretary to protect the public health;

''(B) shall establish procedures—

''(i) to permit linkage of information submitted pursuant to subparagraph (A) with patient safety and outcomes data obtained under paragraph (3); and

''(ii) to permit analyses of linked data;

''(C) may require covered device manufacturers to submit such other information as is necessary to facilitate postmarket assessments of device safety and effectiveness and notification of device risks;

''(D) shall establish requirements for regular and timely reports to the Secretary, which shall be included in the registry, concerning adverse event trends, adverse event patterns, incidence and prevalence of adverse events, and other information the Secretary determines appropriate, which may include data on comparative safety and outcomes trends; and

''(E) shall establish procedures to permit public access to the information in the registry in a manner and form that protects patient privacy and proprietary information and is comprehensive, useful, and not misleading to patients, physicians, and scientists.

''(5)(A) The Secretary shall promulgate final regulations under paragraph (4) not later than 36 months after the date of the enactment of this subsection.

''(B) Before issuing the notice of proposed rulemaking preceding the final regulations described in subparagraph (A), the Secretary shall hold a public hearing before an advisory committee on the issue of which class II devices to include in the definition of covered devices.

''(C) The Secretary shall include in any regulation under this subsection an explanation demonstrating that the requirements of such regulation—

''(i) do not duplicate other Federal requirements; and

''(ii) do not impose an undue burden on device manufacturers.

''(6) With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a device under this section (and any release by the Secretary of that report or information), such report or information shall not be construed to reflect necessarily a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, or serious illness. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or caused or contributed to a death, serious injury, or serious illness.

''(7) To carry out this subsection, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 and 2012.''.

(2) EFFECTIVE DATE.—The Secretary of Health and Human Services shall establish and begin implementation of the registry under section 519(g) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (1), by not later than the date that is 36 months after the date of the enactment of this Act, without regard to whether or not final regulations to establish and operate the registry have been promulgated by such date.

(3) CONFORMING AMENDMENT.—Section 303(f)(1)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(1)(B)(ii)) is amended by striking ''519(g)'' and inserting ''519(h)''.

(b) ELECTRONIC EXCHANGE AND USE IN CERTIFIED ELECTRONIC HEALTH RECORDS OF UNIQUE DEVICE IDENTIFIERS.—

(1) RECOMMENDATIONS.—The HIT Policy Committee established under section 3002 of the Public Health Service Act (42 U.S.C. 300jj–12) shall recommend to the head of the Office of the National Coordinator for Health Information Technology standards, implementation specifications, and certification criteria for the electronic exchange and use in certified electronic health records of a unique device identifier for each covered device (as defined under section 519(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)).

(2) STANDARDS, IMPLEMENTATION CRITERIA, AND CERTIFICATION CRITERIA.—The Secretary of Health and Human Services, acting through the head of the Office of the National Coordinator for Health Information Technology, shall adopt standards, implementation specifications, and certification criteria for the electronic exchange and use in certified electronic health records of a unique device identifier for each covered device referred to in paragraph (1), if such an identifier is required by section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)) for the device.

(c) UNIQUE DEVICE IDENTIFICATION SYSTEM.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue proposed regulations to implement section 519(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i(f)) not later than 6 months after the date of the enactment of this Act.

SEC. 2572. NUTRITION LABELING OF STANDARD MENU ITEMS AT CHAIN RESTAURANTS AND OF ARTICLES OF FOOD SOLD FROM VENDING MACHINES.

(a) TECHNICAL AMENDMENTS.—Section 403(q)(5)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(A)) is amended—

(1) in subclause (i), by inserting ''except as provided in clause (H)(ii)(III),'' after ''(i)'' ; and

(2) in subclause (ii), by inserting ''except as provided in clause (H)(ii)(III),'' after ''(ii)''.

(b) LABELING REQUIREMENTS.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by adding at the end the following:

''(H) RESTAURANTS, RETAIL FOOD ESTABLISHMENTS, AND VENDING MACHINES.—

''(i) GENERAL REQUIREMENTS FOR RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS.—Except for food described in subclause (vii), in the case of food that is a standard menu item that is offered for sale in a restaurant or similar retail food establishment that is part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations) and offering for sale substantially the same menu items, the restaurant or similar retail food establishment shall disclose the information described in subclauses (ii) and (iii).

''(ii) INFORMATION REQUIRED TO BE DISCLOSED BY RESTAURANTS AND RETAIL FOOD ESTABLISHMENTS.—Except as provided in subclause (vii), the restaurant or similar retail food establishment shall disclose in a clear and conspicuous manner—

''(I)(aa) in a nutrient content disclosure statement adjacent to the name of the standard menu item, so as to be clearly associated with the standard menu item, on the menu listing the item for sale, the number of calories contained in the standard menu item, as usually prepared and offered for sale; and

''(bb) a succinct statement concerning suggested daily caloric intake, as specified by the Secretary by regulation and posted prominently on the menu and designed to enable the public to understand, in the context of a total daily diet, the significance of the caloric information that is provided on the menu;

''(II)(aa) in a nutrient content disclosure statement adjacent to the name of the standard menu item, so as to be clearly associated with the standard menu item, on the menu board, including a drive-through menu board, the number of calories contained in the standard menu item, as usually prepared and offered for sale; and

''(bb) a succinct statement concerning suggested daily caloric intake, as specified by the Secretary by regulation and posted prominently on the menu board, designed to enable the public to understand, in the context of a total daily diet, the significance of the nutrition information that is provided on the menu board;

''(III) in a written form, available on the premises of the restaurant or similar retail establishment and to the consumer upon request, the nutrition information required under clauses (C) and (D) of subparagraph (1); and

''(IV) on the menu or menu board, a prominent, clear, and conspicuous statement regarding the availability of the information described in item (III).

''(iii) SELF-SERVICE FOOD AND FOOD ON DISPLAY.—Except as provided in subclause (vii), in the case of food sold at a salad bar, buffet line, cafeteria line, or similar self-service facility, and for self-service beverages or food that is on display and that is visible to customers, a restaurant or similar retail food establishment shall place adjacent to each

food offered a sign that lists calories per displayed food item or per serving.

''(iv) REASONABLE BASIS.—For the purposes of this clause, a restaurant or similar retail food establishment shall have a reasonable basis for its nutrient content disclosures, including nutrient databases, cookbooks, laboratory analyses, and other reasonable means, as described in section 101.10 of title 21, Code of Federal Regulations (or any successor regulation) or in a related guidance of the Food and Drug Administration.

''(v) MENU VARIABILITY AND COMBINATION MEALS.—The Secretary shall establish by regulation standards for determining and disclosing the nutrient content for standard menu items that come in different flavors, varieties, or combinations, but which are listed as a single menu item, such as soft drinks, ice cream, pizza, doughnuts, or children's combination meals, through means determined by the Secretary, including ranges, averages, or other methods.

''(vi) ADDITIONAL INFORMATION.—If the Secretary determines that a nutrient, other than a nutrient required under subclause (ii)(III), should be disclosed for the purpose of providing information to assist consumers in maintaining healthy dietary practices, the Secretary may require, by regulation, disclosure of such nutrient in the written form required under subclause (ii)(III).

''(vii) NONAPPLICABILITY TO CERTAIN FOOD.—

''(I) IN GENERAL.—Subclauses (i) through (vi) do not apply to—

''(aa) items that are not listed on a menu or menu board (such as condiments and other items placed on the table or counter for general use);

''(bb) daily specials, temporary menu items appearing on the menu for less than 60 days per calendar year, or custom orders; or

''(cc) such other food that is part of a customary market test appearing on the menu for less than 90 days, under terms and conditions established by the Secretary.

''(II) WRITTEN FORMS.—Clause (C) shall apply to any regulations promulgated under subclauses (ii)(III) and (vi).

''(viii) VENDING MACHINES.—In the case of an article of food sold from a vending machine that—

''(I) does not permit a prospective purchaser to examine the Nutrition Facts Panel before purchasing the article or does not otherwise provide visible nutrition information at the point of purchase; and

''(II) is operated by a person who is engaged in the business of owning or operating 20 or more vending machines,

the vending machine operator shall provide a sign in close proximity to each article of food or the selection button that includes a clear and conspicuous statement disclosing the number of calories contained in the article.

''(ix) VOLUNTARY PROVISION OF NUTRITION INFORMATION.—

''(I) IN GENERAL.—An authorized official of any restaurant or similar retail food establishment or vending machine operator not subject to the requirements of this clause may elect to be subject to the requirements of such clause, by registering biannually the name and address of such restaurant or similar retail food establishment or vending machine operator with the Secretary, as specified by the Secretary by regulation.

''(II) REGISTRATION.—Within 120 days of the enactment of this clause, the Secretary shall publish a notice in the Federal Register specifying the terms and conditions for implementation of item (I), pending promulgation of regulations.

''(III) RULE OF CONSTRUCTION.—Nothing in this subclause shall be construed to authorize the Secretary to require an application, review, or licensing process for any entity to register with the Secretary, as described in such item.

''(x) REGULATIONS.—

''(I) PROPOSED REGULATION.—Not later than 1 year after the date of the enactment of this clause, the Secretary shall promulgate proposed regulations to carry out this clause.

''(II) CONTENTS.—In promulgating regulations, the Secretary shall—

''(aa) consider standardization of recipes and methods of preparation, reasonable variation in serving size and formulation of menu items, space on menus and menu boards, inadvertent human error, training of food service workers, variations in ingredients, and other factors, as the Secretary determines; and

''(bb) specify the format and manner of the nutrient content disclosure requirements under this subclause.

''(III) REPORTING.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a quarterly report that describes the Secretary's progress toward promulgating final regulations under this subparagraph.

''(xi) DEFINITION.—In this clause, the term 'menu' or 'menu board' means the primary writing of the restaurant or other similar retail food establishment from which a consumer makes an order selection.''.

(c) NATIONAL UNIFORMITY.—Section 403A(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)(4)) is amended by striking ''except a requirement for nutrition labeling of food which is exempt under subclause (i) or (ii) of section 403(q)(5)(A)'' and inserting ''except that this paragraph does not apply to food that is offered for sale in a restaurant or similar retail food establishment that is not part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations) and offering for sale substantially the same menu items unless such restaurant or similar retail food establishment complies with the voluntary provision of nutrition information requirements under section 403(q)(5)(H)(ix)''.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(1) to preempt any provision of State or local law, unless such provision establishes or continues into effect nutrient content disclosures of the type required under section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b)) and is expressly preempted under section 403A(a)(4) of such Act;

(2) to apply to any State or local requirement respecting a statement in the labeling of food that provides for a warning concerning the safety of the food or component of the food; or

(3) except as provided in section 403(q)(5)(H)(ix) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b)), to apply to any restaurant or similar retail food establishment other than a restaurant or similar retail food establishment described in section 403(q)(5)(H)(i) of such Act.

SEC. 2573. PROTECTING CONSUMER ACCESS TO GENERIC DRUGS.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—The Congress finds the following:

(A) In 1984, the Drug Price Competition and Patent Term Restoration Act (Pub. L. 98–417; in this subsection referred to as the ''1984 Act'') was enacted with the intent of facilitating the early entry of generic drugs while preserving incentives for innovation.

(B) Prescription drugs make up 10 percent of national health care spending, but for the past decade have been one of the fastest growing segments of health care expenditures.

(C) Until recently, the 1984 Act was successful in facilitating generic competition to the benefit of consumers and health care payers—although 67 percent of all prescriptions dispensed in the United States are generic drugs, they account for only 20 percent of all expenditures.

(D) In recent years, the intent of the 1984 Act has been subverted by certain settlement agreements between brand companies and their potential generic competitors that make reverse payments, i.e., payments by the brand company to the generic company.

(E) These settlement agreements have unduly delayed the marketing of low-cost generic drugs contrary to free competition and the interests of consumers.

(F) The state of antitrust law relating to such settlement agreements is unsettled.

(2) PURPOSE.—The purpose of this section is to provide an additional means to effectuate the intent of the 1984 Act by enhancing competition in the pharmaceutical market by stopping agreements between brand name and generic drug manufacturers that limit, delay, or otherwise prevent competition from generic drugs.

(b) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(w) PROTECTING CONSUMER ACCESS TO GENERIC DRUGS.—

''(1) UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATED TO NEW DRUG APPLICATIONS.—

''(A) CONDUCT PROHIBITED.—It shall be unlawful for any person to directly or indirectly be a party to any agreement resolving or settling a patent infringement claim in which—

''(i) an ANDA filer receives anything of value; and

''(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales, for any period of time, of the drug that is to be manufactured under the ANDA involved and is the subject of the patent infringement claim.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A)(i), subparagraph (A) does not prohibit a resolution or settlement of a patent infringement claim in which the value received by the ANDA filer includes no more than—

''(i) the right to market the drug that is to be manufactured under the ANDA involved and is the subject of the patent infringement claim, before the expiration of—

''(I) the patent that is the basis for the patent infringement claim; or

''(II) any other statutory exclusivity that would prevent the marketing of such drug; and

''(ii) the waiver of a patent infringement claim for damages based on prior marketing of such drug.

''(C) ENFORCEMENT.—

''(i) IN GENERAL.—A violation of subparagraph (A) shall be treated as an unfair and deceptive act or practice and an unfair method of competition in or affecting interstate commerce prohibited under section 5 of the Federal Trade Commission Act and shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subsection.

''(ii) INAPPLICABILITY.—Subchapter A of chapter VII shall not apply with respect to this subsection.

''(D) DEFINITIONS.—In this subsection:

''(i) AGREEMENT.—The term 'agreement' means anything that would constitute an

agreement under section 5 of the Federal Trade Commission Act.

''(ii) AGREEMENT RESOLVING OR SETTLING.—The term 'agreement resolving or settling', in reference to a patent infringement claim, includes any agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

''(iii) ANDA.—The term 'ANDA' means an abbreviated new drug application for the approval of a new drug under section (j).

''(iv) ANDA FILER.—The term 'ANDA filer' means a party that has filed an ANDA with the Food and Drug Administration.

''(v) PATENT INFRINGEMENT.—The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissuance, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patent of addition, or extension thereof.

''(vi) PATENT INFRINGEMENT CLAIM.—The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or drug to be manufactured under such ANDA may infringe any patent.

''(2) FTC RULEMAKING.—The Federal Trade Commission may, by rule promulgated under section 553 of title 5, United States Code, exempt certain agreements described in paragraph (1) from the requirements of this subsection if the Commission finds such agreements to be in furtherance of market competition and for the benefit of consumers. Consistent with the authority of the Commission, such rules may include interpretive rules and general statements of policy with respect to the practices prohibited under paragraph (1).''.

(c) NOTICE AND CERTIFICATION OF AGREEMENTS.—

(1) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 3155 note) is amended by—

(A) striking ''the Commission the'' and inserting the following: ''the Commission—

''(A) the'';

(B) striking the period at the end and inserting ''; and''; and

(C) adding at the end the following:

''(B) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).''.

(2) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

''(d) CERTIFICATION.—The chief executive officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.'.''.

(d) GAO STUDY.—

(1) STUDY.—Beginning 2 years after the date of enactment of this Act, and each year for a period of 4 years thereafter, the Comptroller General shall conduct a study on the litigation in United States courts during the period beginning 5 years prior to the date of enactment of this Act relating to patent infringement claims involving generic drugs, the number of patent challenges initiated by manufacturers of generic drugs, and the number of settlements of such litigation. The Comptroller General shall transmit to Congress a report of the findings of such a study and an analysis of the effect of the amendments made by subsections (b) and (c) on such litigation, whether such amendments have had an effect on the number and frequency of claims settled, and whether such amendments resulted in earlier or delayed entry of generic drugs to market, including whether any harm or benefit to consumers has resulted.

(2) DISCLOSURE OF AGREEMENTS.—Notwithstanding any other law, agreements filed under section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note), or unaggregated information from such agreements, shall be disclosed to the Comptroller General for purposes of the study under paragraph (1) within 30 days of a request by the Comptroller General.

PART 2—BIOSIMILARS

SEC. 2575. LICENSURE PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting ''under this subsection or subsection (k)'' after ''biologics license''; and

(2) by adding at the end the following:

''(k) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—

''(1) IN GENERAL.—Any person may submit an application for licensure of a biological product under this subsection.

''(2) CONTENT.—

''(A) IN GENERAL.—

''(i) REQUIRED INFORMATION.—An application submitted under this subsection shall include information demonstrating that—

''(I) the biological product is biosimilar to a reference product based upon data derived from—

''(aa) analytical studies that demonstrate that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components;

''(bb) animal studies (including the assessment of toxicity); and

''(cc) a clinical study or studies (including the assessment of immunogenicity and pharmacokinetics or pharmacodynamics) that are sufficient to demonstrate safety, purity, and potency in 1 or more appropriate conditions of use for which the reference product is licensed and intended to be used and for which licensure is sought for the biological product;

''(II) the biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product;

''(III) the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product;

''(IV) the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product; and

''(V) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

''(ii) DETERMINATION BY SECRETARY.—The Secretary may determine, in the Secretary's discretion, that an element described in clause (i)(I) is unnecessary in an application submitted under this subsection.

''(iii) ADDITIONAL INFORMATION.—An application submitted under this subsection—

''(I) shall include publicly available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent; and

''(II) may include any additional information in support of the application, including publicly available information with respect to the reference product or another biological product.

''(B) INTERCHANGEABILITY.—An application (or a supplement to an application) submitted under this subsection may include information demonstrating that the biological product meets the standards described in paragraph (4).

''(3) EVALUATION BY SECRETARY.—Upon review of an application (or a supplement to an application) submitted under this subsection, the Secretary shall license the biological product under this subsection if—

''(A) the Secretary determines that the information submitted in the application (or the supplement) is sufficient to show that the biological product—

''(i) is biosimilar to the reference product; or

''(ii) meets the standards described in paragraph (4), and therefore is interchangeable with the reference product; and

''(B) the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

''(4) SAFETY STANDARDS FOR DETERMINING INTERCHANGEABILITY.—Upon review of an application submitted under this subsection or any supplement to such application, the Secretary shall determine the biological product to be interchangeable with the reference product if the Secretary determines that the information submitted in the application (or a supplement to such application) is sufficient to show that—

''(A) the biological product—

''(i) is biosimilar to the reference product; and

''(ii) can be expected to produce the same clinical result as the reference product in any given patient; and

''(B) for a biological product that is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between use of the biological product and the reference product is not greater than the risk of using the reference product without such alternation or switch.

''(5) GENERAL RULES.—

''(A) ONE REFERENCE PRODUCT PER APPLICATION.—A biological product, in an application submitted under this subsection, may not be evaluated against more than 1 reference product.

''(B) REVIEW.—An application submitted under this subsection shall be reviewed by the division within the Food and Drug Administration that is responsible for the review and approval of the application under which the reference product is licensed.

''(C) RISK EVALUATION AND MITIGATION STRATEGIES.—The authority of the Secretary with respect to risk evaluation and mitigation strategies under the Federal Food, Drug, and Cosmetic Act shall apply to biological products licensed under this subsection in the same manner as such authority applies to biological products licensed under subsection (a).

''(D) RESTRICTIONS ON BIOLOGICAL PRODUCTS CONTAINING DANGEROUS INGREDIENTS.—If information in an application submitted under this subsection, in a supplement to such an application, or otherwise available to the Secretary shows that a biological product—

''(i) is, bears, or contains a select agent or toxin listed in section 73.3 or 73.4 of title 42, section 121.3 or 121.4 of title 9, or section 331.3 of title 7, Code of Federal Regulations (or any successor regulations); or

''(ii) is, bears, or contains a controlled substance in schedule I or II of section 202 of the Controlled Substances Act, as listed in part 1308 of title 21, Code of Federal Regulations (or any successor regulations);

the Secretary shall not license the biological product under this subsection unless the Secretary determines, after consultation with appropriate national security and drug enforcement agencies, that there would be no increased risk to the security or health of the public from licensing such biological product under this subsection.

''(6) EXCLUSIVITY FOR FIRST INTERCHANGEABLE BIOLOGICAL PRODUCT.—Upon review of an application submitted under this subsection relying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4) that the second or subsequent biological product is interchangeable for any condition of use until the earlier of—

''(A) 1 year after the first commercial marketing of the first interchangeable biosimilar biological product to be approved as interchangeable for that reference product;

''(B) 18 months after—

''(i) a final court decision on all patents in suit in an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(ii) the dismissal with or without prejudice of an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(C)(i) 42 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has been sued under subsection (l)(5) and such litigation is still ongoing within such 42-month period; or

''(ii) 18 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has not been sued under subsection (l)(5).

For purposes of this paragraph, the term 'final court decision' means a final decision of a court from which no appeal (other than a petition to the United States Supreme Court for a writ of certiorari) has been or can be taken.

''(7) EXCLUSIVITY FOR REFERENCE PRODUCT.—

''(A) EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.—Approval of an application under this subsection may not be made effective by the Secretary until the date that is 12 years after the date on which the reference product was first licensed under subsection (a).

''(B) FILING PERIOD.—An application under this subsection may not be submitted to the Secretary until the date that is 4 years after the date on which the reference product was first licensed under subsection (a).

''(C) FIRST LICENSURE.—Subparagraphs (A) and (B) shall not apply to a license for or approval of—

''(i) a supplement for the biological product that is the reference product; or

''(ii) a subsequent application filed by the same sponsor or manufacturer of the biological product that is the reference product (or a licensor, predecessor in interest, or other related entity) for—

''(I) a change (not including a modification to the structure of the biological product) that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

''(II) a modification to the structure of the biological product that does not result in a change in safety, purity, or potency.

''(8) PEDIATRIC STUDIES.—

''(A) EXCLUSIVITY.—If, before or after licensure of the reference product under subsection (a) of this section, the Secretary determines that information relating to the use of such product in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant or holder of the approved application agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act the period referred to in paragraph (7)(A) of this subsection is deemed to be 12 years and 6 months rather than 12 years.

''(B) EXCEPTION.—The Secretary shall not extend the period referred to in subparagraph (A) of this paragraph if the determination under section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act is made later than 9 months prior to the expiration of such period.

''(C) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (a), (d), (e), (f), (h), (j), (k), and (l) of section 505A of the Federal Food, Drug, and Cosmetic Act shall apply with respect to the extension of a period under subparagraph (A) of this paragraph to the same extent and in the same manner as such provisions apply with respect to the extension of a period under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act.

''(9) GUIDANCE DOCUMENTS.—

''(A) IN GENERAL.—The Secretary may, after opportunity for public comment, issue guidance in accordance, except as provided in subparagraph (B)(i), with section 701(h) of the Federal Food, Drug, and Cosmetic Act with respect to the licensure of a biological product under this subsection. Any such guidance may be general or specific.

''(B) PUBLIC COMMENT.—

''(i) IN GENERAL.—The Secretary shall provide the public an opportunity to comment on any proposed guidance issued under subparagraph (A) before issuing final guidance.

''(ii) INPUT REGARDING MOST VALUABLE GUIDANCE.—The Secretary shall establish a process through which the public may provide the Secretary with input regarding priorities for issuing guidance.

''(C) NO REQUIREMENT FOR APPLICATION CONSIDERATION.—The issuance (or non-issuance) of guidance under subparagraph (A) shall not preclude the review of, or action on, an application submitted under this subsection.

''(D) REQUIREMENT FOR PRODUCT CLASS-SPECIFIC GUIDANCE.—If the Secretary issues product class-specific guidance under subparagraph (A), such guidance shall include a description of—

''(i) the criteria that the Secretary will use to determine whether a biological product is highly similar to a reference product in such product class; and

''(ii) the criteria, if available, that the Secretary will use to determine whether a biological product meets the standards described in paragraph (4).

''(E) CERTAIN PRODUCT CLASSES.—

''(i) GUIDANCE.—The Secretary may indicate in a guidance document that the science and experience, as of the date of such guidance, with respect to a product or product class (not including any recombinant protein) does not allow approval of an application for a license as provided under this subsection for such product or product class.

''(ii) MODIFICATION OR REVERSAL.—The Secretary may issue a subsequent guidance document under subparagraph (A) to modify or reverse a guidance document under clause (i).

''(iii) NO EFFECT ON ABILITY TO DENY LICENSE.—Clause (i) shall not be construed to require the Secretary to approve a product with respect to which the Secretary has not indicated in a guidance document that the science and experience, as described in clause (i), does not allow approval of such an application.

''(10) NAMING.—The Secretary shall ensure that the labeling and packaging of each biological product licensed under this subsection bears a name that uniquely identifies the biological product and distinguishes it from the reference product and any other biological products licensed under this subsection following evaluation against such reference product.

''(l) PATENT NOTICES; RELATIONSHIP TO FINAL APPROVAL.—

''(1) DEFINITIONS.—For the purposes of this subsection, the term—

''(A) 'biosimilar product' means the biological product that is the subject of the application under subsection (k);

''(B) 'relevant patent' means a patent that—

''(i) expires after the date specified in subsection (k)(7)(A) that applies to the reference product; and

''(ii) could reasonably be asserted against the applicant due to the unauthorized making, use, sale, or offer for sale within the United States, or the importation into the United States of the biosimilar product, or materials used in the manufacture of the biosimilar product, or due to a use of the biosimilar product in a method of treatment that is indicated in the application;

''(C) 'reference product sponsor' means the holder of an approved application or license for the reference product; and

''(D) 'interested third party' means a person other than the reference product sponsor that owns a relevant patent, or has the right to commence or participate in an action for infringement of a relevant patent.

''(2) HANDLING OF CONFIDENTIAL INFORMATION.—Any entity receiving confidential information pursuant to this subsection shall designate one or more individuals to receive such information. Each individual so designated shall execute an agreement in accordance with regulations promulgated by the Secretary. The regulations shall require each such individual to take reasonable steps to maintain the confidentiality of information received pursuant to this subsection and use the information solely for purposes authorized by this subsection. The obligations imposed on an individual who has received confidential information pursuant to this subsection shall continue until the individual returns or destroys the confidential information, a court imposes a protective order that governs the use or handling of the confidential information, or the party providing the confidential information agrees to other terms or conditions regarding the handling or use of the confidential information.

''(3) PUBLIC NOTICE BY SECRETARY.—Within 30 days of acceptance by the Secretary of an application filed under subsection (k), the Secretary shall publish a notice identifying—

''(A) the reference product identified in the application; and

''(B) the name and address of an agent designated by the applicant to receive notices pursuant to paragraph (4)(B).

''(4) EXCHANGES CONCERNING PATENTS.—

''(A) EXCHANGES WITH REFERENCE PRODUCT SPONSOR.—

''(i) Within 30 days of the date of acceptance of the application by the Secretary, the applicant shall provide the reference product sponsor with a copy of the application and information concerning the biosimilar product and its production. This information shall include a detailed description of the biosimilar product, its method of manufacture, and the materials used in the manufacture of the product.

''(ii) Within 60 days of the date of receipt of the information required to be provided under clause (i), the reference product sponsor shall provide to the applicant a list of relevant patents owned by the reference product sponsor, or in respect of which the reference product sponsor has the right to commence an action of infringement or otherwise has an interest in the patent as such patent concerns the biosimilar product.

''(iii) If the reference product sponsor is issued or acquires an interest in a relevant patent after the date on which the reference product sponsor provides the list required by clause (ii) to the applicant, the reference product sponsor shall identify that patent to the applicant within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(B) EXCHANGES WITH INTERESTED THIRD PARTIES.—

''(i) At any time after the date on which the Secretary publishes a notice for an application under paragraph (3), any interested third party may provide notice to the designated agent of the applicant that the interested third party owns or has rights under 1 or more patents that may be relevant patents. The notice shall identify at least 1 patent and shall designate an individual who has executed an agreement in accordance with paragraph (2) to receive confidential information from the applicant.

''(ii) Within 30 days of the date of receiving notice pursuant to clause (i), the applicant shall send to the individual designated by the interested third party the information specified in subparagraph (A)(i), unless the applicant and interested third party otherwise agree.

''(iii) Within 90 days of the date of receiving information pursuant to clause (ii), the interested third party shall provide to the applicant a list of relevant patents which the interested third party owns, or in respect of which the interested third party has the right to commence or participate in an action for infringement.

''(iv) If the interested third party is issued or acquires an interest in a relevant patent after the date on which the interested third party provides the list required by clause (iii), the interested third party shall identify that patent within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(C) IDENTIFICATION OF BASIS FOR INFRINGEMENT.—For any patent identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the reference product sponsor or the interested third party, as applicable—

''(i) shall explain in writing why the sponsor or the interested third party believes the relevant patent would be infringed by the making, use, sale, or offer for sale within the United States, or importation into the United States, of the biosimilar product or by a use of the biosimilar product in treatment that is indicated in the application;

''(ii) may specify whether the relevant patent is available for licensing; and

''(iii) shall specify the number and date of expiration of the relevant patent.

''(D) CERTIFICATION BY APPLICANT CONCERNING IDENTIFIED RELEVANT PATENTS.—Not later than 45 days after the date on which a patent is identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the applicant shall send a written statement regarding each identified patent to the party that identified the patent. Such statement shall either—

''(i) state that the applicant will not commence marketing of the biosimilar product and has requested the Secretary to not grant final approval of the application before the date of expiration of the noticed patent; or

''(ii) provide a detailed written explanation setting forth the reasons why the applicant believes—

''(I) the making, use, sale, or offer for sale within the United States, or the importation into the United States, of the biosimilar product, or the use of the biosimilar product in a treatment indicated in the application, would not infringe the patent; or

''(II) the patent is invalid or unenforceable.

''(5) ACTION FOR INFRINGEMENT INVOLVING REFERENCE PRODUCT SPONSOR.—If an action for infringement concerning a relevant patent identified by the reference product sponsor under clause (ii) or (iii) of paragraph (4)(A), or by an interested third party under clause (iii) or (iv) of paragraph (4)(B), is brought within 60 days of the date of receipt of a statement under paragraph (4)(D)(ii), and the court in which such action has been commenced determines the patent is infringed prior to the date applicable under subsection (k)(7)(A) or (k)(8), the Secretary shall make approval of the application effective on the day after the date of expiration of the patent that has been found to be infringed. If more than one such patent is found to be infringed by the court, the approval of the application shall be made effective on the day after the date that the last such patent expires.

''(6) NOTIFICATION OF AGREEMENTS.—

''(A) REQUIREMENTS.—

''(i) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANT AND REFERENCE PRODUCT SPONSOR.—If a biosimilar product applicant under subsection (k) and the reference product sponsor enter into an agreement described in subparagraph (B), the applicant and sponsor shall each file the agreement in accordance with subparagraph (C).

''(ii) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANTS.—If 2 or more biosimilar product applicants submit an application under subsection (k) for biosimilar products with the same reference product and enter into an agreement described in subparagraph (B), the applicants shall each file the agreement in accordance with subparagraph (C).

''(B) SUBJECT MATTER OF AGREEMENT.—An agreement described in this subparagraph—

''(i) is an agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) regarding the manufacture, marketing, or sale of—

''(I) the biosimilar product (or biosimilar products) for which an application was submitted; or

''(II) the reference product;

''(ii) includes any agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) that is contingent upon, provides a contingent condition for, or otherwise relates to an agreement described in clause (i); and

''(iii) excludes any agreement that solely concerns—

''(I) purchase orders for raw material supplies;

''(II) equipment and facility contracts;

''(III) employment or consulting contracts; or

''(IV) packaging and labeling contracts.

''(C) FILING.—

''(i) IN GENERAL.—The text of an agreement required to be filed by subparagraph (A) shall be filed with the Assistant Attorney General and the Federal Trade Commission not later than—

''(I) 10 business days after the date on which the agreement is executed; and

''(II) prior to the date of the first commercial marketing of, for agreements described in subparagraph (A)(i), the biosimilar product that is the subject of the application or, for agreements described in subparagraph (A)(ii), any biosimilar product that is the subject of an application described in such subparagraph.

''(ii) IF AGREEMENT NOT REDUCED TO TEXT.—If an agreement required to be filed by subparagraph (A) has not been reduced to text, the persons required to file the agreement shall each file written descriptions of the agreement that are sufficient to disclose all the terms and conditions of the agreement.

''(iii) CERTIFICATION.—The chief executive officer or the company official responsible for negotiating any agreement required to be filed by subparagraph (A) shall include in any filing under this paragraph a certification as follows: 'I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 351(l)(6) of the Public Health Service Act, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to such section and have not been reduced to writing.'.

''(D) DISCLOSURE EXEMPTION.—Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subparagraph prevents disclosure of information or documentary material to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.

''(E) ENFORCEMENT.—

''(i) CIVIL PENALTY.—Any person that violates a provision of this paragraph shall be liable for a civil penalty of not more than $11,000 for each day on which the violation occurs. Such penalty may be recovered in a civil action—

''(I) brought by the United States; or

''(II) brought by the Federal Trade Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act.

''(ii) COMPLIANCE AND EQUITABLE RELIEF.—If any person violates any provision of this paragraph, the United States district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Assistant Attorney General or the Federal Trade Commission.

''(F) RULEMAKING.—The Federal Trade Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, United

States Code, consistent with the purposes of this paragraph—

''(i) may define the terms used in this paragraph;

''(ii) may exempt classes of persons or agreements from the requirements of this paragraph; and

''(iii) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this paragraph.

''(G) SAVINGS CLAUSE.—Any action taken by the Assistant Attorney General or the Federal Trade Commission, or any failure of the Assistant Attorney General or the Commission to take action, under this paragraph shall not at any time bar any proceeding or any action with respect to any agreement between a biosimilar product applicant under subsection (k) and the reference product sponsor, or any agreement between biosimilar product applicants under subsection (k), under any other provision of law, nor shall any filing under this paragraph constitute or create a presumption of any violation of any competition laws.''.

(b) DEFINITIONS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking ''In this section, the term 'biological product' means'' and inserting the following: ''In this section:

''(1) The term 'biological product' means'';

(2) in paragraph (1), as so designated, by inserting ''protein (except any chemically synthesized polypeptide),'' after ''allergenic product,''; and

(3) by adding at the end the following:

''(2) The term 'biosimilar' or 'biosimilarity', in reference to a biological product that is the subject of an application under subsection (k), means—

''(A) that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components; and

''(B) there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product.

''(3) The term 'interchangeable' or 'interchangeability', in reference to a biological product that is shown to meet the standards described in subsection (k)(4), means that the biological product may be substituted for the reference product without the intervention of the health care provider who prescribed the reference product.

''(4) The term 'reference product' means the single biological product licensed under subsection (a) against which a biological product is evaluated in an application submitted under subsection (k).''.

(c) PRODUCTS PREVIOUSLY APPROVED UNDER SECTION 505.—

(1) REQUIREMENT TO FOLLOW SECTION 351.—Except as provided in paragraph (2), an application for a biological product shall be submitted under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

(2) EXCEPTION.—An application for a biological product may be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if—

(A) such biological product is in a product class for which a biological product in such product class is the subject of an application approved under such section 505 not later than the date of enactment of this Act; and

(B) such application—

(i) has been submitted to the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') before the date of enactment of this Act; or

(ii) is submitted to the Secretary not later than the date that is 10 years after the date of enactment of this Act.

(3) LIMITATION.—Notwithstanding paragraph (2), an application for a biological product may not be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if there is another biological product approved under subsection (a) of section 351 of the Public Health Service Act that could be a reference product with respect to such application (within the meaning of such section 351) if such application were submitted under subsection (k) of such section 351.

(4) DEEMED APPROVED UNDER SECTION 351.—An approved application for a biological product under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) shall be deemed to be a license for the biological product under such section 351 on the date that is 10 years after the date of enactment of this Act.

(5) DEFINITIONS.—For purposes of this subsection, the term ''biological product'' has the meaning given such term under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

SEC. 2576. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subparagraph (B) of section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended by inserting '', including licensure of a biological product under section 351(k) of such Act'' before the period at the end.

SEC. 2577. AMENDMENTS TO CERTAIN PATENT PROVISIONS.

(a) Section 271(e)(2) of title 35, United States Code is amended—

(1) in subparagraph (A), by striking ''or'' after ''patent,'';

(2) in subparagraph (B), by adding ''or'' after the comma at the end;

(3) by inserting the following after subparagraph (B):

''(C) a statement under section 351(l)(4)(D)(ii) of the Public Health Service Act,''; and

(4) in the matter following subparagraph (C) (as added by paragraph (3)), by inserting before the period the following: '', or if the statement described in subparagraph (C) is provided in connection with an application to obtain a license to engage in the commercial manufacture, use, or sale of a biological product claimed in a patent or the use of which is claimed in a patent before the expiration of such patent''.

(b) Section 271(e)(4) of title 35, United States Code, is amended by striking ''in paragraph (2)'' in both places it appears and inserting ''in paragraph (2)(A) or (2)(B)''.

Subtitle D—Community Living Assistance Services and Supports

SEC. 2581. ESTABLISHMENT OF NATIONAL VOLUNTARY INSURANCE PROGRAM FOR PURCHASING COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORT (CLASS PROGRAM).

(a) ESTABLISHMENT OF CLASS PROGRAM.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 2301, is amended by adding at the end the following:

''TITLE XXXII—COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS

''SEC. 3201. PURPOSE.

''The purpose of this title is to establish a national voluntary insurance program for purchasing community living assistance services and supports in order to—

''(1) provide individuals with functional limitations with tools that will allow them to maintain their personal and financial independence and live in the community through a new financing strategy for community living assistance services and supports;

''(2) establish an infrastructure that will help address the Nation's community living assistance services and supports needs;

''(3) alleviate burdens on family caregivers; and

''(4) address institutional bias by providing a financing mechanism that supports personal choice and independence to live in the community.

''SEC. 3202. DEFINITIONS.

''In this title:

''(1) ACTIVE ENROLLEE.—The term 'active enrollee' means an individual who is enrolled in the CLASS program in accordance with section 3204 and who has paid any premiums due to maintain such enrollment.

''(2) ACTIVELY EMPLOYED.—The term 'actively employed' means an individual who—

''(A) is reporting for work at the individual's usual place of employment or at another location to which the individual is required to travel because of the individual's employment (or in the case of an individual who is a member of the uniformed services, is on active duty and is physically able to perform the duties of the individual's position); and

''(B) is able to perform all the usual and customary duties of the individual's employment on the individual's regular work schedule.

''(3) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' has the meaning given the term in section 7702B(c)(2)(B) of the Internal Revenue Code of 1986.

''(4) CLASS PROGRAM.—The term 'CLASS program' means the program established under this title.

''(5) ELIGIBILITY ASSESSMENT SYSTEM.—The term 'Eligibility Assessment System' means the entity designated by the Secretary under section 3205(a)(2)(A)(i).

''(6) ELIGIBLE BENEFICIARY.—

''(A) IN GENERAL.—The term 'eligible beneficiary' means any individual who is an active enrollee in the CLASS program and, as of the date described in subparagraph (B)—

''(i) has paid premiums for enrollment in such program for at least 60 months;

''(ii) has earned, for each calendar year that occurs during the first 60 months for which the individual has paid premiums for enrollment in the program, at least an amount equal to the amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage under section 213(d) of the Social Security Act for that year; and

''(iii) has paid premiums for enrollment in such program for at least 24 consecutive months, if a lapse in premium payments of more than 3 months has occurred during the period that begins on the date of the individual's enrollment and ends on the date of such determination.

''(B) DATE DESCRIBED.—For purposes of subparagraph (A), the date described in this subparagraph is the date on which the individual is determined to have a functional limitation described in section 3203(a)(1)(C) that is expected to last for a continuous period of more than 90 days.

''(C) REGULATIONS.—The Secretary shall promulgate regulations specifying exceptions to the minimum earnings requirements under subparagraph (A)(ii) for purposes of being considered an eligible beneficiary for certain populations.

''(7) HOSPITAL; NURSING FACILITY; INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED; INSTITUTION FOR MENTAL DISEASES.—The terms 'hospital', 'nursing facility', 'intermediate care facility for the mentally retarded', and 'institution for mental diseases' have the meanings given such terms for purposes of Medicaid.

''(8) CLASS INDEPENDENCE ADVISORY COUNCIL.—The term 'CLASS Independence Advisory Council' or 'Council' means the Advisory Council established under section 3207 to advise the Secretary.

''(9) CLASS INDEPENDENCE BENEFIT PLAN.—The term 'CLASS Independence Benefit

Plan' means the benefit plan developed and designated by the Secretary in accordance with section 3203.

''(10) CLASS INDEPENDENCE FUND.—The term 'CLASS Independence Fund' or 'Fund' means the fund established under section 3206.

''(11) MEDICAID.—The term 'Medicaid' means the program established under title XIX of the Social Security Act.

''(12) PROTECTION AND ADVOCACY SYSTEM.—The term 'Protection and Advocacy System' means the system for each State established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

"SEC. 3203. CLASS INDEPENDENCE BENEFIT PLAN.

''(a) PROCESS FOR DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with appropriate actuaries and other experts, shall develop at least 3 actuarially sound benefit plans as alternatives for consideration for designation by the Secretary as the CLASS Independence Benefit Plan under which eligible beneficiaries shall receive benefits under this title. Each of the plan alternatives developed shall be designed to provide eligible beneficiaries with the benefits described in section 3205 consistent with the following requirements:

''(A) PREMIUMS.—Beginning with the first year of the CLASS program, and for each year thereafter, the Secretary shall establish all premiums to be paid by enrollees for the year based on an actuarial analysis of the 75-year costs of the program that ensures solvency throughout such 75-year period.

''(B) VESTING PERIOD.—A 5-year vesting period for eligibility for benefits.

''(C) BENEFIT TRIGGERS.—A benefit trigger for provision of benefits that requires a determination that an individual has a functional limitation, as certified by a licensed health care practitioner, described in any of the following clauses that is expected to last for a continuous period of more than 90 days:

''(i) The individual is determined to be unable to perform at least the minimum number (which may be 2 or 3) of activities of daily living as are required under the plan for the provision of benefits without substantial assistance (as defined by the Secretary) from another individual.

''(ii) The individual requires substantial supervision to protect the individual from threats to health and safety due to substantial cognitive impairment.

''(iii) The individual has a level of functional limitation similar (as determined under regulations prescribed by the Secretary) to the level of functional limitation described in clause (i) or (ii).

''(D) CASH BENEFIT.—Payment of a cash benefit that satisfies the following requirements:

''(i) MINIMUM REQUIRED AMOUNT.—The benefit amount provides an eligible beneficiary with not less than an average of $50 per day (as determined based on the reasonably expected distribution of beneficiaries receiving benefits at various benefit levels).

''(ii) AMOUNT SCALED TO FUNCTIONAL ABILITY.—The benefit amount is varied based on a scale of functional ability, with not less than 2, and not more than 6, benefit level amounts.

''(iii) DAILY OR WEEKLY.—The benefit is paid on a daily or weekly basis.

''(iv) NO LIFETIME OR AGGREGATE LIMIT.—The benefit is not subject to any lifetime or aggregate limit.

''(2) REVIEW AND RECOMMENDATION BY THE CLASS INDEPENDENCE ADVISORY COUNCIL.—The CLASS Independence Advisory Council shall—

''(A) evaluate the alternative benefit plans developed under paragraph (1); and

''(B) recommend for designation as the CLASS Independence Benefit Plan for offering to the public the plan that the Council determines best balances price and benefits to meet enrollees' needs in an actuarially sound manner, while optimizing the probability of the long-term sustainability of the CLASS program.

''(3) DESIGNATION BY THE SECRETARY.—Not later than October 1, 2012, the Secretary, taking into consideration the recommendation of the CLASS Independence Advisory Council under paragraph (2)(B), shall designate a benefit plan as the CLASS Independence Benefit Plan. The Secretary shall publish such designation, along with details of the plan and the reasons for the selection by the Secretary, in a final rule that allows for a period of public comment.

''(b) ADDITIONAL PREMIUM REQUIREMENTS.—

''(1) ADJUSTMENT OF PREMIUMS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), (D), and (E), the amount of the monthly premium determined for an individual upon such individual's enrollment in the CLASS program shall remain the same for as long as the individual is an active enrollee in the program.

''(B) RECALCULATED PREMIUM IF REQUIRED FOR PROGRAM SOLVENCY.—

''(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines, based on the most recent report of the Board of Trustees of the CLASS Independence Fund, the advice of the CLASS Independence Advisory Council, and the annual report of the Inspector General of the Department of Health and Human Services, and waste, fraud, and abuse, or such other information as the Secretary determines appropriate, that the monthly premiums and income to the CLASS Independence Fund for a year are projected to be insufficient with respect to the 20-year period that begins with that year, the Secretary shall adjust the monthly premiums for individuals enrolled in the CLASS program as necessary.

''(ii) EXEMPTION FROM INCREASE.—Any increase in a monthly premium imposed as result of a determination described in clause (i) shall not apply with respect to the monthly premium of any active enrollee who—

''(I) has attained age 65;

''(II) has paid premiums for enrollment in the program for at least 20 years; and

''(III) is not actively employed.

''(C) RECALCULATED PREMIUM IF REENROLLMENT AFTER MORE THAN A 3-MONTH LAPSE.—

''(i) IN GENERAL.—The reenrollment of an individual after a 90-day period during which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the CLASS program shall be treated as an initial enrollment for purposes of age-adjusting the premium for enrollment in the program.

''(ii) CREDIT FOR PRIOR MONTHS IF REENROLLED WITHIN 5 YEARS.—An individual who reenrolls in the CLASS program after such a 90-day period and before the end of the 5-year period that begins with the first month for which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the program shall be—

''(I) credited with any months of paid premiums that accrued prior to the individual's lapse in enrollment; and

''(II) notwithstanding the total amount of any such credited months, required to satisfy section 3202(6)(A)(ii) before being eligible to receive benefits.

''(D) PENALTY FOR REENROLLMENT AFTER 5-YEAR LAPSE.—In the case of an individual who reenrolls in the CLASS program after the end of the 5-year period described in subparagraph (C)(ii), the monthly premium required for the individual shall be the age-adjusted premium that would be applicable to an initially enrolling individual who is the same age as the reenrolling individual, increased by the greater of—

''(i) an amount that the Secretary determines is actuarially sound for each month that occurs during the period that begins with the first month for which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the CLASS program and ends with the month preceding the month in which the reenrollment is effective; or

''(ii) 1 percent of the applicable age-adjusted premium for each such month occurring in such period.

''(2) ADMINISTRATIVE EXPENSES.—In determining the monthly premiums for the CLASS program, the Secretary may factor in costs for administering the program, not to exceed—

''(A) in the case of the first 5 years in which the program is in effect under this title, an amount equal to 3 percent of all premiums paid during each such year; and

''(B) in the case of subsequent years, an amount equal to 5 percent of the total amount of all expenditures (including benefits paid) under this title with respect to that year.

''(3) NO UNDERWRITING REQUIREMENTS.—No underwriting (other than on the basis of age in accordance with paragraph (2)) shall be used to—

''(A) determine the monthly premium for enrollment in the CLASS program; or

''(B) prevent an individual from enrolling in the program.

"SEC. 3204. ENROLLMENT AND DISENROLLMENT REQUIREMENTS.

''(a) AUTOMATIC ENROLLMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall establish procedures under which each individual described in subsection (c) shall be automatically enrolled in the CLASS program by an employer of such individual under rules similar to the rules of sections 401(k)(13) and 414(w) of the Internal Revenue Code of 1986.

''(2) ALTERNATIVE ENROLLMENT PROCEDURES.—The procedures established under paragraph (1) shall provide for an alternative enrollment process for an individual described in subsection (c) in the case of such an individual—

''(A) who is self-employed;

''(B) who has more than 1 employer;

''(C) whose employer does not elect to participate in the automatic enrollment process established by the Secretary; or

''(D) who is a spouse described in subsection (c)(2) of who is not subject to automatic enrollment.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary shall, by regulation, establish procedures to—

''(i) ensure that an individual is not automatically enrolled in the CLASS program by more than 1 employer; and

''(ii) allow for an individual's employer to deduct a premium for a spouse described in subsection (c)(1)(B) who is not subject to automatic enrollment.

''(B) FORM.—Enrollment in the CLASS program shall be made in such manner as the Secretary may prescribe in order to ensure ease of administration.

''(b) ELECTION TO OPT-OUT.—An individual described in subsection (c) may elect to waive enrollment in the CLASS program at any time in such form and manner as the Secretary shall prescribe.

''(c) INDIVIDUAL DESCRIBED.—For purposes of enrolling in the CLASS program, an individual described in this paragraph is—

''(1) an individual—

''(A) who has attained age 18;

''(B) who receives wages on which there is imposed a tax under section 3101(a) or 3201(a) of the Internal Revenue Code of 1986;

''(C) who is actively employed; and

''(D) who is not—

''(i) a patient in a hospital or nursing facility, an intermediate care facility for the mentally retarded, or an institution for mental diseases and receiving medical assistance under Medicaid; or

''(ii) confined in a jail, prison, other penal institution or correctional facility, or by court order pursuant to conviction of a criminal offense or in connection with a verdict or finding described in section 202(x)(1)(A)(ii) of the Social Security Act; or

''(2) the spouse of an individual described in paragraph (1) and who would be an individual so described but for subparagraph (B) or (C) of that paragraph.

''(d) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as requiring an active enrollee to continue to satisfy subparagraph (B) or (C) of subsection (c)(1) in order to maintain enrollment in the CLASS program.

''(e) PAYMENT.—

''(1) PAYROLL DEDUCTION.—An amount equal to the monthly premium for the enrollment in the CLASS program of an individual shall be deducted from the wages of such individual in accordance with such procedures as the Secretary shall establish for employers who elect to deduct and withhold such premiums on behalf of enrolled employees.

''(2) ALTERNATIVE PAYMENT MECHANISM.—The Secretary shall establish alternative procedures for the payment of monthly premiums by an individual enrolled in the CLASS program who does not have an employer who elects to deduct and withhold premiums in accordance with subparagraph (A).

''(f) TRANSFER OF PREMIUMS COLLECTED.—

''(1) IN GENERAL.—During each calendar year the Secretary of the Treasury shall deposit into the CLASS Independence Fund a total amount equal, in the aggregate, to 100 percent of the premiums collected during that year.

''(2) TRANSFERS BASED ON ESTIMATES.—The amount deposited pursuant to paragraph (1) shall be transferred in at least monthly payments to the CLASS Independence Fund on the basis of estimates by the Secretary and certified to the Secretary of the Treasury of the amounts collected in accordance with this section. Proper adjustments shall be made in amounts subsequently transferred to the Fund to the extent prior estimates were in excess of, or were less than, actual amounts collected.

''(g) OTHER ENROLLMENT AND DISENROLLMENT OPPORTUNITIES.—The Secretary shall establish procedures under which—

''(1) an individual who, in the year of the individual's initial eligibility to enroll in the CLASS program, has elected to waive enrollment in the program, is eligible to elect to enroll in the program, in such form and manner as the Secretary shall establish, only during an open enrollment period established by the Secretary that is specific to the individual and that may not occur more frequently than biennially after the date on which the individual first elected to waive enrollment in the program; and

''(2) an individual shall only be permitted to disenroll from the program during an annual disenrollment period established by the Secretary and in such form and manner as the Secretary shall establish.

"SEC. 3205. BENEFITS.

''(a) DETERMINATION OF ELIGIBILITY.—

''(1) APPLICATION FOR RECEIPT OF BENEFITS.—The Secretary shall establish procedures under which an active enrollee shall apply for receipt of benefits under the CLASS Independence Benefit Plan.

''(2) ELIGIBILITY ASSESSMENTS.—

''(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall—

''(i) designate an entity (other than a service with which the Commissioner of Social Security has entered into an agreement, with respect to any State, to make disability determinations for purposes of title II or XVI of the Social Security Act) to serve as an Eligibility Assessment System by providing for eligibility assessments of active enrollees who apply for receipt of benefits;

''(ii) enter into an agreement with the Protection and Advocacy System for each State to provide advocacy services in accordance with subsection (d); and

''(iii) enter into an agreement with public and private entities to provide advice and assistance counseling in accordance with subsection (e).

''(B) REGULATIONS.—The Secretary shall promulgate regulations to develop an expedited nationally equitable eligibility determination process, as certified by a licensed health care practitioner, an appeals process, and a redetermination process, as certified by a licensed health care practitioner, including whether an applicant is eligible for a cash benefit under the program and if so, the amount of the cash benefit (in accordance the sliding scale established under the plan).

''(C) PRESUMPTIVE ELIGIBILITY FOR CERTAIN INSTITUTIONALIZED ENROLLEES PLANNING TO DISCHARGE.—An active enrollee shall be deemed presumptively eligible if the enrollee—

''(i) has applied for, and attests is eligible for, the maximum cash benefit available under the sliding scale established under the CLASS Independence Benefit Plan;

''(ii) is a patient in a hospital (but only if the hospitalization is for long-term care), nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases; and

''(iii) is in the process of, or about to being the process of, planning to discharge from the hospital, facility, or institution, or within 60 days from the date of discharge from the hospital, facility, or institution.

''(D) APPEALS.—The Secretary shall establish procedures under which an applicant for benefits under the CLASS Independence Benefit Plan shall be guaranteed the right to appeal an adverse determination.

''(b) BENEFITS.—An eligible beneficiary shall receive the following benefits under the CLASS Independence Benefit Plan:

''(1) CASH BENEFIT.—A cash benefit established by the Secretary in accordance with the requirements of section 3203(a)(1)(D) that—

''(A) the first year in which beneficiaries receive the benefits under the plan, is not less than the average dollar amount specified in clause (i) of such section; and

''(B) for any subsequent year, is not less than the average per day dollar limit applicable under this subparagraph for the preceding year, increased by the percentage increase in the consumer price index for all urban consumers (U.S. city average) over the previous year.

''(2) ADVOCACY SERVICES.—Advocacy services in accordance with subsection (d).

''(3) ADVICE AND ASSISTANCE COUNSELING.—Advice and assistance counseling in accordance with subsection (e).

''(4) ADMINISTRATIVE EXPENSES.—Advocacy services and advise and assistance counseling services under paragraphs (2) and (3) of this subsection shall be included as administrative expenses under section 3203(b)(2).

''(c) PAYMENT OF BENEFITS.—

''(1) LIFE INDEPENDENCE ACCOUNT.—

''(A) IN GENERAL.—The Secretary shall establish procedures for administering the provision of benefits to eligible beneficiaries under the CLASS Independence Benefit Plan, including the payment of the cash benefit for the beneficiary into a Life Independence Account established by the Secretary on behalf of each eligible beneficiary.

''(B) USE OF CASH BENEFITS.—Cash benefits paid into a Life Independence Account of an eligible beneficiary shall be used to purchase nonmedical services and supports that the beneficiary needs to maintain his or her independence at home or in another residential setting of their choice in the community, including (but not limited to) home modifications, assistive technology, accessible transportation, homemaker services, respite care, personal assistance services, home care aides, and nursing support. Nothing in the preceding sentence shall prevent an eligible beneficiary from using cash benefits paid into a Life Independence Account for obtaining assistance with decision-making concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives or other written instructions recognized under State law, such as a living will or durable power of attorney for health care, in the case that an injury or illness causes the individual to be unable to make health care decisions.

''(C) ELECTRONIC MANAGEMENT OF FUNDS.—The Secretary shall establish procedures for—

''(i) crediting an account established on behalf of a beneficiary with the beneficiary's cash daily benefit;

''(ii) allowing the beneficiary to access such account through debit cards; and

''(iii) accounting for withdrawals by the beneficiary from such account.

''(D) PRIMARY PAYOR RULES FOR BENEFICIARIES WHO ARE ENROLLED IN MEDICAID.—In the case of an eligible beneficiary who is enrolled in Medicaid, the following payment rules shall apply:

''(i) INSTITUTIONALIZED BENEFICIARY.—If the beneficiary is a patient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases, the beneficiary shall retain an amount equal to 5 percent of the beneficiary's daily or weekly cash benefit (as applicable) (which shall be in addition to the amount of the beneficiary's personal needs allowance provided under Medicaid), and the remainder of such benefit shall be applied toward the facility's cost of providing the beneficiary's care, and Medicaid shall provide secondary coverage for such care.

''(ii) BENEFICIARIES RECEIVING HOME AND COMMUNITY-BASED SERVICES.—

''(I) 50 PERCENT OF BENEFIT RETAINED BY BENEFICIARY.—Subject to subclause (II), if a beneficiary is receiving medical assistance under Medicaid for home and community-based services, the beneficiary shall retain an amount equal to 50 percent of the beneficiary's daily or weekly cash benefit (as applicable), and the remainder of the daily or weekly cash benefit shall be applied toward the cost to the State of providing such assistance (and shall not be used to claim Federal matching funds under Medicaid), and Medicaid shall provide secondary coverage for the remainder of any costs incurred in providing such assistance.

''(II) REQUIREMENT FOR STATE OFFSET.—A State shall be paid the remainder of a beneficiary's daily or weekly cash benefit under subclause (I) only if the State home and community-based waiver under section 1115 of the Social Security Act or subsection (c) or (d) of section 1915 of such Act, or the State plan amendment under subsection (i) of such section does not include a waiver of the requirements of section 1902(a)(1) of the Social Security Act (relating to statewideness) or of section 1902(a)(10)(B) of such Act (relating to comparability) and the State offers at a

minimum case management services, personal care services, habilitation services, and respite care under such a waiver or State plan amendment.

''(III) DEFINITION OF HOME AND COMMUNITY-BASED SERVICES.—In this clause, the term 'home and community-based services' means any services which may be offered under a home and community-based waiver authorized for a State under section 1115 of the Social Security Act or subsection (c) or (d) of section 1915 of such Act or under a State plan amendment under subsection (i) of such section.

''(iii) BENEFICIARIES ENROLLED IN PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE).—

''(I) IN GENERAL.—Subject to subclause (II), if a beneficiary is receiving medical assistance under Medicaid for PACE program services under section 1934 of the Social Security Act, the beneficiary shall retain an amount equal to 50 percent of the beneficiary's daily or weekly cash benefit (as applicable), and the remainder of the daily or weekly cash benefit shall be applied toward the cost to the State of providing such assistance (and shall not be used to claim Federal matching funds under Medicaid), and Medicaid shall provide secondary coverage for the remainder of any costs incurred in providing such assistance.

''(II) INSTITUTIONALIZED RECIPIENTS OF PACE PROGRAM SERVICES.—If a beneficiary receiving assistance under Medicaid for PACE program services is a patient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases, the beneficiary shall be treated as in institutionalized beneficiary under clause (i).

''(2) AUTHORIZED REPRESENTATIVES.—

''(A) IN GENERAL.—The Secretary shall establish procedures to allow access to a beneficiary's cash benefits by an authorized representative of the eligible beneficiary on whose behalf such benefits are paid.

''(B) QUALITY ASSURANCE AND PROTECTION AGAINST FRAUD AND ABUSE.—The procedures established under subparagraph (A) shall ensure that authorized representatives of eligible beneficiaries comply with standards of conduct established by the Secretary, including standards requiring that such representatives provide quality services on behalf of such beneficiaries, do not have conflicts of interest, and do not misuse benefits paid on behalf of such beneficiaries or otherwise engage in fraud or abuse.

''(3) COMMENCEMENT OF BENEFITS.—Benefits shall be paid to, or on behalf of, an eligible beneficiary beginning with the first month in which an application for such benefits is approved.

''(4) ROLLOVER OPTION FOR LUMP-SUM PAYMENT.—An eligible beneficiary may elect to—

''(A) defer payment of their daily or weekly benefit and to rollover any such deferred benefits from month-to-month, but not from year-to-year; and

''(B) receive a lump-sum payment of such deferred benefits in an amount that may not exceed the lesser of—

''(i) the total amount of the accrued deferred benefits; or

''(ii) the applicable annual benefit.

''(5) PERIOD FOR DETERMINATION OF ANNUAL BENEFITS.—

''(A) IN GENERAL.—The applicable period for determining with respect to an eligible beneficiary the applicable annual benefit and the amount of any accrued deferred benefits is the 12-month period that commences with the first month in which the beneficiary began to receive such benefits, and each 12-month period thereafter.

''(B) INCLUSION OF INCREASED BENEFITS.—The Secretary shall establish procedures under which cash benefits paid to an eligible beneficiary that increase or decrease as a result of a change in the functional status of the beneficiary before the end of a 12-month benefit period shall be included in the determination of the applicable annual benefit paid to the eligible beneficiary.

''(C) RECOUPMENT OF UNPAID, ACCRUED BENEFITS.—

''(i) IN GENERAL.—The Secretary, in coordination with the Secretary of the Treasury, shall recoup any accrued benefits in the event of—

''(I) the death of a beneficiary; or

''(II) the failure of a beneficiary to elect under paragraph (4)(B) to receive such benefits as a lump-sum payment before the end of the 12-month period in which such benefits accrued.

''(ii) PAYMENT INTO CLASS INDEPENDENCE FUND.—Any benefits recouped in accordance with clause (i) shall be paid into the CLASS Independence Fund and used in accordance with section 3206.

''(6) REQUIREMENT TO RECERTIFY ELIGIBILITY FOR RECEIPT OF BENEFITS.—An eligible beneficiary shall periodically, as determined by the Secretary—

''(A) recertify by submission of medical evidence the beneficiary's continued eligibility for receipt of benefits; and

''(B) submit records of expenditures attributable to the aggregate cash benefit received by the beneficiary during the preceding year.

''(7) SUPPLEMENT, NOT SUPPLANT OTHER HEALTH CARE BENEFITS.—Subject to the Medicaid payment rules under paragraph (1)(D), benefits received by an eligible beneficiary shall supplement, but not supplant, other health care benefits for which the beneficiary is eligible under Medicaid or any other Federally funded program that provides health care benefits or assistance.

''(d) ADVOCACY SERVICES.—An agreement entered into under subsection (a)(2)(A)(ii) shall require the Protection and Advocacy System for the State to—

''(1) assign, as needed, an advocacy counselor to each eligible beneficiary that is covered by such agreement and who shall provide an eligible beneficiary with—

''(A) information regarding how to access the appeals process established for the program;

''(B) assistance with respect to the annual recertification and notification required under subsection (c)(6); and

''(C) such other assistance with obtaining services as the Secretary, by regulation, shall require; and

''(2) ensure that the System and such counselors comply with the requirements of subsection (h).

''(e) ADVICE AND ASSISTANCE COUNSELING.—An agreement entered into under subsection (a)(2)(A)(iii) shall require the entity to assign, as requested by an eligible beneficiary that is covered by such agreement, an advice and assistance counselor who shall provide an eligible beneficiary with information regarding—

''(1) accessing and coordinating long-term services and supports in the most integrated setting;

''(2) possible eligibility for other benefits and services;

''(3) development of a service and support plan;

''(4) information about programs established under the Assistive Technology Act of 1998 and the services offered under such programs;

''(5) available assistance with decision-making concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives or other written instructions recognized under State law, such as a living will or durable power of attorney for health care, in the case that an injury or illness causes the individual to be unable to make health care decisions; and

''(6) such other services as the Secretary, by regulation, may require.

''(f) NO EFFECT ON ELIGIBILITY FOR OTHER BENEFITS.—Benefits paid to an eligible beneficiary under the CLASS program shall be disregarded for purposes of determining or continuing the beneficiary's eligibility for receipt of benefits under any other Federal, State, or locally funded assistance program, including benefits paid under titles II, XVI, XVIII, XIX, or XXI of the Social Security Act, under the laws administered by the Secretary of Veterans Affairs, under low-income housing assistance programs, or under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008.

''(g) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as prohibiting benefits paid under the CLASS Independence Benefit Plan from being used to compensate a family caregiver for providing community living assistance services and supports to an eligible beneficiary.

''(h) PROTECTION AGAINST CONFLICTS OF INTEREST.—The Secretary shall establish procedures to ensure that the Eligibility Assessment System, the Protection and Advocacy System for a State, advocacy counselors for eligible beneficiaries, and any other entities that provide services to active enrollees and eligible beneficiaries under the CLASS program comply with the following:

''(1) If the entity provides counseling or planning services, such services are provided in a manner that fosters the best interests of the active enrollee or beneficiary.

''(2) The entity has established operating procedures that are designed to avoid or minimize conflicts of interest between the entity and an active enrollee or beneficiary.

''(3) The entity provides information about all services and options available to the active enrollee or beneficiary, to the best of its knowledge, including services available through other entities or providers.

''(4) The entity assists the active enrollee or beneficiary to access desired services, regardless of the provider.

''(5) The entity reports the number of active enrollees and beneficiaries provided with assistance by age, disability, and whether such enrollees and beneficiaries received services from the entity or another entity.

''(6) If the entity provides counseling or planning services, the entity ensures that an active enrollee or beneficiary is informed of any financial interest that the entity has in a service provider.

''(7) The entity provides an active enrollee or beneficiary with a list of available service providers that can meet the needs of the active enrollee or beneficiary.

"SEC. 3206. CLASS INDEPENDENCE FUND.

''(a) ESTABLISHMENT OF CLASS INDEPENDENCE FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'CLASS Independence Fund'. The Secretary of the Treasury shall serve as Managing Trustee of such Fund. The Fund shall consist of all amounts derived from payments into the Fund under sections 3204(f) and 3205(c)(5)(C)(ii), and remaining after investment of such amounts under subsection (b), including additional amounts derived as income from such investments. The amounts held in the Fund are appropriated and shall remain available without fiscal year limitation—

''(1) to be held for investment on behalf of individuals enrolled in the CLASS program;

''(2) to pay the administrative expenses related to the Fund and to investment under subsection (b); and

''(3) to pay cash benefits to eligible beneficiaries under the CLASS Independence Benefit Plan.

''(b) INVESTMENT OF FUND BALANCE.—The Secretary of the Treasury shall invest and manage the CLASS Independence Fund in the same manner, and to the same extent, as the Federal Supplementary Medical Insurance Trust Fund may be invested and managed under subsections (c), (d), and (e) of section 1841(d) of the Social Security Act.

''(c) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—With respect to the CLASS Independence Fund, there is hereby created a body to be known as the Board of Trustees of the CLASS Independence Fund (hereinafter in this section referred to as the 'Board of Trustees') composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of 4 years and subject to confirmation by the Senate. A member of the Board of Trustees serving as a member of the public and nominated and confirmed to fill a vacancy occurring during a term shall be nominated and confirmed only for the remainder of such term. An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member's term until the earlier of the time at which the member's successor takes office or the time at which a report of the Board is first issued under paragraph (2) after the expiration of the member's term. The Secretary of the Treasury shall be the Managing Trustee of the Board of Trustees. The Board of Trustees shall meet not less frequently than once each calendar year. A person serving on the Board of Trustees shall not be considered to be a fiduciary and shall not be personally liable for actions taken in such capacity with respect to the Trust Fund.

''(2) DUTIES.—

''(A) IN GENERAL.—It shall be the duty of the Board of Trustees to do the following:

''(i) Hold the CLASS Independence Fund.

''(ii) Report to the Congress not later than the first day of April of each year on the operation and status of the CLASS Independence Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years.

''(iii) Report immediately to the Congress whenever the Board is of the opinion that the amount of the CLASS Independence Fund is not actuarially sound in regards to the projections under section 3203(b)(1)(B)(i).

''(iv) Review the general policies followed in managing the CLASS Independence Fund, and recommend changes in such policies, including necessary changes in the provisions of law which govern the way in which the CLASS Independence Fund is to be managed.

''(B) REPORT.—The report provided for in subparagraph (A)(ii) shall—

''(i) include—

''(I) a statement of the assets of, and the disbursements made from, the CLASS Independence Fund during the preceding fiscal year;

''(II) an estimate of the expected income to, and disbursements to be made from, the CLASS Independence Fund during the current fiscal year and each of the next 2 fiscal years;

''(III) a statement of the actuarial status of the CLASS Independence Fund for the current fiscal year, each of the next 2 fiscal years, and as projected over the 75-year period beginning with the current fiscal year; and

''(IV) an actuarial opinion certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable; and

''(ii) be printed as a House document of the session of the Congress to which the report is made.

''(C) RECOMMENDATIONS.—If the Board of Trustees determines that enrollment trends and expected future benefit claims on the CLASS Independence Fund are not actuarially sound in regards to the projections under section 3203(b)(1)(B)(i) and are unlikely to be resolved with reasonable premium increases or through other means, the Board of Trustees shall include in the report provided for in subparagraph (A)(ii) recommendations for such legislative action as the Board of Trustees determine to be appropriate, including whether to adjust monthly premiums or impose a temporary moratorium on new enrollments.

''SEC. 3207. CLASS INDEPENDENCE ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—There is hereby created an Advisory Committee to be known as the 'CLASS Independence Advisory Council'.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The CLASS Independence Advisory Council shall be composed of not more than 15 individuals, not otherwise in the employ of the United States—

''(A) who shall be appointed by the President without regard to the civil service laws and regulations; and

''(B) a majority of whom shall be representatives of individuals who participate or are likely to participate in the CLASS program, and shall include representatives of older and younger workers, individuals with disabilities, family caregivers of individuals who require services and supports to maintain their independence at home or in another residential setting of their choice in the community, individuals with expertise in long-term care or disability insurance, actuarial science, economics, and other relevant disciplines, as determined by the Secretary.

''(2) TERMS.—

''(A) IN GENERAL.—The members of the CLASS Independence Advisory Council shall serve overlapping terms of 3 years (unless appointed to fill a vacancy occurring prior to the expiration of a term, in which case the individual shall serve for the remainder of the term).

''(B) LIMITATION.—A member shall not be eligible to serve for more than 2 consecutive terms.

''(3) CHAIR.—The President shall, from time to time, appoint one of the members of the CLASS Independence Advisory Council to serve as the Chair.

''(c) DUTIES.—The CLASS Independence Advisory Council shall advise the Secretary on matters of general policy in the administration of the CLASS program established under this title and in the formulation of regulations under this title including with respect to—

''(1) the development of the CLASS Independence Benefit Plan under section 3203; and

''(2) the determination of monthly premiums under such plan.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act, other than section 14 of that Act, shall apply to the CLASS Independence Advisory Council.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the CLASS Independence Advisory Council to carry out its duties under this section, such sums as may be necessary for fiscal year 2011 and for each fiscal year thereafter.

''(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

''SEC. 3208. REGULATIONS; ANNUAL REPORT.

''(a) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the CLASS program in accordance with this title. Such regulations shall include provisions to prevent fraud and abuse under the program.

''(b) ANNUAL REPORT.—Beginning January 1, 2014, the Secretary shall submit an annual report to Congress on the CLASS program. Each report shall include the following:

''(1) The total number of enrollees in the program.

''(2) The total number of eligible beneficiaries during the fiscal year.

''(3) The total amount of cash benefits provided during the fiscal year.

''(4) A description of instances of fraud or abuse identified during the fiscal year.

''(5) Recommendations for such administrative or legislative action as the Secretary determines is necessary to improve the program or to prevent the occurrence of fraud or abuse.

''SEC. 3209. INSPECTOR GENERAL'S REPORT.

''The Inspector General of the Department of Health and Human Services shall submit an annual report to the Secretary and Congress relating to the overall progress of the CLASS program and of the existence of waste, fraud, and abuse in the CLASS program. Each such report shall include findings in the following areas:

''(1) The eligibility determination process.

''(2) The provision of cash benefits.

''(3) Quality assurance and protection against waste, fraud, and abuse.

''(4) Recouping of unpaid and accrued benefits.''.

(b) CONFORMING AMENDMENTS TO MEDICAID.—For conforming provisions amending the Medicaid program, see section 1739.

Subtitle E—Miscellaneous

SEC. 2585. STATES FAILING TO ADHERE TO CERTAIN EMPLOYMENT OBLIGATIONS.

A State is eligible for Federal funds under the provisions of the Public Health Service Act (42 U.S.C. 201 et seq.) only if the State—

(1) agrees to be subject in its capacity as an employer to each obligation under division A of this Act and the amendments made by such division applicable to persons in their capacity as an employer; and

(2) assures that all political subdivisions in the State will do the same.

SEC. 2586. HEALTH CENTERS UNDER PUBLIC HEALTH SERVICE ACT; LIABILITY PROTECTIONS FOR VOLUNTEER PRACTITIONERS.

(a) IN GENERAL.—Section 224 (42 U.S.C. 233) is amended—

(1) in subsection (g)(1)(A)—

(A) in the first sentence, by striking ''or employee'' and inserting ''employee, or (subject to subsection (k)(4)) volunteer practitioner''; and

(B) in the second sentence, by inserting ''and subsection (k)(4)'' after ''subject to paragraph (5)''; and

(2) in each of subsections (g), (i), (j), (l), and (m), by striking the term ''employee, or contractor'' each place such term appears and inserting ''employee, volunteer practitioner, or contractor'';

(3) in subsection (g)(1)(H), by striking the term ''employee, and contractor'' each place such term appears and inserting ''employee, volunteer practitioner, and contractor'';

(4) in subsection (l), by striking the term ''employee, or any contractor'' and inserting ''employee, volunteer practitioner, or contractor''; and

(5) in subsections (h)(3) and (k), by striking the term ''employees, or contractors'' each place such term appears and inserting ''employees, volunteer practitioners, or contractors''.

(b) APPLICABILITY; DEFINITION.—Section 224(k) (42 U.S.C. 233(k)) is amended by adding at the end the following paragraph:

''(4)(A) Subsections (g) through (m) apply with respect to volunteer practitioners beginning with the first fiscal year for which an appropriations Act provides that amounts in the fund under paragraph (2) are available with respect to such practitioners.

''(B) For purposes of subsections (g) through (m), the term 'volunteer practitioner' means a practitioner who, with respect to an entity described in subsection (g)(4), meets the following conditions:

''(i) The practitioner is a licensed physician, a licensed clinical psychologist, or other licensed or certified health care practitioner.

''(ii) At the request of such entity, the practitioner provides services to patients of the entity, at a site at which the entity operates or at a site designated by the entity. The weekly number of hours of services provided to the patients by the practitioner is not a factor with respect to meeting conditions under this subparagraph.

''(iii) The practitioner does not for the provision of such services receive any compensation from such patients, from the entity, or from third-party payors (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program).''.

SEC. 2587. REPORT TO CONGRESS ON THE CURRENT STATE OF PARASITIC DISEASES THAT HAVE BEEN OVERLOOKED AMONG THE POOREST AMERICANS.

Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall report to Congress on the epidemiology of, impact of, and appropriate funding required to address neglected diseases of poverty, including neglected parasitic diseases identified as Chagas disease, cysticercosis, toxocariasis, toxoplasmosis, trichomoniasis, the soil-transmitted helminths, and others. The report should provide the information necessary to enhance health policy to accurately evaluate and address the threat of these diseases.

SEC. 2588. OFFICE OF WOMEN'S HEALTH.

(a) HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.—

(1) ESTABLISHMENT.—Part A of title II (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"SEC. 229. HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.

''(a) ESTABLISHMENT OF OFFICE.—There is established within the Office of the Secretary, an Office on Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a Deputy Assistant Secretary for Women's Health who may report to the Secretary.

''(b) DUTIES.—The Secretary, acting through the Office, with respect to the health concerns of women, shall—

''(1) establish short-range and long-range goals and objectives within the Department of Health and Human Services and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and health care professional education, for issues of particular concern to women throughout their lifespan;

''(2) provide expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues relating to women's health;

''(3) monitor the Department of Health and Human Services' offices, agencies, and regional activities regarding women's health and identify needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities;

''(4) establish a Department of Health and Human Services Coordinating Committee on Women's Health, which shall be chaired by the Deputy Assistant Secretary for Women's Health and composed of senior level representatives from each of the agencies and offices of the Department of Health and Human Services;

''(5) establish a National Women's Health Information Center to—

''(A) facilitate the exchange of information regarding matters relating to health information, health promotion, preventive health services, research advances, and education in the appropriate use of health care;

''(B) facilitate access to such information;

''(C) assist in the analysis of issues and problems relating to the matters described in this paragraph; and

''(D) provide technical assistance with respect to the exchange of information (including facilitating the development of materials for such technical assistance);

''(6) coordinate efforts to promote women's health programs and policies with the private sector; and

''(7) through publications and any other means appropriate, provide for the exchange of information between the Office and recipients of grants, contracts, and agreements under subsection (c), and between the Office and health professionals and the general public.

''(c) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) AUTHORITY.—In carrying out subsection (b), the Secretary may make grants to, and enter into cooperative agreements, contracts, and interagency agreements with, public and private entities, agencies, and organizations.

''(2) EVALUATION AND DISSEMINATION.—The Secretary shall directly or through contracts with public and private entities, agencies, and organizations, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) and for the dissemination of information developed as a result of such projects.

''(d) REPORTS.—Not later than 1 year after the date of enactment of this section, and every second year thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.''

''(e) REFERENCES.—Except as otherwise specified, any reference in Federal law to an Office on Women's Health (in the Department of Health and Human Services) is deemed to be a reference to the Office on Women's Health in the Office of the Secretary.''.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Office on Women's Health (established under section 229 of the Public Health Service Act, as added by this section), all functions exercised by the Office on Women's Health of the Public Health Service prior to the date of enactment of this section, including all personnel and compensation authority, all delegation and assignment authority, and all remaining appropriations. All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions that—

(A) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions transferred under this paragraph; and

(B) are in effect at the time this section takes effect, or were final before the date of enactment of this section and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.—Part A of title III (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"SEC. 310A. CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director of the Centers for Disease Control and Prevention, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of such Centers.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Director of the Centers for Disease Control and Prevention on the current level of the Centers' activity regarding women's health conditions across, where appropriate, age, biological, and sociocultural contexts, in all aspects of the Centers' work, including prevention programs, public and professional education, services, and treatment;

''(2) establish short-range and long-range goals and objectives within the Centers for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Centers that relate to prevention, research, education and training, service delivery, and policy development, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Centers;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on the policy of the Centers with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

''(c) DEFINITION.—As used in this section, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means diseases, disorders, and conditions—

''(1) unique to, significantly more serious for, or significantly more prevalent in women; and

''(2) for which the factors of medical risk or type of medical intervention are different for women, or for which there is reasonable evidence that indicates that such factors or types may be different for women.''.

(c) OFFICE OF WOMEN'S HEALTH RESEARCH.—Section 486(a) (42 U.S.C. 287d(a)) is amended by inserting ''and who shall report directly to the Director'' before the period at the end thereof.

(d) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Section 501(f) (42 U.S.C. 290aa(f)) is amended—

(1) in paragraph (1), by inserting ''who shall report directly to the Administrator'' before the period;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3), the following:

''(4) OFFICE.—Nothing in this subsection shall be construed to preclude the Secretary from establishing within the Substance Abuse and Mental Health Administration an Office of Women's Health.''.

(e) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY ACTIVITIES REGARDING WOMEN'S HEALTH.—Part C of title IX (42 U.S.C. 299c et seq.) is amended—

(1) by redesignating sections 927 and 928 as sections 928 and 929, respectively;

(2) by inserting after section 926 the following:

"SEC. 927. ACTIVITIES REGARDING WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director, an Office of Women's Health and Gender-Based Research (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of Healthcare and Research Quality.

''(b) PURPOSE.—The official designated under subsection (a) shall—

''(1) report to the Director on the current Agency level of activity regarding women's health, across, where appropriate, age, biological, and sociocultural contexts, in all aspects of Agency work, including the development of evidence reports and clinical practice protocols and the conduct of research into patient outcomes, delivery of health care services, quality of care, and access to health care;

''(2) establish short-range and long-range goals and objectives within the Agency for research important to women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Agency that relate to health services and medical effectiveness research, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Agency;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Agency policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).''; and

(3) by adding at the end of section 928 (as redesignated by paragraph (1)) the following:

''(e) WOMEN'S HEALTH.—For the purpose of carrying out section 927 regarding women's health, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.''.

(f) HEALTH RESOURCES AND SERVICES ADMINISTRATION OFFICE OF WOMEN'S HEALTH.—Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 713. OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Administrator of the Health Resources and Services Administration, an office to be known as the Office of Women's Health. The Office shall be headed by a director who shall be appointed by the Administrator.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Administrator on the current Administration level of activity regarding women's health across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Health Resources and Services Administration for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Administration that relate to health care provider training, health service delivery, research, and demonstration projects, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the bureaus of the Administration;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Administration policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

''(c) CONTINUED ADMINISTRATION OF EXISTING PROGRAMS.—The Director of the Office shall assume the authority for the development, implementation, administration, and evaluation of any projects carried out through the Health Resources and Services Administration relating to women's health on the date of enactment of this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Health Resources and Services Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

''(3) OFFICE.—The term 'Office' means the Office of Women's Health established under this section in the Administration.''.

(g) FOOD AND DRUG ADMINISTRATION OFFICE OF WOMEN'S HEALTH.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 911. OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Commissioner, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Commissioner of Food and Drugs.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Commissioner of Food and Drugs on current Food and Drug Administration (referred to in this section as the 'Administration') levels of activity regarding women's participation in clinical trials and the analysis of data by sex in the testing of drugs, medical devices, and biological products across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Administration for issues of particular concern to women's health within the jurisdiction of the Administration, including, where relevant and appropriate, adequate inclusion of women and analysis of data by sex in Administration protocols and policies;

''(3) provide information to women and health care providers on those areas in which differences between men and women exist;

''(4) consult with pharmaceutical, biologics, and device manufacturers, health professionals with expertise in women's issues, consumer organizations, and women's health professionals on Administration policy with regard to women;

''(5) make annual estimates of funds needed to monitor clinical trials and analysis of data by sex in accordance with needs that are identified; and

''(6) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).''.

(h) NO NEW REGULATORY AUTHORITY.—Nothing in this section and the amendments made by this section may be construed as establishing regulatory authority or modifying any existing regulatory authority.

(i) LIMITATION ON TERMINATION.—Notwithstanding any other provision of law, a Federal office of women's health (including the Office of Research on Women's Health of the National Institutes of Health) or Federal appointive position with primary responsibility over women's health issues (including the Associate Administrator for Women's Services under the Substance Abuse and Mental Health Services Administration) that is in existence on the date of enactment of this section shall not be terminated, reorganized, or have any of its powers or duties transferred unless such termination, reorganization, or transfer is approved by an Act of Congress.

(j) RULE OF CONSTRUCTION.—Nothing in this section (or the amendments made by this section) shall be construed to limit the authority of the Secretary of Health and Human Services with respect to women's health, or with respect to activities carried out through the Department of Health and Human Services on the date of enactment of this section.

SEC. 2588A. OFFICES OF MINORITY HEALTH

(a) EXISTING OFFICE.—Section 1707(a) (42 U.S.C. 300u–6(a)) is amended by striking ''within the Office of Public Health and Science'' and inserting ''within the Office of the Secretary''.

(b) ADDITIONAL OFFICES.—Title XVII (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following:

"SEC. 1707A. ADDITIONAL OFFICES OF MINORITY HEALTH.

''(a) ESTABLISHMENT.—In addition to the Office of Minority Health established within the Office of the Secretary under section 1707, the Secretary shall establish an Office of Minority Health in each of the following agencies:

''(1) The Centers for Disease Control and Prevention.

''(2) The Substance Abuse and Mental Health Services Administration.

''(3) The Agency for Healthcare Research and Quality.

''(4) The Health Resources and Services Administration.

''(5) The Food and Drug Administration.

''(b) DIRECTOR; APPOINTMENT.—Each Office of Minority Health established in an agency listed in subsection (a) shall be headed by a director, who shall be appointed by and report directly to the head of such agency.

''(c) REFERENCES.—Except as otherwise specified, any reference in Federal law to an Office of Minority Health (in the Department of Health and Human Services) is deemed to be a reference to the Office of Minority Health in the Office of the Secretary.''.

(c) NO NEW REGULATORY AUTHORITY.—Nothing in this section and the amendments made by this section may be construed as establishing regulatory authority or modifying any existing regulatory authority.

(d) LIMITATION ON TERMINATION.—Notwithstanding any other provision of law, a Federal office of minority health or Federal appointive position with primary responsibility over minority health issues that is in existence in a office or agency of the Department of Health and Human Services on the date of enactment of this section shall not be terminated, reorganized, or have any of its powers or duties transferred unless such termination, reorganization, or transfer is approved by an Act of Congress.

SEC. 2589. LONG-TERM CARE AND FAMILY CAREGIVER SUPPORT.

(a) AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965.—

(1) PROMOTION OF DIRECT CARE WORKFORCE.—Section 202(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by inserting before the semicolon the following: '', and, in carrying out the purposes of this paragraph, shall make recommendations to other Federal entities regarding appropriate and effective means of

identifying, promoting, and implementing investments in the direct care workforce necessary to meet the growing demand for long-term health services and supports and of assisting States in developing a comprehensive State workforce development plan with respect to such workforce, including assisting efforts to systematically assess, track, and report on workforce adequacy and capacity''.

(2) PERSONAL CARE ATTENDANT WORKFORCE ADVISORY PANEL.—Section 202 of such Act (42 U.S.C. 3012) is amended by adding at the end the following:

''(g)(1) Not later than 90 days after the date of the enactment of this subsection, the Assistant Secretary shall establish a Personal Care Attendant Workforce Advisory Panel to examine and formulate recommendations on—

''(A) working conditions and training for workers providing long-term services and supports, including home health aides, certified nurse aides, and personal care attendants; and

''(B) other workforce issues related to such workers, including with respect to the adequacy of the number of such workers; the salaries, wages, and benefits of such workers; and access to the services provided by such workers.

''(2) The Panel shall include representatives of—

''(A) relevant home- and community-based service providers, health care agencies, and facilities (including personal or home care agencies, home health care agencies, nursing homes, assisted living facilities, and residential care facilities);

''(B) the disability community, including individuals with disabilities and family caregivers;

''(C) the nursing community;

''(D) direct care workers (which may include unions and national organizations);

''(E) older individuals, including senior individuals and family caregivers;

''(F) State and Federal health care entities; and

''(G) experts in workforce development and adult learning.

''(3) Within one year after the establishment of the Panel, the Panel shall submit a report to the Assistant Secretary and the Congress on workforce issues related to providing long-term services and supports, including information on core competencies for eligible personal or home care aides necessary to successfully provide long-term services and supports to eligible consumers, as well as recommended training curricula and resources.

''(4) Within 180 days after receipt by the Assistant Secretary of the report under paragraph (3), the Assistant Secretary shall establish a 3-year demonstration program in 4 States to pilot and evaluate the effectiveness of the competencies articulated by the Panel and the training curricula and training methods recommended by the Panel.

''(5) Not later than 1 year after the completion of the demonstration program under paragraph (4), the Assistant Secretary shall submit to the Congress a report containing the results of the evaluations by the Assistant Secretary pursuant to paragraph (4), together with such recommendations for legislation or administrative action as the Assistant Secretary determines appropriate.''.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FAMILY CAREGIVER SUPPORT PROGRAM UNDER THE OLDER AMERICANS ACT OF 1965.—Section 303(e)(2) of the Older Americans Act of 1965 (42 U.S.C. 3023(e)(2)) is amended by striking '', $173,000,000'' and all that follows through ''2011'', and inserting ''and $250,000,000 for each of fiscal years 2011, 2012, and 2013''.

SEC. 2590. WEB SITE ON HEALTH CARE LABOR MARKET AND RELATED EDUCATIONAL AND TRAINING OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Labor, in consultation with the National Center for Health Workforce Analysis, shall establish and maintain a Web site to serve as a comprehensive source of information, searchable by workforce region, on the health care labor market and related educational and training opportunities.

(b) CONTENTS.—The Web site maintained under this section shall include the following:

(1) Information on the types of jobs that are currently or are projected to be in high demand in the health care field, including—

(A) salary information; and

(B) training requirements, such as requirements for educational credentials, licensure, or certification.

(2) Information on training and educational opportunities within each region for the type of jobs described in paragraph (1), including by—

(A) type of provider or program (such as public, private nonprofit, or private for-profit);

(B) duration;

(C) cost (such as tuition, fees, books, laboratory expenses, and other mandatory costs);

(D) performance outcomes (such as graduation rates, job placement, average salary, job retention, and wage progression);

(E) Federal financial aid participation;

(F) average graduate loan debt;

(G) student loan default rates;

(H) average institutional grant aid provided;

(I) Federal and State accreditation information; and

(J) other information determined by the Secretary.

(3) A mechanism for searching and comparing training and educational options for specific health care occupations to facilitate informed career and education choices.

(4) Financial aid information, including with respect to loan forgiveness, loan cancellation, loan repayment, stipends, scholarships, and grants or other assistance authorized by this Act or other Federal or State programs.

(c) PUBLIC ACCESSIBILITY.—The Web site maintained under this section shall—

(1) be publicly accessible;

(2) be user friendly and convey information in a manner that is easily understandable; and

(3) be in English and the second most prevalent language spoken based on the latest Census information.

SEC. 2591. ONLINE HEALTH WORKFORCE TRAINING PROGRAMS.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

''(f) ONLINE HEALTH WORKFORCE TRAINING PROGRAM.—

''(1) GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary in consultation with the Secretary of Health and Human Services, shall award National Health Workforce Online Training Grants on a competitive basis to eligible entities to enable such entities to carry out training for individuals to attain or advance in health care occupations. An entity may leverage such grant with other Federal, State, local, and private resources, in order to expand the participation of businesses, employees, and individuals in such training programs.

''(B) ELIGIBILITY.—In order to receive a grant under the program established under this paragraph—

''(i) an entity shall be an educational institution, community-based organization, nonprofit organization, workforce investment board, or local or county government; and

''(ii) an entity shall provide online workforce training for individuals seeking to attain or advance in health care occupations, including nursing, nursing assistants, dentistry, pharmacy, health care management and administration, public health, health information systems analysis, medical assistants, and other health care practitioner and support occupations.

''(C) PRIORITY.—Priority in awarding grants under this paragraph shall be given to entities that—

''(i) have demonstrated experience in implementing and operating online worker skills training and education programs;

''(ii) have demonstrated experience coordinating activities, where appropriate, with the workforce investment system; and

''(iii) conduct training for occupations with national or local shortages.

''(D) DATA COLLECTION.—Grantees under this paragraph shall collect and report information on—

''(i) the number of participants;

''(ii) the services received by the participants;

''(iii) program completion rates;

''(iv) factors determined as significantly interfering with program participation or completion;

''(v) the rate of job placement; and

''(vi) other information as determined as needed by the Secretary.

''(E) OUTREACH.—Grantees under this paragraph shall conduct outreach activities to disseminate information about their program and results to workforce investment boards, local governments, educational institutions, and other workforce training organizations.

''(F) PERFORMANCE LEVELS.—The Secretary shall establish indicators of performance that will be used to evaluate the performance of grantees under this paragraph in carrying out the activities described in this paragraph. The Secretary shall negotiate and reach agreement with each grantee regarding the levels of performance expected to be achieved by the grantee on the indicators of performance.

''(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $50,000,000 for fiscal years 2011 through 2020.

''(2) ONLINE HEALTH PROFESSIONS TRAINING PROGRAM CLEARINGHOUSE.—

''(A) DESCRIPTION OF GRANT.—The Secretary may award one or more grants to eligible postsecondary educational institutions to provide the services described in this paragraph.

''(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a postsecondary educational institution shall—

''(i) have demonstrated the ability to disseminate research on best practices for implementing workforce investment programs; and

''(ii) be a national leader in producing cutting-edge research on technology related to workforce investment systems under subtitle B.

''(C) SERVICES.—The postsecondary educational institution that receives a grant under this paragraph shall use such grant—

''(i) to provide technical assistance to entities that receive grants under paragraph (1);

''(ii) to collect and nationally disseminate the data gathered by entities that receive grants under paragraph (1); and

''(iii) to disseminate the best practices identified by the National Health Workforce Online Training Grant Program to other workforce training organizations.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary to carry out this subsection $1,000,000 for fiscal years 2011 through 2020.''.

SEC. 2592. ACCESS FOR INDIVIDUALS WITH DISABILITIES.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

''SEC. 510. STANDARDS FOR ACCESSIBILITY OF MEDICAL DIAGNOSTIC EQUIPMENT.

''(a) STANDARDS.—Not later than 9 months after the date of enactment of the Affordable Health Care for America Act, the Architectural and Transportation Barriers Compliance Board (Access Board) shall issue guidelines setting forth the minimum technical criteria for new medical diagnostic equipment to be purchased for use in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The guidelines shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, including provisions to ensure independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

''(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The guidelines issued under subsection (a) for medical diagnostic equipment shall apply to new purchases of equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other equipment commonly used for diagnostic or examination purposes by health professionals.

''(c) REGULATIONS.—Not later than 6 months after the date of the issuance of the guidelines under subsection (a), each appropriate Federal agency authorized to promulgate regulations under this Act or under the Americans with Disabilities Act shall—

''(1) prescribe regulations in an accessible format as necessary to carry out the provisions of such Act and section 504 of this Act that include accessibility standards that are consistent with the guidelines issued under subsection (a); and

''(2) ensure that health care providers and health care plans covered by the Affordable Health Care for America Act meet the requirements of the Americans with Disabilities Act and section 504, including provisions ensuring that individuals with disabilities receive equal access to all aspects of the health care delivery system.

''(d) REVIEW AND AMEND.—The Architectural and Transportation Barriers Compliance Board (Access Board) shall periodically review and, as appropriate, amend the guidelines as prescribed under subsection (a). Not later than 6 months after the date of the issuance of such revised guidelines, revised regulations consistent with such guidelines shall be promulgated in an accessible format by the appropriate Federal agencies described in subsection (c).''.

SEC. 2593. DUPLICATIVE GRANT PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study to determine if any new division C grant program is duplicative of one or more other grant programs of the Department of Health and Human Services that—

(1) are specifically authorized in the Public Health Service Act (42 U.S.C. 201 et seq.); or

(2) are receiving appropriations.

(b) DUPLICATIVE PROGRAMS.—If the Secretary determines under subsection (a) that a new division C grant program is duplicative of one or more other grant programs described in such subsection, the Secretary shall—

(1) attempt to integrate the new division C grant program with the duplicative programs; and

(2) if the Secretary determines that such integration is not appropriate or has not been successful, promulgate a rule eliminating the duplication, including, if appropriate, by terminating one or more programs.

(c) CONTINUED AVAILABILITY OF FUNDS.—Any funds appropriated to carry out a program that is terminated under subsection (b)(2) shall remain available for obligation for the one or more programs that—

(1) were determined under subsection (a) to be duplicative of such program; and

(2) remain in effect.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress and make available to the public a report that contains the results of the study required under subsection (a).

(e) CONGRESSIONAL REVIEW.—Any rule under subsection (b)(2) terminating a program is deemed to be a major rule for purposes of chapter 8 of title 5, United States Code.

(f) DEFINITION.—In this section, the term ''new division C grant program''—

(1) means a grant program first established by this division; and

(2) excludes any program whose statutory authorization was in existence before the enactment of this division.

SEC. 2594. DIABETES SCREENING COLLABORATION AND OUTREACH PROGRAM.

(a) ESTABLISHMENT.—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall—

(1) review uptake and utilization of diabetes screening benefits, consistent with recommendations of the Task Force on Clinical Preventive Services (established under section 3131 of the Public Health Service Act, as added by section 2301 of this Act), to identify and address any existing problems, with regard to uptake and utilization and related data collection mechanisms; and

(2) establish an outreach program to identify existing efforts by agencies of the Department of Health and Human Services and by the private and nonprofit sectors to increase awareness among seniors and providers of diabetes screening benefits.

(b) CONSULTATION.—The Secretary shall carry out this section in consultation with—

(1) the heads of appropriate health agencies and offices in the Department of Health and Human Services, including the Office of Minority Health; and

(2) entities with an interest in diabetes, including industry, voluntary health organizations, trade associations, and professional societies.

(c) REPORT.—The Secretary shall submit an annual report to the Congress on the activities carried out under this section.

SEC. 2595. IMPROVEMENT OF VITAL STATISTICS COLLECTION.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate agencies and States, shall—

(1) promote the education and training of physicians on the importance of birth and death certification data and how to properly complete these documents in accordance with State law, including the collection of such data for diabetes and other chronic diseases as appropriate;

(2) encourage State adoption of the latest standard revisions of birth and death certificates; and

(3) work with States to re-engineer their vital statistics systems in order to provide cost-effective, timely, and accurate vital systems data.

(b) DEATH CERTIFICATE ADDITIONAL LANGUAGE.—In carrying out this section, the Secretary may promote improvements to the collection of diabetes mortality data, including, as appropriate, the addition by States of a question for the individual certifying the cause of death regarding whether the deceased had diabetes.

SEC. 2596. NATIONAL HEALTH SERVICES CORPS DEMONSTRATION ON INCENTIVE PAYMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may establish a demonstration program under which, in addition to the salary and benefits otherwise owed to a member of the National Health Services Corps, incentive payments are awarded to any such member who is assigned to a health professional shortage area with extreme need.

(b) REPORT.—The Secretary shall submit to the Congress an annual report on the demonstration program under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''health professional shortage area with extreme need'' means a health professional shortage area that—

(A) is described in section 333A(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254f–1(a)(1)(A));

(B) is described in section 333(a)(1)(D)(ii)(IV) of such Act (42 U.S.C. 254f(a)(1)(D)(ii)(IV)); and

(C) has high rates of untreated disease, including chronic conditions.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

DIVISION D—INDIAN HEALTH CARE IMPROVEMENT

SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Indian Health Care Improvement Act Amendments of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 3001. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 3101. Indian Health Care Improvement Act amended.

Sec. 3102. Native American Health and Wellness Foundation.

Sec. 3103. GAO study and report on payments for contract health services.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 3201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.

Sec. 3202. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.

Sec. 3203. Solicitation of proposals for safe harbors under the Social Security Act for facilities of Indian Health Programs and urban Indian organizations.

Sec. 3204. Annual report on Indians served by Social Security Act health benefit programs.

Sec. 3205. Development of recommendations to improve interstate coordination of Medicaid and SCHIP coverage of Indian children and other children who are outside of their State of residency because of educational or other needs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 3101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

(a) IN GENERAL.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Declaration of national Indian health policy.
"Sec. 4. Definitions.

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"Sec. 101. Purpose.
"Sec. 102. Health professions recruitment program for Indians.
"Sec. 103. Health professions preparatory scholarship program for Indians.
"Sec. 104. Indian health professions scholarships.
"Sec. 105. American Indians Into Psychology Program.
"Sec. 106. Scholarship programs for Indian Tribes.
"Sec. 107. Indian Health Service extern programs.
"Sec. 108. Continuing education allowances.
"Sec. 109. Community Health Representative Program.
"Sec. 110. Indian Health Service Loan Repayment Program.
"Sec. 111. Scholarship and Loan Repayment Recovery Fund.
"Sec. 112. Recruitment activities.
"Sec. 113. Indian recruitment and retention program.
"Sec. 114. Advanced training and research.
"Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
"Sec. 116. Tribal cultural orientation.
"Sec. 117. INMED Program.
"Sec. 118. Health training programs of community colleges.
"Sec. 119. Retention bonus.
"Sec. 120. Nursing residency program.
"Sec. 121. Community Health Aide Program.
"Sec. 122. Tribal Health Program administration.
"Sec. 123. Health professional chronic shortage demonstration programs.
"Sec. 124. National Health Service Corps.
"Sec. 125. Substance abuse counselor educational curricula demonstration programs.
"Sec. 126. Behavioral health training and community education programs.
"Sec. 127. Exemption from payment of certain fees.
"Sec. 128. Authorization of appropriations.

"TITLE II—HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.
"Sec. 202. Health promotion and disease prevention services.
"Sec. 203. Diabetes prevention, treatment, and control.
"Sec. 204. Shared services for long-term care.
"Sec. 205. Health services research.
"Sec. 206. Mammography and other cancer screening.
"Sec. 207. Patient travel costs.
"Sec. 208. Epidemiology centers.
"Sec. 209. Comprehensive school health education programs.
"Sec. 210. Indian youth program.
"Sec. 211. Prevention, control, and elimination of communicable and infectious diseases.
"Sec. 212. Other authority for provision of services.
"Sec. 213. Indian women's health care.
"Sec. 214. Environmental and nuclear health hazards.
"Sec. 215. Arizona as a contract health service delivery area.
"Sec. 216. North Dakota and South Dakota as contract health service delivery area.
"Sec. 217. California contract health services program.
"Sec. 218. California as a contract health service delivery area.
"Sec. 219. Contract health services for the Trenton Service Area.
"Sec. 220. Programs operated by Indian Tribes and tribal organizations.
"Sec. 221. Licensing.
"Sec. 222. Notification of provision of emergency contract health services.
"Sec. 223. Prompt action on payment of claims.
"Sec. 224. Liability for payment.
"Sec. 225. Office of Indian Men's Health.
"Sec. 226. Catastrophic health emergency fund.
"Sec. 227. Authorization of appropriations.

"TITLE III—FACILITIES

"Sec. 301. Consultation; construction and renovation of facilities; reports.
"Sec. 302. Sanitation facilities.
"Sec. 303. Preference to Indians and Indian firms.
"Sec. 304. Expenditure of non-Service funds for renovation.
"Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
"Sec. 306. Indian health care delivery demonstration project.
"Sec. 307. Land transfer.
"Sec. 308. Leases, contracts, and other agreements.
"Sec. 309. Study on loans, loan guarantees, and loan repayment.
"Sec. 310. Tribal leasing.
"Sec. 311. Indian Health Service/tribal facilities joint venture program.
"Sec. 312. Location of facilities.
"Sec. 313. Maintenance and improvement of health care facilities.
"Sec. 314. Tribal management of federally owned quarters.
"Sec. 315. Applicability of Buy American Act requirement.
"Sec. 316. Other funding for facilities.
"Sec. 317. Authorization of appropriations.

"TITLE IV—ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under Social Security Act health benefits programs.
"Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and urban Indian organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs.
"Sec. 403. Reimbursement from certain third parties of costs of health services.
"Sec. 404. Crediting of reimbursements.
"Sec. 405. Purchasing health care coverage.
"Sec. 406. Sharing arrangements with Federal agencies.
"Sec. 407. Eligible indian veteran services.
"Sec. 408. Payor of last resort.
"Sec. 409. Consultation.
"Sec. 410. State Children's Health Insurance Program (SCHIP).
"Sec. 411. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
"Sec. 412. Treatment under Medicaid and SCHIP managed care.
"Sec. 413. Navajo Nation Medicaid Agency feasibility study.
"Sec. 414. Exception for excepted benefits.
"Sec. 415. Authorization of appropriations.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.
"Sec. 502. Contracts with, and grants to, urban Indian organizations.
"Sec. 503. Contracts and grants for the provision of health care and referral services.
"Sec. 504. Use of Federal Government Facilities and Sources of Supply.
"Sec. 505. Contracts and grants for the determination of unmet health care needs.
"Sec. 506. Evaluations; renewals.
"Sec. 507. Other contract and grant requirements.
"Sec. 508. Reports and records.
"Sec. 509. Limitation on contract authority.
"Sec. 510. Facilities.
"Sec. 511. Division of Urban Indian Health.
"Sec. 512. Grants for alcohol and substance abuse-related services.
"Sec. 513. Treatment of certain demonstration projects.
"Sec. 514. Urban NIAAA transferred programs.
"Sec. 515. Conferring with urban Indian organizations.
"Sec. 516. Urban youth treatment center demonstration.
"Sec. 517. Grants for diabetes prevention, treatment, and control.
"Sec. 518. Community health representatives.
"Sec. 519. Effective date.
"Sec. 520. Eligibility for services.
"Sec. 521. Authorization of appropriations.
"Sec. 522. Health information technology.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriations.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memoranda of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.
"Sec. 704. Mental health technician program.
"Sec. 705. Licensing requirement for mental health care workers.
"Sec. 706. Indian women treatment programs.
"Sec. 707. Indian youth program.
"Sec. 708. Indian youth telemental health demonstration project.
"Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
"Sec. 710. Training and community education.
"Sec. 711. Behavioral health program.
"Sec. 712. Fetal alcohol disorder programs.
"Sec. 713. Child sexual abuse and prevention treatment programs.
"Sec. 714. Domestic and sexual violence prevention and treatment.
"Sec. 715. Behavioral health research.
"Sec. 716. Definitions.
"Sec. 717. Authorization of appropriations.

"TITLE VIII—MISCELLANEOUS

"Sec. 801. Reports.
"Sec. 802. Regulations.

''Sec. 803. Plan of implementation.
''Sec. 804. Limitation on use of funds appropriated to Indian Health Service.
''Sec. 805. Eligibility of California Indians.
''Sec. 806. Health services for ineligible persons.
''Sec. 807. Reallocation of base resources.
''Sec. 808. Results of demonstration projects.
''Sec. 809. Moratorium.
''Sec. 810. Severability provisions.
''Sec. 811. Use of patient safety organizations.
''Sec. 812. Confidentiality of medical quality assurance records; qualified immunity for participants.
''Sec. 813. Claremore Indian Hospital.
''Sec. 814. Sense of Congress regarding law enforcement and methamphetamine issues in Indian country.
''Sec. 815. Permitting implementation through contracts with Tribal Health Programs.
''Sec. 816. Authorization of appropriations; availability.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

''(2) A major national goal of the United States is to provide the resources, processes, and structure that will enable Indian tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians the general population.

''(3) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

''(4) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

''(5) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

''SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

''Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

''(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

''(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Health People 2010 or successor objectives;

''(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

''(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

''(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and urban Indian organizations to implement this Act and the national policy of Indian self-determination; and

''(6) to provide funding for programs and facilities operated by Indian Tribes, Tribal Organizations, and Urban Indian Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

''(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

''(3) The term 'Assistant Secretary' means the Assistant Secretary of Indian Health.

''(4)(A) The term 'behavioral health' means the blending of substance (including alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

''(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

''(5) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 805.

''(6) The term 'community college' means—

''(A) a tribal college or university, or

''(B) a junior or community college.

''(7) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

''(8) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

''(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

''(A) controlling—

''(i) the development of diabetes;

''(ii) high blood pressure;

''(iii) infectious agents;

''(iv) injuries;

''(v) occupational hazards and disabilities;

''(vi) sexually transmittable diseases; and

''(vii) toxic agents; and

''(B) providing—

''(i) fluoridation of water; and

''(ii) immunizations.

''(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, naturopathic medicine, and any other health profession.

''(11) The term 'health promotion' means—

''(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

''(B) encouraging adequate and appropriate diet, exercise, and sleep;

''(C) promoting education and work in conformity with physical and mental capacity;

''(D) making available safe water and sanitary facilities;

''(E) improving the physical, economic, cultural, psychological, and social environment;

''(F) promoting culturally competent care; and

''(G) providing adequate and appropriate programs, which may include—

''(i) abuse prevention (mental and physical);

''(ii) community health;

''(iii) community safety;

''(iv) consumer health education;

''(v) diet and nutrition;

''(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

''(vii) environmental health;

''(viii) exercise and physical fitness;

''(ix) avoidance of fetal alcohol disorders;

''(x) first aid and CPR education;

''(xi) human growth and development;

''(xii) injury prevention and personal safety;

''(xiii) behavioral health;

''(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

''(xv) personal health and wellness practices;

''(xvi) personal capacity building;

''(xvii) prenatal, pregnancy, and infant care;

''(xviii) psychological well-being;

''(xix) reproductive health and family planning;

''(xx) safe and adequate water;

''(xxi) healthy work environments;

''(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

''(xxiii) stress control;

''(xxiv) substance abuse;

''(xxv) sanitary facilities;

''(xxvi) sudden infant death syndrome prevention;

''(xxvii) tobacco use cessation and reduction;

''(xxviii) violence prevention; and

''(xxix) activities to promote achievement of any of the objectives described in section 3(2).

''(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 805, except that, for the purpose of sections 102 and 103, the term also means any individual who—

''(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

''(ii) is a descendant, in the first or second degree, of any such member;

''(B) is an Eskimo or Aleut or other Alaska Native;

''(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) is determined to be an Indian under regulations promulgated by the Secretary.

''(13) The term 'Indian Health Program' means—

''(A) any health program administered directly by the Service;

''(B) any Tribal Health Program; or

''(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

''(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(15) The term 'junior or community college' has the meaning given the term by section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

''(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

''(18) The term 'Service' means the Indian Health Service.

''(19) The term 'Service Area' means the geographical area served by each Area Office.

''(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

''(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c–16(a)).

''(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

''(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

''(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

''(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

''(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

''(B) The individual is an Eskimo, Aleut, or other Alaska Native.

''(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

''(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

''(28) The term 'urban Indian organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

''TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''SEC. 101. PURPOSE.

''The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and urban Indian organizations involved in the provision of health services to Indians.

''SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or urban Indian organizations to assist such entities in meeting the costs of—

''(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

''(A) to enroll in courses of study in such health professions; or

''(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

''(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

''(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

''(b) GRANTS.—

''(1) APPLICATION.—No grant may be made under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or urban Indian organizations.

''(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

''SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

''(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

''(1) have successfully completed their high school education or high school equivalency; and

''(2) have demonstrated the potential to successfully complete courses of study in the health professions.

''(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

''(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

''(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

''(c) OTHER CONDITIONS.—Scholarships under this section—

''(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

''(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

''(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

''SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

''(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

''(A) who shall receive scholarship grants under subsection (a); and

''(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

''(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Assistant Secretary and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(b) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

''(A) In an Indian Health Program.

''(B) In a program assisted under title V of this Act.

''(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

''(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a health professions degree requiring postgraduate training for licensure or to improve clinical skills, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice

of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

''(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

''(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

''(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

''(ii) serves the Indian Tribe in which the recipient is enrolled.

''(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

''(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

''(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

''(B) 2 years; and

''(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

''(d) BREACH OF CONTRACT.—

''(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) WAIVERS AND SUSPENSIONS.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(A) it is not possible for the recipient to meet that obligation or make that payment;

''(B) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(C) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

"SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

''(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

''(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

''(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

''(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

''(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

''(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

''(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

''(7) to the maximum extent feasible, employs qualified Indians in the program.

''(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

''(1) in an Indian Health Program;

''(2) in a program assisted under title V of this Act; or

''(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

"SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

''(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

''(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

''(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

''(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

''(B) 20 percent of such costs may be paid from any other source of funds.

''(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

''(d) CONTRACT.—

''(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a

written contract with each recipient of such scholarship.

''(2) REQUIREMENTS.—Such contract shall—

''(A) obligate such recipient to provide service in an Indian Health Program or urban Indian organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

''(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

''(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

''(B) provide that the amount of the scholarship—

''(i) may only be expended for—

''(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

''(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

''(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

''(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

''(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

''(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

''(e) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

''(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

''(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

''(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

''(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

"SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

''(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an urban Indian organization, or other agencies of the Department as available, during any nonacademic period of the year.

''(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

''(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an urban Indian organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

''In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

''(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

''(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

''(1) provide for the training of Indians as community health representatives; and

''(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

''(b) DUTIES.—The Community Health Representative Program of the Service, shall—

''(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

''(2) in order to provide such training, develop and maintain a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

''(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

''(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

''(4) maintain a system that provides close supervision of Community Health Representatives;

''(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

''(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate

supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and urban Indian organizations.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1)(A) be enrolled—

''(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

''(ii) in an approved graduate training program in a health profession; or

''(B) have—

''(i) a degree in a health profession; and

''(ii) a license to practice a health profession;

''(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

''(B) meet the professional standards for civil service employment in the Service; or

''(C) be employed in an Indian Health Program or urban Indian organization without a service obligation; and

''(3) submit to the Secretary an application for a contract described in subsection (e).

''(c) APPLICATION.—

''(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

''(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) PRIORITIES.—

''(1) LIST.—Consistent with subsection (j), the Secretary shall annually—

''(A) identify the positions in each Indian Health Program or urban Indian organization for which there is a need or a vacancy; and

''(B) rank those positions in order of priority.

''(2) APPROVALS.—Consistent with the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

''(A) give first priority to applications made by individual Indians; and

''(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

''(i) individuals recruited through the efforts of an Indian Health Program or urban Indian organization; and

''(ii) other individuals based on the priority rankings under paragraph (1).

''(e) RECIPIENT CONTRACTS.—

''(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

''(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (C), the Secretary agrees—

''(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

''(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or urban Indian organization as provided in clause (ii)(III); and

''(ii) subject to subparagraph (C), the individual agrees—

''(I) to accept loan payments on behalf of the individual;

''(II) in the case of an individual described in subsection (b)(1)—

''(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

''(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

''(III) to serve for a time period (in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or urban Indian organization to which the individual may be assigned by the Secretary;

''(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

''(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

''(D) a statement of the damages to which the United States is entitled under subsection (k) for the individual's breach of the contract; and

''(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

''(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

''(2) the Secretary's disapproving an individual's participation in such Program.

''(g) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

''(C) reasonable living expenses as determined by the Secretary.

''(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(B) provides an incentive to serve in Indian Health Programs and urban Indian organizations with the greatest shortages of health professionals; and

''(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or urban Indian organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

''(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

''(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

''(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

''(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

''(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

''(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or urban Indian organizations pursuant to contracts entered into under this section, shall—

''(1) ensure that the staffing needs of Tribal Health Programs and urban Indian organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

''(2) give priority to assigning individuals to Indian Health Programs and urban Indian organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(l) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

''(A) is enrolled in the final year of a course of study and—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) voluntarily terminates such enrollment; or

''(iii) is dismissed from such educational institution before completion of such course of study; or

''(B) is enrolled in a graduate training program and fails to complete such training program.

''(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

''(A) 'A' is the amount the United States is entitled to recover;

''(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

''(C) 't' is the total number of months in the individual's period of obligated service; and

''(D) 's' is the number of months of such period served by such individual in accordance with this section.

''(3) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(4) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

''(5) RECOVERY OF DELINQUENCY.—

''(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) use collection agencies contracted with by the Administrator of General Services; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

''(m) WAIVER OR SUSPENSION OF OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

''(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

''(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

''(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

''(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

''(1) A list of the health professional positions maintained by Indian Health Programs and urban Indian organizations for which recruitment or retention is difficult.

''(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

''(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

''(4) The amount of loan payments made under this section, in total and by health profession.

''(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

''(6) The amount of scholarship grants provided under sections 104 and 106, in total and by health profession.

''(7) The number of providers of health care that will be needed by Indian Health Programs and urban Indian organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

''(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or urban Indian organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

''(b) USE OF FUNDS.—

''(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

''(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

''(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or 110.

''(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

''(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

''(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

''(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or urban Indian organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

''(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Indian Health Programs and urban Indian organizations to recruit, place, and retain health professionals to meet their staffing needs.

''(b) ELIGIBLE ENTITIES; APPLICATION.—Any Indian Health Program or Urban Indian organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

''(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or urban Indian organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or urban Indian organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and urban Indian organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

''(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

''(1) Public or private schools of nursing.

''(2) Tribal colleges or universities.

''(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

''(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

''(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

''(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

''(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

''(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

''(5) To provide any program that is designed to achieve the purpose described in subsection (a).

''(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

''(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

''(1) Programs that provide a preference to Indians.

''(2) Programs that train nurse midwives or advanced practice nurses.

''(3) Programs that are interdisciplinary.

''(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

''(5) Programs conducted by tribal colleges and universities.

''(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

''(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

''(1) in the Service;

''(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

''(3) in a program assisted under title V of this Act;

''(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

''(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

''(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

''(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

''(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and urban Indian organizations;

''(2) be carried out through tribal colleges or universities;

''(3) include instruction in American Indian studies; and

''(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

''(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

''(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

''(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

''(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

''(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

''(5) to the maximum extent feasible, employs qualified Indians in the program.

"SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

''(a) GRANTS TO ESTABLISH PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

''(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

''(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

''(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

''(A) is accredited;

''(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

''(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

''(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

''(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

''(D) has a qualified staff which has the appropriate certifications;

''(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

''(F) agrees to provide for Indian preference for applicants for programs under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

''(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

''(2) providing technical assistance and support to such colleges.

''(d) ADVANCED TRAINING.—

''(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

''(A) has already received a degree or diploma in such health profession; and

''(B) provides clinical services on or near a reservation or for an Indian Health Program.

''(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

''(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

''SEC. 119. RETENTION BONUS.

''(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or urban Indian organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

''(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

''(2) the Secretary determines is needed by Indian Health Programs and urban Indian organizations;

''(3) has—

''(A) completed 2 years of employment with an Indian Health Program or urban Indian organization; or

''(B) completed any service obligations incurred as a requirement of—

''(i) any Federal scholarship program; or

''(ii) any Federal education loan repayment program; and

''(4) enters into an agreement with an Indian Health Program or urban Indian organization for continued employment for a period of not less than 1 year.

''(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

''(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

''(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

''(1) a position for which recruitment or retention is difficult; and

''(2) necessary for providing health care services to Indians.

''SEC. 120. NURSING RESIDENCY PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or urban Indian organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or urban Indian organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or urban Indian organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicians), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified subsection (d)(1) of Section 104 for individuals failing to graduate from their degree program and subsection (l) of Section 110 for individuals failing to start or complete the obligated service.

''SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

''(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

''(1) provides for the training of Alaska Natives as health aides or community health practitioners;

''(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

''(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

''(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

''(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

''(2) in order to provide such training, develop a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

''(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

''(C) promotes the achievement of the health status objectives specified in section 3(2);

''(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

''(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

''(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

''(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

''(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

''(c) PROGRAM REVIEW.—

''(1) NEUTRAL PANEL.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

''(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

''(2) STUDY.—

''(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

''(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

''(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

''(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

''(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

''(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

''(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

''(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

''(A) any determination of the neutral panel under paragraph (2)(C); and

''(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

''(d) NATIONALIZATION OF PROGRAM.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance

with the program under this section, as the Secretary determines to be appropriate.

''(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

''(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

''SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

''The Secretary shall, by contract or otherwise, provide training for individuals in the administration and planning of Tribal Health Programs, with priority to Indians.

''SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

''(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

''(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

''(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

''(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

''(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

''(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

''SEC. 124. NATIONAL HEALTH SERVICE CORPS.

''(a) NO REDUCTION IN SERVICES.—The Secretary shall not—

''(1) remove a member of the National Health Service Corps from an Indian Health Program or urban Indian organization; or

''(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

''(b) TREATMENT OF INDIAN HEALTH PROGRAMS.—At the request of an Indian Health Program, the services of a member of the National Health Service Corps assigned to an Indian Health Program may be limited to the persons who are eligible for services from such Program.

''SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

''(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

''(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

''(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

''(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

''(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

''(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

''(1) Classroom education.

''(2) Clinical work experience.

''(3) Continuing education workshops.

''SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

''(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self-destructive behavior.

''(b) POSITIONS.—The positions referred to in subsection (a) are—

''(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

''(A) elementary and secondary education;

''(B) social services and family and child welfare;

''(C) law enforcement and judicial services; and

''(D) alcohol and substance abuse;

''(2) staff positions within the Service; and

''(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and urban Indian organizations.

''(c) TRAINING CRITERIA.—

''(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or urban Indian organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

''(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

''(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or urban Indian organization, or assist the Indian Tribe, Tribal Organization, or urban Indian organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or urban Indian organization, provide technical assistance to the Indian Tribe, Tribal Organization, or urban Indian organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

''(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

''SEC. 127. EXEMPTION FROM PAYMENT OF CERTAIN FEES.

''Employees of a Tribal Health Program or an Urban Indian Organization shall be exempt from payment of licensing, registration, and other fees imposed by a Federal agency to the same extent that Commissioned Corps Officers or other employees of the Indian Health Service are exempt from such fees.

''SEC. 128. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this title.

''TITLE II—HEALTH SERVICES

''SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

''(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

''(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

''(2) eliminating backlogs in the provision of health care services to Indians;

''(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

''(4) eliminating inequities in funding for both direct care and contract health service programs; and

''(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

''(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

''(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

''(C) Dental care.

''(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health

services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

''(E) Emergency medical services.

''(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

''(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

''(H) Home health care.

''(I) Community health representatives.

''(J) Maintenance and improvement.

''(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

''(c) ALLOCATION; USE.—

''(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

''(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

''(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

''(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

''(A) the health status objectives set forth in section 3(2) are not being achieved; and

''(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

''(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

''(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

''(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

''(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

''(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

''(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

''(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

''(4) an estimate of—

''(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

''(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

''(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

''(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

''(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

''(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

"SEC. 202. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

''(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

''(1) improve the health and well-being of Indians; and

''(2) reduce the expenses for health care of Indians.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

''(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

''(1) the health promotion and disease prevention needs of Indians;

''(2) the health promotion and disease prevention activities which would best meet such needs;

''(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

''(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

"SEC. 203. DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

''(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

''(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

''(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

''(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2009.

''(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

''(e) OTHER DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

''(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

''(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

''(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

''(2) DIABETES CONTROL OFFICERS.—

''(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

''(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

"SEC. 204. SHARED SERVICES FOR LONG-TERM CARE.

''(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility

owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

''(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

''(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

''(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

''(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

''(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

''(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

"SEC. 205. HEALTH SERVICES RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

''(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

''(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

''(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

''(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

''(1) evaluate the impact of research conducted under this section; and

''(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

"SEC. 206. MAMMOGRAPHY AND OTHER CANCER SCREENING.

''The Secretary, acting through the Service, shall provide for screening as follows:

''(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

''(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b–4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

''(A) frequency;

''(B) the population to be served;

''(C) the procedure or technology to be used;

''(D) evidence of effectiveness; and

''(E) other matters that the Secretary determines appropriate.

"SEC. 207. PATIENT TRAVEL COSTS.

''(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

''(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

''(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

''(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

''(b) PROVISION OF FUNDS.—The Secretary, acting through the Service, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

''(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

''(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

''(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

"SEC. 208. EPIDEMIOLOGY CENTERS.

''(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

''(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian communities, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

''(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian communities in the Service Area;

''(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

''(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

''(4) make recommendations for the targeting of services needed by the populations served;

''(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

''(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

''(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian communities to promote public health.

''(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

''(d) GRANTS FOR STUDIES.—

''(1) IN GENERAL.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Indian organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

''(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium or Indian organization is eligible to receive a grant under this subsection if—

''(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

''(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

''(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

''(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

''(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

''(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

''(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

''(5) USE OF FUNDS.—A grant awarded under paragraph (1) may be used—

''(A) to carry out the functions described in subsection (b);

''(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

''(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

''(e) ACCESS TO INFORMATION.—

''(1) An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority for purposes of the Health Insurance Portability and Accountability Act of 1996, as such entities are defined in part 164.501 of title 45, Code of Federal Regulations.

''(2) The Secretary shall grant to such epidemiology center access to use of the data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

''(3) The activities of such an epidemiology center shall be for the purposes of research and for preventing and controlling disease, injury, or disability for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), as such activities are described in part 164.512 of title 45, Code of Federal Regulations (or a successor regulation).

''(f) FUNDS NOT DIVISIBLE.—An epidemiology center established under this section shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), but the funds for such center shall not be divisible.

"SEC. 209. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

''(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting

through the Service, is authorized to award grants to Indian Tribes and Tribal Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian children.

''(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

''(1) Developing health education materials both for regular school programs and after-school programs.

''(2) Training teachers in comprehensive school health education materials.

''(3) Integrating school-based, community-based, and other public and private health promotion efforts.

''(4) Encouraging healthy, tobacco-free school environments.

''(5) Coordinating school-based health programs with existing services and programs available in the community.

''(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

''(7) Developing behavioral health wellness programs.

''(8) Developing chronic disease prevention programs.

''(9) Developing substance abuse prevention programs.

''(10) Developing injury prevention and safety education programs.

''(11) Developing activities for the prevention and control of communicable diseases.

''(12) Developing community and environmental health education programs that include traditional health care practitioners.

''(13) Violence prevention.

''(14) Such other health issues as are appropriate.

''(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes and Tribal Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

''(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

''(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

''(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

''(A) school programs on nutrition education, personal health, oral health, and fitness;

''(B) behavioral health wellness programs;

''(C) chronic disease prevention programs;

''(D) substance abuse prevention programs;

''(E) injury prevention and safety education programs; and

''(F) activities for the prevention and control of communicable diseases.

''(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

''(A) provide training to teachers in comprehensive school health education materials;

''(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

''(C) encourage healthy, tobacco-free school environments.

''SEC. 210. INDIAN YOUTH PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and urban Indian preadolescent and adolescent youths.

''(b) USE OF FUNDS.—

''(1) ALLOWABLE USES.—Funds made available under this section may be used to—

''(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

''(B) develop and provide community training and education.

''(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

''(c) DUTIES OF THE SECRETARY.—The Secretary shall—

''(1) disseminate to Indian Tribes, Tribal Organizations, and urban Indian organizations information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

''(2) encourage the implementation of such models; and

''(3) at the request of an Indian Tribe, Tribal Organization, or urban Indian organization, provide technical assistance in the implementation of such models.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and urban Indian organizations, shall establish criteria for the review and approval of applications or proposals under this section.

''SEC. 211. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes, Tribal Organizations, and urban Indian organizations for the following:

''(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

''(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

''(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

''(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

''(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

''(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes, Tribal Organizations, and urban Indian organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

''(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

''(1) may, at the request of an Indian Tribe, Tribal Organization, or urban Indian organization, provide technical assistance; and

''(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

''SEC. 212. OTHER AUTHORITY FOR PROVISION OF SERVICES.

''(a) FUNDING AUTHORIZED.—The Secretary may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs of the Service, Indian Tribes, and Tribal Organizations not otherwise described in this Act for the following services:

''(1) Hospice care.

''(2) Assisted living services.

''(3) Long-term care services.

''(4) Home- and community-based services.

''(b) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

''(1) Individuals who are unable to perform a certain number of activities of daily living without assistance.

''(2) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

''(3) Such other individuals as an applicable Indian Health Program determines to be appropriate.

''(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) The term 'assisted living services' means any service provided by an assisted living facility (as defined in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b))), except that such an assisted living facility—

''(A) shall not be required to obtain a license; but

''(B) shall meet all applicable standards for licensure.

''(2) The term 'home- and community-based services' means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with applicable standards.

''(3) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

''(4) The term 'long-term care services' has the meaning given the term 'qualified long-term care services' in section 7702B(c) of the Internal Revenue Code of 1986.

''(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

''SEC. 213. INDIAN WOMEN'S HEALTH CARE.

''The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

"SEC. 214. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

''(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

''(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

''(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

''(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

''(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

''(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

''(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

''(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

''(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

''(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

''(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

''(d) INTERGOVERNMENTAL TASK FORCE.—

''(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

''(A) The Secretary of Energy.

''(B) The Secretary of the Environmental Protection Agency.

''(C) The Director of the Bureau of Mines.

''(D) The Assistant Secretary for Occupational Safety and Health.

''(E) The Secretary of the Interior.

''(F) The Secretary of Health and Human Services.

''(G) The Director of the Indian Health Service.

''(2) DUTIES.—The Task Force shall—

''(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

''(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

''(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

''(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

''(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

''(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

''(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

"SEC. 215. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2025, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

''(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

"SEC. 216. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

''(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

''(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using an intertribal consortium as a contract care intermediary to improve the accessibility of health services to California Indians.

''(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the intertribal consortium to reimburse the intertribal consortium for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 805(a) throughout the California contract health services delivery area described in section 219 with respect to high cost contract care cases.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the intertribal consortium under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the intertribal consortium during such fiscal year.

''(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

''(e) ADVISORY BOARD.—There is established an advisory board which shall advise the intertribal consortium in carrying out this section. The advisory board shall be composed of representatives, selected by the intertribal consortium, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom are not affiliated with the intertribal consortium.

"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

"SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

''(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

''(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service

beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"The Service shall provide funds for health care programs, functions, services, activities, information technology, and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs, functions, services, activities, information technology, and facilities operated directly by the Service.

"SEC. 221. LICENSING.

"Licensed health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) while performing such services.

"SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

"With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

"(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

"SEC. 224. LIABILITY FOR PAYMENT.

"(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

"(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 224(b), the provider shall have no further recourse against the patient who received the services.

"SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

"(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

"(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

"(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

"(1) any activity carried out by the director as of the date on which the report is prepared; and

"(2) any finding of the director with respect to the health of Indian men.

"SEC. 226. CATASTROPHIC HEALTH EMERGENCY FUND.

"(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

"(1) the amounts deposited under subsection (f); and

"(2) the amounts appropriated to CHEF under this section.

"(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

"(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

"(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

"(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

"(A) the 2000 level of $19,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

"(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

"(A) Service Units; or

"(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

"(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

"(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

"(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

"SEC. 227. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title.

"TITLE III—FACILITIES

"SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

"(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

"(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

"(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

"(b) CLOSURES.—

"(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service may be closed if the Secretary has not submitted to Congress, not less than 1 year and not more than 2 years before the date of the proposed closure, an evaluation, completed not more than 2 years before such submission, of the impact of the proposed closure that specifies, in addition to other considerations—

"(A) the accessibility of alternative health care resources for the population served by such facility;

"(B) the cost-effectiveness of such closure;

"(C) the quality of health care to be provided to the population served by such facility after such closure;

"(D) the availability of contract health care funds to maintain existing levels of service;

"(E) the views of the Indian Tribes served by such facility concerning such closure;

"(F) the level of use of such facility by all eligible Indians; and

"(G) the distance between such facility and the nearest operating Service hospital.

"(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

"(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

"(1) IN GENERAL.—

"(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

"(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

"(ii) shall give Indian Tribes' needs the highest priority;

"(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

"(II) shall include the methodology required in paragraph (2)(B)(v); and

"(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

''(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

''(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

''(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

''(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 shall not be affected by any change in the construction priority system taking place after that date if the project—

''(i) was identified in the fiscal year 2008 Service budget justification as—

''(I) 1 of the 10 top-priority inpatient projects;

''(II) 1 of the 10 top-priority outpatient projects;

''(III) 1 of the 10 top-priority staff quarters developments; or

''(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

''(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

''(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

''(I) on the initiative of the Secretary; or

''(II) pursuant to a request of an Indian Tribe or Tribal Organization.

''(2) REPORT; CONTENTS.—

''(A) INITIAL COMPREHENSIVE REPORT.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Assistant Secretary—

''(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

''(bb) to address other facilities issues.

''(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Assistant Secretary—

''(aa) to review the health care facilities construction priority system; and

''(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

''(ii) INITIAL REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

''(II) INCLUSIONS.—The initial report shall include—

''(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

''(bb) such other information as the Secretary determines to be appropriate.

''(iii) UPDATES OF REPORT.—Beginning in calendar year 2011, the Secretary shall—

''(I) update the report under clause (ii) not less frequently that once every 5 years; and

''(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

''(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

''(i) A description of the health care facility priority system of the Service established under paragraph (1).

''(ii) Health care facilities lists, which may include—

''(I) the 10 top-priority inpatient health care facilities;

''(II) the 10 top-priority outpatient health care facilities;

''(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

''(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

''(V) the 10 top-priority hostels associated with health care facilities.

''(iii) The justification for such order of priority.

''(iv) The projected cost of such projects.

''(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

''(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

''(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and urban Indian organizations; and

''(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and urban Indian organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

''(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

''(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

''(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

''(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

''(A) the Committees on Indian Affairs and Appropriations of the Senate;

''(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

''(C) the Secretary.

''(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and urban Indian organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

''SEC. 302. SANITATION FACILITIES.

''(a) FINDINGS.—Congress finds the following:

''(1) The provision of sanitation facilities is primarily a health consideration and function.

''(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

''(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

''(4) Many Indian homes and Indian communities still lack sanitation facilities.

''(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

''(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

''(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

''(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

''(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

''(c) FUNDING.—Notwithstanding any other provision of law—

''(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

''(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

''(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

''(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to fund up to 100 percent of the amount of an Indian Tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

''(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

''(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

''(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

''(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

''(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

''(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

''(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities in an amount equal to the Federal share of the costs of operating, managing, and maintaining the facilities provided under the plan described in subsection (h)(1)(F).

''(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

''(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

''(1) any funds appropriated pursuant to this section; and

''(2) any funds appropriated for the purpose of providing sanitation facilities.

''(h) REPORT.—

''(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

''(A) the current Indian sanitation facility priority system of the Service;

''(B) the methodology for determining sanitation deficiencies and needs;

''(C) the criteria on which the deficiencies and needs will be evaluated;

''(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

''(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

''(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

''(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

''(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

''(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

''(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

''(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

''(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

''(i) small or minor capital improvements needed to bring the facility back into compliance;

''(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

''(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

''(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

''(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

''(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

''(iii) there is no access to or no approved or permitted solid waste facility available.

''(D) A level IV deficiency exists—

''(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

''(I) lacks—

''(aa) a safe water supply system; or

''(bb) a waste disposal system;

''(II) contains no piped water or sewer facilities; or

''(III) has become inoperable due to a major component failure; or

''(ii) if only a washeteria or central facility exists in the community.

''(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

''(i) DEFINITIONS.—For purposes of this section, the following terms apply:

''(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

''(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

''SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

''(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

''(1) ownership and control by Indians;

''(2) equipment;

''(3) bookkeeping and accounting procedures;

''(4) substantive knowledge of the project or function to be contracted for;

''(5) adequately trained personnel; or

''(6) other necessary components of contract performance.

''(b) PAY RATES.—For the purposes of implementing the provisions of this title, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or renovated in whole or in part by funds made available pursuant to this title are not less than the prevailing local wage rates for similar work as determined in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a-5, known as the Davis-Bacon Act).

''(c) LABOR STANDARDS.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act').

"SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

''(1) any plans or designs for such expansion, renovation, or modernization; and

''(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

''(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

''(1) the Indian Tribe or Tribal Organization—

''(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

''(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

''(2) the expansion, renovation, or modernization—

''(A) is approved by the appropriate area director of the Service for Federal facilities; and

''(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

''(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

''(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

"SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

''(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

''(b) USE OF GRANT FUNDS.—

''(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

''(A) located apart from a hospital;

''(B) not funded under section 301 or section 306; and

''(C) which, upon completion of such construction or modernization will—

''(i) have a total capacity appropriate to its projected service population;

''(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 806(c)(2); and

''(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 806(c)(2).

''(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

''(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

''(c) GRANTS.—

''(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

''(A) adequate financial support will be available for the provision of services at such facility;

''(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

''(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

''(A) a need for increased ambulatory care services; and

''(B) insufficient capacity to deliver such services.

''(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

''(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

''(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

"SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

''(a) HEALTH CARE DEMONSTRATION PROJECTS.—The Secretary, acting through the Service, is authorized to make grants to, and enter into construction contracts or construction project agreements with, Indian Tribes or Tribal Organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out a health care delivery demonstration project to test alternative

means of delivering health care and services to Indians through facilities.

''(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

''(1) waive any leasing prohibition;

''(2) permit carryover of funds appropriated for the provision of health care services;

''(3) permit the use of other available funds;

''(4) permit the use of funds or property donated from any source for project purposes;

''(5) provide for the reversion of donated real or personal property to the donor; and

''(6) permit the use of Service funds to match other funds, including Federal funds.

''(c) REGULATIONS.—The Secretary shall develop and promulgate regulations, not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, for the review and approval of applications submitted under this section.

''(d) CRITERIA.—The Secretary may approve projects that meet the following criteria:

''(1) There is a need for a new facility or program or the reorientation of an existing facility or program.

''(2) A significant number of Indians, including those with low health status, will be served by the project.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The project is economically viable.

''(5) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(6) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

''(e) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria developed pursuant to subsection (d).

''(f) PRIORITY.—The Secretary shall give priority to applications for demonstration projects in each of the following Service Units to the extent that such applications are timely filed and meet the criteria specified in subsection (d):

''(1) Cass Lake, Minnesota.

''(2) Mescalero, New Mexico.

''(3) Owyhee, Nevada.

''(4) Schurz, Nevada.

''(5) Ft. Yuma, California.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(h) SERVICE TO INELIGIBLE PERSONS.—Subject to section 806, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 806 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

''(i) EQUITABLE TREATMENT.—For purposes of subsection (d)(1), the Secretary shall, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

''(j) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities which are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 307. LAND TRANSFER.

''Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

''The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

''(1) inpatient facilities;

''(2) outpatient facilities;

''(3) staff quarters;

''(4) hostels; and

''(5) specialized care facilities, such as behavioral health and elder care facilities.

''(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

''(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

''(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

''(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

''(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

''(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

''(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

''(7) whether, in the planning and design of health facilities under this section, users eligible under section 806(c) may be included in any projection of patient population;

''(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

''(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

''(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

''(c) REPORT.—Not later than September 30, 2010, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(1) the manner of consultation made as required by subsection (a); and

''(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

''A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

''(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project;

''(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project; or

''(3) in its application for a joint venture agreement, agrees—

''(A) to construct a facility for the joint venture which complies with the size and space criteria established by the Service; or

''(B) if the facility it proposes for the joint venture is already in existence or under construction, that only the portion of such facility which complies with the size and space criteria of the Service will be eligible for the joint venture agreement.

''(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

''(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

''(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient

method of facilitating and completing construction of health care facilities.

''(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

''(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

''(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

''(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

''(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

''(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

''(1) all lands within the exterior boundaries of any reservation; and

''(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

''(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

''(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

''(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The Secretary shall consult with Indian Tribes and Tribal Organizations in determining the maximum renovation cost threshold.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY OWNED QUARTERS.

''(a) RENTAL RATES.—

''(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

''(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

''(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

''(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

''(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally owned quarters used to house personnel in Services-supported programs.

''(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

''(b) DIRECT COLLECTION OF RENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

''(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

''(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

''(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

''(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

''(2) RETROCESSION OF AUTHORITY.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally owned quarters, such retrocession shall become effective on the earlier of—

''(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

''(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

''(c) RATES IN ALASKA.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

''(a) APPLICABILITY.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

''(b) EFFECT OF VIOLATION.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

''(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

''(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

''(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

''(c) TRANSFERRED FUNDS.—Any Federal agency to which funds for the construction of health care facilities are appropriated is authorized to transfer such funds to the Secretary for the construction of health care facilities to carry out the purposes of this Act as well as the purposes for which such funds

are appropriated to such other Federal agency.

''(d) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

''(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an urban Indian organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

''(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

''(c) USE OF FUNDS.—

''(1) SPECIAL FUND.—

''(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of title XVIII or XIX of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of either such title.

''(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) by reason of a provision of title XVIII or XIX of the Social Security Act shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of such respective title. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for increasing the facility's capacity to provide, or improving the quality or accessibility of, services.

''(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

''(d) DIRECT BILLING.—

''(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII, XIX, or XXI of the Social Security Act.

''(2) DIRECT REIMBURSEMENT.—

''(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under title XVIII, XIX, or XXI of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the same purposes with respect to such Program for which payment under subparagraph (A) of subsection (c)(1) to a facility of the Service may be used pursuant to subparagraph (B) of such subsection with respect to the Service.

''(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under title XVIII, XIX, or XXI of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

''(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

''(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under title XIX or XXI of the Social Security Act.

''(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

''(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

''(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

''(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

"SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

''(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations, trust lands, and Alaska Native Villages, including programs to provide outreach and enrollment through video, electronic delivery methods, or telecommunication devices that allow real-time or time-delayed communication between individual Indians and the benefit program, to assist individual Indians—

''(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act; and

''(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

''(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

''(1) to determine the population of Indians eligible for the benefits described in subsection (a);

''(2) to educate Indians with respect to the benefits available under the respective programs;

''(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

''(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

''(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to urban Indian organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

''(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

''(A) consistent with the requirements imposed by the Secretary under subsection (b);

''(B) appropriate to urban Indian organizations and urban Indians; and

''(C) necessary to effect the purposes of this section.

''(d) FACILITATING COOPERATION IN ENROLLMENT AND RETENTION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall consult with States, the Service, Indian Tribes, Tribal Organizations, and urban Indian organizations to develop and

disseminate best practices with respect to facilitating agreements between the States and Indian Tribes, Tribal Organizations, and urban Indian organizations relating to enrollment and retention of Indians in programs established under titles XVIII, XIX, and XXI of the Social Security Act.

''(e) AGREEMENTS TO IMPROVE ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary and the Service, Indian Tribes, Tribal Organizations, and urban Indian organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

''(f) DEFINITIONS.—In this section:

''(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

''(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

''(3) BENEFITS.—The term 'benefits' means, with respect to—

''(A) title XVIII of the Social Security Act, benefits under such title;

''(B) title XIX of such Act, medical assistance under such title; and

''(C) title XXI of such Act, assistance under such title.

"SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

''(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges incurred by the Secretary, an Indian Tribe, or Tribal Organization, or, if higher, the highest amount the third party would pay for care and services furnished by providers other than governmental entities, in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges if—

''(1) such services had been provided by a nongovernmental provider; and

''(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

''(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

''(1) workers' compensation laws; or

''(2) a no-fault automobile accident insurance plan or program.

''(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

''(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

''(A) intervening or joining in any civil action or proceeding brought—

''(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

''(ii) by any representative or heirs of such individual, or

''(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

''(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

''(3) RECOVERY FROM TORTFEASORS.—

''(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

''(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

''(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or urban Indian organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

''(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

''(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

''(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to urban Indian organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

''(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and urban Indian organizations.

''(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

"SEC. 404. CREDITING OF REIMBURSEMENTS.

''(a) RETENTION OF AMOUNTS FOR USE BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 806 (relating to health services for ineligible persons), all reimbursements received or recovered, including under section 806, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an urban Indian organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such urban Indian organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

''(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 405. PURCHASING HEALTH CARE COVERAGE.

''(a) PURCHASING COVERAGE.—

''(1) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and urban Indian organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and urban Indian organizations may use such amounts to purchase health benefits coverage that qualifies as creditable coverage under section 2701(c)(1) of the Public Health Service Act for such beneficiaries, including, subject to paragraph (2), through—

''(A) a tribally owned and operated health care plan;

''(B) a State or locally authorized or licensed health care plan;

''(C) a health insurance provider or managed care organization; or

''(D) a self-insured plan.

''(2) EXCEPTION.—The coverage provided under paragraph (1) may not include coverage consisting of—

''(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(3) PERMITTING PURCHASE OF COVERAGE BASED ON FINANCIAL NEED.—The purchase of

coverage by an Indian Tribe, Tribal Organization, or urban Indian organization under this subsection may be based on the financial needs of beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

''(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

''SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

''(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

''(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

''(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

''(2) the quality of health care services provided to any Indian through the Service;

''(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

''(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

''(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

''(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

''(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

''SEC. 407. ELIGIBLE INDIAN VETERAN SERVICES.

''(a) FINDINGS; PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) collaborations between the Secretary and the Secretary of Veterans Affairs regarding the treatment of Indian veterans at facilities of the Service should be encouraged to the maximum extent practicable; and

''(B) increased enrollment for services of the Department of Veterans Affairs by veterans who are members of Indian tribes should be encouraged to the maximum extent practicable.

''(2) PURPOSE.—The purpose of this section is to reaffirm the goals stated in the document entitled 'Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service' and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Service).

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian or Alaska Native veteran who receives any medical service that is—

''(A) authorized under the laws administered by the Secretary of Veterans Affairs; and

''(B) administered at a facility of the Service (including a facility operated by an Indian tribe or tribal organization through a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) pursuant to a local memorandum of understanding.

''(2) LOCAL MEMORANDUM OF UNDERSTANDING.—The term 'local memorandum of understanding' means a memorandum of understanding between the Secretary (or a designee, including the director of any Area Office of the Service) and the Secretary of Veterans Affairs (or a designee) to implement the document entitled 'Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service' and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Indian Health Service).

''(c) ELIGIBLE INDIAN VETERANS' EXPENSES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall provide for veteran-related expenses incurred by eligible Indian veterans as described in subsection (b)(1)(B).

''(2) METHOD OF PAYMENT.—The Secretary shall establish such guidelines as the Secretary determines to be appropriate regarding the method of payments to the Secretary of Veterans Affairs under paragraph (1).

''(d) TRIBAL APPROVAL OF MEMORANDA.—In negotiating a local memorandum of understanding with the Secretary of Veterans Affairs regarding the provision of services to eligible Indian veterans, the Secretary shall consult with each Indian tribe that would be affected by the local memorandum of understanding.

''(e) FUNDING.—

''(1) TREATMENT.—Expenses incurred by the Secretary in carrying out subsection (c)(1) shall not be considered to be Contract Health Service expenses.

''(2) USE OF FUNDS.—Of funds made available to the Secretary in appropriations Acts for the Service (excluding funds made available for facilities, Contract Health Services, or contract support costs), the Secretary shall use such sums as are necessary to carry out this section.

''SEC. 408. PAYOR OF LAST RESORT.

''Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

''SEC. 409. CONSULTATION.

''For provisions related to consultation with representatives of Indian Health Programs and urban Indian organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

''SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

''For provisions relating to—

''(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

''(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and urban Indian organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

''SEC. 411. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

''For provisions relating to—

''(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

''(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

''(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

''SEC. 412. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

''For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and urban Indian organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

''SEC. 413. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State Medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

''(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

''(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

''(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

''(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

''(c) REPORT.—Not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall submit to the Committee

on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

''(1) the results of the study under this section;

''(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

''(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

''(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 414. EXCEPTION FOR EXCEPTED BENEFITS.

''The previous provisions of this title shall not apply to the provision of excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

"SEC. 415. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

''The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

''Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, urban Indian organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any urban Indian organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

''(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, urban Indian organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the urban Indian organization successfully undertake to—

''(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

''(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

''(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

''(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

''(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

''(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

''(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting urban Indian organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

''(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

''(2) the size of the urban Indian population in the Urban Center or centers involved;

''(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

''(4) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

''(5) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

''(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

''(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

''(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to urban Indian organizations administering contracts entered into or receiving grants under subsection (a).

''(d) IMMUNIZATION SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to urban Indian organizations administering contracts entered into or receiving grants under this section.

''(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

''(e) BEHAVIORAL HEALTH SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to urban Indian organizations administering contracts entered into or receiving grants under subsection (a).

''(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment of the following:

''(A) The behavioral health needs of the urban Indian population concerned.

''(B) The behavioral health services and other related resources available to that population.

''(C) The barriers to obtaining those services and resources.

''(D) The needs that are unmet by such services and resources.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

''(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

''(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

''(f) PREVENTION OF CHILD ABUSE.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to urban Indian organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

''(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an urban Indian organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

''(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to urban Indian perpetrators of child abuse (including sexual abuse).

''(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

''(A) the support for the urban Indian organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

''(B) the capability and expertise demonstrated by the urban Indian organization to address the complex problem of child sexual abuse in the community; and

''(C) the assessment required under paragraph (2).

''(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an urban Indian organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

"(a) IN GENERAL.—The Secretary may permit an urban Indian organization that has entered into a contract or received a grant pursuant to this title, in carrying out such contract or grant, to use existing facilities and all equipment therein or pertaining thereto and other personal property owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

"(b) DONATIONS.—Subject to subsection (d), the Secretary may donate to an urban Indian organization that has entered into a contract or received a grant pursuant to this title any personal or real property determined to be excess to the needs of the Indian Health Service or the General Services Administration for the purposes of carrying out the contract or grant.

"(c) ACQUISITION OF PROPERTY.—The Secretary may acquire excess or surplus government personal or real property for donation, subject to subsection (d) to an urban Indian organization that has entered into a contract or received a grant pursuant to this title if the Secretary determines that the property is appropriate for use by the urban Indian organization for a purpose for which a contract or grant is authorized under this title.

"(d) PRIORITY.—In the event that the Secretary receives a request for a specific item of personal or real property described in subsections (b) or (c) from an urban Indian organization and from an Indian Tribe or Tribal Organization, the Secretary shall give priority to the request for donation to the Indian Tribe or Tribal Organization if the Secretary receives the request from the Indian Tribe or Tribal Organization before the date the Secretary transfers title to the property or, if earlier, the date the Secretary transfers the property physically, to the urban Indian organization.

"(e) EXECUTIVE AGENCY STATUS.—For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply), an urban Indian organization that has entered into a contract or received a grant pursuant to this title may be deemed to be an executive agency when carrying out such contract or grant.

"SEC. 505. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

"(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to urban Indian organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

"(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.

"(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the urban Indian organization successfully undertakes to—

"(A) document the health care status and unmet health care needs of urban Indians in the Urban Center involved; and

"(B) with respect to urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the urban Indian organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 506. EVALUATIONS; RENEWALS.

"(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

"(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

"(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

"(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another urban Indian organization which is situated in the same Urban Center as the urban Indian organization whose contract or grant is not renewed under this section.

"(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an urban Indian organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

"SEC. 507. OTHER CONTRACT AND GRANT REQUIREMENTS.

"(a) PROCUREMENT.—Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

"(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

"(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

"(A) may be made in a single advance payment by the Secretary to the urban Indian organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

"(B) if any portion thereof is unexpended by the urban Indian organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

"(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an urban Indian organization is not capable of administering an entire single advance payment, on request of the urban Indian organization, the payments may be made—

"(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

"(B) by way of reimbursement.

"(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

"SEC. 508. REPORTS AND RECORDS.

"(a) REPORTS.—

"(1) IN GENERAL.—For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such urban Indian organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

"(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

"(B) Information on activities conducted by the organization pursuant to the contract or grant.

"(C) An accounting of the amounts and purpose for which Federal funds were expended.

"(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with urban Indian organizations.

"(2) HEALTH STATUS AND SERVICES.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

"(i) the health status of urban Indians;

''(ii) the services provided to Indians pursuant to this title; and

''(iii) areas of unmet needs in the delivery of health services to urban Indians.

''(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

''(i) shall consult with urban Indian organizations; and

''(ii) may enter into a contract with a national organization representing urban Indian organizations to conduct any aspect of the report.

''(b) AUDIT.—The reports and records of the urban Indian organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

''(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

''(1) a certified public accountant; or

''(2) a certified public accounting firm qualified to conduct Federal compliance audits.

''SEC. 509. LIMITATION ON CONTRACT AUTHORITY.

''The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

''SEC. 510. FACILITIES.

''(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

''(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to urban Indian organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

''SEC. 511. DIVISION OF URBAN INDIAN HEALTH.

''There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

''(1) carrying out the provisions of this title;

''(2) providing central oversight of the programs and services authorized under this title; and

''(3) providing technical assistance to urban Indian organizations.

''SEC. 512. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those urban Indian organizations with which the Secretary has entered into a contract under this title or under section 201.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

''(1) The size of the urban Indian population.

''(2) Capability of the organization to adequately perform the activities required under the grant.

''(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

''(4) Identification of the need for services.

''(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

''(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

''SEC. 513. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

''Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

''(1) be permanent programs within the Service's direct care program;

''(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

''(3) continue to meet the requirements and definitions of an urban Indian organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 514. URBAN NIAAA TRANSFERRED PROGRAMS.

''(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with urban Indian organizations, to take effect not later than September 30, 2010, for the administration of urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

''(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

''(c) ELIGIBILITY.—Urban Indian organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

''(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

''SEC. 515. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.

''(a) IN GENERAL.—The Secretary shall ensure that the Service confers or conferences, to the greatest extent practicable, with Urban Indian Organizations.

''(b) DEFINITION OF CONFER; CONFERENCE.—In this section, the terms 'confer' and 'conference' mean an open and free exchange of information and opinions that—

''(1) leads to mutual understanding and comprehension; and

''(2) emphasizes trust, respect, and shared responsibility.

''SEC. 516. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

''(a) CONSTRUCTION AND OPERATION.—

''(1) IN GENERAL.—The Secretary, acting through the Service, through grant or contract, shall fund the construction and operation of at least 1 residential treatment center in each Service Area that meets the eligibility requirements set forth in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

''(2) TREATMENT.—Each residential treatment center described in paragraph (1) shall be in addition to any facilities constructed under section 707(b).

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible to obtain a facility under subsection (a)(1), a Service Area shall meet the following requirements:

''(1) There is an Urban Indian Organization in the Service Area.

''(2) There reside in the Service Area Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting.

''(3) There is a significant shortage of culturally competent residential treatment services for Urban Indian youth in the Service Area.

''SEC. 517. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) GRANTS AUTHORIZED.—The Secretary may make grants to those urban Indian organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among urban Indians.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

''(1) the size and location of the urban Indian population to be served;

''(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the urban Indian population to be served;

''(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

''(4) the capability of the organization to adequately perform the activities required under the grant; and

''(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 203(e)(1)(B) in the Area Office of the Service in which the organization is located.

''(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an urban Indian organization under this Act for the prevention, treatment, and control of diabetes among urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

''SEC. 518. COMMUNITY HEALTH REPRESENTATIVES.

''The Secretary, acting through the Service, may enter into contracts with, and make grants to, urban Indian organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to urban Indians.

''SEC. 519. EFFECTIVE DATE.

''The amendments made by the Indian Health Care Improvement Act Amendments of 2009 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

''SEC. 520. ELIGIBILITY FOR SERVICES.

''Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or

referral services provided pursuant to this title.

"SEC. 521. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

''(b) URBAN INDIAN ORGANIZATIONS.—The Secretary, acting through the Service, is authorized to establish programs, including programs for the awarding of grants, for urban Indian organizations that are identical to any programs established pursuant to section 126 (behavioral health training), section 209 (school health education), section 211 (prevention of communicable diseases), section 701 (behavioral health prevention and treatment services), and section 707(g) (multidrug abuse program).

"SEC. 522. HEALTH INFORMATION TECHNOLOGY.

''The Secretary, acting through the Service, may make grants to urban Indian organizations under this title for the development, adoption, and implementation of health information technology (as defined in section 3000(5) of the American Recovery and Reinvestment Act), telemedicine services development, and related infrastructure.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

''(2) ASSISTANT SECRETARY OF INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary of Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2010, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

''(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 shall serve as Assistant Secretary.

''(4) ADVOCACY AND CONSULTATION.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

''(A) facilitate advocacy for the development of appropriate Indian health policy; and

''(B) promote consultation on matters relating to Indian health.

''(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

''(c) DUTIES.—The Assistant Secretary shall—

''(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, carried out by or under the direction of the individual serving as Director of the Service on that day;

''(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

''(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

''(A) this Act;

''(B) the Act of November 2, 1921 (25 U.S.C. 13);

''(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

''(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

''(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(4) administer all scholarship and loan functions carried out under title I;

''(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

''(9) coordinate the activities of the Department concerning matters of Indian health; and

''(10) perform such other functions as the Secretary may designate.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

''(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

''(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

''(C) to manage, expend, and obligate all funds appropriated for the Service.

''(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

''(e) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

''(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

''(A) a financial management system;

''(B) a patient care information system for each area served by the Service;

''(C) privacy protections consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 or, to the extent consistent with such regulations, other Federal rules applicable to privacy of automated management information systems of a Federal agency;

''(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

''(E) an interface mechanism for patient billing and accounts receivable system; and

''(F) a training component.

''(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

''(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

''(2) meet the management information needs of the Service.

''(c) ACCESS TO RECORDS.—The Service shall provide access of patients to their medical or health records which are held by, or on behalf of, the Service in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 or, to the extent consistent with such regulations, other Federal rules applicable to access to health care records.

''(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

"SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out this title.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To authorize and direct the Secretary, acting through the Service, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

''(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

''(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

''(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

''(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

''(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

''(b) PLANS.—

''(1) DEVELOPMENT.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and urban Indian organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services.

The plans shall include, to the extent feasible, the following components:

''(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

''(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

''(ii) an estimate of the financial and human cost attributable to such illness or behavior.

''(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

''(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and urban Indian organizations to meet their responsibilities under the plans.

''(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, urban Indian organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, urban Indian organization, or the Service.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and urban Indian organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

''(c) PROGRAMS.—The Secretary, acting through the Service, shall provide, to the extent feasible and if funding is available, programs including the following:

''(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

''(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

''(B) detoxification (social and medical);

''(C) acute hospitalization;

''(D) intensive outpatient/day treatment;

''(E) residential treatment;

''(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

''(G) emergency shelter;

''(H) intensive case management; and

''(I) diagnostic services.

''(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

''(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

''(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

''(C) identification and treatment of co-occurring disorders and comorbidity;

''(D) prevention of alcohol, drug, inhalant, and tobacco use;

''(E) early intervention, treatment, and aftercare;

''(F) promotion of healthy approaches to risk and safety issues; and

''(G) identification and treatment of neglect and physical, mental, and sexual abuse.

''(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches for risk-related behavior;

''(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

''(F) sex specific treatment for sexual assault and domestic violence.

''(4) FAMILY CARE.—Behavioral health services for families, including—

''(A) early intervention, treatment, and aftercare for affected families;

''(B) treatment for sexual assault and domestic violence; and

''(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

''(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches to managing conditions related to aging;

''(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

''(F) identification and treatment of dementias regardless of cause.

''(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

''(1) ESTABLISHMENT.—The governing body of any Indian Tribe, Tribal Organization, or urban Indian organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

''(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe, Tribal Organization, or urban Indian organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or urban Indian organization in the development and implementation of such plan.

''(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

''(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

''(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

''(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

''(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

''(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

''(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

''(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

''(B) The right of Indians to participate in, and receive the benefit of, such services.

''(C) The actions necessary to protect the exercise of such right.

''(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

''(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

''(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

''(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

''(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

''(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

''(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include

specific provisions pursuant to which the Service shall assume responsibility for—

''(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

''(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

''(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

''(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and urban Indian organization.

''SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, including Systems of Care, which shall include—

''(A) prevention, through educational intervention, in Indian communities;

''(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

''(C) community-based rehabilitation and aftercare;

''(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

''(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

''(F) diagnostic services.

''(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

''(b) CONTRACT HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

''(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

''SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

''(1) provides for the training of Indians as mental health technicians; and

''(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

''(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

''(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, shall supervise and evaluate the mental health technicians in the training program.

''(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

''SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

''(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

''(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

''(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

''(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

''(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

''SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

''(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and urban Indian organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

''(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

''(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

''(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

''(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

''(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

''(d) ALLOCATION OF FUNDS FOR URBAN INDIAN ORGANIZATIONS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations.

''SEC. 707. INDIAN YOUTH PROGRAM.

''(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

''(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Service, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

''(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

''(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

''(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

''(4) SPECIFIC PROVISION OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

''(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

''(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

''(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, may provide intermediate behavioral health services, which may incorporate Systems of Care, to Indian children and adolescents, including—

''(A) pretreatment assistance;

''(B) inpatient, outpatient, and aftercare services;

''(C) emergency care;

''(D) suicide prevention and crisis intervention; and

''(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

''(2) USE OF FUNDS.—Funds provided under this subsection may be used—

''(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

''(B) to hire behavioral health professionals;

''(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

''(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

''(E) for intensive home- and community-based services.

''(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

''(d) FEDERALLY OWNED STRUCTURES.—

''(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

''(A) identify and use, where appropriate, federally owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

''(B) establish guidelines for determining the suitability of any such federally owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

''(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

''(e) REHABILITATION AND AFTERCARE SERVICES.—

''(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

''(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

''(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

''(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

''(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

''(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

''(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

''(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

''(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

''(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

''(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

''(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

''(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

''(4) the development of culturally relevant educational materials on suicide; and

''(5) data collection and reporting.

''(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

''(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

''(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

''(A) have expressed suicidal ideas;

''(B) have attempted suicide; or

''(C) have mental health conditions that increase or could increase the risk of suicide.

''(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal Organizations that operate 1 or more facilities—

''(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

''(B) reporting active clinical telehealth capabilities; or

''(C) offering school-based telemental health services relating to psychiatry to Indian youth.

''(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

''(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

''(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

''(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

''(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

''(D) operate a detention facility at which Indian youth are detained.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

''(A) To provide telemental health services to Indian youth, including the provision of—

''(i) psychotherapy;

''(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

''(iii) alcohol and substance abuse treatment.

''(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

''(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

''(D) To develop and distribute culturally appropriate community educational materials on—

''(i) suicide prevention;

''(ii) suicide education;

''(iii) suicide screening;

''(iv) suicide intervention; and

''(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

''(E) For data collection and reporting related to Indian youth suicide prevention efforts.

''(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

''(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant would—

''(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

''(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

''(3) evidence of support for the project from the local community to be served by the project;

''(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

''(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

''(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

''(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

''(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

''(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

''(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

''(1) describes the number of telemental health services provided; and

''(2) includes any other information that the Secretary may require.

''(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

''(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

''(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

''(3) evaluates whether the demonstration project should be—

''(A) expanded to provide more than 5 grants; and

''(B) designated a permanent program; and

''(4) evaluates the benefits of expanding the demonstration project to include urban Indian organizations.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

''Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, acting through the Service, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 710. TRAINING AND COMMUNITY EDUCATION.

''(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

''(b) INSTRUCTION.—The Secretary, acting through the Service, shall provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

''(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

''(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

''(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

''(3) community-based and multidisciplinary strategies, including Systems of Care, for preventing and treating behavioral health problems.

''SEC. 711. BEHAVIORAL HEALTH PROGRAM.

''(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

''(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

''(1) The project will address significant unmet behavioral health needs among Indians.

''(2) The project will serve a significant number of Indians.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(5) The project may deliver services in a manner consistent with traditional health care practices.

''(6) The project is coordinated with, and avoids duplication of, existing services.

''(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

''SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

''(a) PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary, consistent with section 701 and acting through the Service, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

''(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

''(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

''(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

''(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

''(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

''(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

''(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and urban Indian organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

''(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

''(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

''(ii) Community-based support services for Indians and women pregnant with Indian children.

''(iii) Community-based housing for adult Indians with fetal alcohol disorder.

''(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

''(b) SERVICES.—The Secretary, acting through the Service, shall—

''(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

''(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

''(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal

Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

''(1) The National Institute on Drug Abuse.

''(2) The National Institute on Alcohol and Alcoholism.

''(3) The Office of Substance Abuse Prevention.

''(4) The National Institute of Mental Health.

''(5) The Service.

''(6) The Office of Minority Health of the Department of Health and Human Services.

''(7) The Administration for Native Americans.

''(8) The National Institute of Child Health and Human Development (NICHD).

''(9) The Centers for Disease Control and Prevention.

''(10) The Bureau of Indian Affairs.

''(11) Indian Tribes.

''(12) Tribal Organizations.

''(13) urban Indian organizations.

''(14) Indian fetal alcohol spectrum disorders experts.

''(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and urban Indians affected by fetal alcohol spectrum disorders.

''(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations funded under title V.

''SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

''(1) victims of sexual abuse who are Indian children or children in an Indian household; and

''(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

''(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

''(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

''(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

''(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

''(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

''(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

''(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

''(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

''(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

''SEC. 714. DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT.

''(a) IN GENERAL.—The Secretary, in accordance with section 701, is authorized to establish in each Service Area programs involving the prevention and treatment of—

''(1) Indian victims of domestic violence or sexual abuse; and

''(2) perpetrators of domestic violence or sexual abuse who are Indian or members of an Indian household.

''(b) USE OF FUNDS.—Funds made available to carry out this section shall be used—

''(1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;

''(2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;

''(3) to purchase rape kits;

''(4) to develop prevention and intervention models, which may incorporate traditional health care practices; and

''(5) to identify and provide behavioral health treatment to perpetrators who are Indian or members of an Indian household.

''(c) TRAINING AND CERTIFICATION.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

''(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

''(d) COORDINATION.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian Health Programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

''(A) to improve domestic violence or sexual abuse responses;

''(B) to improve forensic examinations and collection;

''(C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

''(D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

''(2) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in paragraph (1), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.

''SEC. 715. BEHAVIORAL HEALTH RESEARCH.

''The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and urban Indian organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

''(1) the multifactorial causes of Indian youth suicide, including—

''(A) protective and risk factors and scientific data that identifies those factors; and

''(B) the effects of loss of cultural identity and the development of scientific data on those effects;

''(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

''(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

''SEC. 716. DEFINITIONS.

''For the purpose of this title, the following definitions shall apply:

''(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

''(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

''(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

''(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

''(5) FETAL ALCOHOL SPECTRUM DISORDERS.—

''(A) IN GENERAL.—The term 'fetal alcohol spectrum disorders' includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

''(B) INCLUSIONS.—The term 'fetal alcohol spectrum disorders' may include—

''(i) fetal alcohol syndrome (FAS);

''(ii) fetal alcohol effect (FAE);

''(iii) alcohol-related birth defects; and

''(iv) alcohol-related neurodevelopmental disorders (ARND).

''(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means any 1 of a spectrum of effects that may occur when a woman drinks alcohol during pregnancy, the diagnosis of which involves the confirmed presence of the following 3 criteria:

''(A) Craniofacial abnormalities.

''(B) Growth deficits.

''(C) Central nervous system abnormalities.

''(7) REHABILITATION.—The term 'rehabilitation' means medical and health care services that—

''(A) are recommended by a physician or licensed practitioner of the healing arts within the scope of their practice under applicable law;

''(B) are furnished in a facility, home, or other setting in accordance with applicable standards; and

''(C) have as their purpose any of the following:

''(i) The maximum attainment of physical, mental, and developmental functioning.

''(ii) Averting deterioration in physical or mental functional status.

''(iii) The maintenance of physical or mental health functional status.

''(8) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

''(9) SYSTEMS OF CARE.—The term 'Systems of Care' means a system for delivering services to children and their families that is child-centered, family-focused and family-driven, community-based, and culturally competent and responsive to the needs of the children and families being served. The systems of care approach values prevention and early identification, smooth transitions for children and families, child and family participation and advocacy, comprehensive array of services, individualized service planning, services in the least restrictive environment, and integrated services with coordinated planning across the child-serving systems.

"SEC. 717. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"TITLE VIII—MISCELLANEOUS

"SEC. 801. REPORTS.

''For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall transmit to Congress a report containing the following:

''(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

''(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and urban Indian organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 807.

''(3) A report on the use of health services by Indians—

''(A) on a national and area or other relevant geographical basis;

''(B) by gender and age;

''(C) by source of payment and type of service;

''(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

''(E) provided under contracts.

''(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

''(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(m).

''(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

''(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

''(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

''(9) A biennial report to Congress on infectious diseases as required by section 212.

''(10) A report on environmental and nuclear health hazards as required by section 215.

''(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

''(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

''(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

''(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

''(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

''(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

''(17) A report on evaluation and renewal of urban Indian programs under section 505.

''(18) A report on the evaluation of programs as required by section 513(d).

''(19) A report on alcohol and substance abuse as required by section 701(f).

''(20) A report on Indian youth mental health services as required by section 707(h).

''(21) A report on the reallocation of base resources if required by section 807.

''(22) A report on the movement of patients between Service Units, including—

''(A) a list of those Service Units that have a net increase and those that have a net decrease of patients due to patients assigned to one Service Unit voluntarily choosing to receive service at another Service Unit;

''(B) an analysis of the effect of patient movement on the quality of services for those Service Units experiencing an increase in the number of patients served; and

''(C) what funding changes are necessary to maintain a consistent quality of service at Service Units that have an increase in the number of patients served.

''(23) A report on the extent to which health care facilities of the Service, Indian Tribes, Tribal Organizations, and urban Indian organizations comply with credentialing requirements of the Service or licensure requirements of States.

"SEC. 802. REGULATIONS.

''(a) DEADLINES.—

''(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out this Act, except sections 105, 115, 117, 202, and 409 through 414. The Secretary may promulgate regulations to carry out such sections using the procedures required by chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009 and shall have no less than a 120-day comment period.

''(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009.

''(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"SEC. 803. PLAN OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009, the Secretary, in consultation with Indian Tribes, Tribal Organizations, and urban Indian organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(b) LACK OF PLAN.—The lack of (or failure to submit) such a plan shall not limit the effect, or prevent the implementation, of this Act.

"SEC. 804. LIMITATION ON USE OF FUNDS APPROPRIATED TO INDIAN HEALTH SERVICE.

''Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

"SEC. 805. ELIGIBILITY OF CALIFORNIA INDIANS.

''(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

''(1) Any member of a federally recognized Indian Tribe.

''(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

''(A) is a member of the Indian community served by a local program of the Service; and

''(B) is regarded as an Indian by the community in which such descendant lives.

''(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

''(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

''(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 806. HEALTH SERVICES FOR INELIGIBLE PERSONS.

''(a) CHILDREN.—Any individual who—

''(1) has not attained 19 years of age;

''(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

''(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

''(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

''(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

''(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service area of the Service Unit and who are not otherwise eligible for such health services if—

''(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

''(B) the Secretary and the served Indian Tribes have jointly determined that—

''(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

''(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

''(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

''(3) PAYMENT FOR SERVICES.—

''(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

''(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

''(4) REVOCATION OF CONSENT FOR SERVICES.—

''(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

''(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

''(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

''(1) achieve stability in a medical emergency;

''(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

''(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

''(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

''(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—

''(1) IN GENERAL.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

''(2) DEFINITION.—For purposes of this subsection, the term 'non-Service health care practitioner' means a practitioner who is not—

''(A) an employee of the Service; or

''(B) an employee of an Indian tribe or tribal organization operating a contract or compact under the Indian Self-Determination and Education Assistance Act or an individual who provides health care services pursuant to a personal services contract with such Indian tribe or tribal organization.

''(f) ELIGIBLE INDIAN.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 807. REALLOCATION OF BASE RESOURCES.

''(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

''(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 808. RESULTS OF DEMONSTRATION PROJECTS.

''The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and urban Indian organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 809. MORATORIUM.

''During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 805 and 806, until the Service has submitted to the Committees on Appropriations of the Senate and the House of Representatives a budget request reflecting the increased costs associated with the proposed final rule, and the request has been included in an appropriations Act and enacted into law.

"SEC. 810. SEVERABILITY PROVISIONS.

''If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 811. USE OF PATIENT SAFETY ORGANIZATIONS.

''The Service, an Indian Tribe, Tribal Organization, or urban Indian organization may provide for quality assurance activities through the use of a patient safety organization in accordance with title IX of the Public Health Service Act.

"SEC. 812. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

''(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

''(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

''(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

''(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

''(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

''(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

''(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

''(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

''(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

''(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization.

''(d) DISCLOSURE FOR CERTAIN PURPOSES.—

''(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program or Urban Indian Organizations's medical quality assurance programs.

''(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

''(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

''(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5, United States Code.

''(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(i) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

''(j) DEFINITIONS.—In this section:

''(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

''(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

''(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

''(k) CONTINUED PROTECTION.—Disclosure under subsection (c) does not permit redisclosure except to the extent such further disclosure is authorized under subsection (c) or is otherwise authorized to be disclosed under this section.

''(l) INCONSISTENCIES.—To the extent that the protections under the Patient Safety and Quality Improvement Act of 2005 and this section are inconsistent, the provisions of whichever is more protective shall control.

''(m) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of the Indian Health Care Improvement Act Amendments of 2009.

"SEC. 813. CLAREMORE INDIAN HOSPITAL.

''The Claremore Indian Hospital shall be deemed to be a dependant Indian community for the purposes of section 1151 of title 18, United States Code.

"SEC. 814. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

''It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

''(1) to improve law enforcement services provided to Indian tribal communities; and

''(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian country (as defined in section 1151 of title 18, United States Code).

"SEC. 815. PERMITTING IMPLEMENTATION THROUGH CONTRACTS WITH TRIBAL HEALTH PROGRAMS.

''Nothing in this Act shall be construed as preventing the Secretary from—

''(1) carrying out any section of this Act through contracts with Tribal Health Programs; and

''(2) carrying out sections through 214, 701(a)(1), 701(b)(1), 701(c), 707(g), and 712(b), through contracts with urban Indian organizations.

The previous sentence shall not affect the authority the Secretary may otherwise have to carry out other provisions of this Act through such contracts.

"SEC. 816. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

''(b) LIMITATION ON NEW SPENDING AUTHORITY.—Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

''(c) AVAILABILITY.—The funds appropriated pursuant to this Act shall remain available until expended.''.

(b) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Health and Human Services (6).'' and inserting ''Assistant Secretaries of Health and Human Services (7)''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Indian Health Service, Department of Health and Human Services''.

(c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(A) in section 3 (25 U.S.C. 3902)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(iii) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.'';

(B) in section 5 (25 U.S.C. 3904), by striking the section designation and heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(C) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY'';

(D) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(E) by striking ''Director'' each place it appears and inserting ''Assistant Secretary''.

(3) Section 5504(d)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(4) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(5) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(6) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(A) by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''; and

(B) in paragraph (2)(A), by striking ''the Directors referred to in such paragraph'' and inserting ''the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health''.

(7) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(8) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(9) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(10) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

SEC. 3102. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(g) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(h) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(i) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(j) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(m) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first fiscal year described in that paragraph, 20 percent;

''(B) for the following fiscal year, 15 percent; and

''(C) for each fiscal year thereafter, 10 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

SEC. 3103. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on the utilization of health care furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual providers, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to accessing care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations regarding—

(1) the appropriate level of Federal funding that should be established for health care under the contract health services program described in subsection (a)(1); and

(2) how to most efficiently utilize such funding.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Comptroller General shall consult with the Indian Health Service, Indian Tribes, and Tribal Organizations.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 3201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

"SEC. 1911. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—An Indian Health Program shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Program if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.''.

(2) REPEAL OF OBSOLETE PROVISION.—Subsection (b) of such section is repealed.

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority. This subsection shall not be construed to impair the entitlement of a State to reimbursement for such medical assistance under this title.''.

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

''(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(d) DIRECT BILLING.—For provisions relating to the authority of an Tribal Health Program to elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.''.

(5) DEFINITIONS.—Section 1101(a) of such Act (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

''(11) For purposes of this title and titles XVIII, XIX, and XXI, the terms 'Indian Health Program', 'Indian Tribe' (and 'Indian tribe'), 'Tribal Health Program', 'Tribal Organization' (and 'tribal organization'), and 'urban Indian organization' (and 'urban Indian organization') have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

"SEC. 1880. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), an Indian Health Program shall be eligible for payments under this title with respect to items and services furnished by the Program if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.''.

(2) REPEAL OF OBSOLETE PROVISION.—Subsection (b) of such section is repealed.

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

''(b) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(c) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program to elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.''.

(B) CONFORMING AMENDMENTS.—Such section is further amended—

(i) in subsection (e)(3), by striking ''Subsection (c)'' and inserting ''Subsection (b) and section 401(b)(1) of the Indian Health Care Improvement Act'';

(ii) by redesignating subsection (e) as subsection (d); and

(iii) by striking subsection (f).

(4) DEFINITIONS.—Such section is further amended by amending adding at the end the following new subsection:

''(e) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (K) through (M) as subparagraphs (L) through (N), respectively; and

(2) by inserting after subparagraph (J), the following new subparagraph:

''(K) Section 1911 (relating to Indian Health Programs, other than subsection (c) of such section).''.

SEC. 3202. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of the Social Security Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking ''(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))'' and inserting '', including how the State will ensure that payments are made to Indian Health Programs and urban Indian organizations operating in the State for the provision of such assistance''.

(b) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking ''insurance program, other than an insurance program operated or financed by the Indian Health Service'' and inserting ''program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or urban Indian organization''.

(c) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

''(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 3203. SOLICITATION OF PROPOSALS FOR SAFE HARBORS UNDER THE SOCIAL SECURITY ACT FOR FACILITIES OF INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

The Secretary of Health and Human Services, acting through the Office of the Inspector General of the Department of Health and Human Services, shall publish a notice, described in section 1128D(a)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7d(a)(1)(A)), soliciting a proposal, not later than July 1, 2010, on the development of safe harbors described in such section relating to health care items and services provided by facilities of Indian Health Programs or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act). Such a safe harbor may relate to areas such as transportation, housing, or cost-sharing, assistance provided through such facilities or contract health services for Indians.

SEC. 3204. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 3203 and 3204, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

''(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2011, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

''(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

''(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

''(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

''(5) Such other information as the Secretary determines is appropriate.''.

SEC. 3205. DEVELOPMENT OF RECOMMENDATIONS TO IMPROVE INTERSTATE COORDINATION OF MEDICAID AND SCHIP COVERAGE OF INDIAN CHILDREN AND OTHER CHILDREN WHO ARE OUTSIDE OF THEIR STATE OF RESIDENCY BECAUSE OF EDUCATIONAL OR OTHER NEEDS.

(a) STUDY.—The Secretary shall conduct a study to identify barriers to interstate coordination of enrollment and coverage under the Medicaid program under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act of children who are eligible for medical assistance or child health assistance under such programs and who, because of educational needs, migration of families, emergency evacuations, or otherwise, frequently change their State of residency or otherwise are temporarily present outside of the State of their residency. Such study shall include an examination of the enrollment and coverage coordination issues faced by Indian children who are eligible for medical assistance or child health assistance under such programs in their State of residence and who temporarily reside in an out-of-State boarding school or peripheral dormitory funded by the Bureau of Indian Affairs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with directors of State Medicaid programs under title XIX of the Social Security Act and directors of State Children's Health Insurance Programs under title XXI of such Act, shall submit a report to Congress that contains recommendations for such legislative and administrative actions as the Secretary determines appropriate to address the enrollment and coverage coordination barriers identified through the study required under subsection (a).

Pursuant to House Resolution 903, the SPEAKER pro tempore, Mr. SERRANO, recognized Messrs. WAXMAN, BARTON of Texas, RANGEL, CAMP, ANDREWS, and KLINE of Minnesota, for 40 minutes each.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 903, the following further amendment, printed in Part C of House Report 111-330, was submitted by Mr. STUPAK:

Page 97, strike line 13 and all that follows through page 98, line 7.

Page 110, strike lines 1 through 7.

Page 114, line 21, strike ''consistent with subsection (e) of such section''.

Page 118, line 21, strike ''(including subsection (e))''.

Page 154, after line 18, insert the following new section (and conform the table of contents of division A accordingly):

SEC. 265. LIMITATION ON ABORTION FUNDING.

(a) IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest.

(b) OPTION TO PURCHASE SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.—Nothing in this section shall be construed as prohibiting any nonfederal entity (including an individual or a State or local government) from purchasing separate supplemental coverage for abortions for which funding is prohibited under this section, or a plan that includes such abortions, so long as—

(1) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

(2) such coverage or plan is not purchased using—

(A) individual premium payments required for a Exchange-participating health benefits plan towards which an affordability credit is applied; or

(B) other nonfederal funds required to receive a federal payment, including a State's or locality's contribution of Medicaid matching funds.

(c) OPTION TO OFFER SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.—Notwithstanding section 303(b), nothing in this section shall restrict any nonfederal QHBP offering entity from offering separate supplemental coverage for abortions for which funding is prohibited under this section, or a plan that includes such abortions, so long as—

(1) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

(2) administrative costs and all services offered through such supplemental coverage or plan are paid for using only premiums collected for such coverage or plan; and

(3) any nonfederal QHBP offering entity that offers an Exchange-participating health benefits plan that includes coverage for abortions for which funding is prohibited under this section also offers an Exchange-participating health benefits plan that is identical in every respect except that it does not cover abortions for which funding is prohibited under this section.

Page 171, strike line 5 and all that follows through page 172, line 8.

Page 182, line 22, strike ''willingness or''.

Page 246, strike lines 11 through 14.

After debate,

Pursuant to House Resolution 903, the previous question was ordered on the further amendment.

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. STUPAK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to Section 2 of House Resolution 903, announced that further proceedings on the question were postponed.

Pursuant to House Resolution 903, the following further amendment in the nature of a substitute, printed in Part D of House Report 111-330, was submitted by Mr. BOEHNER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Common Sense Health Care Reform and Affordability Act''.

(b) PURPOSE.—The purpose of this Act is to take meaningful steps to lower health care costs and increase access to health insurance coverage (especially for individuals with preexisting conditions) without—

(1) raising taxes;

(2) cutting Medicare benefits for seniors;

(3) adding to the national deficit;

(4) intervening in the doctor-patient relationship; or

(5) instituting a government takeover of health care.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; purpose; table of contents.

DIVISION A—MAKING HEALTH CARE COVERAGE AFFORDABLE FOR EVERY AMERICAN

TITLE I—ENSURING COVERAGE FOR INDIVIDUALS WITH PREEXISTING CONDITIONS AND MULTIPLE HEALTH CARE NEEDS

Sec. 101. Establish universal access programs to improve high risk pools and reinsurance markets.
Sec. 102. Elimination of certain requirements for guaranteed availability in individual market.
Sec. 103. No annual or lifetime spending caps.
Sec. 104. Preventing unjust cancellation of insurance coverage.

TITLE II—REDUCING HEALTH CARE PREMIUMS AND THE NUMBER OF UNINSURED AMERICANS

Sec. 111. State innovation programs.
Sec. 112. Health plan finders.
Sec. 113. Administrative simplification.

DIVISION B—IMPROVING ACCESS TO HEALTH CARE

TITLE I—EXPANDING ACCESS AND LOWERING COSTS FOR SMALL BUSINESSES

Sec. 201. Rules governing association health plans.
Sec. 202. Clarification of treatment of single employer arrangements.
Sec. 203. Enforcement provisions relating to association health plans.
Sec. 204. Cooperation between Federal and State authorities.
Sec. 205. Effective date and transitional and other rules.

TITLE II—TARGETED EFFORTS TO EXPAND ACCESS

Sec. 211. Extending coverage of dependents.
Sec. 212. Allowing auto-enrollment for employer sponsored coverage.

TITLE III—EXPANDING CHOICES BY ALLOWING AMERICANS TO BUY HEALTH CARE COVERAGE ACROSS STATE LINES

Sec. 221. Interstate purchasing of Health Insurance.

TITLE IV—IMPROVING HEALTH SAVINGS ACCOUNTS

Sec. 231. Saver's credit for contributions to health savings accounts.
Sec. 232. HSA funds for premiums for high deductible health plans.
Sec. 233. Requiring greater coordination between HDHP administrators and HSA account administrators so that enrollees can enroll in both at the same time.
Sec. 234. Special rule for certain medical expenses incurred before establishment of account.

DIVISION C—ENACTING REAL MEDICAL LIABILITY REFORM

Sec. 301. Encouraging speedy resolution of claims.
Sec. 302. Compensating patient injury.
Sec. 303. Maximizing patient recovery.
Sec. 304. Additional health benefits.
Sec. 305. Punitive damages.
Sec. 306. Authorization of payment of future damages to claimants in health care lawsuits.
Sec. 307. Definitions.
Sec. 308. Effect on other laws.
Sec. 309. State flexibility and protection of states' rights.
Sec. 310. Applicability; effective date.

DIVISION D—PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

Sec. 401. Rule of construction.
Sec. 402. Repeal of Federal Coordinating Council for Comparative Effectiveness Research.

DIVISION E—INCENTIVIZING WELLNESS AND QUALITY IMPROVEMENTS

Sec. 501. Incentives for prevention and wellness programs.

DIVISION F—PROTECTING TAXPAYERS

Sec. 601. Provide full funding to HHS OIG and HCFAC.
Sec. 602. Prohibiting taxpayer funded abortions and conscience protections.
Sec. 603. Improved enforcement of the Medicare and Medicaid secondary payer provisions.
Sec. 604. Strengthen Medicare provider enrollment standards and safeguards.
Sec. 605. Tracking banned providers across State lines.

DIVISION G—PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 701. Licensure pathway for biosimilar biological products.
Sec. 702. Fees relating to biosimilar biological products.
Sec. 703. Amendments to certain patent provisions.

DIVISION A—MAKING HEALTH CARE COVERAGE AFFORDABLE FOR EVERY AMERICAN

TITLE I—ENSURING COVERAGE FOR INDIVIDUALS WITH PREEXISTING CONDITIONS AND MULTIPLE HEALTH CARE NEEDS

SEC. 101. ESTABLISH UNIVERSAL ACCESS PROGRAMS TO IMPROVE HIGH RISK POOLS AND REINSURANCE MARKETS.

(a) STATE REQUIREMENT.—

(1) IN GENERAL.—Not later than January 1, 2010, each State shall—

(A) subject to paragraph (3), operate—

(i) a qualified State reinsurance program described in subsection (b); or

(ii) qualifying State high risk pool described in subsection (c)(1); and

(B) subject to paragraph (3), apply to the operation of such a program from State funds an amount equivalent to the portion of State funds derived from State premium assessments (as defined by the Secretary) that are not otherwise used on State health care programs.

(2) RELATION TO CURRENT QUALIFIED HIGH RISK POOL PROGRAM.—

(A) STATES NOT OPERATING A QUALIFIED HIGH RISK POOL.—In the case of a State that is not operating a current section 2745 qualified high risk pool as of the date of the enactment of this Act—

(i) the State may only meet the requirement of paragraph (1) through the operation of a qualified State reinsurance program described in subsection (b); and

(ii) the State's operation of such a reinsurance program shall be treated, for purposes of section 2745 of the Public Health Service Act, as the operation of a qualified high risk pool described in such section.

(B) STATE OPERATING A QUALIFIED HIGH RISK POOL.—In the case of a State that is operating a current section 2745 qualified high risk pool as of the date of the enactment of this Act—

(i) as of January 1, 2010, such a pool shall not be treated as a qualified high risk pool

under section 2745 of the Public Health Service Act unless the pool is a qualifying State high risk pool described in subsection (c)(1); and

(ii) the State may use premium assessment funds described in paragraph (1)(B) to transition from operation of such a pool to operation of a qualified State reinsurance program described in subsection (b).

(3) APPLICATION OF FUNDS.—If the program or pool operated under paragraph (1)(A) is in strong fiscal health, as determined in accordance with standards established by the National Association of Insurance Commissioners and as approved by the State Insurance Commissioner involved, the requirement of paragraph (1)(B) shall be deemed to be met.

(b) QUALIFIED STATE REINSURANCE PROGRAM.—

(1) IN GENERAL.—For purposes of this section, a ''qualified State reinsurance program'' means a program operated by a State program that provides reinsurance for health insurance coverage offered in the small group market in accordance with the model for such a program established (as of the date of the enactment of this Act).

(2) FORM OF PROGRAM.—A qualified State reinsurance program may provide reinsurance—

(A) on a prospective or retrospective basis; and

(B) on a basis that protects health insurance issuers against the annual aggregate spending of their enrollees as well as purchase protection against individual catastrophic costs.

(3) SATISFACTION OF HIPAA REQUIREMENT.—A qualified State reinsurance program shall be deemed, for purposes of section 2745 of the Public Health Service Act, to be a qualified high-risk pool under such section.

(c) QUALIFYING STATE HIGH RISK POOL.—

(1) IN GENERAL.—A qualifying State high risk pool described in this subsection means a current section 2745 qualified high risk pool that meets the following requirements:

(A) The pool must provide at least two coverage options, one of which must be a high deductible health plan coupled with a health savings account.

(B) The pool must be funded with a stable funding source.

(C) The pool must eliminate any waiting lists so that all eligible residents who are seeking coverage through the pool should be allowed to receive coverage through the pool.

(D) The pool must allow for coverage of individuals who, but for the 24-month disability waiting period under section 226(b) of the Social Security Act, would be eligible for Medicare during the period of such waiting period.

(E) The pool must limit the pool premiums to no more than 150 percent of the average premium for applicable standard risk rates in that State.

(F) The pool must conduct education and outreach initiatives so that residents and brokers understand that the pool is available to eligible residents.

(G) The pool must provide coverage for preventive services and disease management for chronic diseases.

(2) VERIFICATION OF CITIZENSHIP OR ALIEN QUALIFICATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, only citizens and nationals of the United States shall be eligible to participate in a qualifying State high risk pool that receives funds under section 2745 of the Public Health Service Act or this section.

(B) CONDITION OF PARTICIPATION.—As a condition of a State receiving such funds, the Secretary shall require the State to certify, to the satisfaction of the Secretary, that such State requires all applicants for coverage in the qualifying State high risk pool to provide satisfactory documentation of citizenship or nationality in a manner consistent with section 1903(x) of the Social Security Act.

(C) RECORDS.—The Secretary shall keep sufficient records such that a determination of citizenship or nationality only has to be made once for any individual under this paragraph.

(3) RELATION TO SECTION 2745.—As of January 1, 2010, a pool shall not qualify as qualified high risk pool under section 2745 of the Public Health Service Act unless the pool is a qualifying State high risk pool described in paragraph (1).

(d) WAIVERS.—In order to accommodate new and innovative programs, the Secretary may waive such requirements of this section for qualified State reinsurance programs and for qualifying State high risk pools as the Secretary deems appropriate.

(e) FUNDING.—In addition to any other amounts appropriated, there is appropriated to carry out section 2745 of the Public Health Service Act (including through a program or pool described in subsection (a)(1))—

(1) $15,000,000,000 for the period of fiscal years 2010 through 2019; and

(2) an additional $10,000,000,000 for the period of fiscal years 2015 through 2019.

(f) DEFINITIONS.—In this section:

(1) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER.—The terms ''health insurance coverage'' and ''health insurance issuer'' have the meanings given such terms in section 2791 of the Public Health Service Act.

(2) CURRENT SECTION 2745 QUALIFIED HIGH RISK POOL.—The term ''current section 2745 qualified high risk pool'' has the meaning given the term ''qualified high risk pool'' under section 2745(g) of the Public Health Service Act as in effect as of the date of the enactment of this Act.

(3) SECRETARY.—The term ''Secretary'' means Secretary of Health and Human Services.

(4) STANDARD RISK RATE.—The term ''standard risk rate'' means a rate that—

(A) is determined under the State high risk pool by considering the premium rates charged by other health insurance issuers offering health insurance coverage to individuals in the insurance market served;

(B) is established using reasonable actuarial techniques; and

(C) reflects anticipated claims experience and expenses for the coverage involved.

(5) STATE.—The term ''State'' means any of the 50 States or the District of Columbia.

SEC. 102. ELIMINATION OF CERTAIN REQUIREMENTS FOR GUARANTEED AVAILABILITY IN INDIVIDUAL MARKET.

(a) IN GENERAL.—Section 2741(b) of the Public Health Service Act (42 U.S.C. 300gg–41(b)) is amended——

(1) in paragraph (1)—

(A) by striking ''(1)(A)'' and inserting ''(1)''; and

(B) by striking ''and (B)'' and all that follows up to the semicolon at the end;

(2) by adding ''and'' at the end of paragraph (2);

(3) in paragraph (3)—

(A) by striking ''(1)(A)'' and inserting ''(1)''; and

(B) by striking the semicolon at the end and inserting a period; and

(4) by striking paragraphs (4) and (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 103. NO ANNUAL OR LIFETIME SPENDING CAPS.

Notwithstanding any other provision of law, a health insurance issuer (including an entity licensed to sell insurance with respect to a State or group health plan) may not apply an annual or lifetime aggregate spending cap on any health insurance coverage or plan offered by such issuer.

SEC. 104. PREVENTING UNJUST CANCELLATION OF INSURANCE COVERAGE.

(a) CLARIFICATION REGARDING APPLICATION OF GUARANTEED RENEWABILITY OF INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2742 of the Public Health Service Act (42 U.S.C. 300gg–42) is amended—

(1) in its heading, by inserting ''**, continuation in force, including prohibition of rescission,**'' after ''**guaranteed renewability**'';

(2) in subsection (a), by inserting '', including without rescission,'' after ''continue in force''; and

(3) in subsection (b)(2), by inserting before the period at the end the following: '', including intentional concealment of material facts regarding a health condition related to the condition for which coverage is being claimed''.

(b) OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD PARTY REVIEW IN CERTAIN CASES.—Subpart 1 of part B of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

''SEC. 2746. OPPORTUNITY FOR INDEPENDENT, EXTERNAL THIRD PARTY REVIEW IN CERTAIN CASES.

''(a) NOTICE AND REVIEW RIGHT.—If a health insurance issuer determines to nonrenew or not continue in force, including rescind, health insurance coverage for an individual in the individual market on the basis described in section 2742(b)(2) before such nonrenewal, discontinuation, or rescission, may take effect the issuer shall provide the individual with notice of such proposed nonrenewal, discontinuation, or rescission and an opportunity for a review of such determination by an independent, external third party under procedures specified by the Secretary.

''(b) INDEPENDENT DETERMINATION.—If the individual requests such review by an independent, external third party of a nonrenewal, discontinuation, or rescission of health insurance coverage, the coverage shall remain in effect until such third party determines that the coverage may be nonrenewed, discontinued, or rescinded under section 2742(b)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply after the date of the enactment of this Act with respect to health insurance coverage issued before, on, or after such date.

TITLE II—REDUCING HEALTH CARE PREMIUMS AND THE NUMBER OF UNINSURED AMERICANS

SEC. 111. STATE INNOVATION PROGRAMS.

(a) PROGRAMS THAT REDUCE THE COST OF HEALTH INSURANCE PREMIUMS.—

(1) PAYMENTS TO STATES.—

(A) FOR PREMIUM REDUCTIONS IN THE SMALL GROUP MARKET.—If the Secretary determines that a State has reduced the average per capita premium for health insurance coverage in the small group market in year 3, in year 6, or year 9 (as defined in subsection (c)) below the premium baseline for such year (as defined paragraph (2)), the Secretary shall pay the State an amount equal to the product of—

(i) bonus premium percentage (as defined in paragraph (3)) for the State, market, and year; and

(ii) the maximum State premium payment amount (as defined in paragraph (4)) for the State, market, and year

(B) FOR PREMIUM REDUCTIONS IN THE INDIVIDUAL MARKET.—If the Secretary determines that a State has reduced the average per capita premium for health insurance coverage in the individual market in year 3, in year 6,

or in year 9 below the premium baseline for such year, the Secretary shall pay the State an amount equal to the product of—

(i) bonus premium percentage for the State, market, and year; and

(ii) the maximum State premium payment amount for the State, market, and year.

(2) PREMIUM BASELINE.—For purposes of this subsection, the term ''premium baseline'' means, for a market in a State—

(A) for year 1, the average per capita premiums for health insurance coverage in such market in the State in such year; or

(B) for a subsequent year, the baseline for the market in the State for the previous year under this paragraph increased by a percentage specified in accordance with a formula established by the Secretary, in consultation with the Congressional Budget Office and the Bureau of the Census, that takes into account at least the following:

(i) GROWTH FACTOR.—The inflation in the costs of inputs to health care services in the year.

(ii) HISTORIC PREMIUM GROWTH RATES.—Historic growth rates, during the 10 years before year 1, of per capita premiums for health insurance coverage.

(iii) DEMOGRAPHIC CONSIDERATIONS.—Historic average changes in the demographics of the population covered that impact on the rate of growth of per capita health care costs.

(3) BONUS PREMIUM PERCENTAGE DEFINED.—

(A) IN GENERAL.—For purposes of this subsection, the term ''bonus premium percentage'' means, for the small group market or individual market in a State for a year, such percentage as determined in accordance with the following table based on the State's premium performance level (as defined in subparagraph (B)) for such market and year:

The bonus premium percentage for a State is—	For year 3 if the premium performance level of the State is—	For year 6 if the premium performance level of the State is—	For year 9 if the premium performance level of the State is—
100 percent	at least 8.5%	at least 11%	at least 13.5%
50 percent	at least 6.38%, but less than 8.5%	at least 10.38%, but less than 11%	at least 12.88%, but less than 13.5%
25 percent	at least 4.25%, but less than 6.38%	at least 9.75%, but less than 10.38%	at least 12.25%, but less than 12.88%
0 percent	less than 4.25%	less than 9.75%	less than 12.25%

(B) PREMIUM PERFORMANCE LEVEL.—For purposes of this subsection, the term ''premium performance level'' means, for a State, market, and year, the percentage reduction in the average per capita premiums for health insurance coverage for the State, market, and year, as compared to the premium baseline for such State, market, and year.

(4) MAXIMUM STATE PREMIUM PAYMENT AMOUNT DEFINED.—For purposes of this subsection, the term ''maximum State premium payment amount'' means, for a State for the small group market or the individual market for a year, the product of—

(A) the proportion (as determined by the Secretary), of the number of nonelderly individuals lawfully residing in all the States who are enrolled in health insurance coverage in the respective market in the year, who are residents of the State; and

(B) the amount available for obligation from amounts appropriated under subsection (d) for such market with respect to performance in such year.

(5) METHODOLOGY FOR CALCULATING AVERAGE PER CAPITA PREMIUMS.—

(A) ESTABLISHMENT.—The Secretary shall establish, by rule and consistent with this subsection, a methodology for computing the average per capita premiums for health insurance coverage for the small group market and for the individual market in each State for each year beginning with year 1.

(B) ADJUSTMENTS.—Under such methodology, the Secretary shall provide for the following adjustments (in a manner determined appropriate by the Secretary):

(i) EXCLUSION OF ILLEGAL ALIENS.—An adjustment so as not to take into account enrollees who are not lawfully present in the United States and their premium costs.

(ii) TREATING STATE PREMIUM SUBSIDIES AS PREMIUM COSTS.—An adjustment so as to increase per capita premiums to remove the impact of premium subsidies made directly by a State to reduce health insurance premiums.

(6) CONDITIONS OF PAYMENT.—As a condition of receiving a payment under paragraph (1), a State must agree to submit aggregate, non-individually identifiable data to the Secretary, in a form and manner specified by the Secretary, for use by the Secretary to determine the State's premium baseline and premium performance level for purposes of this subsection.

(b) PROGRAMS THAT REDUCE THE NUMBER OF UNINSURED.—

(1) IN GENERAL.—If the Secretary determines that a State has reduced the percentage of uninsured nonelderly residents in year 5, year 7, or year 9, below the uninsured baseline (as defined in paragraph (2)) for the State for the year, the Secretary shall pay the State an amount equal to the product of—

(A) bonus uninsured percentage (as defined in paragraph (3)) for the State and year; and

(B) the maximum uninsured payment amount (as defined in paragraph (4)) for the State and year.

(2) UNINSURED BASELINE.—

(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term ''uninsured baseline'' means, for a State, the percentage of nonelderly residents in the State who are uninsured in year 1.

(B) ADJUSTMENT.—The Secretary may, at the written request of a State, adjust the uninsured baseline for States for a year to take into account unanticipated and exceptional changes, such as an unanticipated migration, of nonelderly individuals into, or out of, States in a manner that does not reflect substantially the proportion of uninsured nonelderly residents in the States involved in year 1. Any such adjustment shall only be done in a manner that does not result in the average of the uninsured baselines for nonelderly residents for all States being changed.

(3) BONUS UNINSURED PERCENTAGE.—

(A) BONUS UNINSURED PERCENTAGE.—For purposes of this subsection, the term ''bonus uninsured percentage'' means, for a State for a year, such percentage as determined in accordance with the following table, based on the uninsured performance level (as defined in subparagraph (B)) for such State and year:

The bonus uninsured percentage for a State is—	For year 5 if the uninsured performance level of the State is—	For year 7 if the uninsured performance level of the State is—	For year 9 if the uninsured performance level of the State is—
100 percent	at least 10%	at least 15%	at least 20%
50 percent	at least 7.5% but less than 10%	at least 13.75% but less than 15%	at least 18.75% but less than 20%
25 percent	at least 5% but less than 7.5%	at least 12.5% but less than 13.75%	at least 17.5% but less than 18.75%
0 percent	less than 5%	less than 12.5%	less than 17.5%

(B) UNINSURED PERFORMANCE LEVEL.—For purposes of this subsection, the term ''uninsured performance level'' means, for a State for a year, the reduction (expressed as a percentage) in the percentage of uninsured nonelderly residents in such State in the year as compared to the uninsured baseline for such State for such year.

(4) MAXIMUM STATE UNINSURED PAYMENT AMOUNT DEFINED.—For purposes of this subsection, the term ''maximum State uninsured payment amount'' means, for a State for a year, the product of—

(A) the proportion (as determined by the Secretary), of the number of uninsured nonelderly individuals lawfully residing in all the States in the year, who are residents of the State; and

(B) the amount available for obligation under this subsection from amounts appropriated under subsection (d) with respect to performance in such year.

(5) METHODOLOGY FOR COMPUTING THE PERCENTAGE OF UNINSURED NONELDERLY RESIDENTS IN A STATE.—

(A) ESTABLISHMENT.—The Secretary shall establish, by rule and consistent with this subsection, a methodology for computing the percentage of nonelderly residents in a State who are uninsured in each year beginning with year 1.

(B) RULES.—

(i) TREATMENT OF UNINSURED.—Such methodology shall treat as uninsured those residents who do not have health insurance coverage or other creditable coverage (as defined in section 9801(c)(1) of the Internal Revenue Code of 1986), except that such methodology shall rely upon data on the nonelderly and uninsured populations within each State in such year provided through population surveys conducted by federal agencies.

(ii) LIMITATION TO NONELDERLY.—Such methodology shall exclude individuals who are 65 years of age or older.

(iii) EXCLUSION OF ILLEGAL ALIENS.—Such methodology shall exclude individuals not lawfully present in the United States.

(6) CONDITIONS OF PAYMENT.—As a condition of receiving a payment under paragraph (1), a State must agree to submit aggregate, non-individually identifiable data to the Secretary, in a form and manner specified by the Secretary, for use by the Secretary in determining the State's uninsured baseline and uninsured performance level for purposes of this subsection.

(c) DEFINITIONS.—For purposes of this section:

(1) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 9832(a) of the Internal Revenue Code of 1986.

(2) HEALTH INSURANCE COVERAGE.—The term ''health insurance coverage'' has the meaning given such term in section 9832(b)(1) of the Internal Revenue Code of 1986.

(3) INDIVIDUAL MARKET.—Except as the Secretary may otherwise provide in the case of group health plans that have fewer than 2 participants as current employees on the first day of a plan year, the term ''individual market'' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SMALL GROUP MARKET.—The term ''small group market'' means the market for health insurance coverage under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by an employer who employed on average at least 2 but not more than 50 employees on business days during a calendar year.

(6) STATE.—The term ''State'' means any of the 50 States and the District of Columbia.

(7) YEARS.—The terms ''year 1'', ''year 2'', ''year 3'', and similar subsequently numbered years mean 2010, 2011, 2012, and subsequent sequentially numbered years.

(d) APPROPRIATIONS; PAYMENTS.—

(1) PAYMENTS FOR REDUCTIONS IN COST OF HEALTH INSURANCE COVERAGE.—

(A) SMALL GROUP MARKET.—

(i) IN GENERAL.—From any funds in the Treasury not otherwise appropriated, there is appropriated for payments under subsection (a)(1)(A)—

(I) $18,000,000,000 with respect to performance in year 3;

(II) $5,000,000,000 with respect to performance in year 6; and

(III) $2,000,000,000 with respect to performance in year 9.

(ii) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated under clause (i) shall remain available until expended.

(B) INDIVIDUAL MARKET.—

(i) IN GENERAL.—Subject to clause (ii), from any funds in the Treasury not otherwise appropriated, there is appropriated for payments under subsection (a)(1)(B)—

(I) $7,000,000,000 with respect to performance in year 3;

(II) $2,000,000,000 with respect to performance in year 6; and

(III) $1,000,000,000 with respect to performance in year 9.

(ii) AVAILABILITY OF APPROPRIATED FUNDS.—Of the funds appropriated under clause (i) that are not expended or obligated by the end of the year following the year for which the funds are appropriated—

(I) 75 percent shall remain available until expended for payments under subsection (a)(1)(B); and

(II) 25 percent shall remain available until expended for payments under subsection (a)(1)(A).

(2) PAYMENTS FOR REDUCTIONS IN THE PERCENTAGE OF UNINSURED.—

(A) IN GENERAL.—From any funds in the Treasury not otherwise appropriated, there is appropriated for payments under subsection (b)(1)—

(i) $10,000,000,000 with respect to performance in year 5;

(ii) $3,000,000,000 with respect to performance in year 7; and

(iii) $2,000,000,000 with respect to performance in year 9

(B) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated under subparagraph (A) shall remain available until expended.

(3) PAYMENT TIMING.—Payments under this section shall be made in a form and manner specified by the Secretary in the year after the performance year involved.

SEC. 112. HEALTH PLAN FINDERS.

(a) STATE PLAN FINDERS.—Not later than 12 months after the date of the enactment of this Act, each State may contract with a private entity to develop and operate a plan finder website (referred to in this section as a ''State plan finder'') which shall provide information to individuals in such State on plans of health insurance coverage that are available to individuals in such State (in this section referred to as a ''health insurance plan''). Such State may not operate a plan finder itself.

(b) MULTI-STATE PLAN FINDERS.—

(1) IN GENERAL.—A private entity may operate a multi-State finder that operates under this section in the States involved in the same manner as a State plan finder would operate in a single State.

(2) SHARING OF INFORMATION.—States shall regulate the manner in which data is shared between plan finders to ensure consistency and accuracy in the information about health insurance plans contained in such finders.

(c) REQUIREMENTS FOR PLAN FINDERS.—Each plan finder shall meet the following requirements:

(1) The plan finder shall ensure that each health insurance plan in the plan finder meets the requirements for such plans under subsection (d).

(2) The plan finder shall present complete information on the costs and benefits of health insurance plans (including information on monthly premium, copayments, and deductibles) in a uniform manner that—

(A) uses the standard definitions developed under paragraph (3); and

(B) is designed to allow consumers to easily compare such plans.

(3) The plan finder shall be available on the internet and accessible to all individuals in the State or, in the case of a multi-State plan finder, in all States covered by the multi-State plan finder.

(4) The plan finder shall allow consumers to search and sort data on the health insurance plans in the plan finder on criteria such as coverage of specific benefits (such as coverage of disease management services or pediatric care services), as well as data available on quality.

(5) The plan finder shall meet all relevant State laws and regulations, including laws and regulations related to the marketing of insurance products. In the case of a multi-State plan finder, the finder shall meet such laws and regulations for all of the States involved.

(6) The plan finder shall meet solvency, financial, and privacy requirements established by the State or States in which the plan finder operates or the Secretary for multi-State finders.

(7) The plan finder and the employees of the plan finder shall be appropriately licensed in the State or States in which the plan finder operates, if such licensure is required by such State or States.

(8) Notwithstanding subsection (f)(1), the plan finder shall assist individuals who are eligible for the Medicaid program under title XIX of the Social Security Act or State Children's Health Insurance Program under title XXI of such Act by including information on Medicaid options, eligibility, and how to enroll.

(d) REQUIREMENTS FOR PLANS PARTICIPATING IN A PLAN FINDER.—

(1) IN GENERAL.—Each State shall ensure that health insurance plans participating in the State plan finder or in a multi-State plan finder meet the requirements of paragraph (2) (relating to adequacy of insurance coverage, consumer protection, and financial strength).

(2) SPECIFIC REQUIREMENTS.—In order to participate in a plan finder, a health insurance plan must meet all of the following requirements, as determined by each State in which such plan operates:

(A) The health insurance plan shall be actuarially sound.

(B) The health insurance plan may not have a history of abusive policy rescissions.

(C) The health insurance plan shall meet financial and solvency requirements.

(D) The health insurance plan shall disclose—

(i) all financial arrangements involving the sale and purchase of health insurance, such as the payment of fees and commissions; and

(ii) such arrangements may not be abusive.

(E) The health insurance plan shall maintain electronic health records that comply with the requirements of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) related to electronic health records.

(F) The health insurance plan shall make available to plan enrollees via the finder, whether by information provided to the finder or by a website link directing the enrollee from the finder to the health insurance plan website, data that includes the price and cost to the individual of services offered by a provider according to the terms and conditions of the health plan. Data described in this paragraph is not made public by the finder, only made available to the individual once enrolled in the health plan.

(e) PROHIBITIONS.—

(1) DIRECT ENROLLMENT.—The State plan finder may not directly enroll individuals in health insurance plans.

(2) CONFLICTS OF INTEREST.—

(A) COMPANIES.—A health insurance issuer offering a health insurance plan through a plan finder may not—

(i) be the private entity developing and maintaining a plan finder under subsections (a) and (b); or

(ii) have an ownership interest in such private entity or in the plan finder.

(B) INDIVIDUALS.—An individual employed by a health insurance issuer offering a

health insurance plan through a plan finder may not serve as a director or officer for—

(i) the private entity developing and maintaining a plan finder under subsections (a) and (b); or

(ii) the plan finder.

(f) CONSTRUCTION.—Nothing in this section shall be construed to allow the Secretary authority to regulate benefit packages or to prohibit health insurance brokers and agents from—

(1) utilizing the plan finder for any purpose; or

(2) marketing or offering health insurance products.

(g) PLAN FINDER DEFINED.—For purposes of this section, the term ''plan finder'' means a State plan finder under subsection (a) or a multi-State plan finder under subsection (b).

(h) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act.

SEC. 113. ADMINISTRATIVE SIMPLIFICATION.

(a) OPERATING RULES FOR HEALTH INFORMATION TRANSACTIONS.—

(1) DEFINITION OF OPERATING RULES.—Section 1171 of the Social Security Act (42 U.S.C. 1320d) is amended by adding at the end the following:

''(9) OPERATING RULES.—The term 'operating rules' means the necessary business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications as adopted for purposes of this part.''.

(2) OPERATING RULES AND COMPLIANCE.—Section 1173 of the Social Security Act (42 U.S.C. 1320d–2) is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

''(J) Electronic funds transfers.''; and

(B) by adding at the end the following new subsections:

''(g) OPERATING RULES.—

''(1) IN GENERAL.—The Secretary shall adopt a single set of operating rules for each transaction described in subsection (a)(2) with the goal of creating as much uniformity in the implementation of the electronic standards as possible. Such operating rules shall be consensus-based and reflect the necessary business rules affecting health plans and health care providers and the manner in which they operate pursuant to standards issued under Health Insurance Portability and Accountability Act of 1996.

''(2) OPERATING RULES DEVELOPMENT.—In adopting operating rules under this subsection, the Secretary shall rely on recommendations for operating rules developed by a qualified nonprofit entity, as selected by the Secretary, that meets the following requirements:

''(A) The entity focuses its mission on administrative simplification.

''(B) The entity demonstrates an established multi-stakeholder and consensus-based process for development of operating rules, including representation by or participation from health plans, health care providers, vendors, relevant Federal agencies, and other standard development organizations.

''(C) The entity has established a public set of guiding principles that ensure the operating rules and process are open and transparent.

''(D) The entity coordinates its activities with the HIT Policy Committee and the HIT Standards Committee (as established under title XXX of the Public Health Service Act) and complements the efforts of the Office of the National Healthcare Coordinator and its related health information exchange goals.

''(E) The entity incorporates national standards, including the transaction standards issued under Health Insurance Portability and Accountability Act of 1996.

''(F) The entity supports nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory practices.

''(G) The entity allows for public review and updates of the operating rules.

''(3) REVIEW AND RECOMMENDATIONS.—The National Committee on Vital and Health Statistics shall—

''(A) review the operating rules developed by a nonprofit entity described under paragraph (2);

''(B) determine whether such rules represent a consensus view of the health care industry and are consistent with and do not alter current standards;

''(C) evaluate whether such rules are consistent with electronic standards adopted for health information technology; and

''(D) submit to the Secretary a recommendation as to whether the Secretary should adopt such rules.

''(4) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall adopt operating rules under this subsection, by regulation in accordance with subparagraph (C), following consideration of the rules developed by the non-profit entity described in paragraph (2) and the recommendation submitted by the National Committee on Vital and Health Statistics under paragraph (3)(D) and having ensured consultation with providers.

''(B) ADOPTION REQUIREMENTS; EFFECTIVE DATES.—

''(i) ELIGIBILITY FOR A HEALTH PLAN AND HEALTH CLAIM STATUS.—The set of operating rules for transactions for eligibility for a health plan and health claim status shall be adopted not later than July 1, 2011, in a manner ensuring that such rules are effective not later than January 1, 2013, and may allow for the use of a machine readable identification card.

''(ii) ELECTRONIC FUNDS TRANSFERS AND HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—The set of operating rules for electronic funds transfers and health care payment and remittance advice shall be adopted not later than July 1, 2012, in a manner ensuring that such rules are effective not later than January 1, 2014.

''(iii) OTHER COMPLETED TRANSACTIONS.—The set of operating rules for the remainder of the completed transactions described in subsection (a)(2), including health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, and referral certification and authorization, shall be adopted not later than July 1, 2014, in a manner ensuring that such rules are effective not later than January 1, 2016.

''(C) EXPEDITED RULEMAKING.—The Secretary shall promulgate an interim final rule applying any standard or operating rule recommended by the National Committee on Vital and Health Statistics pursuant to paragraph (3). The Secretary shall accept public comments on any interim final rule published under this subparagraph for 60 days after the date of such publication.

''(h) COMPLIANCE.—

''(1) HEALTH PLAN CERTIFICATION.—

''(A) ELIGIBILITY FOR A HEALTH PLAN, HEALTH CLAIM STATUS, ELECTRONIC FUNDS TRANSFERS, HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—Not later than December 31, 2013, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards (as described under paragraph (7) of section 1171) and operating rules (as described under paragraph (9) of such section) for electronic funds transfers, eligibility for a health plan, health claim status, and health care payment and remittance advice, respectively.

''(B) OTHER COMPLETED TRANSACTIONS.—Not later than December 31, 2015, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards and operating rules for the remainder of the completed transactions described in subsection (a)(2), including health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, and referral certification and authorization, respectively. A health plan shall provide the same level of documentation to certify compliance with such transactions as is required to certify compliance with the transactions specified in subparagraph (A).

''(2) DOCUMENTATION OF COMPLIANCE.—A health plan shall provide the Secretary, in such form as the Secretary may require, with adequate documentation of compliance with the standards and operating rules described under paragraph (1). A health plan shall not be considered to have provided adequate documentation and shall not be certified as being in compliance with such standards, unless the health plan—

''(A) demonstrates to the Secretary that the plan conducts the electronic transactions specified in paragraph (1) in a manner that fully complies with the regulations of the Secretary; and

''(B) provides documentation showing that the plan has completed end-to-end testing for such transactions with their partners, such as hospitals and physicians.

''(3) SERVICE CONTRACTS.—A health plan shall be required to comply with any applicable certification and compliance requirements (and provide the Secretary with adequate documentation of such compliance) under this subsection for any entities that provide services pursuant to a contract with such health plan.

''(4) CERTIFICATION BY OUTSIDE ENTITY.—The Secretary may contract with an independent, outside entity to certify that a health plan has complied with the requirements under this subsection, provided that the certification standards employed by such entities are in accordance with any standards or rules issued by the Secretary.

''(5) COMPLIANCE WITH REVISED STANDARDS AND RULES.—A health plan (including entities described under paragraph (3)) shall comply with the certification and documentation requirements under this subsection for any interim final rule promulgated by the Secretary under subsection (i) that amends any standard or operating rule described under paragraph (1) of this subsection. A health plan shall comply with such requirements not later than the effective date of the applicable interim final rule.

''(6) AUDITS OF HEALTH PLANS.—The Secretary shall conduct periodic audits to ensure that health plans (including entities described under paragraph (3)) are in compliance with any standards and operating rules that are described under paragraph (1).

''(i) REVIEW AND AMENDMENT OF STANDARDS AND RULES.—

''(1) ESTABLISHMENT.—Not later than January 1, 2014, the Secretary shall establish a review committee (as described under paragraph (4)).

''(2) EVALUATIONS AND REPORTS.—

''(A) HEARINGS.—Not later than April 1, 2014, and not less than biennially thereafter, the Secretary, acting through the review committee, shall conduct hearings to evaluate and review the existing standards and operating rules established under this section.

''(B) REPORT.—Not later than July 1, 2014, and not less than biennially thereafter, the

review committee shall provide recommendations for updating and improving such standards and rules. The review committee shall recommend a single set of operating rules per transaction standard and maintain the goal of creating as much uniformity as possible in the implementation of the electronic standards.

''(3) INTERIM FINAL RULEMAKING.—

''(A) IN GENERAL.—Any recommendations to amend existing standards and operating rules that have been approved by the review committee and reported to the Secretary under paragraph (2)(B) shall be adopted by the Secretary through promulgation of an interim final rule not later than 90 days after receipt of the committee's report.

''(B) PUBLIC COMMENT.—

''(i) PUBLIC COMMENT PERIOD.—The Secretary shall accept public comments on any interim final rule published under this paragraph for 60 days after the date of such publication.

''(ii) EFFECTIVE DATE.—The effective date of any amendment to existing standards or operating rules that is adopted through an interim final rule published under this paragraph shall be 25 months following the close of such public comment period.

''(4) REVIEW COMMITTEE.—

''(A) DEFINITION.—For the purposes of this subsection, the term 'review committee' means a committee within the Department of Health and Human services that has been designated by the Secretary to carry out this subsection, including—

''(i) the National Committee on Vital and Health Statistics; or

''(ii) any appropriate committee as determined by the Secretary.

''(B) COORDINATION OF HIT STANDARDS.—In developing recommendations under this subsection, the review committee shall consider the standards approved by the Office of the National Coordinator for Health Information Technology.

''(j) PENALTIES.—

''(1) PENALTY FEE.—

''(A) IN GENERAL.—Not later than April 1, 2014, and annually thereafter, the Secretary shall assess a penalty fee (as determined under subparagraph (B)) against a health plan that has failed to meet the requirements under subsection (h) with respect to certification and documentation of compliance with the standards (and their operating rules) as described under paragraph (1) of such subsection.

''(B) FEE AMOUNT.—Subject to subparagraphs (C), (D), and (E), the Secretary shall assess a penalty fee against a health plan in the amount of $1 per covered life until certification is complete. The penalty shall be assessed per person covered by the plan for which its data systems for major medical policies are not in compliance and shall be imposed against the health plan for each day that the plan is not in compliance with the requirements under subsection (h).

''(C) ADDITIONAL PENALTY FOR MISREPRESENTATION.—A health plan that knowingly provides inaccurate or incomplete information in a statement of certification or documentation of compliance under subsection (h) shall be subject to a penalty fee that is double the amount that would otherwise be imposed under this subsection.

''(D) ANNUAL FEE INCREASE.—The amount of the penalty fee imposed under this subsection shall be increased on an annual basis by the annual percentage increase in total national health care expenditures, as determined by the Secretary.

''(E) PENALTY LIMIT.—A penalty fee assessed against a health plan under this subsection shall not exceed, on an annual basis—

''(i) an amount equal to $20 per covered life under such plan; or

''(ii) an amount equal to $40 per covered life under the plan if such plan has knowingly provided inaccurate or incomplete information (as described under subparagraph (C)).

''(F) DETERMINATION OF COVERED INDIVIDUALS.—The Secretary shall determine the number of covered lives under a health plan based upon the most recent statements and filings that have been submitted by such plan to the Securities and Exchange Commission.

''(2) NOTICE AND DISPUTE PROCEDURE.—The Secretary shall establish a procedure for assessment of penalty fees under this subsection that provides a health plan with reasonable notice and a dispute resolution procedure prior to provision of a notice of assessment by the Secretary of the Treasury (as described under paragraph (4)(B)).

''(3) PENALTY FEE REPORT.—Not later than May 1, 2014, and annually thereafter, the Secretary shall provide the Secretary of the Treasury with a report identifying those health plans that have been assessed a penalty fee under this subsection.

''(4) COLLECTION OF PENALTY FEE.—

''(A) IN GENERAL.—The Secretary of the Treasury, acting through the Financial Management Service, shall administer the collection of penalty fees from health plans that have been identified by the Secretary in the penalty fee report provided under paragraph (3).

''(B) NOTICE.—Not later than August 1, 2014, and annually thereafter, the Secretary of the Treasury shall provide notice to each health plan that has been assessed a penalty fee by the Secretary under this subsection. Such notice shall include the amount of the penalty fee assessed by the Secretary and the due date for payment of such fee to the Secretary of the Treasury (as described in subparagraph (C)).

''(C) PAYMENT DUE DATE.—Payment by a health plan for a penalty fee assessed under this subsection shall be made to the Secretary of the Treasury not later than November 1, 2014, and annually thereafter.

''(D) UNPAID PENALTY FEES.—Any amount of a penalty fee assessed against a health plan under this subsection for which payment has not been made by the due date provided under subparagraph (C) shall be—

''(i) increased by the interest accrued on such amount, as determined pursuant to the underpayment rate established under section 6601 of the Internal Revenue Code of 1986; and

''(ii) treated as a past-due, legally enforceable debt owed to a Federal agency for purposes of section 6402(d) of the Internal Revenue Code of 1986.

''(E) ADMINISTRATIVE FEES.—Any fee charged or allocated for collection activities conducted by the Financial Management Service will be passed on to a health plan on a pro-rata basis and added to any penalty fee collected from the plan.''.

(b) PROMULGATION OF RULES.—

(1) UNIQUE HEALTH PLAN IDENTIFIER.—The Secretary shall promulgate a final rule to establish a unique health plan identifier (as described in section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b))) based on the input of the National Committee of Vital and Health Statistics. The Secretary may do so on an interim final basis and such rule shall be effective not later than October 1, 2012.

(2) ELECTRONIC FUNDS TRANSFER.—The Secretary shall promulgate a final rule to establish a standard for electronic funds transfers (as described in section 1173(a)(2)(J) of the Social Security Act, as added by subsection (a)(2)(A)). The Secretary may do so on an interim final basis and shall adopt such standard not later than January 1, 2012, in a manner ensuring that such standard is effective not later than January 1, 2014.

(c) EXPANSION OF ELECTRONIC TRANSACTIONS IN MEDICARE.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (23), by striking the ''or'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (24) the following new paragraph:

''(25) not later than January 1, 2014, for which the payment is other than by electronic funds transfer (EFT) or an electronic remittance in a form as specified in ASC X12 835 Health Care Payment and Remittance Advice or subsequent standard.''.

(d) MEDICARE AND MEDICAID COMPLIANCE REPORTS.—Not later than July 1, 2013, the Secretary of Health and Human Services shall submit a report to the Chairs and Ranking Members of the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Chairs and Ranking Members of the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate on the extent to which the Medicare program and providers that serve beneficiaries under that program, and State Medicaid programs and providers that serve beneficiaries under those programs, transact electronically in accordance with transaction standards issued under the Health Insurance Portability and Accountability Act of 1996, part C of title XI of the Social Security Act, and regulations promulgated under such Acts.

DIVISION B—IMPROVING ACCESS TO HEALTH CARE

TITLE I—EXPANDING ACCESS AND LOWERING COSTS FOR SMALL BUSINESSES

SEC. 201. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

''(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

''(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

''(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not

condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

''(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

''(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

''(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

''(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

''(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

''(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Fairness Act of 2009,

''(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

''(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; food service establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

''(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

''(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

''(1) FISCAL CONTROL.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

''(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

''(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

''(A) BOARD MEMBERSHIP.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

''(ii) LIMITATION.—

''(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

''(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

''(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

''(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Fairness Act of 2009.

''(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

''(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

''(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

''(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor,

''(B) the sponsor, or

''(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

''(B) the beneficiaries of individuals described in subparagraph (A).

''(b) COVERAGE OF PREVIOUSLY UNINSURED EMPLOYEES.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2009, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

''(1) the affiliated member was an affiliated member on the date of certification under this part; or

''(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

''(c) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

''(d) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to an association health plan if—

''(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

''(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

''(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

''SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

''(1) CONTENTS OF GOVERNING INSTRUMENTS.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

''(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

''(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

''(C) incorporates the requirements of section 806.

''(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

''(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

''(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

''(i) setting contribution rates based on the claims experience of the plan; or

''(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

''(3) FLOOR FOR NUMBER OF COVERED INDIVIDUALS WITH RESPECT TO CERTAIN PLANS.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

''(4) MARKETING REQUIREMENTS.—

''(A) IN GENERAL.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

''(B) STATE-LICENSED INSURANCE AGENTS.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

''(5) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

''(b) ABILITY OF ASSOCIATION HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

''SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if—

''(1) the benefits under the plan consist solely of health insurance coverage; or

''(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

''(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

''(i) a reserve sufficient for unearned contributions;

''(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

''(iii) a reserve sufficient for any other obligations of the plan; and

''(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

''(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

''(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

''(b) MINIMUM SURPLUS IN ADDITION TO CLAIMS RESERVES.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

''(1) $500,000, or

''(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

''(c) ADDITIONAL REQUIREMENTS.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

''(d) ADJUSTMENTS FOR EXCESS/STOP LOSS INSURANCE.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

''(e) ALTERNATIVE MEANS OF COMPLIANCE.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

''(f) MEASURES TO ENSURE CONTINUED PAYMENT OF BENEFITS BY CERTAIN PLANS IN DISTRESS.—

''(1) PAYMENTS BY CERTAIN PLANS TO ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

''(B) PENALTIES FOR FAILURE TO MAKE PAYMENTS.—If any payment is not made by a

plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

''(C) CONTINUED DUTY OF THE SECRETARY.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

''(2) PAYMENTS BY SECRETARY TO CONTINUE EXCESS/STOP LOSS INSURANCE COVERAGE AND INDEMNIFICATION INSURANCE COVERAGE FOR CERTAIN PLANS.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

''(3) ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

''(B) INVESTMENT.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

''(g) EXCESS/STOP LOSS INSURANCE.—For purposes of this section—

''(1) AGGREGATE EXCESS/STOP LOSS INSURANCE.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(2) SPECIFIC EXCESS/STOP LOSS INSURANCE.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(h) INDEMNIFICATION INSURANCE.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

''(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

''(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

''(3) which allows for payment of premiums by any third party on behalf of the insured plan.

''(i) RESERVES.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

''(j) SOLVENCY STANDARDS WORKING GROUP.—

''(1) IN GENERAL.—Within 90 days after the date of the enactment of the Small Business Health Fairness Act of 2009, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

''(2) MEMBERSHIP.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

''(A) a representative of the National Association of Insurance Commissioners;

''(B) a representative of the American Academy of Actuaries;

''(C) a representative of the State governments, or their interests;

''(D) a representative of existing self-insured arrangements, or their interests;

''(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

''(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

''(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

''(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(1) IDENTIFYING INFORMATION.—The names and addresses of—

''(A) the sponsor; and

''(B) the members of the board of trustees of the plan.

''(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

''(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

''(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

''(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

''(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

''(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

''(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

''(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

''(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

''(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

''(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters

which might serve as the basis for suspension or revocation of the certification.

''(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

''(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

''(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

''(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

''Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

''(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

''(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

''(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

''(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

''(b) MANDATORY TERMINATION.—In any case in which—

''(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

''(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

"SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

''(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

''(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

''(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

''(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

''(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

''(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

''(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

''(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

''(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

''(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

''(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

''(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

''(1) the sponsor and plan administrator;

''(2) each participant;

''(3) each participating employer; and

''(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

''(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

''(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

''(f) JURISDICTION OF COURT.—

''(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against

property of the plan or the sponsor or any other suit against the plan or the sponsor.

''(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

''(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

"SEC. 811. STATE ASSESSMENT AUTHORITY.

''(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Fairness Act of 2009.

''(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

''(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

''(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

''(3) such tax is otherwise nondiscriminatory; and

''(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

''(a) DEFINITIONS.—For purposes of this part—

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

''(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

''(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

''(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

''(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

''(7) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

''(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

''(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

''(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2009, a person eligible to be a member of the sponsor or one of its member associations.

''(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

''(b) RULES OF CONSTRUCTION.—

''(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

''(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

''(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

''(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.''.

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

''(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.''.

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (d)'';

(B) in subsection (b)(5), by striking ''subsection (a)'' in subparagraph (A) and inserting ''subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805'', and by striking ''subsection (a)'' in subparagraph (B) and inserting ''subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805'';

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by inserting after subsection (c) the following new subsection:

''(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

''(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

''(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

''(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

''(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall

be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

''(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

''(B) relating to prompt payment of claims.

''(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

''(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.''.

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and which does not provide medical care (within the meaning of section 733(a)(2)),'' after ''arrangement,'', and by striking ''title.'' and inserting ''title, and''; and

(C) by adding at the end the following new clause:

''(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.''.

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking ''Nothing'' and inserting ''(1) Except as provided in paragraph (2), nothing''; and

(B) by adding at the end the following new paragraph:

''(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Fairness Act of 2009 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.''.

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of an association health plan under part 8.''.

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: ''An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2012, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''801. Association health plans.

''802. Certification of association health plans.

''803. Requirements relating to sponsors and boards of trustees.

''804. Participation and coverage requirements.

''805. Other requirements relating to plan documents, contribution rates, and benefit options.

''806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage.

''807. Requirements for application and related requirements.

''808. Notice requirements for voluntary termination.

''809. Corrective actions and mandatory termination.

''810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage.

''811. State assessment authority.

''812. Definitions and rules of construction.''.

SEC. 202. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after ''control group,'' the following: ''except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,'';

(2) in clause (iii), by striking ''(iii) the determination'' and inserting the following:

''(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

''(II) in any other case, the determination'';

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

''(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,''.

SEC. 203. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting ''(a)'' after ''Sec. 501.''; and

(2) by adding at the end the following new subsection:

''(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

''(1) being an association health plan which has been certified under part 8;

''(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

''(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.''.

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

''(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

''(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

''(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

''(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

''(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

''(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.''.

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a) IN GENERAL.—'' before ''In accordance'', and by adding at the end the following new subsection:

''(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.''.

SEC. 204. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

''(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

''(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

''(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

''(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

''(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

''(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

''(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.''.

SEC. 205. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this title within 1 year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''group health plan'', ''medical care'', and ''participating employer'' shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an ''association health plan'' shall be deemed a reference to an arrangement referred to in this subsection.

TITLE II—TARGETED EFFORTS TO EXPAND ACCESS

SEC. 211. EXTENDING COVERAGE OF DEPENDENTS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 2714 the following new section:

''SEC. 715. EXTENDING COVERAGE OF DEPENDENTS.

''(a) IN GENERAL.—In the case of a group health plan, or health insurance coverage offered in connection with a group health plan, that treats as a beneficiary under the plan an individual who is a dependent child of a participant or beneficiary under the plan, the plan or coverage shall continue to treat the individual as a dependent child without regard to the individual's age through at least the end of the plan year in which the individual turns an age specified in the plan, but not less than 25 years of age.

''(b) CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan to provide benefits for dependent children as beneficiaries under the plan or to require a participant to elect coverage of dependent children.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 714 the following new item:

''Sec. 715. Extending coverage of dependents through plan year that includes 25th birthday.''.

(b) PHSA.—Title XXVII of the Public Health Service Act is amended by inserting after section 2707 the following new section:

''SEC. 2708. EXTENDING COVERAGE OF DEPENDENTS.

''(a) IN GENERAL.—In the case of a group health plan, or health insurance coverage offered in connection with a group health plan, that treats as a beneficiary under the plan an individual who is a dependent child of a participant or beneficiary under the plan, the plan or coverage shall continue to treat the individual as a dependent child without regard to the individual's age through at least the end of the plan year in which the individual turns an age specified in the plan, but not less than 25 years of age.

''(b) CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan to provide benefits for dependent children as beneficiaries under the plan or to require a participant to elect coverage of dependent children.''.

(c) IRC.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9814. EXTENDING COVERAGE OF DEPENDENTS.

''(a) IN GENERAL.—In the case of a group health plan that treats as a beneficiary under the plan an individual who is a dependent child of a participant or beneficiary under the plan, the plan shall continue to treat the individual as a dependent child without regard to the individual's age through at least the end of the plan year in which the individual turns an age specified in the plan, but not less than 25 years of age.

''(b) CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan to provide coverage for dependent children as beneficiaries under the plan or to require a participant to elect coverage of dependent children.''.

(2) CLERICAL AMENDMENT.—The table of sections in such subchapter is amended by adding at the end the following new item:

''Sec. 9814. Extending coverage of dependents through plan year that includes 25th birthday.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to group health plans for plan years beginning more than 3 months after the date of the enactment of this Act and shall apply to individuals who are dependent children under a group health plan, or health insurance coverage offered in connection with such a plan, on or after such date.

SEC. 212. ALLOWING AUTO-ENROLLMENT FOR EMPLOYER SPONSORED COVERAGE.

(a) IN GENERAL.—No State shall establish a law that prevents an employer from instituting auto-enrollment for coverage of a participant or beneficiary, including current employees, under a group health plan, or health insurance coverage offered in connection with such a plan, so long as the participant or beneficiary has the option of declining such coverage.

(b) AUTOENROLLMENT.—

(1) NOTICE REQUIRED.—Employers with auto-enrollment under a group health plan or health insurance coverage shall provide annual notification, within a reasonable period before the beginning of each plan year, to each employee eligible to participate in the plan. The notice shall explain the employee contribution to such plan and the employee's right to decline coverage.

(2) TREATMENT OF NON-ACTION.—After a reasonable period of time after receipt of the notice, if an employee fails to make an affirmative declaration declining coverage, then such an employee may be enrolled in the group health plan or health insurance coverage offered in connection with such a plan.''

(c) CONSTRUCTION.—Nothing in this section shall be construed to supersede State law which establishes, implements, or continues in effect any standard or requirement relating to employers in connection with payroll or the sponsoring of employer sponsored health insurance coverage except to the extent that such standard or requirement prevents an employer from instituting the auto-enrollment described in subsection (a).

TITLE III—EXPANDING CHOICES BY ALLOWING AMERICANS TO BUY HEALTH CARE COVERAGE ACROSS STATE LINES

SEC. 221. INTERSTATE PURCHASING OF HEALTH INSURANCE.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following new part:

''PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

''SEC. 2795. DEFINITIONS.

''In this part:

''(1) PRIMARY STATE.—The term 'primary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered

laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

''(2) SECONDARY STATE.—The term 'secondary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

''(3) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

''(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

''(5) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

''(6) HAZARDOUS FINANCIAL CONDITION.—The term 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

''(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

''(B) to pay other obligations in the normal course of business.

''(7) COVERED LAWS.—

''(A) IN GENERAL.—The term 'covered laws' means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

''(i) individual health insurance coverage issued by a health insurance issuer;

''(ii) the offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage to an individual;

''(iii) the provision to an individual in relation to individual health insurance coverage of health care and insurance related services;

''(iv) the provision to an individual in relation to individual health insurance coverage of management, operations, and investment activities of a health insurance issuer; and

''(v) the provision to an individual in relation to individual health insurance coverage of loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

''(B) EXCEPTION.—Such term does not include any law, rule, regulation, agreement, or order governing the use of care or cost management techniques, including any requirement related to provider contracting, network access or adequacy, health care data collection, or quality assurance.

''(8) STATE.—The term 'State' means the 50 States and includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term 'unfair claims settlement practices' means only the following practices:

''(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

''(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

''(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

''(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

''(E) Refusing to pay claims without conducting a reasonable investigation.

''(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

''(G) A pattern or practice of compelling insured individuals or their beneficiaries to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.

''(H) A pattern or practice of attempting to settle or settling claims for less than the amount that a reasonable person would believe the insured individual or his or her beneficiary was entitled by reference to written or printed advertising material accompanying or made part of an application.

''(I) Attempting to settle or settling claims on the basis of an application that was materially altered without notice to, or knowledge or consent of, the insured.

''(J) Failing to provide forms necessary to present claims within 15 calendar days of a requests with reasonable explanations regarding their use.

''(K) Attempting to cancel a policy in less time than that prescribed in the policy or by the law of the primary State.

''(10) FRAUD AND ABUSE.—The term 'fraud and abuse' means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

''(A) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker or its agent, false information as part of, in support of or concerning a fact material to one or more of the following:

''(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

''(ii) The rating of an insurance policy or reinsurance contract.

''(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

''(iv) Premiums paid on an insurance policy or reinsurance contract.

''(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

''(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

''(vii) The financial condition of an insurer or reinsurer.

''(viii) The formation, acquisition, merger, reconsolidation, dissolution or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

''(ix) The issuance of written evidence of insurance.

''(x) The reinstatement of an insurance policy.

''(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer reinsurer or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

''(C) Transaction of the business of insurance in violation of laws requiring a license, certificate of authority or other legal authority for the transaction of the business of insurance.

''(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

"SEC. 2796. APPLICATION OF LAW.

''(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

''(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

''(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

''(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

''(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

''(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer's financial condition, if—

''(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

''(ii) any such examination is conducted in accordance with the examiners' handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

''(D) to comply with a lawful order issued—

''(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

''(ii) in a voluntary dissolution proceeding;

''(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

''(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

''(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction;

''(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9)); or

''(I) to comply with the applicable requirements for independent review under section 2798 with respect to coverage offered in the State;

''(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that Secondary State; or

''(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

''(c) CLEAR AND CONSPICUOUS DISCLOSURE.—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

THIS POLICY IS ISSUED BY _____ **AND IS GOVERNED BY THE LAWS AND REGULATIONS OF THE STATE OF _____, AND IT HAS MET ALL THE LAWS OF THAT STATE AS DETERMINED BY THAT STATE'S DEPARTMENT OF INSURANCE. THIS POLICY MAY BE LESS EXPENSIVE THAN OTHERS BECAUSE IT IS NOT SUBJECT TO ALL OF THE INSURANCE LAWS AND REGULATIONS OF THE STATE OF _____, INCLUDING COVERAGE OF SOME SERVICES OR BENEFITS MANDATED BY THE LAW OF THE STATE OF _____. ADDITIONALLY, THIS POLICY IS NOT SUBJECT TO ALL OF THE CONSUMER PROTECTION LAWS OR RESTRICTIONS ON RATE CHANGES OF THE STATE OF _____. AS WITH ALL INSURANCE PRODUCTS, BEFORE PURCHASING THIS POLICY, YOU SHOULD CAREFULLY REVIEW THE POLICY AND DETERMINE WHAT HEALTH CARE SERVICES THE POLICY COVERS AND WHAT BENEFITS IT PROVIDES, INCLUDING ANY EXCLUSIONS, LIMITATIONS, OR CONDITIONS FOR SUCH SERVICES OR BENEFITS.**''.

''(d) PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.—

''(1) IN GENERAL.—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

''(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

''(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

''(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

''(B) from raising premium rates for all policy holders within a class based on claims experience;

''(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

''(i) are disclosed to the consumer in the insurance contract;

''(ii) are based on specific wellness activities that are not applicable to all individuals; and

''(iii) are not obtainable by all individuals to whom coverage is offered;

''(D) from reinstating lapsed coverage; or

''(E) from retroactively adjusting the rates charged an insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

''(e) PRIOR OFFERING OF POLICY IN PRIMARY STATE.—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

''(f) LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, with commissions or other compensation subject to the provisions of the laws of that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

''(g) DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

''(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

''(A) a copy of the plan of operation or feasibility study or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

''(B) written notice of any change in its designation of its primary State; and

''(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

''(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

''(A) a member of the American Academy of Actuaries; or

''(B) a qualified loss reserve specialist.

''(h) POWER OF COURTS TO ENJOIN CONDUCT.—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

''(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

''(2) the solicitation or sale of individual health insurance coverage that violates the requirements of the law of a secondary State which are described in subparagraphs (A) through (H) of section 2796(b)(1).

''(i) POWER OF SECONDARY STATES TO TAKE ADMINISTRATIVE ACTION.—Nothing in this section shall be construed to affect the authority of any State to enjoin conduct in violation of that State's laws described in section 2796(b)(1).

''(j) STATE POWERS TO ENFORCE STATE LAWS.—

''(1) IN GENERAL.—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

''(2) COURTS OF COMPETENT JURISDICTION.—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

''(k) STATES' AUTHORITY TO SUE.—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

''(l) GENERALLY APPLICABLE LAWS.—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

''(m) GUARANTEED AVAILABILITY OF COVERAGE TO HIPAA ELIGIBLE INDIVIDUALS.—To the extent that a health insurance issuer is offering coverage in a primary State that does not accommodate residents of secondary States or does not provide a working mechanism for residents of a secondary State, and the issuer is offering coverage under this part in such secondary State which has not adopted a qualified high risk pool as its acceptable alternative mechanism (as defined in section 2744(c)(2)), the issuer shall, with respect to any individual health insurance coverage offered in a secondary State under this part, comply with the guaranteed availability requirements for eligible individuals in section 2741.

''SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.

''A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the State insurance commissioner does not use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

''SEC. 2798. INDEPENDENT EXTERNAL APPEALS PROCEDURES.

''(a) RIGHT TO EXTERNAL APPEAL.—A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State under the provisions of this title unless—

''(1) both the secondary State and the primary State have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage, or

''(2) in any case in which the requirements of subparagraph (A) are not met with respect to the either of such States, the issuer provides an independent review mechanism substantially identical (as determined by the applicable State authority of such State) to that prescribed in the 'Health Carrier External Review Model Act' of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part, except that, under such mechanism, the review is conducted by an independent medical reviewer, or a panel of such reviewers, with respect to whom the requirements of subsection (b) are met.

''(b) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—In the case of any independent review mechanism referred to in subsection (a)(2)—

''(1) IN GENERAL.—In referring a denial of a claim to an independent medical reviewer, or to any panel of such reviewers, to conduct independent medical review, the issuer shall ensure that—

''(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

''(B) with respect to each review, each reviewer meets the requirements of paragraph (4) and the reviewer, or at least 1 reviewer on the panel, meets the requirements described in paragraph (5); and

''(C) compensation provided by the issuer to each reviewer is consistent with paragraph (6).

''(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician (allopathic or osteopathic) or health care professional who—

''(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

''(B) typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

''(3) INDEPENDENCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

''(i) not be a related party (as defined in paragraph (7));

''(ii) not have a material familial, financial, or professional relationship with such a party; and

''(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

''(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

''(i) prohibit an individual, solely on the basis of affiliation with the issuer, from serving as an independent medical reviewer if—

''(I) a non-affiliated individual is not reasonably available;

''(II) the affiliated individual is not involved in the provision of items or services in the case under review;

''(III) the fact of such an affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; and

''(IV) the affiliated individual is not an employee of the issuer and does not provide services exclusively or primarily to or on behalf of the issuer;

''(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer merely on the basis of such affiliation if the affiliation is disclosed to the issuer and the enrollee (or authorized representative), and neither party objects; or

''(iii) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

''(4) PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.—

''(A) IN GENERAL.—In a case involving treatment, or the provision of items or services—

''(i) by a physician, a reviewer shall be a practicing physician (allopathic or osteopathic) of the same or similar specialty, as a physician who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review; or

''(ii) by a non-physician health care professional, the reviewer, or at least 1 member of the review panel, shall be a practicing non-physician health care professional of the same or similar specialty as the non-physician health care professional who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

''(B) PRACTICING DEFINED.—For purposes of this paragraph, the term 'practicing' means, with respect to an individual who is a physician or other health care professional, that the individual provides health care services to individual patients on average at least 2 days per week.

''(5) PEDIATRIC EXPERTISE.—In the case of an external review relating to a child, a reviewer shall have expertise under paragraph (2) in pediatrics.

''(6) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by the issuer to an independent medical reviewer in connection with a review under this section shall—

''(A) not exceed a reasonable level; and

''(B) not be contingent on the decision rendered by the reviewer.

''(7) RELATED PARTY DEFINED.—For purposes of this section, the term 'related party' means, with respect to a denial of a claim under a coverage relating to an enrollee, any of the following:

''(A) The issuer involved, or any fiduciary, officer, director, or employee of the issuer.

''(B) The enrollee (or authorized representative).

''(C) The health care professional that provides the items or services involved in the denial.

''(D) The institution at which the items or services (or treatment) involved in the denial are provided.

''(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

''(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) ENROLLEE.—The term 'enrollee' means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

''(B) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

"SEC. 2799. ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsection (b), with respect to specific individual health insurance coverage the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

''(b) SECONDARY STATE'S AUTHORITY.—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

''(c) COURT INTERPRETATION.—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

''(d) NOTICE OF COMPLIANCE FAILURE.—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individual health insurance coverage offered, issued, or sold after the date that is one year after the date of the enactment of this Act.

(c) GAO ONGOING STUDY AND REPORTS.—

(1) STUDY.—The Comptroller General of the United States shall conduct an ongoing study concerning the effect of the amendment made by subsection (a) on—

(A) the number of uninsured and under-insured;

(B) the availability and cost of health insurance policies for individuals with pre-existing medical conditions;

(C) the availability and cost of health insurance policies generally;

(D) the elimination or reduction of different types of benefits under health insurance policies offered in different States; and

(E) cases of fraud or abuse relating to health insurance coverage offered under such amendment and the resolution of such cases.

(2) ANNUAL REPORTS.—The Comptroller General shall submit to Congress an annual report, after the end of each of the 5 years following the effective date of the amendment made by subsection (a), on the ongoing study conducted under paragraph (1).

TITLE IV—IMPROVING HEALTH SAVINGS ACCOUNTS

SEC. 231. SAVER'S CREDIT FOR CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25B of the Internal Revenue Code of 1986 is amended by inserting ''aggregate qualified HSA contributions and'' after ''so much of the''.

(b) QUALIFIED HSA CONTRIBUTIONS.—Subsection (d) of section 25B of such Code is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

''(2) QUALIFIED HSA CONTRIBUTIONS.—The term 'qualified HSA contribution' means, with respect to any taxable year, a contribution of the eligible individual to a health savings account (as defined in section 223(d)(1)) for which a deduction is allowable under section 223(a) for such taxable year.''.

(c) CONFORMING AMENDMENT.—The first sentence of section 25B(d)(3)(A) of such Code (as redesignated by subsection (b)) is amended to read as follows: ''The aggregate qualified retirement savings contributions determined under paragraph (1) and qualified HSA contributions determined under paragraph (2) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) or paragraph (2) (as the case may be) may be made.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2009.

SEC. 232. HSA FUNDS FOR PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan if—

''(I) such plan is not offered in connection with a group health plan,

''(II) no portion of any premium (within the meaning of applicable premium under section 4980B(f)(4)) for such plan is excludable from gross income under section 106, and

''(III) the account beneficiary demonstrates, using procedures deemed appropriate by the Secretary, that after payment of the premium for such insurance the balance in the health savings account is at least twice the minimum deductible in effect under subsection (c)(2)(A)(i) which is applicable to such plan.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to premiums for a high deductible health plan for periods beginning after December 31, 2009.

SEC. 233. REQUIRING GREATER COORDINATION BETWEEN HDHP ADMINISTRATORS AND HSA ACCOUNT ADMINISTRATORS SO THAT ENROLLEES CAN ENROLL IN BOTH AT THE SAME TIME.

The Secretary of the Treasury, through the issuance of regulations or other guidance, shall encourage administrators of health plans and trustees of health savings accounts to provide for simultaneous enrollment in high deductible health plans and setup of health savings accounts.

SEC. 234. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.

(a) IN GENERAL.—Subsection (d) of section 223 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—

''(A) IN GENERAL.—For purposes of paragraph (2), an expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred during the 60-day period beginning on the date on which the high deductible health plan is first effective.

''(B) SPECIAL RULES.—For purposes of subparagraph (A)—

''(i) an individual shall be treated as an eligible individual for any portion of a month for which the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month, and

''(ii) the effective date of the health savings account is deemed to be the date on which the high deductible health plan is first effective after the date of the enactment of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to insurance purchased after the date of the enactment of this Act in taxable years beginning after such date.

DIVISION C—ENACTING REAL MEDICAL LIABILITY REFORM

SEC. 301. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 302. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 303. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 304. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 305. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

SEC. 306. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National

Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 307. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income-disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 308. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 309. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 302(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 310. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

DIVISION D—PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

SEC. 401. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to interfere with the doctor-patient relationship or the practice of medicine.

SEC. 402. REPEAL OF FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH.

Effective on the date of the enactment of this Act, section 804 of the American Recovery and Reinvestment Act of 2009 is repealed.

DIVISION E—INCENTIVIZING WELLNESS AND QUALITY IMPROVEMENTS

SEC. 501. INCENTIVES FOR PREVENTION AND WELLNESS PROGRAMS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 LIMITATION ON EXCEPTION FOR WELLNESS PROGRAMS UNDER HIPAA DISCRIMINATION RULES.—

(1) IN GENERAL.—Section 702(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)(2)) is amended by adding after and below subparagraph (B) the following:

''In applying subparagraph (B), a group health plan (or a health insurance issuer with respect to health insurance coverage) may vary premiums and cost-sharing by up to 50 percent of the value of the benefits under the plan (or coverage) based on participation in a standards-based wellness program.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plan years beginning more than 1 year after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS TO PHSA.—

(1) GROUP MARKET RULES.—

(A) IN GENERAL.—Section 2702(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–1(b)(2)) is amended by adding after and below subparagraph (B) the following:

''In applying subparagraph (B), a group health plan (or a health insurance issuer with respect to health insurance coverage) may vary premiums and cost-sharing by up to 50 percent of the value of the benefits under the plan (or coverage) based on participation in a standards-based wellness program.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to plan years beginning more than 1 year after the date of the enactment of this Act.

(2) INDIVIDUAL MARKET RULES RELATING TO GUARANTEED AVAILABILITY.—

(A) IN GENERAL.—Section 2741(f) of the Public Health Service Act (42 U.S.C. 300gg–1(b)(2)) is amended by adding after and below paragraph (1) the following:

''In applying paragraph (2), a health insurance issuer may vary premiums and cost-sharing under health insurance coverage by up to 50 percent of the value of the benefits under the coverage based on participation in a standards-based wellness program.''.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to health insurance coverage offered or renewed on and after the date that is 1 year after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS TO IRC.—

(1) IN GENERAL.—Section 9802(b)(2) of the Internal Revenue Code of 1986 is amended by adding after and below subparagraph (B) the following:

''In applying subparagraph (B), a group health plan (or a health insurance issuer with respect to health insurance coverage) may vary premiums and cost-sharing by up to 50 percent of the value of the benefits under the plan (or coverage) based on participation in a standards-based wellness program.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to plan years beginning more than 1 year after the date of the enactment of this Act.

DIVISION F—PROTECTING TAXPAYERS

SEC. 601. PROVIDE FULL FUNDING TO HHS OIG AND HCFAC.

(a) HCFAC FUNDING.— Section 1817(k)(3)(A) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)) is amended—

(1) in clause (i)—

(A) in subclause (IV), by striking ''2009, and 2010'' and inserting ''and 2009''; and

(B) by amending subclause (V) to read as follows:

''(V) for each fiscal year after fiscal year 2009, $300,000,000.''; and

(2) in clause (ii)—

(A) in subclause (IX), by striking ''2009, and 2010'' and inserting ''and 2009''; and

(B) in subclause (X), by striking ''2010'' and inserting ''2009'' and by inserting before the period at the end the following: '', plus the amount by which the amount made available under clause (i)(V) for fiscal year 2010 exceeds the amount made available under clause (i)(IV) for 2009''.

(b) OIG FUNDING.—There are authorized to be appropriated for each of fiscal years 2010 through 2019 $100,000,000 for the Office of the Inspector General of the Department of Health and Human Services for fraud prevention activities under the Medicare and Medicaid programs.

SEC. 602. PROHIBITING TAXPAYER FUNDED ABORTIONS AND CONSCIENCE PROTECTIONS.

Title 1 of the United States Code is amended by adding at the end the following new chapter:

''CHAPTER 4—PROHIBITING TAXPAYER FUNDED ABORTIONS AND CONSCIENCE PROTECTIONS

''SEC. 301. PROHIBITION ON FUNDING FOR ABORTIONS.

''No funds authorized or appropriated by federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by federal law, shall be expended for any abortion.

''SEC. 302. PROHIBITION ON FUNDING FOR HEALTH BENEFITS PLANS THAT COVER ABORTION.

''None of the funds authorized or appropriated by federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by federal law, shall be expended for a health benefits plan that includes coverage of abortion.

''SEC. 303. TREATMENT OF ABORTIONS RELATED TO RAPE, INCEST, OR PRESERVING THE LIFE OF THE MOTHER.

''The limitations established in sections 301 and 302 shall not apply to an abortion—

''(1) if the pregnancy is the result of an act of rape or incest; or

''(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''SEC. 304. CONSTRUCTION RELATING TO SUPPLEMENTAL COVERAGE.

''Nothing in this chapter shall be construed as prohibiting any individual, entity, or State or locality from purchasing separate supplemental abortion plan or coverage that includes abortion so long as such plan or coverage is paid for entirely using only funds not authorized or appropriated by federal law and such plan or coverage shall not be purchased using matching funds required for a federally subsidized program, including a State's or locality's contribution of Medicaid matching funds.

''SEC. 305. CONSTRUCTION RELATING TO THE USE OF NON-FEDERAL FUNDS FOR HEALTH COVERAGE.

''Nothing in this chapter shall be construed as restricting the ability of any managed care provider or other organization from offering abortion coverage or the ability of a State to contract separately with such a provider or organization for such coverage with funds not authorized or appropriated by federal law and such plan or coverage shall not be purchased using matching funds required for a federally subsidized program, including a State's or locality's contribution of Medicaid matching funds.

''SEC. 306. NO GOVERNMENT DISCRIMINATION AGAINST CERTAIN HEALTH CARE ENTITIES.

''(a) IN GENERAL.—No funds authorized or appropriated by federal law may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

''(b) HEALTH CARE ENTITY DEFINED.—For purposes of this section, the term 'health care entity' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.''.

SEC. 603. IMPROVED ENFORCEMENT OF THE MEDICARE AND MEDICAID SECONDARY PAYER PROVISIONS.

(a) MEDICARE.—

(1) IN GENERAL.—The Secretary, in coordination with the Inspector General of the Department of Health and Human Services, shall provide through the Coordination of Benefits Contractor for the identification of instances where the Medicare program should be, but is not, acting as a secondary payer to an individual's private health benefits coverage under section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)).

(2) UPDATING PROCEDURES.—The Secretary shall update procedures for identifying and

resolving credit balance situations which occur under the Medicare program when payment under such title and from other health benefit plans exceed the providers' charges or the allowed amount.

(3) REPORT ON IMPROVED ENFORCEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on progress made in improved enforcement of the Medicare secondary payer provisions, including recoupment of credit balances.

(b) MEDICAID.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

''(aa) ENFORCEMENT OF PAYER OF LAST RESORT PROVISIONS.—

''(1) SUBMISSION OF STATE PLAN AMENDMENT.—Each State shall submit, not later than 1 year after the date of the enactment of this subsection, a State plan amendment that details how the State will become fully compliant with the requirements of section 1902(a)(25).

''(2) BONUS FOR COMPLIANCE.—If a State submits a timely State plan amendment under paragraph (1) that the Secretary determines provides for full compliance of the State with the requirements of section 1902(a)(25), the Secretary shall provide for an additional payment to the State of $1,000,000. If a State certifies, to the Secretary's satisfaction, that it is already fully compliant with such requirements, such amount shall be increased to $2,000,000.

''(3) REDUCTION FOR NONCOMPLIANCE.—If a State does not submit such an amendment, the Secretary shall reduce the Federal medical assistance percentage otherwise applicable under this title by 1 percentage point until the State submits such an amendment.

''(4) ONGOING REDUCTION.—If at any time the Secretary determines that a State is not in compliance with section 1902(a)(25), regardless of the status of the State's submission of a State plan amendment under this subsection or previous determinations of compliance such requirements, the Secretary shall reduce the Federal medical assistance percentage otherwise applicable under this title for the State by 1 percentage point during the period of non-compliance as determined by the Secretary.''.

SEC. 604. STRENGTHEN MEDICARE PROVIDER ENROLLMENT STANDARDS AND SAFEGUARDS.

(a) PROTECTING AGAINST THE FRAUDULENT USE OF MEDICARE PROVIDER NUMBERS.—Subject to subsection (c)(2)—

(1) SCREENING NEW PROVIDERS.—As a condition of a provider of services or a supplier, including durable medical equipment suppliers and home health agencies, applying for the first time for a provider number under the Medicare program and before granting billing privileges under such title, the Secretary shall screen the provider or supplier for a criminal background or other financial or operational irregularities through fingerprinting, licensure checks, site-visits, other database checks.

(2) APPLICATION FEES.—The Secretary shall impose an application charge on such a provider or supplier in order to cover the Secretary's costs in performing the screening required under paragraph (1) and that is revenue neutral to the Federal government.

(3) PROVISIONAL APPROVAL.—During an initial, provisional period (specified by the Secretary) In which such a provider or supplier has been issued such a number, the Secretary shall provide enhanced oversight of the activities of such provider or supplier under the Medicare program, such as through prepayment review and payment limitations.

(4) PENALTIES FOR FALSE STATEMENTS.—In the case of a provider or supplier that makes a false statement in an application for such a number, the Secretary may exclude the provider or supplier from participation under the Medicare program, or may impose a civil money penalty (in the amount described in section 1128A(a)(4) of the Social Security Act), in the same manner as the Secretary may impose such an exclusion or penalty under sections 1128 and 1128A, respectively, of such Act in the case of knowing presentation of a false claim described in section 1128A(a)(1)(A) of such Act.

(5) DISCLOSURE REQUIREMENTS.—With respect to approval of such an application, the Secretary—

(A) shall require applicants to disclose previous affiliation with enrolled entities that have uncollected debt related to the Medicare or Medicaid programs;

(B) may deny approval if the Secretary determines that these affiliations pose undue risk to the Medicare or Medicaid program, subject to an appeals process for the applicant as determined by the Secretary; and

(C) may implement enhanced safeguards (such as surety bonds).

(b) MORATORIA.—The Secretary may impose moratoria on approval of provider and supplier numbers under the Medicare program for new providers of services and suppliers as determined necessary to prevent or combat fraud a period of delay for any one applicant cannot exceed 30 days unless cause is shown by the Secretary.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

(2) CONDITION.—The provisions of paragraphs (1) and (2) of subsection (a) shall not apply unless and until funds are appropriated to carry out such provisions.

SEC. 605. TRACKING BANNED PROVIDERS ACROSS STATE LINES.

(a) GREATER COORDINATION.—The Secretary of Health and Human Services shall provide for increased coordination between the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as ''CMS'') and its regional offices to ensure that providers of services and suppliers that have operated in one State and are excluded from participation in the Medicare program are unable to begin operation and participation in the Medicare program in another State.

(b) IMPROVED INFORMATION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall improve information systems to allow greater integration between databases under the Medicare program so that—

(A) medicare administrative contractors, fiscal intermediaries, and carriers have immediate access to information identifying providers and suppliers excluded from participation in the Medicare and Medicaid program and other Federal health care programs; and

(B) such information can be shared across Federal health care programs and agencies, including between the Departments of Health and Human Services, the Social Security Administration, the Department of Veterans Affairs, the Department of Defense, the Department of Justice, and the Office of Personnel Management.

(c) MEDICARE/MEDICAID ''ONE PI'' DATABASE.—The Secretary shall implement a database that includes claims and payment data for all components of the Medicare program and the Medicaid program.

(d) AUTHORIZING EXPANDED DATA MATCHING.—Notwithstanding any provision of the Computer Matching and Privacy Protection Act of 1988 to the contrary—

(1) the Secretary and the Inspector General in the Department of Health and Human Services may perform data matching of data from the Medicare program with data from the Medicaid program; and

(2) the Commissioner of Social Security and the Secretary may perform data matching of data of the Social Security Administration with data from the Medicare and Medicaid programs.

(e) CONSOLIDATION OF DATA BASES.—The Secretary shall consolidate and expand into a centralized data base for individuals and entities that have been excluded from Federal health care programs the Healthcare Integrity and Protection Data Bank, the National Practitioner Data Bank, the List of Excluded Individuals/Entities, and a national patient abuse/neglect registry.

(f) COMPREHENSIVE PROVIDER DATABASE.—

(1) ESTABLISHMENT.—The Secretary shall establish a comprehensive database that includes information on providers of services, suppliers, and related entities participating in the Medicare program, the Medicaid program, or both. Such database shall include, information on ownership and business relationships, history of adverse actions, results of site visits or other monitoring by any program.

(2) USE.—Prior to issuing a provider or supplier number for an entity under the Medicare program, the Secretary shall obtain information on the entity from such database to assure the entity qualifies for the issuance of such a number.

(g) COMPREHENSIVE SANCTIONS DATABASE.—The Secretary shall establish a comprehensive sanctions database on sanctions imposed on providers of services, suppliers, and related entities. Such database shall be overseen by the Inspector General of the Department of Health and Human Services and shall be linked to related databases maintained by State licensure boards and by Federal or State law enforcement agencies.

(h) ACCESS TO CLAIMS AND PAYMENT DATABASES.—The Secretary shall ensure that the Inspector General of the Department of Health and Human Services and Federal law enforcement agencies have direct access to all claims and payment databases of the Secretary under the Medicare or Medicaid programs.

(i) CIVIL MONEY PENALTIES FOR SUBMISSION OF ERRONEOUS INFORMATION.—In the case of a provider of services, supplier, or other entity that submits erroneous information that serves as a basis for payment of any entity under the Medicare or Medicaid program, the Secretary may impose a civil money penalty of not to exceed $50,000 for each such erroneous submission. A civil money penalty under this subsection shall be imposed and collected in the same manner as a civil money penalty under subsection (a) of section 1128A of the Social Security Act is imposed and collected under that section.

DIVISION G—PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 701. LICENSURE PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting ''under this subsection or subsection (k)'' after ''biologics license''; and

(2) by adding at the end the following:

''(k) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—

''(1) IN GENERAL.—Any person may submit an application for licensure of a biological product under this subsection.

''(2) CONTENT.—

''(A) IN GENERAL.—

''(i) REQUIRED INFORMATION.—An application submitted under this subsection shall include information demonstrating that—

''(I) the biological product is biosimilar to a reference product based upon data derived from—

''(aa) analytical studies that demonstrate that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components;

''(bb) animal studies (including the assessment of toxicity); and

''(cc) a clinical study or studies (including the assessment of immunogenicity and pharmacokinetics or pharmacodynamics) that are sufficient to demonstrate safety, purity, and potency in 1 or more appropriate conditions of use for which the reference product is licensed and intended to be used and for which licensure is sought for the biological product;

''(II) the biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product;

''(III) the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product;

''(IV) the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product; and

''(V) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

''(ii) DETERMINATION BY SECRETARY.—The Secretary may determine, in the Secretary's discretion, that an element described in clause (i)(I) is unnecessary in an application submitted under this subsection.

''(iii) ADDITIONAL INFORMATION.—An application submitted under this subsection—

''(I) shall include publicly available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent; and

''(II) may include any additional information in support of the application, including publicly available information with respect to the reference product or another biological product.

''(B) INTERCHANGEABILITY.—An application (or a supplement to an application) submitted under this subsection may include information demonstrating that the biological product meets the standards described in paragraph (4).

''(3) EVALUATION BY SECRETARY.—Upon review of an application (or a supplement to an application) submitted under this subsection, the Secretary shall license the biological product under this subsection if—

''(A) the Secretary determines that the information submitted in the application (or the supplement) is sufficient to show that the biological product—

''(i) is biosimilar to the reference product; or

''(ii) meets the standards described in paragraph (4), and therefore is interchangeable with the reference product; and

''(B) the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

''(4) SAFETY STANDARDS FOR DETERMINING INTERCHANGEABILITY.—Upon review of an application submitted under this subsection or any supplement to such application, the Secretary shall determine the biological product to be interchangeable with the reference product if the Secretary determines that the information submitted in the application (or a supplement to such application) is sufficient to show that—

''(A) the biological product—

''(i) is biosimilar to the reference product; and

''(ii) can be expected to produce the same clinical result as the reference product in any given patient; and

''(B) for a biological product that is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between use of the biological product and the reference product is not greater than the risk of using the reference product without such alternation or switch.

''(5) GENERAL RULES.—

''(A) ONE REFERENCE PRODUCT PER APPLICATION.—A biological product, in an application submitted under this subsection, may not be evaluated against more than 1 reference product.

''(B) REVIEW.—An application submitted under this subsection shall be reviewed by the division within the Food and Drug Administration that is responsible for the review and approval of the application under which the reference product is licensed.

''(C) RISK EVALUATION AND MITIGATION STRATEGIES.—The authority of the Secretary with respect to risk evaluation and mitigation strategies under the Federal Food, Drug, and Cosmetic Act shall apply to biological products licensed under this subsection in the same manner as such authority applies to biological products licensed under subsection (a).

''(D) RESTRICTIONS ON BIOLOGICAL PRODUCTS CONTAINING DANGEROUS INGREDIENTS.—If information in an application submitted under this subsection, in a supplement to such an application, or otherwise available to the Secretary shows that a biological product—

''(i) is, bears, or contains a select agent or toxin listed in section 73.3 or 73.4 of title 42, section 121.3 or 121.4 of title 9, or section 331.3 of title 7, Code of Federal Regulations (or any successor regulations); or

''(ii) is, bears, or contains a controlled substance in schedule I or II of section 202 of the Controlled Substances Act, as listed in part 1308 of title 21, Code of Federal Regulations (or any successor regulations);

the Secretary shall not license the biological product under this subsection unless the Secretary determines, after consultation with appropriate national security and drug enforcement agencies, that there would be no increased risk to the security or health of the public from licensing such biological product under this subsection.

''(6) EXCLUSIVITY FOR FIRST INTERCHANGEABLE BIOLOGICAL PRODUCT.—Upon review of an application submitted under this subsection relying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4) that the second or subsequent biological product is interchangeable for any condition of use until the earlier of—

''(A) 1 year after the first commercial marketing of the first interchangeable biosimilar biological product to be approved as interchangeable for that reference product;

''(B) 18 months after—

''(i) a final court decision on all patents in suit in an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(ii) the dismissal with or without prejudice of an action instituted under subsection (l)(5) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(C)(i) 42 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has been sued under subsection (l)(5) and such litigation is still ongoing within such 42-month period; or

''(ii) 18 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has not been sued under subsection (l)(5).

For purposes of this paragraph, the term 'final court decision' means a final decision of a court from which no appeal (other than a petition to the United States Supreme Court for a writ of certiorari) has been or can be taken.

''(7) EXCLUSIVITY FOR REFERENCE PRODUCT.—

''(A) EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.—Approval of an application under this subsection may not be made effective by the Secretary until the date that is 12 years after the date on which the reference product was first licensed under subsection (a).

''(B) FILING PERIOD.—An application under this subsection may not be submitted to the Secretary until the date that is 4 years after the date on which the reference product was first licensed under subsection (a).

''(C) FIRST LICENSURE.—Subparagraphs (A) and (B) shall not apply to a license for or approval of—

''(i) a supplement for the biological product that is the reference product; or

''(ii) a subsequent application filed by the same sponsor or manufacturer of the biological product that is the reference product (or a licensor, predecessor in interest, or other related entity) for—

''(I) a change (not including a modification to the structure of the biological product) that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

''(II) a modification to the structure of the biological product that does not result in a change in safety, purity, or potency.

''(8) PEDIATRIC STUDIES.—

''(A) EXCLUSIVITY.—If, before or after licensure of the reference product under subsection (a) of this section, the Secretary determines that information relating to the use of such product in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant or holder of the approved application agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act the period referred to in paragraph (7)(A) of this subsection is deemed to be 12 years and 6 months rather than 12 years.

''(B) EXCEPTION.—The Secretary shall not extend the period referred to in subparagraph (A) of this paragraph if the determination under section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act is made later than 9 months prior to the expiration of such period.

''(C) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (a), (d), (e), (f), (h), (j), (k), and (l) of section 505A of the Federal Food, Drug, and Cosmetic Act shall apply with respect to the extension of a period under subparagraph (A) of this paragraph to the same extent and in the same manner as such provisions apply with respect to the extension of a period under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act.

''(9) GUIDANCE DOCUMENTS.—

''(A) IN GENERAL.—The Secretary may, after opportunity for public comment, issue

guidance in accordance, except as provided in subparagraph (B)(i), with section 701(h) of the Federal Food, Drug, and Cosmetic Act with respect to the licensure of a biological product under this subsection. Any such guidance may be general or specific.

''(B) PUBLIC COMMENT.—

''(i) IN GENERAL.—The Secretary shall provide the public an opportunity to comment on any proposed guidance issued under subparagraph (A) before issuing final guidance.

''(ii) INPUT REGARDING MOST VALUABLE GUIDANCE.—The Secretary shall establish a process through which the public may provide the Secretary with input regarding priorities for issuing guidance.

''(C) NO REQUIREMENT FOR APPLICATION CONSIDERATION.—The issuance (or non-issuance) of guidance under subparagraph (A) shall not preclude the review of, or action on, an application submitted under this subsection.

''(D) REQUIREMENT FOR PRODUCT CLASS-SPECIFIC GUIDANCE.—If the Secretary issues product class-specific guidance under subparagraph (A), such guidance shall include a description of—

''(i) the criteria that the Secretary will use to determine whether a biological product is highly similar to a reference product in such product class; and

''(ii) the criteria, if available, that the Secretary will use to determine whether a biological product meets the standards described in paragraph (4).

''(E) CERTAIN PRODUCT CLASSES.—

''(i) GUIDANCE.—The Secretary may indicate in a guidance document that the science and experience, as of the date of such guidance, with respect to a product or product class (not including any recombinant protein) does not allow approval of an application for a license as provided under this subsection for such product or product class.

''(ii) MODIFICATION OR REVERSAL.—The Secretary may issue a subsequent guidance document under subparagraph (A) to modify or reverse a guidance document under clause (i).

''(iii) NO EFFECT ON ABILITY TO DENY LICENSE.—Clause (i) shall not be construed to require the Secretary to approve a product with respect to which the Secretary has not indicated in a guidance document that the science and experience, as described in clause (i), does not allow approval of such an application.

''(10) NAMING.—The Secretary shall ensure that the labeling and packaging of each biological product licensed under this subsection bears a name that uniquely identifies the biological product and distinguishes it from the reference product and any other biological products licensed under this subsection following evaluation against such reference product.

''(l) PATENT NOTICES; RELATIONSHIP TO FINAL APPROVAL.—

''(1) DEFINITIONS.—For the purposes of this subsection, the term—

''(A) 'biosimilar product' means the biological product that is the subject of the application under subsection (k);

''(B) 'relevant patent' means a patent that—

''(i) expires after the date specified in subsection (k)(7)(A) that applies to the reference product; and

''(ii) could reasonably be asserted against the applicant due to the unauthorized making, use, sale, or offer for sale within the United States, or the importation into the United States of the biosimilar product, or materials used in the manufacture of the biosimilar product, or due to a use of the biosimilar product in a method of treatment that is indicated in the application;

''(C) 'reference product sponsor' means the holder of an approved application or license for the reference product; and

''(D) 'interested third party' means a person other than the reference product sponsor that owns a relevant patent, or has the right to commence or participate in an action for infringement of a relevant patent.

''(2) HANDLING OF CONFIDENTIAL INFORMATION.—Any entity receiving confidential information pursuant to this subsection shall designate one or more individuals to receive such information. Each individual so designated shall execute an agreement in accordance with regulations promulgated by the Secretary. The regulations shall require each such individual to take reasonable steps to maintain the confidentiality of information received pursuant to this subsection and use the information solely for purposes authorized by this subsection. The obligations imposed on an individual who has received confidential information pursuant to this subsection shall continue until the individual returns or destroys the confidential information, a court imposes a protective order that governs the use or handling of the confidential information, or the party providing the confidential information agrees to other terms or conditions regarding the handling or use of the confidential information.

''(3) PUBLIC NOTICE BY SECRETARY.—Within 30 days of acceptance by the Secretary of an application filed under subsection (k), the Secretary shall publish a notice identifying—

''(A) the reference product identified in the application; and

''(B) the name and address of an agent designated by the applicant to receive notices pursuant to paragraph (4)(B).

''(4) EXCHANGES CONCERNING PATENTS.—

''(A) EXCHANGES WITH REFERENCE PRODUCT SPONSOR.—

''(i) Within 30 days of the date of acceptance of the application by the Secretary, the applicant shall provide the reference product sponsor with a copy of the application and information concerning the biosimilar product and its production. This information shall include a detailed description of the biosimilar product, its method of manufacture, and the materials used in the manufacture of the product.

''(ii) Within 60 days of the date of receipt of the information required to be provided under clause (i), the reference product sponsor shall provide to the applicant a list of relevant patents owned by the reference product sponsor, or in respect of which the reference product sponsor has the right to commence an action of infringement or otherwise has an interest in the patent as such patent concerns the biosimilar product.

''(iii) If the reference product sponsor is issued or acquires an interest in a relevant patent after the date on which the reference product sponsor provides the list required by clause (ii) to the applicant, the reference product sponsor shall identify that patent to the applicant within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(B) EXCHANGES WITH INTERESTED THIRD PARTIES.—

''(i) At any time after the date on which the Secretary publishes a notice for an application under paragraph (3), any interested third party may provide notice to the designated agent of the applicant that the interested third party owns or has rights under 1 or more patents that may be relevant patents. The notice shall identify at least 1 patent and shall designate an individual who has executed an agreement in accordance with paragraph (2) to receive confidential information from the applicant.

''(ii) Within 30 days of the date of receiving notice pursuant to clause (i), the applicant shall send to the individual designated by the interested third party the information specified in subparagraph (A)(i), unless the applicant and interested third party otherwise agree.

''(iii) Within 90 days of the date of receiving information pursuant to clause (ii), the interested third party shall provide to the applicant a list of relevant patents which the interested third party owns, or in respect of which the interested third party has the right to commence or participate in an action for infringement.

''(iv) If the interested third party is issued or acquires an interest in a relevant patent after the date on which the interested third party provides the list required by clause (iii), the interested third party shall identify that patent within 30 days of the date of issue of the patent, or the date of acquisition of the interest in the patent, as applicable.

''(C) IDENTIFICATION OF BASIS FOR INFRINGEMENT.—For any patent identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the reference product sponsor or the interested third party, as applicable—

''(i) shall explain in writing why the sponsor or the interested third party believes the relevant patent would be infringed by the making, use, sale, or offer for sale within the United States, or importation into the United States, of the biosimilar product or by a use of the biosimilar product in treatment that is indicated in the application;

''(ii) may specify whether the relevant patent is available for licensing; and

''(iii) shall specify the number and date of expiration of the relevant patent.

''(D) CERTIFICATION BY APPLICANT CONCERNING IDENTIFIED RELEVANT PATENTS.—Not later than 45 days after the date on which a patent is identified under clause (ii) or (iii) of subparagraph (A) or under clause (iii) or (iv) of subparagraph (B), the applicant shall send a written statement regarding each identified patent to the party that identified the patent. Such statement shall either—

''(i) state that the applicant will not commence marketing of the biosimilar product and has requested the Secretary to not grant final approval of the application before the date of expiration of the noticed patent; or

''(ii) provide a detailed written explanation setting forth the reasons why the applicant believes—

''(I) the making, use, sale, or offer for sale within the United States, or the importation into the United States, of the biosimilar product, or the use of the biosimilar product in a treatment indicated in the application, would not infringe the patent; or

''(II) the patent is invalid or unenforceable.

''(5) ACTION FOR INFRINGEMENT INVOLVING REFERENCE PRODUCT SPONSOR.—If an action for infringement concerning a relevant patent identified by the reference product sponsor under clause (ii) or (iii) of paragraph (4)(A), or by an interested third party under clause (iii) or (iv) of paragraph (4)(B), is brought within 60 days of the date of receipt of a statement under paragraph (4)(D)(ii), and the court in which such action has been commenced determines the patent is infringed prior to the date applicable under subsection (k)(7)(A) or (k)(8), the Secretary shall make approval of the application effective on the day after the date of expiration of the patent that has been found to be infringed. If more than one such patent is found to be infringed by the court, the approval of the application shall be made effective on the day after the date that the last such patent expires.

''(6) NOTIFICATION OF AGREEMENTS.—

''(A) REQUIREMENTS.—

''(i) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANT AND REFERENCE PRODUCT SPONSOR.—If a biosimilar product applicant under subsection (k) and the reference product sponsor enter into an agreement described in subparagraph (B), the applicant

and sponsor shall each file the agreement in accordance with subparagraph (C).

''(ii) AGREEMENT BETWEEN BIOSIMILAR PRODUCT APPLICANTS.—If 2 or more biosimilar product applicants submit an application under subsection (k) for biosimilar products with the same reference product and enter into an agreement described in subparagraph (B), the applicants shall each file the agreement in accordance with subparagraph (C).

''(B) SUBJECT MATTER OF AGREEMENT.—An agreement described in this subparagraph—

''(i) is an agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) regarding the manufacture, marketing, or sale of—

''(I) the biosimilar product (or biosimilar products) for which an application was submitted; or

''(II) the reference product;

''(ii) includes any agreement between the biosimilar product applicant under subsection (k) and the reference product sponsor or between 2 or more biosimilar product applicants under subsection (k) that is contingent upon, provides a contingent condition for, or otherwise relates to an agreement described in clause (i); and

''(iii) excludes any agreement that solely concerns—

''(I) purchase orders for raw material supplies;

''(II) equipment and facility contracts;

''(III) employment or consulting contracts; or

''(IV) packaging and labeling contracts.

''(C) FILING.—

''(i) IN GENERAL.—The text of an agreement required to be filed by subparagraph (A) shall be filed with the Assistant Attorney General and the Federal Trade Commission not later than—

''(I) 10 business days after the date on which the agreement is executed; and

''(II) prior to the date of the first commercial marketing of, for agreements described in subparagraph (A)(i), the biosimilar product that is the subject of the application or, for agreements described in subparagraph (A)(ii), any biosimilar product that is the subject of an application described in such subparagraph.

''(ii) IF AGREEMENT NOT REDUCED TO TEXT.—If an agreement required to be filed by subparagraph (A) has not been reduced to text, the persons required to file the agreement shall each file written descriptions of the agreement that are sufficient to disclose all the terms and conditions of the agreement.

''(iii) CERTIFICATION.—The chief executive officer or the company official responsible for negotiating any agreement required to be filed by subparagraph (A) shall include in any filing under this paragraph a certification as follows: 'I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 351(l)(6) of the Public Health Service Act, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to such section and have not been reduced to writing.'.

''(D) DISCLOSURE EXEMPTION.—Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subparagraph prevents disclosure of information or documentary material to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.

''(E) ENFORCEMENT.—

''(i) CIVIL PENALTY.—Any person that violates a provision of this paragraph shall be liable for a civil penalty of not more than $11,000 for each day on which the violation occurs. Such penalty may be recovered in a civil action—

''(I) brought by the United States; or

''(II) brought by the Federal Trade Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act.

''(ii) COMPLIANCE AND EQUITABLE RELIEF.—If any person violates any provision of this paragraph, the United States district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Assistant Attorney General or the Federal Trade Commission.

''(F) RULEMAKING.—The Federal Trade Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, United States Code, consistent with the purposes of this paragraph—

''(i) may define the terms used in this paragraph;

''(ii) may exempt classes of persons or agreements from the requirements of this paragraph; and

''(iii) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this paragraph.

''(G) SAVINGS CLAUSE.—Any action taken by the Assistant Attorney General or the Federal Trade Commission, or any failure of the Assistant Attorney General or the Commission to take action, under this paragraph shall not at any time bar any proceeding or any action with respect to any agreement between a biosimilar product applicant under subsection (k) and the reference product sponsor, or any agreement between biosimilar product applicants under subsection (k), under any other provision of law, nor shall any filing under this paragraph constitute or create a presumption of any violation of any competition laws.''.

(b) DEFINITIONS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking ''In this section, the term 'biological product' means'' and inserting the following: ''In this section:

''(1) The term 'biological product' means'';

(2) in paragraph (1), as so designated, by inserting ''protein (except any chemically synthesized polypeptide),'' after ''allergenic product,''; and

(3) by adding at the end the following:

''(2) The term 'biosimilar' or 'biosimilarity', in reference to a biological product that is the subject of an application under subsection (k), means—

''(A) that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components; and

''(B) there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product.

''(3) The term 'interchangeable' or 'interchangeability', in reference to a biological product that is shown to meet the standards described in subsection (k)(4), means that the biological product may be substituted for the reference product without the intervention of the health care provider who prescribed the reference product.

''(4) The term 'reference product' means the single biological product licensed under subsection (a) against which a biological product is evaluated in an application submitted under subsection (k).''.

(c) PRODUCTS PREVIOUSLY APPROVED UNDER SECTION 505.—

(1) REQUIREMENT TO FOLLOW SECTION 351.—Except as provided in paragraph (2), an application for a biological product shall be submitted under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

(2) EXCEPTION.—An application for a biological product may be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if—

(A) such biological product is in a product class for which a biological product in such product class is the subject of an application approved under such section 505 not later than the date of enactment of this Act; and

(B) such application—

(i) has been submitted to the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') before the date of enactment of this Act; or

(ii) is submitted to the Secretary not later than the date that is 10 years after the date of enactment of this Act.

(3) LIMITATION.—Notwithstanding paragraph (2), an application for a biological product may not be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if there is another biological product approved under subsection (a) of section 351 of the Public Health Service Act that could be a reference product with respect to such application (within the meaning of such section 351) if such application were submitted under subsection (k) of such section 351.

(4) DEEMED APPROVED UNDER SECTION 351.—An approved application for a biological product under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) shall be deemed to be a license for the biological product under such section 351 on the date that is 10 years after the date of enactment of this Act.

(5) DEFINITIONS.—For purposes of this subsection, the term ''biological product'' has the meaning given such term under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

SEC. 702. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subparagraph (B) of section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended by inserting '', including licensure of a biological product under section 351(k) of such Act'' before the period at the end.

SEC. 703. AMENDMENTS TO CERTAIN PATENT PROVISIONS.

(a) Section 271(e)(2) of title 35, United States Code is amended—

(1) in subparagraph (A), by striking ''or'' after ''patent,'';

(2) in subparagraph (B), by adding ''or'' after the comma at the end;

(3) by inserting the following after subparagraph (B):

''(C) a statement under section 351(l)(4)(D)(ii) of the Public Health Service Act,''; and

(4) in the matter following subparagraph (C) (as added by paragraph (3)), by inserting before the period the following: '', or if the statement described in subparagraph (C) is provided in connection with an application to obtain a license to engage in the commercial manufacture, use, or sale of a biological product claimed in a patent or the use of which is claimed in a patent before the expiration of such patent''.

(b) Section 271(e)(4) of title 35, United States Code, is amended by striking ''in paragraph (2)'' in both places it appears and inserting ''in paragraph (2)(A) or (2)(B)''.

After debate,

Pursuant to House Resolution 903, the previous question was ordered on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. OBEY, announced that the nays had it.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OBEY, pursuant to Section 2 of House Resolution 903, announced that further proceedings on the question were postponed.

The SPEAKER pro tempore, Mr. OBEY, announced the unfinished business to be the question on agreeing to the further amendment printed in Part C of House Report 111-330, by Mr. STUPAK.

The question being put,

Will the House agree to said further amendment?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240; Nays ..... 194; Answered present 1

¶142.20 [Roll No. 884]

YEAS—240

Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Langevin
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Myrick
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Ortiz
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Nye
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Shadegg

So the further amendment, printed in Part C of House Report 111-330, was agreed to.

A motion to reconsider the vote whereby said further amendment was agreed to was, by unanimous consent, laid on the table.

The SPEAKER pro tempore, Mr. OBEY, announced the unfinished business to be the question on agreeing to the further amendment in the nature of a substitute, printed in Part D of House Report 111-330, by Mr. BOEHNER.

The question being put,

Will the House agree to said further amendment in the nature of a substitute?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 176; Nays 258

¶142.21 [Roll No. 885]

YEAS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—258

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

So the further amendment in the nature of a substitute, printed in Part D of House Report 111-330, was not agreed to.

A motion to reconsider the vote whereby said further amendment in the nature of a substitute was not agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 903, the previous question was ordered on the bill, as amended, and the further amendment.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CANTOR moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 1209, after line 15, insert the following new title (and conform the table of contents of division B, and the table of divisions, titles and subtitles in section 1(b), accordingly):

TITLE X—SENIORS PROTECTION AND MEDICARE REGIONAL PAYMENT EQUITY FUND

SEC. 1911. FINDINGS.

Congress finds the following:

(1) When analyzing the Medicare cuts in division B, The Office of the Actuary (OACT) of the Centers for Medicare & Medicaid Services noted that ''The additional demand for health services could be difficult to meet initially with existing health provider resources and could lead to price increases, cost-shifting, and changes in providers' willingness to treat patients with low-reimbursement health coverage.''.

(2) When analyzing the Medicare cuts contained in division B, OACT predicts that, ''Over time, a sustained reduction in payment updates, based on productivity expectations that are difficult to attain, would cause Medicare payment rates to grow more slowly than, and in a way that was unrelated to, the provider's costs of furnishing services to beneficiaries. Thus, providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and might end their participation in the program (possibly jeopardizing access to care for beneficiaries).''.

(3) The Medicare Payment Advisory Commission (MedPAC) found that 28 percent of seniors currently have difficulty finding a new physician to treat them.

(4) Medicare geographic payment inequities are well documented and have been extensively studied.

(5) The Congressional Budget Office states that per capita health care spending varies widely across the United States.

(6) Low-cost, high-quality States are setting the national standard for Medicare yet they are penalized by the current Medicare reimbursement formula.

(7) Geographic payment inequities must be resolved for health care reform to be successful and for Medicare to achieve long-term sustainability.

(8) Rural counties face unique challenges in delivering health care.

(9) MedPAC finds that every senior currently has the ability to enroll in a Medicare Advantage plan instead of the traditional government program. The Commission predicts that because of Medicare cuts contained in division B, 1 in 5 seniors will no longer have this choice and be forced to receive their Medicare benefits from the traditional program.

(10) OACT predicts that the Medicare cuts contained in division B will reduce seniors' projected enrollment in Medicare Advantage plans by 64 percent.

(11) MedPAC estimates that, on average, Medicare physician reimbursements are 20 percent lower than the reimbursements physicians receive from private health plans.

(12) MedPAC predicts that, on average, Medicare hospital reimbursements will be 6.9 percent below the cost of providing care in 2009.

SEC. 1912. SENIORS PROTECTION AND MEDICARE REGIONAL PAYMENT EQUITY FUND.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish under this title a Seniors Protection and Medicare Regional Payment Equity Fund (in this section referred to as the ''Fund'') which shall be available to the Secretary to provide for improvements (described in subsection (b)(1)) under the Medicare program under title XVIII of the Social Security Act.

(b) IMPROVEMENTS MADE BY FUND.—

(1) IN GENERAL.—The improvements described in this paragraph are the following:

(A) CORRECTING PAYMENT INEQUITIES.—In order to correct inequities in Medicare payment policies that punish high-quality, low-cost counties (as defined in paragraph (2)) and to promote high quality, cost effective patient care, by providing additional funding to Medicare providers located in such counties.

(B) PRESERVING SENIORS' CHOICE.—In order to preserve seniors' ability to choose the Medicare health benefits that best meet their needs, by providing additional funding to ensure that every Medicare beneficiary continues to have access to at least 1 Medicare Advantage plan under part C of the Medicare program.

(C) ACCESS TO MEDICALLY NECESSARY CARE AND TREATMENT.—By providing such additional funding as may be necessary to ensure access by Medicare beneficiaries to medically necessary care and treatment, including care and treatment furnished by physicians, hospitals, and other health care providers under the Medicare program, without wait lines or coverage determinations based solely on the basis of cost.

(2) HIGH QUALITY, LOW-COST COUNTY DEFINED.—In this subsection, the term ''high quality, low-cost county'' means a county (or equivalent area) in which, as determined by the Secretary—

(A) the quality of care exceeds the national average; and

(B) the per beneficiary fee-for-service Medicare costs are substantially lower than the national average.

(c) FUNDING.—

(1) IN GENERAL.—There shall be available to the Fund—

(A) $13,500,000,000 for expenditures from the Fund during 5-year period beginning with 2010; and

(B) $40,500,000,000 for expenditures from the Fund during the 5-year period beginning with 2015.

Such amounts reflect savings in Federal expenditures and increases in Federal revenues estimated to result from the provisions of division E.

(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

Add at the end the following (and conform the table of divisions, titles, and subtitles in section 1(b) accordingly):

DIVISION E—ENACTING REAL MEDICAL LIABILITY REFORM

TABLE OF CONTENTS OF DIVISION

Sec. 4101. Encouraging speedy resolution of claims.
Sec. 4102. Compensating patient injury.
Sec. 4103. Maximizing patient recovery.
Sec. 4104. Additional health benefits.

Sec. 4105. Punitive damages.
Sec. 4106. Authorization of payment of future damages to claimants in health care lawsuits.
Sec. 4107. Definitions.
Sec. 4108. Effect on other laws.
Sec. 4109. State flexibility and protection of states' rights.
Sec. 4110. Applicability; effective date.

SEC. 4101. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 4102. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this division shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 4103. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 4104. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 4105. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

SEC. 4106. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this division.

SEC. 4107. DEFINITIONS.

In this division:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income-disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 4108. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this division does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this division in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this division or otherwise applicable law (as determined under this division) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this division shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 4109. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this division preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this division. The provisions governing health care lawsuits set forth in this division supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this division; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this division (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This division shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this division or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this division shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this division, notwithstanding section 4102(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 4110. APPLICABILITY; EFFECTIVE DATE.

This division shall apply to any health care lawsuit brought in a Federal or State

court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. OBEY, announced that the nays had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 / Nays 247

¶142.22 [Roll No. 886]

AYES—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—247

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. BURTON of Indiana, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 215

¶142.23 [Roll No. 887]

AYES—220

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—215

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶142.24 H. RES. 895—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. EDWARDS of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 895) honoring the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009, at Fort Hood, Texas.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 0

¶142.25 [Roll No. 888]

YEAS—428

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Ackerman
Dicks
Hastings (FL)
LaTourette
Linder
Marshall
Velázquez

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶142.26 CLERK TO CORRECT ENGROSSMENT—H.R. 3962

On motion of Mr. WAXMAN, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, the Clerk be authorized to make technical corrections, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

¶142.27 H. CON. RES. 209—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) recognizing the 30th anniversary of the Iranian hostage crisis, during which 52

United States citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶142.28 H. RES. 833—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 833) honoring the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan, the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶142.29 ADJOURNMENT OVER

On motion of Mr. CONNOLLY of Virginia, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, November 9, 2009, at 6 p.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 210, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶142.30 MOTION TO ADJOURN

Mr. CONNOLLY of Virginia, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 11 o'clock and 33 minutes p.m., the House adjourned until 6 p.m. on Monday, November 9, 2009, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 210, in which case the House shall stand adjourned, pursuant to that concurrent resolution.

¶142.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3618. A bill to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes (Rept. 111–331 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3360. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes (Rept. 111–332). Referred to the Committee of the Whole House on the state of the Union.

¶142.32 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3791. A bill to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, with an amendment, Rept. 111–333, Pt. 1; referred to the committee on Homeland Security for a period ending not later than November 7, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committed pursuant to clause 1(i), rule X.

¶142.33 COMMITTE DISCHARGED

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker:

The Committee on Science and Technology discharged from further consideration. H.R. 3618 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on Homeland Security discharged from further consideration. H.R. 3791 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶142.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LIPINSKI (for himself, Mr. MCCAUL, Mr. WU, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. GORDON of Tennessee, Mr. HALL of Texas, Mr. LUJÁN, and Mr. ROTHMAN of New Jersey):

H.R. 4061. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; to the Committee on Science and Technology.

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, Mr. FATTAH, Ms. SCHWARTZ, Mr. BRADY of Pennsylvania, Mr. SESTAK, and Mr. WALZ):

H.R. 4062. A bill to amend title 38, United States Code, to make certain improvements in the administration of medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. EDWARDS of Maryland (for herself, Mr. RANGEL, and Mr. BISHOP of Georgia):

H.R. 4063. A bill to grant the Congressional Gold Medal to the members of the messman and steward branches of United States Navy, Marine Corps, and Coast Guard that served during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 4064. A bill to make certain improvements in the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. HOLT (for himself, Ms. CORRINE BROWN of Florida, Mr. WU, Mr. MCGOVERN, Mr. CONYERS, Mr. CHANDLER, Mr. LOEBSACK, Mrs. MCMORRIS RODGERS, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, and Mr. BLUMENAUER):

H.R. 4065. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Education and Labor.

By Mr. KAGEN:

H.R. 4066. A bill to amend the Internal Revenue Code of 1986 to make permanent the alternative fuel credit and the alternative fuel mixture credit; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. JONES):

H.R. 4067. A bill to authorize interest-bearing transaction accounts at depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. MICA (for himself, Mr. STUPAK, Mr. SCOTT of Georgia, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. INGLIS, Ms. FOXX, Mr. OBERSTAR, Mr. LATHAM, Ms. ROS-LEHTINEN, Mr. MACK, Mr. CHAFFETZ, Mr. PETRI, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. SCALISE, Mr. GRAVES, Mr. GUTHRIE, Mr. YOUNG of Alaska, Mr. ROYCE, Mr. FORTENBERRY, Mr. MCCAUL, Mr. CRENSHAW, Mr. CAMP, Mr. FLEMING, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. BARRETT of South Carolina, Mr. LATTA, Mr. KUCINICH, Ms. KOSMAS, Mr. EHLERS, Mrs. BLACKBURN, Mr. HENSARLING, Mr. OLSON, Mr. RYAN of Wisconsin, Mr. MCCARTHY of California, Mr. SHUSTER, Mr. HINCHEY, Ms. BALDWIN, Mr. NUNES, and Mr. PASCRELL):

H. Con. Res. 212. Concurrent resolution expressing the sense of Congress on the occasion of the 20th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States and the Slovak and Czech Republics; to the Committee on Foreign Affairs.

¶142.35 MEMORIALS

Under clause 4 of Rule XXII,

219. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 485 urging the United States Congress grant parity in federal funding for Medicaid, Medicare, and SCHIP (State Children's Insurance Programs) healthcare programs, as part of the Federal Health Reform; jointly to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

¶142.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1162: Mr. ROONEY.
H.R. 1428: Ms. KOSMAS.
H.R. 1589: Ms. RICHARDSON and Mr. RYAN of Ohio.
H.R. 2254: Mr. MCINTYRE, Mr. CRENSHAW, Ms. WOOLSEY, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Ms. WASSERMAN SCHULTZ, Ms. KOSMAS, Mr. FATTAH, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.
H.R. 2266: Mr. ARCURI.
H.R. 2607: Mr. CRENSHAW.
H.R. 2698: Mr. MCKEON and Mr. REHBERG.
H.R. 2710: Mr. ROTHMAN of New Jersey and Mr. BOSWELL.
H.R. 2737: Mrs. DAHLKEMPER.
H.R. 2817: Ms. BALDWIN.
H.R. 3012: Mr. FARR.
H.R. 3043: Mrs. KIRKPATRICK of Arizona, Mr. AL GREEN of Texas, and Mr. HINCHEY.
H.R. 3044: Mr. FLAKE, Mr. WAMP, and Mr. BISHOP of Georgia.
H.R. 3186: Mr. BISHOP of Utah.
H.R. 3359: Ms. WOOLSEY, Ms. ESHOO, and Mrs. MCCARTHY of New York.
H.R. 3496: Mr. UPTON.
H.R. 3640: Mr. CHANDLER.
H.R. 3688: Mr. CASSIDY and Mr. KRATOVIL.
H.R. 3948: Mr. MARIO DIAZ-BALART of Florida and Mr. MANZULLO.
H.R. 4022: Mr. CAO and Mr. OLSON.
H.R. 4034: Mr. WATT.
H.J. Res. 42: Mrs. BONO MACK and Mr. SHUSTER.
H. Con. Res. 169: Mr. PAULSEN.
H. Res. 577: Mr. MCCAUL, Ms. FALLIN, and Mr. LANCE.
H. Res. 664: Mr. COSTELLO, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, Mr. KILDEE, Mr. WAXMAN, Mr. KAGEN, Mr. MAFFEI, Mrs. CHRISTENSEN, and Mr. KIRK.

¶142.37 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of Board of Education, Hawaii, relative to petitioning the Congress of the United States to support Hawaii House Concurrent Resolution No. 158; to the Committee on Natural Resources.

78. Also, a petition of Board of Education, Hawaii, relative to petitioning the Congress of the United States to support the Hawaii Senate Concurrent Resolution No. 62; to the Committee on Natural Resources.

79. Also, a petition of City Commission of Wilton Manors, Florida, relative to Resolution No. 3460 petitioning the Congress of the United States to support the Employment Non-Discrimination Act (ENDA); jointly to the Committees on Education and Labor, House Administration, Oversight and Government Reform, and the Judiciary.

MONDAY, NOVEMBER 16, 2009 (143)

¶143.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CONNOLLY of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
November 16, 2009.

I hereby appoint the Honorable GERALD E. CONNOLLY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶143.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced he had examined and approved the Journal of the proceedings of Saturday, November 7, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶143.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4644. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice (RIN: 0580-AA94) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4645. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Mushroom Promotion, Research, and Consumer Information Order [Doc. No: AMS-FV-08-0047; FV-08-702-FR] (RIN: 0581-AC82) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4646. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Change in Regulatory Period [Doc. No.: AMS-FV-09-0012; FV09-959-1 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4647. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit [Doc. No.: AMS-FV-09-0002; FV09-905-1 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4648. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Revision of Outgoing Quality Control Requirements [Doc. No.: AMS-FV-08-0045; FV08-981-2 FIR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4649. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Research and Promotion Program: Designation of Cotton-Producing States; Secretary's Decision and Referendum Order on Proposed Amendments to the Cotton Research and Promotion Order [Doc. #: AMS-CN-09-0032; CN-08-003] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4650. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Increased Assessment Rate [Doc. No.: AMS-FV-09-0037; FV09-927-1 FR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4651. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Decreased Assessment Rates [Doc. No.: AMS-FV-09-0013; FV09-916/917-2 IFR] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4652. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate [Doc. No.: AMS-FV-09-0040; FV09-924-1 FR] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4653. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Plastic Surgery Devices; Classification of Wound Dressing With Poly (Diallyl Dimethyl Ammonium Chloride) Additive [Docket No.: FDA-2009-N-0333] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4654. A letter from the Deputy Assistant Administrator/Office of Diverson Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Fospropofol into Schedule IV [Docket No.: DEA-327F] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4655. A letter from the Director, Bureau Of Economic Analysis, Department of Commerce, transmitting the Department's final rule — International Services Surveys: BE-150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions [Docket No.: 0807311000-9272-02] (RIN: 0691-AA67) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4656. A letter from the Senior Advisor, OFAC, Department of the Treasury, transmitting the Department's final rule — Economic Sanctions Enforcement Guidelines received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4657. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS34) received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4658. A letter from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Amyotrophic Lateral Sclerosis (RIN: 2009-AN05) received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶143.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 9, 2009 at 4:26 p.m.:

That the Senate passed without amendment H. Con. Res. 210.

With best wishes I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶143.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 9, 2009, at 1:40 p.m.:

That the Senate passed S. 806.

That the Senate passed S. 1860.

Appointments:

Commission on Wartime Contracting in Iraq and Afghanistan.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶143.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2009, at 9:29 a.m.:

That the Senate passed without amendment H.R. 955.

That the Senate passed without amendment H.R. 1516.

That the Senate passed without amendment H.R. 1713.

That the Senate passed without amendment H.R. 2004.

That the Senate passed without amendment H.R. 2215.

That the Senate passed without amendment H.R. 2760.

That the Senate passed without amendment H.R. 2972.

That the Senate passed without amendment H.R. 3119.

That the Senate passed without amendment H.R. 3386.

That the Senate passed without amendment H.R. 3547.

That the Senate passed S. 1825.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶143.7 ADJOURNMENT OVER

On motion of Mr. LYNCH, by unanimous consent,

Ordered, That it may be in order that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, November 17, 2009, for morning-hour debate.

¶143.8 W. HAZEN HILLYARD POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3767) to designate the facility of the United Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. LYNCH and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶143.9 RELOCATION EXPENSES FOR FEDERAL EMPLOYEES

Mr. LYNCH moved to suspend the rules and pass the bill of the Senate (S. 1825) to extend the authority for relocation expenses test program for Federal employees, and for other purposes.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. LYNCH and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶143.10 PATRICIA D. MCGINTY-JUHL POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3539) to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. LYNCH and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶143.11 FRANKLIN DELANO ROOSEVELT DOCUMENTS

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 1506) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. LYNCH and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.12 DR. MARTIN LUTHER KING, JR. POST OFFICE BUILDING

Mr. BLUMENAUER moved to suspend the rules and pass the bill of the Senate (S. 1314) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, recognized Mr. BLUMENAUER and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶143.13 RECESS—2:43 P.M.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 43 minutes p.m., until approximately 6:30 p.m.

¶143.14 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, called the House to order.

¶143.15 S. 1314—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1314) a bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 373 / Nays ..... 0 }

¶143.16 [Roll No. 889]

YEAS—373

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—61

Alexander
Barrett (SC)
Berman
Bonner
Brady (TX)
Braley (IA)
Brown (SC)
Cantor
Capuano
Costello
Crenshaw
Davis (AL)
Davis (CA)
Deal (GA)
DeGette
Delahunt
Gerlach
Giffords
Gingrey (GA)
Graves
Grijalva
Gutierrez
Harman
Hastings (WA)
Heinrich
Hoekstra
Israel
Jackson-Lee (TX)
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
LaTourette
Lowey
Luján
Lynch
Maffei
Markey (CO)
McGovern
McKeon
Meeks (NY)
Mitchell
Moran (VA)
Murphy, Patrick
Murphy, Tim
Neal (MA)
Pingree (ME)
Platts
Rohrabacher
Roskam
Rush
Schock
Skelton
Smith (WA)
Stark
Tanner
Teague
Tiahrt
Wamp
Waxman
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶143.17 H.R. 3539—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3539) to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 / Nays ..... 0 }

¶143.18 [Roll No. 890]

YEAS—367

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta

Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Alexander
Barrett (SC)
Berman
Bonner
Brady (TX)
Braley (IA)
Brown (SC)
Cantor
Capuano
Costa
Costello
Crenshaw
Davis (AL)
Davis (CA)
Deal (GA)
DeGette
Delahunt
Gerlach
Giffords
Gingrey (GA)
Graves
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (WA)
Heinrich
Hoekstra
Israel
Jackson-Lee (TX)
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
LaTourette
Lowey
Luján
Lynch
Maffei
Markey (CO)
McCaul
McGovern
McKeon
Meeks (NY)
Mitchell
Moran (VA)
Murphy, Patrick
Murphy, Tim
Neal (MA)
Pingree (ME)
Platts
Rohrabacher
Rooney
Roskam
Rush
Schock
Skelton
Smith (WA)
Souder
Speier
Stark
Tanner
Teague
Tiahrt
Wamp
Waxman
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.19 H.R. 3767—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3767) to designate the facility of the United Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. DAHLKEMPER, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded a recorded vote on the motion to suspend the rules and pass said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 / Nays 0

¶143.20 [Roll No. 891]

AYES—368

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—66

Alexander
Barrett (SC)
Berman
Boehner
Bonner
Brady (TX)
Braley (IA)
Brown (SC)
Cantor
Capuano
Cole
Costello
Crenshaw
Davis (AL)
Davis (CA)
Deal (GA)
DeGette
Delahunt
Gerlach
Giffords
Gingrey (GA)
Gohmert
Graves
Grijalva
Gutierrez
Harman
Hastings (WA)
Heinrich
Hoekstra
Israel
Jackson-Lee (TX)
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
LaTourette
Lowey
Luján
Lynch
Maffei
Markey (CO)
McGovern
McKeon
Meeks (NY)
Mitchell
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Neal (MA)
Pingree (ME)
Platts
Rohrabacher
Roskam
Rush
Schock
Skelton
Smith (WA)
Stark
Tanner
Teague
Tiahrt
Walden
Wamp
Waxman
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶143.21 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. DAHLKEMPER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 16, 2009, at 12:17 p.m.:

That the Senate passed S. 1422.

Appointments:

United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶143.22 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 806. An Act to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Oversight and Government Reform.

S. 1860. An Act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on House Administration.

¶143.23 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on November 5, 2009, she presented to the President of the United States, for his approval, the following bill:

H.R. 3548. An Act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

¶143.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. GIFFORDS, for today;

To Mr. HEINRICH, for today;

To Ms. KILPATRICK of Michigan, for today;

To Mr. SKELTON, for today;

To Mr. TANNER, for today and November 17.

And then,

¶143.25 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 10 o'clock and 5 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, November 17, 2009.

¶143.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 86. A bill to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; with an amendment (Rept. 111–334). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 118. A bill to authorize the addition of 100 acres to Morristown National Historical Park, with an amendment (Rept. 111–335). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2781. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 111–336). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2888. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; with an amendment (Rept. 111–337). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 841. Resolution expressing support for designation of November 29, 2009, as ''Drive Safer Sunday'' (Rept. 111–338). Referred to the House Calendar.

¶143.27 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on November 13, 2009]

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than December 11, 2009.

¶143.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself and Mr. BOUSTANY):

H.R. 4068. A bill to amend the Internal Revenue Code of 1986 to limit the penalty for failure to disclose reportable transactions based on resulting tax benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HARE (for himself and Mr. DAVIS of Illinois):

H.R. 4069. A bill to amend the Internal Revenue Code of 1986 to allow S corporations the deduction for charitable contributions of inventory; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. SHIMKUS):

H.R. 4070. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4071. A bill to require insurers of motor vehicles to provide coverage of bodily injuries in insurance policies; to the Committee on Financial Services.

By Mr. MINNICK (for himself, Mr. KRATOVIL, Mr. BRIGHT, and Mrs. HALVORSON):

H.R. 4072. A bill to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself, Mr. SHULER, Mr. BOUCHER, Mr. DAVIS of Tennessee, Mr. KISSELL, Mr. TEAGUE, Mr. THOMPSON of Pennsylvania, Mr. MICHAUD, and Mrs. KIRKPATRICK of Arizona):

H.R. 4073. A bill to amend title 38, United States Code, to increase the payments to certain veterans for certain travel expenses; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H.R. 4074. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Ways and Means.

By Mr. GRAVES (for himself, Mr. CLAY, Mr. AKIN, Mr. ETHERIDGE, and Mr. MCINTYRE):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 4076. A bill to suspend temporarily the duty on mixtures of Chlorsulfuron (2-Chloro-N-[(4-methoxy-6-methyl-1, 3, 5-triazin-2-yl)aminocarbonyl]benzenesulfonamide) and metsulfuron methyl (Methyl 2[[[[(4-methoxy-6-methyl-1, 3,5-triazin-2-yl)arnino]carbonyl]amino]sulfonyl] benzoate) and inert ingredients; to the Committee on Ways and Means.

By Mr. MAFFEI:

H.R. 4077. A bill to amend title 49, United States Code, to make it an unfair or deceptive practice for any air carrier, foreign air carrier, or ticket agent to charge a fee for or accept payment from a passenger on a flight segment for the first piece of checked baggage; to the Committee on Transportation and Infrastructure.

By Mr. PERRIELLO:

H.R. 4078. A bill to require the Secretary of Health and Human Services to develop a national model disclosure form to assist consumers in purchasing long-term care insurance; to the Committee on Energy and Commerce.

By Mr. PERRIELLO:

H.R. 4079. A bill to amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs; to the Committee on Veterans' Affairs.

By Mr. SCHIFF (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 4080. A bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety; to the Committee on the Judiciary.

By Mr. SCHRADER:

H.R. 4081. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Willamette Falls National Heritage Area in Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. WHITFIELD:

H.R. 4082. A bill to authorize the Secretary of Energy to pay affected participants under

a pension plan referred to in the USEC Privatization Act for benefit increases not received; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mrs. DAVIS of California, Mr. LARSEN of Washington, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. ABERCROMBIE, Ms. PINGREE of Maine, Mr. JOHNSON of Georgia, Mr. HEINRICH, Ms. TSONGAS, Ms. GIFFORDS, and Mr. MASSA):

H. Res. 904. A resolution honoring women who have served and women who are currently serving in Operation Iraqi Freedom and Operation Enduring Freedom as members of the Armed Forces and recognizing their increasing and invaluable role to the success of current military operations; to the Committee on Armed Services.

By Mr. YARMUTH:

H. Res. 905. A resolution recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, and Mr. GRIJALVA):

H. Res. 906. A resolution expressing the sense of the House of Representatives to encourage continued investment to complete the development of an HIV/AIDS vaccine for the United States; to the Committee on Energy and Commerce.

By Mr. SERRANO:

H. Res. 907. A resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York; to the Committee on Transportation and Infrastructure.

¶143.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LEWIS of Georgia.
H.R. 156: Mr. MICA.
H.R. 197: Mr. EDWARDS of Texas.
H.R. 211: Mr. BISHOP of Georgia, Mr. DICKS, and Mr. ABERCROMBIE.
H.R. 268: Mr. BLUNT, Mr. MCCARTHY of California, and Mr. PAULSEN.
H.R. 272: Mr. COHEN, Mr. SOUDER, and Mr. CALVERT.
H.R. 275: Mr. OLSON.
H.R. 417: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAYSON, and Mr. CUMMINGS.
H.R. 422: Mr. SCHOCK, Mr. TIAHRT, Mr. AKIN, Mr. POSEY, and Mr. WILSON of South Carolina.
H.R. 571: Ms. MCCOLLUM.
H.R. 644: Mr. HEINRICH and Mr. WU.
H.R. 690: Mr. SPACE, Mr. TANNER, Mr. ROE of Tennessee, and Mr. MCDERMOTT.
H.R. 718: Mr. FORBES.
H.R. 745: Mr. KILDEE.
H.R. 836: Mr. BOREN, Mr. BUTTERFIELD, and Mr. KLEIN of Florida.
H.R. 847: Ms. JACKSON-LEE of Texas.
H.R. 886: Mr. TOWNS, Mr. MORAN of Virginia, Mr. RAHALL, Mr. STARK, Mr. RYAN of Wisconsin, Mr. BOSWELL, Mr. JOHNSON of Georgia, Mr. ROTHMAN of New Jersey, Mr. CONYERS, and Mr. HINCHEY.
H.R. 930: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. SUTTON, and Mr. BILBRAY.
H.R. 932: Mr. TONKO and Ms. SLAUGHTER.
H.R. 982: Mr. BOUSTANY, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. MCKEON, Mr. PLATTS, Mr. PUTNAM, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. SCALISE, and Mr. UPTON.
H.R. 1032: Ms. SPEIER, Mr. RODRIGUEZ, Mr. LEWIS of Georgia, and Mr. RAHALL.
H.R. 1086: Mr. SCHOCK.
H.R. 1126: Mr. MOORE of Kansas.
H.R. 1132: Mr. GOHMERT, Mr. CULBERSON, Mr. AKIN, Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. CASTLE, Mr. CLEAVER, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HALL of Texas, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. MELANCON, Mr. PERLMUTTER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. TERRY, Mr. THOMPSON of California, Mr. TOWNS, Mr. UPTON, Mr. BAIRD, Mr. TURNER, and Mrs. EMERSON.
H.R. 1159: Mr. ANDREWS.
H.R. 1175: Mr. MASSA and Mr. NYE.
H.R. 1189: Mr. CALVERT and Mr. BAIRD.
H.R. 1204: Mr. SIMPSON.
H.R. 1230: Mr. CLAY and Mr. ELLSWORTH.
H.R. 1242: Mr. HINOJOSA and Mr. SESSIONS.
H.R. 1250: Mr. RYAN of Ohio and Mr. LANCE.
H.R. 1278: Ms. SCHAKOWSKY.
H.R. 1326: Mr. LYNCH, Mr. SARBANES, Mr. OBERSTAR, and Ms. MCCOLLUM.
H.R. 1351: Mr. INGLIS and Mr. RUPPERSBERGER.
H.R. 1389: Mr. ANDREWS.
H.R. 1443: Ms. TSONGAS.
H.R. 1454: Mr. GRIJALVA, Mrs. MALONEY, and Mr. RADANOVICH.
H.R. 1517: Mrs. MILLER of Michigan.
H.R. 1523: Mr. RYAN of Ohio, Mrs. CHRISTENSEN, and Mr. STARK.
H.R. 1526: Ms. SCHAKOWSKY, Mr. RAHALL, Ms. TITUS, Mr. SCOTT of Virginia, and Mr. HINOJOSA.
H.R. 1549: Mr. MORAN of Virginia, Mr. LYNCH, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1557: Mr. BOREN, Mr. CARNEY, Mr. BRIGHT, Mr. DAVIS of Tennessee, Mr. BARROW, Mr. NYE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERSON, Mr. FRANKS of Arizona, Ms. GRANGER, and Mr. LIPINSKI.
H.R. 1766: Mr. FILNER.
H.R. 1792: Mr. MASSA.
H.R. 1806: Mr. SESTAK and Mr. LATOURETTE.
H.R. 1818: Mr. MICHAUD.
H.R. 1826: Mrs. NAPOLITANO and Mr. FARR.
H.R. 1829: Mr. KISSELL.
H.R. 1835: Mr. DOYLE.
H.R. 1894: Mrs. BIGGERT.
H.R. 1924: Mr. CALVERT.
H.R. 1925: Ms. RICHARDSON.
H.R. 1993: Mr. CONNOLLY of Virginia.
H.R. 2012: Mr. MEEKS of New York.
H.R. 2122: Mr. SCHOCK.
H.R. 2138: Mr. SESTAK.
H.R. 2149: Mr. POE of Texas and Mr. KILDEE.
H.R. 2156: Ms. RICHARDSON, Mr. BAIRD, and Mrs. MALONEY.
H.R. 2159: Mr. RUSH.
H.R. 2194: Mr. RADANOVICH.
H.R. 2267: Mr. WEINER.
H.R. 2377: Mr. MCDERMOTT.
H.R. 2381: Ms. SCHAKOWSKY.
H.R. 2408: Ms. CLARKE.
H.R. 2446: Mr. JACKSON of Illinois.
H.R. 2480: Ms. TSONGAS, Mr. SARBANES, Mr. ABERCROMBIE, Mr. MCCAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. ISRAEL, and Mr. OBERSTAR.
H.R. 2528: Mr. MICHAUD.
H.R. 2542: Mr. VAN HOLLEN.
H.R. 2578: Ms. TITUS and Ms. EDWARDS of Maryland.
H.R. 2624: Mr. JACKSON of Illinois.
H.R. 2625: Mr. WELCH.
H.R. 2648: Mr. AUSTRIA and Mr. CLYBURN.
H.R. 2709: Ms. EDWARDS of Maryland.
H.R. 2835: Mr. NADLER of New York.
H.R. 2866: Mr. MCCAUL, Ms. TITUS, Mr. LEE of New York, Mr. MORAN of Kansas, and Mr. HALL of Texas.
H.R. 2897: Mr. SOUDER, Mr. DONNELLY of Indiana, Mr. CUELLAR, Mr. EDWARDS of Texas, Mr. ELLISON, Mr. STUPAK, Mr. LYNCH, and Mr. POMEROY.
H.R. 2906: Mr. BRALEY of Iowa and Mr. FORBES.
H.R. 2941: Mr. STARK.
H.R. 3019: Ms. MATSUI.
H.R. 3020: Mr. CHAFFETZ, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. SIMPSON.
H.R. 3039: Mr. PAULSEN.
H.R. 3053: Mr. JOHNSON of Georgia.
H.R. 3077: Mr. GRAYSON and Mr. FRANK of Massachusetts.
H.R. 3116: Mr. CARNEY.
H.R. 3202: Mr. GEORGE MILLER of California, Mr. GUTIERREZ, and Ms. NORTON.
H.R. 3217: Mr. POE of Texas and Mr. POSEY.
H.R. 3218: Mr. POSEY.
H.R. 3245: Ms. BALDWIN.
H.R. 3286: Mr. GUTHRIE.
H.R. 3307: Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, and Mr. WILSON of South Carolina.
H.R. 3328: Mr. LYNCH and Mr. JACKSON of Illinois.
H.R. 3355: Mr. MICHAUD.
H.R. 3359: Ms. FUDGE.
H.R. 3380: Mrs. NAPOLITANO.
H.R. 3381: Ms. NORTON.
H.R. 3439: Mr. MCDERMOTT.
H.R. 3454: Mr. SHADEGG.
H.R. 3480: Ms. ESHOO and Mr. FILNER.
H.R. 3493: Mr. HINCHEY.
H.R. 3508: Mr. WESTMORELAND.
H.R. 3545: Ms. ROYBAL-ALLARD and Mr. JACKSON of Illinois.
H.R. 3554: Mr. LYNCH, Mr. BARROW, and Mr. MCDERMOTT.
H.R. 3560: Ms. LEE of California.
H.R. 3578: Mr. MCINTYRE.
H.R. 3611: Mr. MCCOTTER.
H.R. 3621: Ms. MCCOLLUM.
H.R. 3623: Mr. JACKSON of Illinois.
H.R. 3644: Mr. FALEOMAVAEGA and Mr. MORAN of Virginia.
H.R. 3652: Ms. HERSETH SANDLIN and Mr. FORBES.
H.R. 3677: Mr. CARTER.
H.R. 3679: Mr. GRAYSON.
H.R. 3683: Mr. PASCRELL.
H.R. 3693: Mrs. BLACKBURN.
H.R. 3700: Mr. LUETKEMEYER.
H.R. 3715: Mr. CHANDLER.
H.R. 3724: Mr. TIBERI.
H.R. 3728: Mr. GRAYSON.
H.R. 3749: Mr. KING of Iowa and Mr. WILSON of Ohio.
H.R. 3765: Mr. WALDEN.
H.R. 3766: Mr. WATT and Ms. FUDGE.
H.R. 3790: Mr. POE of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. COHEN, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, and Mr. RODRIGUEZ.
H.R. 3799: Mr. KILDEE and Mr. LEWIS of Georgia.
H.R. 3800: Ms. ROYBAL-ALLARD.
H.R. 3821: Mr. POSEY.
H.R. 3822: Mr. POSEY.
H.R. 3837: Mr. HOLDEN and Ms. LORETTA SANCHEZ of California.
H.R. 3904: Mrs. LOWEY, Mrs. DAVIS of California, Mr. SERRANO, and Mr. MORAN of Virginia.
H.R. 3905: Mr. OLSON and Mr. TIAHRT.
H.R. 3942: Ms. SCHAKOWSKY and Mr. CULBERSON.
H.R. 3943: Mr. HALL of New York, Mr. MAFFEI, Mr. MOORE of Kansas, Mr. SPACE, Mr. POLIS of Colorado, and Mr. GRIJALVA.
H.R. 3966: Mr. GRAYSON.
H.R. 3991: Ms. CHU and Mr. KUCINICH.
H.R. 4000: Mr. JOHNSON of Georgia.
H.R. 4003: Mr. TONKO.
H.R. 4021: Mr. TONKO and Ms. MATSUI.
H.R. 4022: Mr. BOUSTANY.
H.R. 4034: Mr. MINNICK, Ms. BORDALLO, and Mr. WAMP.
H.R. 4044: Mr. HODES.
H.R. 4045: Mr. MINNICK, Mr. FARR, and Mr. JOHNSON of Georgia.

H.R. 4048: Mr. WALZ.
H.R. 4051: Mr. PASCRELL.
H.J. Res. 47: Mr. TIBERI.
H. Con. Res. 67: Ms. JACKSON-LEE of Texas.
H. Con. Res. 170: Mr. TIM MURPHY of Pennsylvania and Mr. WAMP.
H. Con. Res. 212: Mr. SCHOCK, Mr. KLEIN of Florida, Mr. BURTON of Indiana, Mr. DOGGETT, and Mr. MANZULLO.
H. Res. 111: Mr. LATHAM and Mr. POMEROY.
H. Res. 150: Mr. CONYERS and Ms. JACKSON-LEE of Texas.
H. Res. 166: Mr. FORBES.
H. Res. 200: Mr. DELAHUNT and Ms. ROS-LEHTINEN.
H. Res. 227: Mr. MCCOTTER.
H. Res. 397: Mr. UPTON.
H. Res. 516: Mr. CALVERT.
H. Res. 524: Mr. SNYDER.
H. Res. 611: Mr. BRALEY of Iowa.
H. Res. 727: Mr. CALVERT.
H. Res. 803: Mr. MORAN of Kansas and Mr. MCMAHON.
H. Res. 851: Mr. ROTHMAN of New Jersey.
H. Res. 861: Mr. CAO and Mr. HOEKSTRA.
H. Res. 864: Mr. DAVIS of Alabama, Mr. FALEOMAVAEGA, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mr. THOMPSON of California, Mr. GARAMENDI, Mr. MCNERNEY, Ms. SPEIER, Ms. ESHOO, Mr. HONDA, Mr. FARR, Mr. COSTA, Mrs. CAPPS, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Ms. CHU, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. MATSUI, Mr. FILNER, Mrs. DAVIS of California, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. DEGETTE, Mr. POLIS of Colorado, Mr. PERLMUTTER, Mr. COURTNEY, Mr. HIMES, Mr. MURPHY of Connecticut, Ms. NORTON, Ms. CASTOR of Florida, Mr. WEXLER, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. BARROW, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. ABERCROMBIE, Ms. HIRONO, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. COSTELLO, Mr. HARE, MR. JACKSON of Illinois, Mr. GUTIERREZ, Mr. QUIGLEY, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. DONNELLY of Indiana, Mr. CARSON of Indiana, Mr. YARMUTH, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Ms. TSONGAS, Mr. TIERNEY, Mr. MARKEY of Massachusetts, Mr. LYNCH, Mr. KRATOVIL, Mr. RUPPERSBERGER, Ms. EDWARDS of Maryland, Mr. CUMMINGS, Ms. PINGREE of Maine, Mr. LEVIN, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. KILDEE, Mr. SCHAUER, Mr. PETERS, Mr. WALZ, Ms. MCCOLLUM, Mr. ELLISON, Mr. CLAY, Mr. CARNAHAN, Mr. CLEAVER, Mr. SABLAN, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. WATT, Mr. MILLER of North Carolina, Ms. SHEA-PORTER, Mr. ANDREWS, Mr. PAYNE, Mr. HOLT, Mr. SIRES, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, Mr. TOWNS, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HINCHEY, Mr. ARCURI, Mr. HIGGINS, Ms. SLAUGHTER, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Mr. RYAN of Ohio, Mr. DRIEHAUS, Mr. KUCINICH, Ms. FUDGE, Ms. KILROY, Mr. BOCCIERI, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. WU, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ, Mr. FATTAH, Mrs. DAHLKEMPER, Mr. PIERLUISI, Mr. KENNEDY, Mr. LANGEVIN, Mr. SPRATT, Mr. CLYBURN, Mr. COHEN, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. DOGGETT, Mr. CUELLAR, Mr. AL GREEN of Texas, Mr. CONNOLLY of Virginia, Mr. SCOTT of Virginia, Mr. PERRIELLO, Mr. WELCH, Mr. INSLEE, Mr. DICKS, Mr. MCDERMOTT, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. KAGEN, Mr. MOLLOHAN, Mr. RAHALL, Mr. STARK, Mr. BECERRA, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Ms. LEE of California, Mr. SALAZAR, Mr. RUSH, Mr. DELAHUNT, Mr. LUJÁN, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CHRISTENSEN.
H. Res. 870: Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GOODLATTE, Mr. KIRK, Mr. SMITH of Nebraska, Mr. LEWIS of California, Mr. ROYCE, Mr. CRENSHAW, Mr. UPTON, and Mr. ROGERS of Kentucky.
H. Res. 879: Ms. FUDGE, Mr. HOLT, Mr. HALL of New York, Mr. COURTNEY, Mrs. MCMORRIS RODGERS, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mr. KISSELL, Mr. SIMPSON, Ms. NORTON, Mr. WALZ, Mrs. MALONEY, Mr. KIRK, Mr. CASTLE, Ms. MATSUI, Mr. LOBIONDO, Mr. THOMPSON of Pennsylvania, Ms. CHU, Mr. GRAVES, Mr. PIERLUISI, and Mr. FILNER.
H. Res. 890: Mr. LEWIS of Georgia, Mr. PALLONE, Mr. HONDA, Mr. LEVIN, Mr. COSTA, Mr. LARSEN of Washington, Mr. KILDEE, Mr. MCMAHON, Ms. BORDALLO, and Mr. BUTTERFIELD.
H. Res. 891: Mr. HERGER, Ms. BORDALLO, Mr. COOPER, Ms. SHEA-PORTER, Mr. SNYDER, Mr. COFFMAN of Colorado, Ms. PINGREE of Maine, Mr. BRIGHT, Mrs. DAVIS of California, Mr. FORBES, Mr. LANGEVIN, Mr. COBLE, and Mr. DELAHUNT.
H. Res. 900: Mr. BISHOP of New York and Mr. MASSA.
H. Res. 901: Mr. STARK, Ms. FUDGE, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. TOWNS, and Mr. LEWIS of Georgia.

TUESDAY, NOVEMBER 17, 2009 (144)

¶144.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. DRIEHAUS, who laid before the House the following communication:

WASHINGTON, DC,
November 17, 2009.

I hereby appoint the Honorable STEVE DRIEHAUS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶144.2 RECESS—10:51 A.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 51 minutes a.m., until noon.

¶144.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶144.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Monday, November 16, 2009.

Ms. ROS-LEHTINEN, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Ms. ROS-LEHTINEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶144.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4659. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Souss-Massa-Draa, Morocco [Docket No.: APHIS-2008-0017] (RIN: 0579-AC77) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ulocladium oudemansii (U3 Strain); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0760; FRL-8436-6] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4661. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Certain Polyurethane Polymer; Tolerance Exemption [EPA-HQ-OPP-2009-0478; FRL-8796-3] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4662. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methamidophos; Tolerance Actions [EPA-HQ-OPP-2007-0261; FRL-8796-1] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4663. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Inert Ingredients; Revocation of Tolerance Exemption for Sperm Oil [EPA-HQ-OPP-2007-1125; FRL-8350-6] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4664. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases from Federal Prison Industries (DFARS Case 2008-D015) (RIN: 0750-AG03) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4665. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects (DEFARS Case 2008-D038) (RIN: 0750-AG16) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4666. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors (DFARS Case 2008-D007) (RIN: 0750-AG07) received November 4, 2009,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4667. A letter from the Director, Defense Procurment and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-On Contraction After Use of Other Transaction Authority (DFARS Case 2008-D030) (RIN: 0750-AG17) received November 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4668. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting authorization of 19 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

4669. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8097] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4670. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Dominican Republic pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4671. A letter from the Secretary, Department of Education, transmitting the Department's final rule — American Recovery and Reinvestment Act of 2009 (ARRA); Title 1, Part A of the Elementary and Secondary Education Act of 1965, as Amended (ESEA); Part B, Section 611 of the Individuals With Disabilities Education Act (IDEA) [Docket ID: ED-2009-OESE-0011] (RIN: 1819-AB05) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4672. A letter from the Secretary, Department of Education, transmitting the Department's final ''Major'' rule — General and Non-Loan Programmatic Issues [Docket ID: ED-2009-OPE-0005] (RIN: 1840-AC99) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4673. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts (Standby Mode) [Docket No.: EERE-2008-BT-TP-0007] (RIN: 1904-AB77) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — HIPAA Administrative Simplifiction: Enforcement (RIN: 0991-AB55) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''FDA Amendments Act of 2007 Section 904: Communicating to the Public on the Risks and Benefits of New Drugs''; to the Committee on Energy and Commerce.

4676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clean Air Interstate Rule [EPA-R03-OAR-2009-0034; FRL-8975-2] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Corrections to the Arizona and Nevada State Implementation Plans [EPA-R09-OAR-2009-0435; FRL-8976-3] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board Consumer Products Regulations [EPA-R09-OAR-2009-00353; FRL-8979-9] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4679. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0371; FRL-8970-6] received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4680. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8795-9] (RIN: 2070-AJ55) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4681. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 48 [EPA-HQ-SFUND-2009-0062, EPA-HQ-SFUND-2009-0066, EPA-HQ-SFUND-2008-0584; FRL-8977-5] (RIN: 2050-AD75) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4682. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 (RIN: 3084-AA94) received November 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4683. A letter from the Under Secretary of Defense, Department of Defense, transmitting notice that the Department's Fiscal Year 2009 Agency Financial Report will be published electronically; to the Committee on Oversight and Government Reform.

4684. A letter from the Management Analyst, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Commonwealth of the Northern Mariana Islands Transitional Worker Classification [CIS No. 2459-08; DHS Docket No. USCIS-2008-0038] (RIN: 1615-AB76) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4685. A letter from the Management Analyst, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands [EOIR Docket No.: 169 AG Order No. 3120-2009] (RIN: 1125-AA67) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4686. A letter from the Clerk of the House of Representatives, transmitting annual compilation of financial disclosure statements of the members of the board of the Office of Congressional Ethics, pursuant to Rule XXVI, clause 3, of the House Rules; (H. Doc. No. 111—76); to the Committee on Standards of Official Conduct and ordered to be printed.

4687. A letter from the Cheif, Publications and Regulations Branch, Department of Treasury, transmitting the Department's final rule — LMSB Division Director Memorandum — Industry Director Directive IDD U.S. Outer Continental Shelf Activity [LMSB-4-0909-037] received November 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶144.6 HARMFUL ANTI-FOULING SYSTEMS ON SHIPS

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 3618) to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶144.7 DRIVE SAFE SUNDAY

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 841):

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas the National Highway Traffic Safety Administration (NHTSA) estimates that 37,313 people, or more than 100 drivers a day, were killed in motor vehicle traffic crashes in 2008;

Whereas the term ''distracted driving'' refers to anything that takes your eyes, hands, or mind away from driving, including food and beverages, traffic accidents, adjusting the radio, children, pets, objects moving in the vehicle, talking or texting on a cell phone, smoking, putting on makeup, shaving, and reading;

Whereas the NHTSA researched driver distraction with respect to both behavioral and vehicle safety countermeasures in an effort to understand and mitigate crashes associated with distracted driving;

Whereas, on September 30, 2009, the Department of Transportation (DOT) Secretary Ray LaHood announced new research findings by the NHTSA that show nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured;

Whereas distracted driving was reported to have been involved in 16 percent of all fatal crashes in 2008 according to data from the Fatality Analysis Reporting System (FARS);

Whereas the age group with the greatest proportion of distracted drivers was the under-20 age group, 16 percent of all under-20 drivers in fatal crashes were reported to have been distracted while driving;

Whereas an estimated 22 percent of injury crashes were reported to have involved distracted driving, according to data from the General Estimates System (GES);

Whereas crashes in which the critical reason for the crash was attributed to the driver, approximately 18 percent involved distraction, according to the National Motor Vehicle Crash Causation Survey (NMVCCS);

Whereas during the 100-Car Naturalistic Driving Study, driver involvement in secondary tasks contributed to over 22 percent of all crashes;

Whereas everyone traveling on the roads and highways needs to drive safer to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas driver behavior can be effectively changed through education and awareness; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year and would be appropriate to designate as ''Drive Safer Sunday'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safer; and

(E) all people of the United States to use this as an opportunity to educate themselves about the dangers of distracted driving and highway safety; and

(2) supports the designation of ''Drive Safer Sunday''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. BISHOP of New York, and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

Mr. BISHOP of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶144.8 CRUISE VESSEL SECURITY AND SAFETY

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶144.9 COAST GUARD AND MARINE CORPS AIRCRAFT PILOTS AND CREWMEMBERS

Mr. CUMMINGS moved to suspend the rules and agree to the following resolution (H. Res. 891); as amended:

Whereas on the evening of October 29, 2009, a Coast Guard C–130 aircraft with two pilots and five crewmembers on board was involved in a search and rescue mission off the coast of California;

Whereas at the same time, a Marine Corps AH–1W Super Cobra carrying two pilots was involved in a military escort mission nearby;

Whereas the two aircraft are suspected to have collided while traveling east of San Clemente Island, California;

Whereas the following crew members of the Coast Guard C–130 are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes of Capay, California; Lt. Adam W. Bryant, of Crewe, Virginia; Chief Petty Officer John F. Seidman of Stockton, California; Petty Officer 2nd Class Carl P. Grigonis of Mayfield Heights, Ohio; Petty Officer 2nd Class Monica L. Beacham of Decaturville, Tennessee; Petty Officer 2nd Class Jason S. Moletzsky of Norristown, Pennsylvania; and Petty Officer 3rd Class Danny R. Kreder II, of Elm Mott, Texas;

Whereas the following crew members of the Marine Corps helicopter are missing and presumed to have lost their lives in the line of duty: Maj. Samuel Leigh of Kennebec, Maine, and 1st Lt. Thomas Claiborne of Douglas County, Colorado;

Whereas the men and women of the Coast Guard are ''Always Ready'' to safeguard the United States against all hazards and threats at our ports, at sea, and around the world; and

Whereas the men and women of the Marine Corps are ''Always Faithful'' to their mission of defending the United States on the ground, in the air, and by sea, in every corner of the globe: Now, therefore, be it

Resolved, That the House of Representatives expresses its gratitude for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and extends its condolences to their family, friends, and loved ones.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶144.10 H. DALE COOK FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 3305) to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse.''

The SPEAKER pro tempore, Ms. CHU, recognized Mr. CUMMINGS and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶144.11 RESERVE OFFICERS ASSOCIATION MODERNIZATION

Ms. CHU moved to suspend the rules and pass the bill of the Senate (S. 1599) to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. CHU and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COBLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶144.12 40TH ANNIVERSARY OF SEARCH

Ms. CHU moved to suspend the rules and agree to the following resolution (H. Res. 851):

Whereas the Department of Justice's Law Enforcement Assistance Administration created SEARCH in 1969 as a 10-State project to demonstrate whether it was feasible to exchange criminal history records on an automated and nationwide basis;

Whereas SEARCH not only demonstrated the feasibility of an automated nationwide system of sharing criminal records, but also, through partnership with the Department of Justice, the Federal Bureau of Investigation, State agencies and other organizations, helped to establish the national criminal history record information system;

Whereas SEARCH is a nonprofit organization created by and for the States, governed by a Membership Group comprised of one gubernatorial appointee from each of the States and territories;

Whereas SEARCH's guiding vision is to ensure ''Accurate and timely information, supported by well-deployed information and identification technology, enables the justice and public safety decision-maker to administer justice in a manner that promotes individual rights and public safety'';

Whereas SEARCH provides training and technical assistance to help the criminal justice community combat high-technology crimes, gather valuable information in investigations, and link the Nation's law enforcement agencies through policy and technical solutions;

Whereas SEARCH helps agencies effectively implement information sharing technology to make accurate, more informed, immediate, and appropriately secured decisions about criminal justice and security issues, and to administer justice in an efficient and effective manner;

Whereas SEARCH has pioneered the development of both technology and policy solutions for justice implementation of biometric technologies, thereby enabling electronic fingerprints to become a rapid, reliable, and cost-effective identification authentication process and further supporting information sharing and collaboration among and between agencies;

Whereas SEARCH has made a profound contribution, working with the Department of Justice, to develop successive generations of privacy and security policies that are now reflected in both Department of Justice regulations and Federal legislation;

Whereas SEARCH has played a critical role in the development of systems such as the Interstate Identification Index (III), the National Instant Criminal Background Check System (NICS), commonly called the Brady check system, the National Fingerprint File (NFF), the Integrated Automated Fingerprint Identification System (IAFIS), and key standards for information sharing and interoperability, such as the National Information Exchange Model (NIEM);

Whereas SEARCH's work with the Departments of Justice and Homeland Security helps the Nation's justice and public safety communities plan, develop, implement, test, and manage interoperable communications solutions; and

Whereas SEARCH has had many accomplishments over its 40-year history to help practitioners in criminal justice, public safety, and first response use information to plan for, predict, prevent, and interdict criminal events, terrorism, and disasters: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors SEARCH, The National Consortium for Justice Information and Statistics, on the occasion of its 40th anniversary for accomplishments to promote information sharing and identification solutions for first responders and law enforcement officers, and for the protection of privacy and citizens' rights.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. CHU and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶144.13 H.R. 3360—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 4

¶144.14 [Roll No. 892]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—4

Broun (GA)
Flake
Lummis
Paul

NOT VOTING—14

Barrett (SC)
Brown (SC)
Capuano
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Jackson-Lee (TX)
Lewis (GA)
Pingree (ME)
Rohrabacher
Tanner
Tiahrt
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶144.15 H. RES. 841—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 841) expressing support for designation of November 29, 2009, as ''Drive Safe Sunday''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 1

¶144.16 [Roll No. 893]

YEAS—413

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—20

Barrett (SC)
Berman
Brown (SC)
Capuano
Cardoza
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Jackson-Lee (TX)
Larson (CT)
Lewis (CA)
Obey
Olver
Pingree (ME)
Rohrabacher
Tanner
Tiahrt
Tiberi
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶144.17 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, November 16, 2009.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that the yeas had it.

Mr. CULBERSON demanded a recorded vote on agreeing to the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared .... { Yeas ..... 243 / Nays ..... 177 / Answered present 1

¶144.18 [Roll No. 894]

AYES—243

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern

McHenry
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—177

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carney
Carter
Cassidy
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McCotter
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Pence
Peterson
Petri
Platts
Poe (TX)
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—13

Barrett (SC)
Brown (SC)
Capuano
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Jackson-Lee (TX)
Pingree (ME)
Rohrabacher
Tanner
Tiahrt
Young (FL)

So the Journal was approved.

¶144.19 H. RES. 891—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 891) expressing the gratitude of the House of Representatives for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crew members lost off the coast of California on October 29, 2009, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶144.20 [Roll No. 895]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Brown (SC)
Capuano
Davis (AL)
Davis (IL)
Deal (GA)
Delahunt
Gordon (TN)
Green, Gene
Israel
Jackson-Lee (TX)
Napolitano
Rohrabacher
Tanner
Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was

agreed to was, by unanimous consent, laid on the table.

¶144.21 PROVIDING FOR CONSIDERATION OF H.R. 2781

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–339) the resolution (H. Res. 908) providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶144.22 PROVIDING FOR CONSIDERATION OF H.R. 3791

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–340) the resolution (H. Res. 909) providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶144.23 COMMUNICATION FROM THE CLERK—GOVERNING BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

The SPEAKER pro tempore, Mr. KISSELL, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 2009.

Hon. NANCY PELOSI,
Office of the Speaker, H232 Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 1(k)(2) of H.Res. 895, One Hundred Tenth Congress, and section 4(d) of H.Res. 5, One Hundred Eleventh Congress, I transmit to you notification that Paul J. Solis, Nathaniel Wright, Kedric L. Payne, and Jon Steinman have signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after they are no longer a member of the board or staff of the Office of Congressional Ethics.

Copies of the signed agreements shall be retained by the Office of the Clerk as part of the records of the House. Should you have any questions regarding this matter, please contact Ronald Dale Thomas at (202) 226–0394 or via email at Ronald.Thomas@mail.house.gov.

Sincerely,

LORRAINE C. MILLER.

¶144.24 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 955. An Act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the ''John 'Bud' Hawk Post Office.''

H.R. 1516. An Act to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the ''Sergeant Marcus Mathes Post Office''.

H.R. 1713. An Act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

H.R. 2004. An Act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the ''Akron Veterans Memorial Post Office''.

H.R. 2215. An Act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

H.R. 2760. An Act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''.

H.R. 2972. An Act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''.

H.R. 3119. An Act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California as the ''Lim Poon Lee Post Office''.

H.R. 3386. An Act to designate the facility of the United States Postal Service located at 1165 2d Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''.

H.R. 3547. An Act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

¶144.25 SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 748. An Act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

S. 1211. An Act to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1314. An Act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

S. 1825. An Act to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

¶144.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. YOUNG of Florida, for today for 2 p.m. until 3:15 p.m.; and

To Ms. JACKSON-LEE of Texas, for today;

And then,

¶144.27 ADJOURNMENT

On motion of Mr. GOHMERT, at 8 o'clock and 32 minutes p.m., the House adjourned.

¶144.28 REPORTS OF COMMITTEES ON PUBLIC BILLS NAD RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 908. A resolution providing for consideration of the bill (H.R. 2781) to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. 111–339). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 909. A resolution providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes (Rept. 111–340). Referred to the House Calendar.

¶144.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DENT:

H.R. 4083. A bill to suspend temporarily the duty on polyoxethylene-/alkyletherphosphate; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 4084. A bill to suspend temporarily the duty on alkylated amino resin solution, formaldehyde; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. DOGGETT, Mr. CAMP, Mr. TIBERI, Mrs. BONO MACK, Ms. ESHOO, Mr. HONDA, Ms. GIFFORDS, Mr. MCCAUL, Mr. SMITH of Texas, Mr. MEEKS of New York, Mr. CARTER, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHAUER, and Ms. ZOE LOFGREN of California):

H.R. 4085. A bill to amend the Internal Revenue Code of 1986 to allow an investment credit for property used to fabricate solar energy property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 4086. A bill to require that certain conditions be met before the transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. CONAWAY, and Mr. REHBERG):

H.R. 4087. A bill to extend temporarily the suspension of duty on nylon woolpacks used to package wool; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. PETRI, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Mr. HUNTER, Mr. ROE of Tennessee, Ms. MCCOLLUM, Mr. RYAN of Wisconsin, Mr. COLE, Ms. BALDWIN, Mr. KIND, Mr. DOYLE, Mrs. BIGGERT, Ms. FALLIN, Mr. DONNELLY of Indiana, Mr. HOLDEN, Mr. ELLISON, Mr. CONAWAY, Ms. ROS-LEHTINEN, Mr. OLSON, Mrs. LUMMIS, Mr. PIERLUISI, Mrs. BLACKBURN, Ms. CHU, Mr. EDWARDS of Texas, Mr. MCCAUL, Ms. NORTON, Ms. GRANGER, Mr. THORNBERRY, Mrs. MCMORRIS RODGERS, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. DAVIS of Tennessee, Mr. KING of New York, Mr. WESTMORELAND, Mr. WAMP, Mr. BROUN of Georgia, Mr. AL GREEN of Texas, Mr. CANTOR, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. HENSARLING, Mr. GOHMERT, Mr. KING of Iowa, and Mr. DAVIS of Kentucky):

H.R. 4088. A bill to ensure that the members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in the shootings at

Fort Hood are treated in the same manner as members who are killed or wounded in combat zones or civilian employees who are killed or wounded in a terrorist attack or while serving with the Armed Forces in a contingency operation; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Ms. KAPTUR, Mr. MOORE of Kansas, Ms. HIRONO, Mr. ABERCROMBIE, Mr. MCNERNEY, Mr. RYAN of Ohio, Mr. TERRY, and Ms. SUTTON):

H.R. 4089. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. LEWIS of Georgia, and Mr. TIBERI):

H.R. 4090. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on investment income of private foundations, and for other purposes; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. GOHMERT, Mr. JOHNSON of Georgia, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Mr. CAO, Mr. HASTINGS of Florida, Mr. MCCAUL, Mrs. DAVIS of California, Mr. SCHIFF, Mr. DANIEL E. LUNGREN of California, Mr. PIERLUISI, Ms. BALDWIN, Mr. DAVIS of Alabama, and Mr. FRANK of Massachusetts):

H.R. 4091. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 4092. A bill to allow Americans to receive paid sick time so that they can address their own health needs, and the health needs of their families, related to a contagious illness; to the Committee on Education and Labor, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H.R. 4093. A bill to authorize the Director of the Bureau of Prisons to purchase the Thomson Correctional Center in Thomson, Illinois, and for other purposes; to the Committee on the Judiciary.

By Mr. MELANCON:

H.R. 4094. A bill to prohibit insurers from canceling or refusing to renew homeowners insurance policies because of the presence of certain types of drywall in the home; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, and Ms. JENKINS):

H.R. 4095. A bill to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PERRIELLO:

H.R. 4096. A bill to amend the Public Health Service Act to extend the deadlines applicable to filing petitions for compensation under the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mr. KIRK, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mrs. BIGGERT, Mr. ROSKAM, and Mr. MANZULLO):

H.R. 4097. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, to Thomson Correctional Center, Thomson, Illinois; to the Committee on Armed Services.

By Mr. TOWNS:

H.R. 4098. A bill to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MACK (for himself and Mr. TOWNS):

H. Con. Res. 213. Concurrent resolution expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. WOLF, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mr. LEWIS of Georgia, and Ms. DELAURO):

H. Res. 910. A resolution supporting the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care; to the Committee on Energy and Commerce.

¶144.30 MEMORIALS

Under clause 4 of rule XXII,

220. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 546 urging the Department of Veterns Affairs to Accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA; to the Committee on Veterans' Affairs.

¶144.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mrs. BONO MACK.
H.R. 211: Mr. TIERNEY and Ms. NORTON.
H.R. 333: Mr. GRAYSON.
H.R. 483: Ms. PINGREE of Maine.
H.R. 510: Mr. SCHOCK.
H.R. 537: Mr. JACKSON of Illinois, Mr. RANGEL, Mr. TIM MURPHY of Pennsylvania, and Mr. DUNCAN.
H.R. 571: Mr. NEUGEBAUER, Mr. FLEMING, and Mrs. MALONEY.
H.R. 574: Mr. FORTENBERRY.
H.R. 616: Mr. LIPINSKI and Mr. HEINRICH.
H.R. 648: Mr. BOSWELL.
H.R. 690: Mr. BARTON of Texas.
H.R. 808: Mr. GRAYSON.
H.R. 855: Mr. GRIFFITH.
H.R. 868: Mr. BISHOP of New York and Mr. VAN HOLLEN.
H.R. 948: Mr. MARSHALL.
H.R. 988: Mr. GERLACH and Mr. DAVIS of Tennessee.
H.R. 1177: Mr. CLEAVER and Mr. WESTMORELAND.
H.R. 1308: Ms. BALDWIN.
H.R. 1347: Mr. CONYERS and Mr. PAYNE.
H.R. 1362: Mr. CALVERT, Mr. STARK, and Mr. MASSA.
H.R. 1378: Mr. KAGEN, Mr. YARMUTH, Mr. WELCH, Mr. GUTHRIE, and Mr. HELLER
H.R. 1412: Ms. SCHAKOWSKY.
H.R. 1423: Mr. NADLER of New York and Mrs. MCCARTHY of New York.
H.R. 1479: Ms. RICHARDSON.
H.R. 1520: Mrs. LUMMIS.
H.R. 1522: Mr. HILL.
H.R. 1557: Ms. KOSMAS, Mrs. BACHMANN, and Mr. FATTAH.
H.R. 1616: Mr. BAIRD.
H.R. 1707: Mr. SCHOCK.
H.R. 1718: Mr. FORTENBERRY.
H.R. 1784: Ms. KOSMAS.
H.R. 1826: Ms. SUTTON.
H.R. 1891: Mr. POSEY.
H.R. 1974: Mr. MCCOTTER.
H.R. 2068: Mr. MICHAUD.
H.R. 2103: Mr. SPRATT and Mr. BLUMENAUER.
H.R. 2112: Mr. MCGOVERN, Mr. KILDEE, Mr. OLVER, and Mr. TIERNEY.
H.R. 2149: Mr. WILSON of Ohio.
H.R. 2246: Mr. MASSA.
H.R. 2279: Mr. FILNER and Ms. SLAUGHTER.
H.R. 2296: Mr. EDWARDS of Texas.
H.R. 2298: Mr. CONYERS.
H.R. 2324: Ms. CLARKE, Mr. ANDREWS, Mr. CROWLEY, and Mr. PASCRELL.
H.R. 2360: Mr. CASTLE.
H.R. 2408: Ms. CHU.
H.R. 2452: Ms. RICHARDSON and Mr. KENNEDY.
H.R. 2480: Mr. KILDEE, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. COFFMAN of Colorado, Mr. BISHOP of New York, and Mr. JACKSON of Illinois.
H.R. 2523: Ms. RICHARDSON and Mr. CALVERT.
H.R. 2570: Ms. CHU.
H.R. 2573: Mr. HINCHEY, Mr. MCCOTTER, and Ms. TITUS.
H.R. 2598: Mr. SABLAN and Mr. HOLT.
H.R. 2607: Mr. POE of Texas.
H.R. 2611: Ms. CLARKE and Ms. RICHARDSON.
H.R. 2614: Mr. COHEN.
H.R. 2628: Mr. LUCAS.
H.R. 2690: Mr. AL GREEN of Texas.
H.R. 2698: Mr. THORNBERRY, Ms. BORDALLO, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. CHANDLER, Mr. CHILDERS, and Mr. HODES.
H.R. 2699: Ms. BORDALLO, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. CHANDLER, Mr. CHILDERS, and Mr. HODES.
H.R. 2730: Mr. JACKSON of Illinois.
H.R. 2766: Mr. ENGEL, Mr. SMITH of Washington, and Mrs. NAPOLITANO.
H.R. 2788: Mr. CRENSHAW, Mr. MICHAUD, Mr. FOSTER, and Mrs. DAHLKEMPER.
H.R. 2799: Mr. MICA, Mr. CULBERSON, Mr. ARCURI, Mr. YOUNG of Alaska, Ms. NORTON, Mr. HERGER, and Mr. WALZ.
H.R. 2829: Mr. RANGEL.
H.R. 2840: Mr. HEINRICH.
H.R. 2849: Mr. ROTHMAN of New Jersey and Mr. PASCRELL.
H.R. 2887: Mr. PAUL.
H.R. 3017: Mr. BOCCIERI.
H.R. 3020: Mr. MURPHY of New York, Mr. MASSA, and Mr. SCHAUER.
H.R. 3053: Mr. RANGEL.
H.R. 3077: Mr. WU.
H.R. 3147: Mr. RANGEL and Ms. KAPTUR.
H.R. 3149: Ms. LORETTA SANCHEZ of California.
H.R. 3251: Mr. MILLER of Florida.
H.R. 3259: Mr. BAIRD, Mr. EHLERS, Ms. RICHARDSON, Mr. GRIJALVA, and Mrs. MCMORRIS RODGERS.

H.R. 3339: Ms. BORDALLO.
H.R. 3402: Mr. HODES.
H.R. 3431: Mr. TIM MURPHY of Pennsylvania.
H.R. 3468: Mr. CRENSHAW.
H.R. 3471: Ms. SHEA-PORTER.
H.R. 3511: Mr. SCOTT of Georgia.
H.R. 3553: Mr. HEINRICH.
H.R. 3577: Mr. WALZ, Mr. CARNEY, Ms. FUDGE, Mr. PLATTS, and Mr. BACA.
H.R. 3613: Mr. JOHNSON of Illinois, Mr. SMITH of Texas, Ms. GRANGER, Mr. BACHUS, and Mr. OLSON.
H.R. 3627: Mr. MASSA, Mr. BOUCHER, and Mr. REHBERG.
H.R. 3644: Mr. HOLT, Mr. PALLONE, Mr. HINCHEY, Mrs. MILLER of Michigan, Mr. SARBANES, Mr. INSLEE, and Mrs. NAPOLITANO.
H.R. 3646: Mr. DOYLE.
H.R. 3657: Mr. WALZ and Ms. FUDGE.
H.R. 3664: Mr. ROTHMAN of New Jersey.
H.R. 3799: Mr. MOORE of Kansas.
H.R. 3810: Mr. LIPINSKI.
H.R. 3839: Mr. SHUSTER.
H.R. 3844: Mr. BARROW.
H.R. 3852: Mrs. MALONEY, Mr. TONKO, and Mr. HINCHEY.
H.R. 3943: Mr. GERLACH, Ms. CLARKE, Mr. TAYLOR, Ms. FUDGE, Mr. DENT, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. UPTON, Mrs. EMERSON, Mr. SCHOCK, Ms. GIFFORDS, Ms. CASTOR of Florida, Mr. TIBERI, and Mr. LANCE.
H.R. 3966: Ms. WATSON.
H.R. 3991: Mr. HINOJOSA and Mr. HOLT.
H.R. 4022: Mr. MEEK of Florida.
H.R. 4036: Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, and Mrs. MALONEY.
H.R. 4047: Mr. MELANCON.
H.R. 4052: Mr. SENSENBRENNER.
H.R. 4063: Ms. BORDALLO.
H. Con. Res. 18: Mr. MCHENRY.
H. Con. Res. 40: Mr. CALVERT.
H. Con. Res. 160: Mrs. BLACKBURN, Mr. BRALEY of Iowa, and Mr. CAMPBELL.
H. Con. Res. 203: Mr. BUTTERFIELD and Ms. FOXX.
H. Res. 200: Mr. POE of Texas.
H. Res. 267: Mr. CULBERSON.
H. Res. 510: Mr. KIRK, Mrs. HALVORSON, and Ms. SCHAKOWSKY.
H. Res. 771: Mr. ALTMIRE.
H. Res. 812: Mr. ADLER of New Jersey, Mr. PALLONE, and Mr. HOLT.
H. Res. 840: Mr. WOLF.
H. Res. 852: Mr. WESTMORELAND.
H. Res. 860: Ms. SCHAKOWSKY, Mr. SHULER, Ms. BERKLEY, Mr. WALZ, Mr. BLUMENAUER, Mr. MINNICK, and Mr. MOORE of Kansas.
H. Res. 861: Mr. DICKS, Mr. BISHOP of New York, Mr. MCMAHON, Mr. ADLER of New Jersey, Mr. BOCCIERI, Mr. LEE of New York, Mr. CHAFFETZ, Mr. LANGEVIN, and Ms. KOSMAS.
H. Res. 870: Mr. FRELINGHUYSEN and Mr. BUYER.
H. Res. 900: Mr. ACKERMAN, Mr. TONKO, Mr. HALL of New York, Mr. TOWNS, Mr. ARCURI, Mr. HIGGINS, Mr. MEEKS of New York, Mr. HINCHEY, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. SNYDER, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. ANDREWS, Ms. HARMAN, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. WEINER, Mr. MURPHY of New York, Mr. COURTNEY, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. ROSS, Ms. ESHOO, Mr. HEINRICH, Mr. SESTAK, and Mr. LOEBSACK.

¶144.32 PETITIONS

Under clause 1 of rule XXII,

80. The SPEAKER presented a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 09-98 urging the Congress of the United States to extend the first-time home buyer a tax credit under the Housing and Economic Recovery Act of 2008; which was referred to the Committee on Ways and Means.

¶144.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3904: Mr. HINOJOSA.

WEDNESDAY, NOVEMBER 18, 2009 (145)

The House was called to order by the SPEAKER.

¶145.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, November 17, 2009.

Pursuant to clause 1, rule I, the Journal was approved.

¶145.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4688. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting proposed changes to the U.S. Army Reserve Fiscal Year 2008 National Guard and Reserve Equipment Appropriation; to the Committee on Appropriations.

4689. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the final plan for the allocation of the Fiscal Year (FY) 2009 HIDTA discretionary funds; to the Committee on Appropriations.

4690. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8089] received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4691. A letter from the Program and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — School Food Safety Inspections [FNS-2005-0002] (RIN: 0584-AD64) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4692. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the July 26, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

4693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2006 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; FRL-8969-2] (RIN: 2060-AP27) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Clean Air Interstate Rule [EPA-R04-OAR-2009-0455(a); FRL-8969-9] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0384; FRL-8959-7] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2008-0783; FRL-8971-9] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department and Maricopa County [EPA-R09-OAR-2009-0042; FRL-8902-6] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State PM-10 Implementation Plan; Maricopa County Air Quality Department [EPA-R09-OAR-2009-0558; FRL-8975-06] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2009-0272; FRL-8970-4] received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Technical Amendment [EPA-HQ-OPPT-2008-0251; FRL-8438-5] (RIN: 2070-AB27) received November 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4701. A letter from the Acting Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as amended [WC Docket No.: 07-267] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4702. A letter from the Deputy Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [WT Docket No.: 02-55] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4703. A letter from the Program Analyst, OMD-FO, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2009 [MD Docket No.: 09-65] Assessment and Collection of Regulatory Fees for Fiscal Year 2008 [MD Docket No.: 08-65] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4704. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rules of Practice received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4705. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

4706. A letter from the Chair, Council on Environmental Quality, Executive Office of the President, transmitting notifying Congress that the report due under Section 5 of the Oceans Act will be delayed until the spring of 2010; to the Committee on Natural Resources.

4707. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric, transmitting the Adminstration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Alaska [Docket No.: 0910091344-9056-02] (RIN:0648-XR37) received October 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4708. A letter from the Deputy Assistant Administrator of Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine District Population Segement; Final Rule [Docket No.: 0808061060-91139-03] (RIN: 0648-AW77), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4709. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Critical Habitat for the Endangered Distinct Population Segment of Smalltooth Sawfish [Docket No.: 0707017355-91122-02] (RIN: 0648-AV74) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4710. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Ocianic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XR36) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4711. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases [Docket No.: PTO-T-2008-0021] (RIN: 0651-AC26) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4712. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Administrative Offset Under Reciprocal Agreements with States (RIN: 1510-AB23) received October 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4713. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607) [Docket ID: FEMA-2009-0006] (RIN: 1660-AA63) received October 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4714. A letter from the Under Secretary of Defense, Department of Defense, transmitting notification to Congress on Transfer Authorities Used in Fiscal Year 2009; jointly to the Committees on Armed Services and Appropriations.

¶145.3 IMPROVE SCORE

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1839) to amend the Small Business Act to improve SCORE, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. BUCHANAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.4 NATIVE AMERICAN BUSINESS DEVELOPMENT

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1834) to amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 19, 2009.

¶145.5 EXPANDING ENTREPRENEURSHIP

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 1842) to amend the Small Business Act to improve the Small Business Administration's entrepreneurial development programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.6 SMALL BUSINESS EARLY-STAGE INVESTMENT

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 3738) to amend the Small Business Investment Act of 1958 to establish a program for the Small Business Administration to provide financing to support early-stage small businesses in targeted industries, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.7 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3082. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3082) ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and

appoints: Messrs. JOHNSON, INOUYE, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Messrs. REED, NELSON, PRYOR, LEAHY, Mrs. HUTCHISON, Messrs. BROWNBACK, MCCONNELL, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN, to be conferees on the part of the Senate.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendations of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission: Patrick A. Mulloy of Virginia, for a term beginning January 1, 2010 and expiring December 31, 2011; and William A. Reinsch of Maryland, for a term beginning January 1, 2010 and expiring December 31, 2011.

The message also announced that pursuant to Public Law 95–277, as amended by Public Law 102–246, the Chair, on behalf of the Majority Leader, in consultation with the Republican Leader, appoints the following individuals as members of the Library of Congress Trust Fund Board for five year terms: Elaine Wynn of Nevada, vice Bernard Rapoport; and Tom Girardi of California, vice Leo Hindery.

¶145.8 SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 3014) to amend the Small Business Act to provide loan guarantees for the acquisition of health information technology by eligible professionals in solo and small group practices, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.9 PROVIDING FOR CONSIDERATION OF H.R. 3791

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 909):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Ms. PINGREE of Maine, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶145.10 ADJOURNMENT OF THE TWO HOUSES

Ms. PINGREE of Maine, submitted the following privileged concurrent resolution (H. Con. Res. 214):

Resolved by the House or Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 19, 2009, or Friday, November 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 1, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 20, 2009, through Wednesday, November 25, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 30, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 166

¶145.11 [Roll No. 896]

YEAS—243

Abercrombie	Chu	Farr
Ackerman	Clarke	Fattah
Andrews	Clay	Filner
Baca	Cleaver	Foster
Baird	Clyburn	Frank (MA)
Baldwin	Cohen	Fudge
Barrow	Connolly (VA)	Garrett (NJ)
Bartlett	Conyers	Gohmert
Bean	Costello	Gonzalez
Becerra	Courtney	Gordon (TN)
Berkley	Cuellar	Grayson
Berman	Cummings	Green, Al
Berry	Dahlkemper	Green, Gene
Bilbray	Davis (AL)	Griffith
Bishop (GA)	Davis (CA)	Grijalva
Bishop (NY)	Davis (IL)	Hall (NY)
Blumenauer	Davis (TN)	Halvorson
Boccieri	DeFazio	Hare
Boswell	DeGette	Harman
Boucher	Delahunt	Hastings (FL)
Boyd	DeLauro	Heinrich
Brady (PA)	Dent	Heller
Braley (IA)	Dicks	Herseth Sandlin
Brown, Corrine	Doggett	Higgins
Butterfield	Doyle	Hill
Capps	Driehaus	Hinchey
Cardoza	Edwards (MD)	Hinojosa
Carnahan	Edwards (TX)	Hirono
Carson (IN)	Ehlers	Hodes
Castor (FL)	Ellison	Holden
Chaffetz	Engel	Holt
Chandler	Eshoo	Hoyer
Childers	Etheridge	Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—166

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carney
Carter
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—25

Barrett (SC)
Bilirakis
Blunt
Bright
Brown (SC)
Cantor
Capuano
Cooper
Costa
Crowley
Deal (GA)
Dingell
Garamendi
Gerlach
Gutierrez
Honda
Maloney
Murphy, Tim
Pitts
Rothman (NJ)
Salazar
Sullivan
Tanner
Wexler
Yarmuth

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by uanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶145.12 H. RES. 909—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 909) providing for consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 242 / Nays 174

¶145.13 [Roll No. 897]

YEAS—242

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt

Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Brown (SC)
Cao
Capuano
Cooper
Costa
Crowley
Deal (GA)
Dingell
Gerlach
Murphy, Tim
Pitts
Rangel
Rothman (NJ)
Sullivan
Tanner
Wexler
Yarmuth

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 173

¶145.14 [Roll No. 898]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NAYS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Brown (SC)
Capuano
Costa
Crowley
Deal (GA)
Dingell
Gerlach
Gordon (TN)
Granger
Murphy, Tim
Rothman (NJ)
Serrano
Tanner
Wexler
Yarmuth

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶145.15 REPORT ON H. RES. 871

Mr. CONYERS, by direction of the Committee on the Judiciary, submitted a privileged report (Rept. No. 111–341) on the resolution (H. Res. 871) directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform; referred to the House Calendar and ordered printed.

¶145.16 FIRE GRANTS REAUTHORIZATION

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to House Resolution 909 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

The SPEAKER pro tempore, Mr. DRIEHAUS, by unanimous consent, designated Mr. JACKSON of Illinois, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. JACKSON of Illinois, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶145.17 PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. ACKERMAN moved to suspend the rules and agree to the following resolution (H. Res. 890):

Whereas the Republic of India achieved its independence from the British Empire on August 15, 1947, and has since maintained a democratic system of government;

Whereas from April 16 to May 13, India conducted the world's largest democratic election, which returned Prime Minister Singh to power;

Whereas India's relationship with the United States has deepened in past years and encompasses cooperation on matters relating to international security, world trade, technology, science, and health;

Whereas the relationship between the United States and India has great potential to promote stability, democracy, prosperity, and peace throughout the world and enhance the ability of both countries to work together to provide global leadership in areas of mutual concern and interest;

Whereas the Prime Minister of India, His Excellency Dr. Manmohan Singh, has helped shape India's economic policies to permit the expansion of a market economy, which has led to greater economic prosperity for India and the growth of a middle class;

Whereas Americans of Indian origin have made diverse and numerous contributions to the United States; and

Whereas Prime Minister Singh has accepted an invitation by the United States to make an official visit to Washington, DC, and is the honoree of President Barack Obama's first State Dinner: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the maturating of the relationship between the United States and the Republic of India, exemplified by the current

official visit of the Prime Minister of India, His Excellency Dr. Manmohan Singh;

(2) looks forward to continuing progress in the relationship between the United States and India; and

(3) welcomes Prime Minister Singh to the United States.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. ACKERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶145.18 UNITED STATES AND THE SLOVAK AND CZECH REPUBLICS COOPERATION

Mr. ACKERMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 212); as amended:

Whereas, on September 3, 1918, the United States Government recognized the Czecho-Slovak National Council as the official Government of Czechoslovakia;

Whereas, on October 28, 1918, the peoples of the present day Czech Republic and the present day Slovak Republic proclaimed their independence in the common state of the Republic of Czechoslovakia;

Whereas between 1939 and 1945, Nazi Germany annexed part of Bohemia, set up a fascist ''protectorate'' in the rest of Bohemia and in Moravia, and installed a puppet fascist government in Slovakia;

Whereas, on November 17, 1939, in response to widespread student demonstrations, Czech institutions of higher learning were closed by the Nazis, many students were taken to concentration camps, and 9 representatives of the student movement were executed;

Whereas the Moscow-directed Communists took over the Government of Czechoslovakia in February 1948;

Whereas troops from Warsaw Pact countries invaded Czechoslovakia in August 1968, ousted the reformist leadership of Alexander Dubcek, and restored a hard-line communist regime;

Whereas, on November 17, 1989, the brutal break up of a student demonstration commemorating the 50th anniversary of the execution of Czech student leaders and the closure of universities by the Nazis triggered the explosion of mass discontent that launched the Velvet Revolution, which was characterized by reliance on nonviolence and open public discourse;

Whereas the peoples of Czechoslovakia overthrew 40 years of totalitarian communist rule in order to rebuild a democratic society;

Whereas, since November 17, 1989, the people of the Slovak Republic and the Czech Republic have established vibrant, pluralistic, democratic political systems based upon freedom of speech, a free press, free and fair open elections, the rule of law, and other democratic principles and practices;

Whereas the people of the United States, the Slovak Republic, and the Czech Republic have maintained a special relationship based on shared democratic values, common interests, and the strong bonds of friendship, mutual respect, and close cooperation; and

Whereas the people of the United States have an affinity with the peoples of the Slovak Republic and the Czech Republic and regard them as trusted and important partners and allies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 20th anniversary of the historic events in Central and Eastern Europe that brought about the collapse of the communist regimes and the fall of the Iron Curtain;

(2) commemorates, with the Slovak Republic and the Czech Republic, the 20th anniversary of the Velvet Revolution in Czechoslovakia, which underscores the significance and value of reclaimed freedom and the dignity of individual citizens;

(3) commends the peoples of the Slovak Republic and the Czech Republic for their remarkable achievements over the past 20 years in building free, democratic, and prosperous societies;

(4) appreciates the contribution of the Slovak Republic and the Czech Republic as members of the North Atlantic Treaty Organization and the European Union to the promotion and defense of common values of freedom, democracy, and liberty around the world;

(5) reaffirms the bonds of friendship and close cooperation that have existed between the United States and the Slovak Republic and the Czech Republic; and

(6) extends the warmest congratulations and best wishes to the people of the Slovak Republic and the people of the Czech Republic for a peaceful, prosperous, and successful future.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. ACKERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RAHALL, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, November 19, 2009.

¶145.19 FIRE GRANTS REAUTHORIZATION

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to House Resolution 909 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

The Acting Chairman, Mr. SERRANO assumed the Chair; and after some time spent therein,

¶145.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-340, submitted by Mr. PERLMUTTER:

At the end of the bill, add the following new section:

SEC. 5. NATIONAL VOLUNTARY CONSENSUS STANDARDS.

(a) SURVEY BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Task Force established under subsection (b), shall begin to conduct a survey of each career fire department, volunteer fire department, and combination fire department located in the United States in order to ascertain whether each fire department is in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness.

(2) CONTENTS.—In carrying out the survey, the Secretary shall ascertain, for each fire department in the United States, the rates of compliance with each such standard of—

(A) career fire departments, volunteer fire departments, and combination fire departments;

(B) fire departments located in communities of varying sizes; and

(C) fire departments in each of the States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a summary of the findings of the survey required under paragraph (1), including the rates of compliance under the categories specified under subparagraphs (A), (B), and (C) of paragraph (2).

(b) ESTABLISHMENT OF TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this section referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall appoint members of the Task Force from among the general public and shall include—

(i) representatives of national organizations representing firefighters and fire chiefs;

(ii) individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community; and

(iii) other individuals as the Secretary determines to be appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other departments and agencies of the United States that have an interest in the fire service to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary to conduct the survey required under subsection (a); and

(B) develop a plan to enhance firefighter safety by increasing fire department compliance with national voluntary consensus

standards for staffing, training, safe operations, personal protective equipment, and fitness, including by—

(i) reviewing and evaluating the report required under subsection (a) to determine the extent of and barriers to achieving compliance with national voluntary consensus standards among fire departments; and

(ii) considering ways in which the Federal Government, States, and localities can promote or encourage fire departments to comply with national voluntary consensus standards.

(4) REPORT TO CONGRESS.—Not later than 6 months after the date on which the Secretary submits the report required under subsection (a)(3), the Task Force shall submit to Congress and the Secretary a report containing the findings and recommendations of the Task Force together with the plan described in paragraph (3)(B).

(c) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this section that are defined in sections 4, 33, or 34 of the Federal Fire Prevention and Control Act of 1974 shall have the meaning given such terms in such Act.

(2) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—For the purposes of this section, the term ''national voluntary consensus standards'' means the latest edition of the national voluntary consensus standards for firefighter and fire department staffing, training, safe operations, personal protective equipment, and fitness available on the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

It was decided in the affirmative ..... { Yeas ..... 358 / Nays 75

¶145.21 [Roll No. 899]

AYES—358

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Akin
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Buyer
Campbell
Cantor
Carter
Chaffetz
Conaway
Deal (GA)
Dreier
Duncan
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Hensarling
Hoekstra
Inglis
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
LoBiondo
Lummis
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McClintock
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Poe (TX)
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Souder
Stearns
Sullivan
Thornberry
Walden
Westmoreland
Wilson (SC)
Wittman

NOT VOTING—7

Barrett (SC)
Brown (SC)
Faleomavaega
Gerlach
Moore (WI)
Rothman (NJ)
Tanner

So the amendment was agreed to.

¶145.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 111-340, submitted by Mr. FLAKE:

At the end of the bill, add the following new section:

SEC. 5. PROHIBITION ON EARMARKS.

None of the funds appropriated to carry out the amendments made by this Act may be used for a congressional earmark as defined in clause 9, of Rule XXI of the rules of the House of Representatives of the 111th Congress.

It was decided in the affirmative ..... { Yeas ..... 371 / Nays 63

¶145.23 [Roll No. 900]

AYES—371

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas

Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Owens
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—63

Abercrombie
Becerra
Berman
Bordallo
Brady (PA)
Brown, Corrine
Carson (IN)
Clyburn
Cohen
Costello
Cummings
Delahunt
DeLauro
Doyle
Farr
Fattah
Filner
Fudge
Garamendi
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
McDermott
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pastor (AZ)
Paul
Payne
Price (NC)
Rahall
Roybal-Allard
Ruppersberger
Ryan (OH)
Sherman
Sires
Thompson (CA)
Thompson (MS)
Towns
Wasserman Schultz
Waters
Watson
Watt
Woolsey

NOT VOTING—6

Barrett (SC)
Brown (SC)
Faleomavaega
Gerlach
Rothman (NJ)
Tanner

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. CUELLAR, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire Grants Reauthorization Act of 2009''.

SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM REAUTHORIZATION.

(a) IN GENERAL.—Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Director may—

''(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards;

''(B) make grants on a competitive basis directly to State fire training academies, in consultation with the chief executive of the State, in accordance with paragraph (11)(C);

''(C) provide assistance for fire prevention and firefighter safety research and development programs and fire prevention or fire safety programs and activities in accordance with paragraph (4); and

''(D) provide assistance for volunteer, nonfire service EMS and rescue organizations for the purpose of paragraph (3)(F).

''(2) ADMINISTRATIVE ASSISTANCE.—The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.

''(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds for one or more of the following purposes:

''(A) To hire additional firefighting personnel.

''(B) To train firefighting personnel in firefighting, emergency medical services and other emergency response (including response to a terrorism incident or use of a weapon of mass destruction), arson prevention and detection, maritime firefighting, or the handling of hazardous materials or to train firefighting personnel to provide any of the training described in this subparagraph.

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and volunteer, non-fire service EMS and rescue organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks.

''(H) To acquire additional firefighting equipment, including equipment for communications, monitoring, and response to a terrorism incident or use of a weapon of mass destruction.

''(I) To acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration and other personal protective equipment for firefighting personnel, including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To enforce fire codes and standards.

''(L) To fund fire prevention programs.

''(M) To educate the public about arson prevention and detection.

''(N) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(O) To acquire equipment designed to reduce the amount of water used in firefighting or training firefighting personnel.

''(4) FIRE PREVENTION AND FIREFIGHTER SAFETY RESEARCH AND DEVELOPMENT PROGRAMS.—

''(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (e)—

''(i) to make grants to fire departments for the purpose described in paragraph (3)(L);

''(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are not fire departments but—

''(I) that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and that partner with fire departments, for the purpose of carrying out such programs and activities;

''(II) engage in fire- and life safety-related activities as a primary purpose or function, for the purpose of carrying out fire prevention or fire safety programs and activities; or

''(III) that are recognized for their experience and expertise with respect to firefighter research and development programs, for the purpose of carrying out research on fire prevention or fire safety programs and activities or to improve firefighter health and life safety; and

''(iii) if the Director determines that it is necessary, to make grants or enter into contracts in accordance with subsection (c).

''(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety.

''(C) GRANT LIMITATION.—A grant under this paragraph shall not exceed $1,500,000 for a fiscal year.

''(D) LIMITATION.—None of the funds made available under this paragraph may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(5) APPLICATION.—The Director may provide assistance to a fire department or organization (including a State fire training academy) under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

''(A) FORM.—The application shall be in such form as the Director may require.

''(B) INFORMATION.—The application shall include the following information:

''(i) Information that demonstrates the financial need of the applicant for the assistance for which applied.

''(ii) An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

''(iii) An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

''(iv) A list of other sources of Federal funding received by the applicant.

''(v) Any other information that the Director may require.

''(C) UNNECESSARY DUPLICATION.—The Director, in coordination with the Secretary of Homeland Security, shall use the list provided under subparagraph (B)(iv) to prevent the unnecessary duplication of grant funds.

''(6) MATCHING REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (8), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 10 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

''(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.

''(C) FIRE PREVENTION AND FIREFIGHTER SAFETY GRANTS EXCEPTION.—There shall be no matching requirement for a grant described in paragraph (4).

''(7) MAINTENANCE OF EXPENDITURES.—Subject to paragraph (8), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above 80 percent of the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

''(8) ECONOMIC HARDSHIP WAIVER.—

''(A) IN GENERAL.—In exceptional circumstances, the Director may waive or reduce the matching requirement under paragraph (6) and the maintenance of expenditures requirement under paragraph (7) for applicants facing demonstrated economic hardship.

''(B) CRITERIA DEVELOPMENT.—The criteria under which the Director may waive or reduce such requirements shall be developed in consultation with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) PUBLIC AVAILABILITY.—The Director shall make the criteria developed under subparagraph (B) publicly available.

''(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—

''(A) IN GENERAL.—Of the amounts made available under subsection (e), the Director shall ensure that grants under paragraph (1)(A) for a fiscal year are allocated, to the extent that there are eligible applicants to carry out the activities under paragraph (3), as follows:

''(i) 25 percent shall be made available to career fire departments.

''(ii) 25 percent shall be made available to volunteer fire departments.

''(iii) 25 percent shall be made available to combination fire departments.

''(B) EVALUATION CRITERIA.—

''(i) IN GENERAL.—In awarding grants under paragraph (1)(A), the Director shall, within each category of applicants under subparagraph (A), consider a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as population served, geographic response area, hazard vulnerability, call volume, financial situation including unemployment rate of the area being served, and need for training or equipment.

''(ii) HIGH POPULATION AND INCIDENT RESPONSE.—In considering such factors under clause (i), applicants serving areas with high population and with a high number of incidents requiring a response shall receive a higher level of consideration.

''(iii) PROHIBITED BASIS FOR DENIAL.—In considering such factors under clause (i), the Director may not deny a grant to an applicant solely based on such applicant failing to demonstrate that the grant will be used to prepare for or respond to a terrorism incident or use of a weapon of mass destruction.

''(C) REMAINDER.—Of the amounts made available under subsection (e) that are not allocated for use and awarded under subparagraph (A) or designated for use under any other provision of this section, the Director shall provide for an open competition for grants among career fire departments, volunteer fire departments, and combination fire departments to carry out the activities under paragraph (3).

''(10) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

''(11) GRANT LIMITATIONS.—

''(A) RECIPIENT LIMITATIONS.—A grant recipient under paragraph (1)(A)—

''(i) that serves a jurisdiction with 100,000 people or less may not receive grants in excess of $1,000,000 for any fiscal year;

''(ii) that serves a jurisdiction with more than 100,000 people but less than 500,000 people may not receive grants in excess of $2,000,000 for any fiscal year;

''(iii) that serves a jurisdiction with 500,000 people or more but less than 1,000,000 people may not receive grants in excess of $3,000,000 for any fiscal year;

''(iv) that serves a jurisdiction with 1,000,000 people or more but less than 2,500,000 people may not receive grants in excess of $6,000,000 for any fiscal year; and

''(v) that serves a jurisdiction with 2,500,000 people or more may not receive grants in excess of $9,000,000 for any fiscal year.

The Director may award grants in excess of the limitations provided in clauses (i), (ii), (iii), and (iv) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.

''(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

''(C) STATE FIRE TRAINING ACADEMIES.—

''(i) IN GENERAL.—In accordance with clause (ii), the Director shall award not more than 3 percent of the amounts made available under subsection (e) for a fiscal year for grants under this subsection for State fire training academies.

''(ii) LIMITATION.—The Director shall—

''(I) award not more than 1 grant under this subparagraph per State in a fiscal year;

''(II) limit the amount of a grant to a State fire training academy to less than or equal to$1,000,000 in each fiscal year; and

''(III) ensure that any grant awarded to a State fire training academy shall be used for the purposes described in paragraphs 3(G), 3(H), or 3(I).

''(D) REQUIREMENTS FOR GRANTS FOR EMERGENCY MEDICAL SERVICES.—The Director shall award not more than 2 percent of the amounts made available under subsection (e) for a fiscal year to volunteer, non-fire service EMS and rescue organizations for the purposes described in paragraph (3)(F).

''(E) APPLICATION OF SELECTION CRITERIA TO GRANT APPLICATIONS FROM VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATIONS.—In reviewing applications submitted by volunteer, non-fire service EMS and rescue organizations, the Director shall consider the extent to which other sources of Federal funding are available to provide the assistance requested in such grant applications.

''(F) CONSENSUS STANDARDS.—

''(i) IN GENERAL.—Any grant amounts used to obtain training under this section shall be limited to training that complies with applicable national voluntary consensus standards (if applicable national voluntary consensus standards have been established), unless a waiver has been granted under clause (ii).

''(ii) WAIVER.—

''(I) EXPLANATION FOR NON-STANDARD TRAINING.—If an applicant for a grant seeks to use the assistance provided under the grant to obtain training that does not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such training will serve the needs of the applicant better than training that does meet or exceed such standards.

''(II) PROCEDURES.—In making a determination whether or not to waive the requirement under clause (i) with respect to a specific standard, the Director shall, to the greatest extent practicable—

''(aa) consult with other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

''(bb) take into consideration the explanation provided by the applicant under subclause (I); and

''(cc) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

''(III) ADDITIONAL REQUESTS.—Applicants that apply for a grant under the terms of subclause (I) may include a second grant request in the application to be considered by the Director in the event that the Director does not approve the primary grant request on the grounds of the training not meeting applicable voluntary consensus standards.

''(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.

''(13) ANNUAL MEETING.—The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and any necessary administrative changes to the grant program.

''(14) GUIDELINES.—

''(A) IN GENERAL.—Each year, prior to accepting any application for a grant under each program under this section, the Director shall publish in the Federal Register—

''(i) guidelines that describe the process for applying for grants and the criteria for awarding grants;

''(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13); and

''(iii) the criteria developed under paragraph (8) which the Director will use to

evaluate applicants for waivers from program requirements.

''(B) SPECIFIC REQUIREMENT.—The criteria for awarding grants under paragraph (1)(A) shall include the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

''(15) PEER REVIEW.—The Director, after consultation with national fire service organizations, shall appoint fire service personnel to conduct peer review of applications received under paragraph (5). In making grants under this section, the Director shall consider the results of such peer review evaluations.

''(16) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities under paragraphs (13) and (15).

''(17) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(b) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (a) unless the Director has granted a waiver under subsection (a)(8).

''(c) FIRE SAFETY RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director may make a grant under subsection (a)(4)(A)(iii) to an institution of higher education, a national fire service organization, or a national fire safety organization to establish and operate a fire safety research center.

''(2) OBJECTIVES.—A grant received under this subsection shall be used by such an institution or organization to advance significantly the Nation's ability to reduce the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(3) LIMITATION.—The Director may establish no more than 3 fire safety research centers. An institution of higher education, a national fire service organization, or a national fire safety organization may not directly receive a grant under this section for a fiscal year for more than 1 fire safety research center.

''(4) APPLICATION.—In order to be eligible to receive a fire safety research center grant, an institution of higher education, a national fire service organization, or a national fire safety organization shall submit to the Director an application that is in such form and contains such information and assurances as the Director may require.

''(5) GENERAL SELECTION CRITERIA.—The Director shall select each recipient of a grant under this subsection through a competitive process on the basis of the following:

''(A) The demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities.

''(B) The capability of the recipient to provide leadership in making national contributions to fire safety.

''(C) The recipient's ability to disseminate the results of fire safety research.

''(D) The strategic plan the recipient proposes to carry out under the grant.

''(6) CONSIDERATION.—The Director shall give special consideration under paragraph (5) to an applicant for a grant that consists of a partnership between a national fire service organization or a national fire safety organization and at least 1 of the following:

''(A) An institution of higher education.

''(B) A minority-serving institution (defined as an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

''(7) RESEARCH NEEDS.—Within 90 days after the date of enactment of the Fire Grants Reauthorization Act of 2009, the Director shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs. The results of the workshop shall be made public, and the Director shall consider such results in making awards under this section.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a firefighting department that has an all professional force of firefighting personnel.

''(2) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a firefighting department that has a combined force of professional and volunteer firefighting personnel.

''(3) DIRECTOR.—The term 'Director' means the Director, acting through the Administrator.

''(4) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(6) VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATION.—

''(A) IN GENERAL.—The term 'volunteer, non-fire service EMS and rescue organization' means a public or private nonprofit emergency medical services organization that—

''(i) is not affiliated with a hospital;

''(ii) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

''(iii) is staffed primarily by volunteers.

''(B) INCLUSION.—Such term includes a river rescue organization if such organization otherwise meets the definition in subparagraph (A).

''(7) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a firefighting department that has an all volunteer force of firefighting personnel.

''(8) RIVER RESCUE ORGANIZATION.—The term 'river rescue organization' means an organization that provides emergency search and rescue services to a person affected by a flood, a water-related accident, or another disaster for which services, including water rescue and patrol, dive rescue and recovery, emergency first response, flood recovery, or fire and rescue services on the water, are required.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated for the purposes of this section $1,000,000,000 for each of the fiscal years 2010 through 2014.

''(2) ADMINISTRATIVE EXPENSES.—

''(A) IN GENERAL.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than 3 percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to make grants and provide assistance under this section.

''(B) FORMULA.—The Director shall subtract the amount to be used for subparagraph (A) from the amount appropriated pursuant to paragraph (1) before making any allocations or apportioning any funds under subsections (a) or (c).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) from fiscal years 2003 through 2008—

(A) the funding appropriated for activities under section 33 of the Federal Fire Prevention and Control Act of 1974 declined by approximately 30 percent; and

(B) the number of fire departments receiving awards declined by nearly 40 percent, while the number of applicants increased, resulting in a reduction in applicant success rates from over 43 percent to just 25 percent;

(2) the House-passed conference report for the Department of Homeland Security Appropriations Act, 2010 appropriates $390 million for activities under such section 33, a decrease of over 30 percent below that provided in fiscal year 2009;

(3) declining funding reduces the Director's ability to successfully carry out the primary purpose of such section, which is to protect the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards; and

(4) halting and reversing the decline in appropriations to ensure a high level of funding for the activities under such section 33 should be a top priority.

SEC. 3. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM REAUTHORIZATION.

Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:

"SEC. 34. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM.

''(a) EXPANDED AUTHORITY TO MAKE GRANTS.—

''(1) HIRING GRANTS.—

''(A) IN GENERAL.—The Director shall make grants directly to career, volunteer, and combination fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security.

''(B) REQUIREMENTS.—

''(i) DURATION AND USE.—Grants made under this paragraph shall be for 3 years and shall be used for programs to hire new, additional firefighters.

''(ii) RETENTION.—Grant recipients are required to commit to retaining for at least the entire 3 years of the grant period those firefighters hired under this paragraph.

''(iii) MAXIMUM.—The portion of the cost of hiring firefighters provided by a grant under this paragraph may not exceed 80 percent of such cost for each fiscal year.

''(C) PREFERENCE.—In awarding grants under this subsection, the Director may give preferential consideration to applications that involve a non-Federal contribution exceeding the minimums under subparagraph (B)(iii).

''(D) TECHNICAL ASSISTANCE.—The Director may provide technical assistance to States, units of local government, Indian tribal governments, and other public entities in furtherance of the purposes of this section.

''(E) VOLUNTEER ACTIVITIES ALLOWED.—Notwithstanding any other provision of law, any firefighter hired with funds provided under this subsection shall not be discriminated against for, or be prohibited from, engaging in volunteer activities in another jurisdiction during off-duty hours.

''(F) COMPETITIVE BASIS.—The Director shall award all grants under this section on a competitive basis through a neutral peer review process.

''(G) SET ASIDE.—

''(i) IN GENERAL.—At the beginning of the fiscal year, the Director shall set aside 10 percent of the funds made available for carrying out this paragraph for departments with majority volunteer or all volunteer personnel.

''(ii) TRANSFER.—After awards have been made, if less than 10 percent of the funds made available for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Director shall transfer from funds made available for carrying out this paragraph to funds made available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

''(2) RECRUITMENT AND RETENTION GRANTS.—

''(A) IN GENERAL.—In addition to any amounts transferred under paragraph (1)(G)(ii), the Director shall direct at least 10 percent of the total amount of funds made available under this section annually to a competitive grant program for the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

''(B) ELIGIBILITY.—Eligible entities shall include volunteer or combination fire departments and organizations on a local, statewide, or national basis that represent the interests of volunteer firefighters.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—No grant may be made under this section unless an application has been submitted to, and approved by, the Director.

''(2) CONTENTS.—An application for a grant under this section shall be submitted in such form and contain such information and assurances as the Director may prescribe.

''(3) REQUIREMENTS.—At a minimum, each application for a grant under this section shall—

''(A) explain the applicant's inability to address the need without Federal assistance;

''(B) in the case of a grant under subsection (a)(1), explain how the applicant plans to meet the requirements of subparagraphs (B)(ii) and (E) of such subsection;

''(C) specify long-term plans for retaining firefighters following the conclusion of Federal support provided under this section; and

''(D) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

''(c) LIMITATION ON USE OF FUNDS.—

''(1) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

''(2) REPLACEMENT FUNDING PROHIBITED.—No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to the date of application.

''(3) INDIAN COST-SHARE.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

''(d) WAIVER.—In exceptional circumstances, the Director may waive the requirements of subsections (a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Director determines that the jurisdiction is facing demonstrated economic hardship in accordance with section 33(a)(8).

''(e) PERFORMANCE EVALUATION.—The Director may require a grant recipient to submit any information the Director considers reasonably necessary to evaluate the program.

''(f) SUNSET; REPORTS.—

''(1) SUNSET.—The authority under this section to make grants shall lapse at the end of the 10-year period that begins on the date of enactment of the Fire Grants Reauthorization Act of 2009.

''(2) REPORT.—Not later than 6 years after such date of enactment, the Director shall submit to Congress a report concerning the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Director may have for amendments to this section and related provisions of law.

''(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Director determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Director may revoke or suspend funding of that grant, in whole or in part.

''(h) ACCESS TO DOCUMENTS.—

''(1) IN GENERAL.—The Director shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

''(2) APPLICATION.—Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

''(i) DEFINITIONS.—In this section, the term—

''(1) 'Director' means the Director, acting through the Administrator;

''(2) 'firefighter' has the meaning given the term 'employee in fire protection activities' under section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)); and

''(3) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out this section $1,194,000,000 for each of the fiscal years 2010 through 2014.''.

SEC. 4. STUDY AND REPORT.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.—

(1) STUDY.—The Administrator of the United States Fire Administration, in conjunction with the National Fire Protection Association, shall conduct a study to—

(A) define the current roles and activities associated with the fire services on a national, State, regional, and local level;

(B) identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) conduct an assessment to identify gaps between what fire departments currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) measure the impact of the grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in—

(i) meeting the needs of the fire services identified in the report submitted to Congress under section 3603(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; and

(ii) filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Fire Administration a total of $300,000 for fiscal years 2010 and 2011 to carry out subsection (a).

SEC. 5. NATIONAL VOLUNTARY CONSENSUS STANDARDS.

(a) SURVEY BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Task Force established under subsection (b), shall begin to conduct a survey of each career fire department, volunteer fire department, and combination fire department located in the United States in order to ascertain whether each fire department is in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness.

(2) CONTENTS.—In carrying out the survey, the Secretary shall ascertain, for each fire department in the United States, the rates of compliance with each such standard of—

(A) career fire departments, volunteer fire departments, and combination fire departments;

(B) fire departments located in communities of varying sizes; and

(C) fire departments in each of the States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a summary of the findings of the survey required under paragraph (1), including the rates of compliance under the categories specified under subparagraphs (A), (B), and (C) of paragraph (2).

(b) ESTABLISHMENT OF TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this section referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall appoint members of the Task Force from among the general public and shall include—

(i) representatives of national organizations representing firefighters and fire chiefs;

(ii) individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community; and

(iii) other individuals as the Secretary determines to be appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other departments

and agencies of the United States that have an interest in the fire service to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary to conduct the survey required under subsection (a); and

(B) develop a plan to enhance firefighter safety by increasing fire department compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness, including by—

(i) reviewing and evaluating the report required under subsection (a) to determine the extent of and barriers to achieving compliance with national voluntary consensus standards among fire departments; and

(ii) considering ways in which the Federal Government, States, and localities can promote or encourage fire departments to comply with national voluntary consensus standards.

(4) REPORT TO CONGRESS.—Not later than 6 months after the date on which the Secretary submits the report required under subsection (a)(3), the Task Force shall submit to Congress and the Secretary a report containing the findings and recommendations of the Task Force together with the plan described in paragraph (3)(B).

(c) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this section that are defined in sections 4, 33, or 34 of the Federal Fire Prevention and Control Act of 1974 shall have the meaning given such terms in such Act.

(2) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—For the purposes of this section, the term ''national voluntary consensus standards'' means the latest edition of the national voluntary consensus standards for firefighter and fire department staffing, training, safe operations, personal protective equipment, and fitness available on the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

SEC. 6. PROHIBITION ON EARMARKS.

None of the funds appropriated to carry out the amendments made by this Act may be used for a congressional earmark as defined in clause 9, of Rule XXI of the rules of the House of Representatives of the 111th Congress.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 395 / Nays 31

¶145.24 [Roll No. 901]

YEAS—395

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—31

Akin
Bishop (UT)
Broun (GA)
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Flake
Franks (AZ)
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lummis
Mack
McClintock
Mica
Neugebauer
Paul
Royce
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—8

Barrett (SC)
Brown (SC)
Gerlach
Hill
Neal (MA)
Rothman (NJ)
Stupak
Tanner

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶145.25 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Ms. TITUS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 18, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: On November 5, 2009, the Committee on Transportation and Infrastructure met in open session to consider 20 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program, including five construction resolutions (authorizing $221.4 million) and 15 lease resolutions (authorizing $121.4 million). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on November 5, 2009.

Sincerely,
JAMES L. OBERSTAR, M.C., *Chairman*.
Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

ADDITIONAL SITE AND DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA
PCA-BSD-CA10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for additional site acquisition and design for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at additional site costs of $3,000,000 (site acquisition costs of which $2,000,000 were previously authorized) and design costs of $6,437,000 (design costs of which $12,350,000 were previously authorized), for a combined cost of $9,437,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of April 5, 2006.

Provided, that the General Services Administration (GSA) will plan, design, and construct a minimum of five privately owned vehicle (POV) southbound lanes, as recommended by the "BorderWizard" traffic simulation model used for Land Port of Entry (LPOE) studies.

Provided further, that GSA, in coordination and consultation with the U.S. Army Corps of Engineers, shall submit a report to the Committee on Transportation and Infrastructure, within 180 days of adoption of the resolution, on options to plan, design, and construct covering and or piping underground the New River, north from the International Border to Highway 98 in the City of Calexico.

Provided further, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, GSA shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, each alteration, design, or construction prospectus submitted by GSA shall include an

estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Adopted: **November 5, 2009**

James L. Oberstar, M.C.
Chairman

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Description

The General Services Administration (GSA) requests additional site acquisition and design for the reconfiguration and expansion of the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new headhouse and new administration offices. The expanded facilities will occupy both the existing inspection compound and the site of the old commercial inspection facility.

Project Summary

Site Information
Government-Owned..... 13.5 acres
To be acquired..... 3 acres

Building Area
Building (including canopies).....260,410 gsf
Building (excluding canopies and inside parking).....106,605 gsf
Number of outside parking spaces.....300
Number of inside secure spaces 40

Cost Information
Site Development Cost[1] $160,629,000
Building Costs (includes inspection canopies) ($308/gsf).....$80,226,000

[1]Site development costs include grading, utilities, paving, extensive fill work for soil stabilization and demolition of existing facilities.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Project Budget

Site Acquisition

Site Acquisition (FY 2007)	$2,000,000
Additional site	3,000,000
Total Site Acquisition	**$5,000,000**

Design

Design (FY 2007)	$12,350,000
Additional design	6,437,000
Total Design	**$18,787,000**

Estimated Construction Cost (ECC)

Phase I	$65,646,000
Phase II	175,209,000
Total ECC	**$240,855,000**

Management and Inspection (M&I)

Phase I	$5,058,000
Phase II	5,299,000
Total M&I	**$10,357,000**

Estimated Total Project Cost * **$274,999,000**

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

Authorization Requested

Additional Site Acquisition & Design ..... **$9,437,000**[2]

[2]GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $14,350,000, including $2,000,000 for site acquisition and $12,350,000 for design, on April 5, 2006.
- The Senate Committee on Environment and Public Works authorized $14,350,000 for site acquisition and design on May 23, 2006.
- Through Public Law 110-5, GSA's Spending Plan included $14,350,000 for site acquisition and design.

Schedule	**Start**	**End**
Design	FY2007	FY2011
Construction		
Phase I	FY2011	FY2012
Phase II	FY2012	FY2014

Overview of Project

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project involves the creation of new pedestrian and POV inspection facilities, expanding the port onto the site of the former commercial inspection facility. The commercial inspection facility operation was moved to Calexico East in 1996. Primary POV inspection facilities will include 16 northbound lanes and three southbound lanes. There will be new administration space, a new headhouse and 32 secondary inspection stations serving northbound and southbound traffic. A total of 340 parking stalls will be provided.

The project, as originally authorized, included construction all in one phase. This prospectus proposes the project to be completed in two phases. Phase I will consist of ten northbound POV inspection lanes, a headhouse and sitework necessary to accommodate those facilities on the sloping site. Phase II will consist of the balance of the project including additional sitework, a pedestrian processing facility, administrative offices, three southbound POV inspection lanes and six additional northbound POV inspection lanes. This request for additional site acquisition and design is to address changes in requirements and the two-phased approach. The two-phased construction approach will allow additional time for site acquisition and minimize the impact to the operations of the port.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Tenant Agencies

Defense - Joint-Mexican-U.S. Commission; Department of Homeland Security (DHS) – Animal Plan Health Inspection Service (APHIS); DHS - Customs and Border Protection (CBP); DHS - Immigration and Customs Enforcement (ICE); United States Department of Agriculture (USDA) - Food Safety and Inspection (FSIS).

Location

The site is located at the existing LPOE in Calexico, CA at 200 First Street.

Justification

On an average day, over 16,000 POVs and 20,000 pedestrians enter the U.S. through this POE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required for modern inspection technologies is not available in the existing facility. Current workspace is too small to accommodate additional staff, systems and equipment required at the facility following the events of September 11, 2001. The ability of DHS to accomplish its rapidly changing mission is seriously compromised by the inadequacy of the existing facilities. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion and a safe environment for port employees and visitors.

Since design was authorized, the overall square footage of the project has changed. At CBP's request, the project now includes canopy structures in the pre-primary area to protect inspectors and canines from sun, heat, and wind. Other elements of the project, such as the building footprint, have decreased due to CBP program requirements. Similarly, the number of total parking stalls increased due to program adjustment, as well as the site acreage to be acquired. Overall, the number of northbound inspection lanes remained the same while the southbound inspection lanes reduced to less than half.

Summary of Energy Compliance

The Calexico LPOE project will be designed to conform with the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

GSA PBS

AMENDED PROSPECTUS – ADDITIONAL SITE & DESIGN
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSD-CA10
Congressional District: 51

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

ADDITIONAL SITE ACQUISITION AND DESIGN

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on July 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

5

Housing Plan
US La. ort of Entry

PC D-CA10
Calexico, CA

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
US BORDER STATION														
DHS - Customs & Border Protection	155	155	31,569	31,455	10,169	73,193	98,042	277	277	30,347	506	50,875	81,728	88,471
DHS - APHIS	10	10	1,708	1,008	771	3,487	4,864	1	1	657	0	500	1,157	1,375
Department of Army	0	0	0	0	0	0	0	2	2	660	0	0	660	784
DHS - Immigration And Customs Enforcement	0	0	0	0	0	0	0	35	35	6,913	0	0	6,913	8,210
Public Bldgs Service, Field Office	0	0	0	0	0	0	0	1	1	2,157	0	0	2,157	2,562
SD Consular Affairs	0	0	0	0	0	0	0	0	0	0	0	125	125	148
Joint Use	0	0	0	0	0	0	0	0	0	0	0	720	720	855
Total:	**165**	**165**	**35,457**	**32,463**	**11,736**	**79,656**	**107,057**	**516**	**516**	**41,334**	**4,378**	**186,667**	**232,379**	**255,081**

Special Space	
Laboratory	1,600
Holding Cell	11,379
Restroom	5,136
Physical Fitness	990
Conference	3,780
ADP	1,040
Vehicle Lift	336
Inspection Canopy	153,805
Control Booth	995
Vaults	400
Interview Rooms	1,605
Break Rooms	990
Lockers	3,780
Sallyport	491
Secured Elevator	176
Hazmat Shower & Eyewash	64
Telephone Room	100
Total:	**186,667**

USF means the portion of the building available for use by a tenant's personnel

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
MOBILE, AL

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 346,691 gross square feet, located in Mobile, AL, at additional site costs of $2,603,000, additional design costs of $6,009,000, management and inspection costs of $7,922,000, and construction costs of $173,506,000 at a proposed total cost of $190,040,000, for which a May 11, 2000 11(b) report and a fact sheet is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of July 23, 2003.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Mobile, Alabama

Courthouse contains no more than seven courtrooms.

Provided further, that the Administrator of General Services submit a flood plain mitigation plan to the Committee on Transportation and Infrastructure of the House of Representatives before a construction award is made.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Introduction
In accordance with a resolution adopted April 11, 2000 by the Committee on Transportation and Infrastructure of the House of Representatives, the General Services Administration (GSA) has investigated the feasibility and need to construct or acquire a facility to house the United States District Court for Southern AL, in Mobile, AL.

Current Housing Situation
The Administrative Office of the United States Courts (AOC) projects that within ten years, 17 judges will be in Mobile: eight district; four magistrate; three bankruptcy; and two circuit. The existing Campbell CT neither meets the United States Courts Design Guide (USCDG) standards, nor provides expansion space for future court requirements Because of the inadequate expansion space in the Campbell CT, the court currently occupies space in five leased buildings.

The Campbell CT currently has eight courtrooms. Of those eight courtrooms, only three meet the minimum USCDG for space requirements. Based on the Design Guide standards, two judges who will be eligible for senior status, will remain in two of the existing courtrooms. Three courtrooms, two of which are just below the minimum size standards, will be occupied by the bankruptcy judges. The leased space currently housing the bankruptcy court operations will be released. The remaining courtrooms will be converted to office space to accommodate increased space requirements of the U.S. Attorneys and U.S. Marshals.

The Campbell CT also provides inadequate security. For instance, separate access or egress for judicial officers or prisoners is not provided. There are no secured private corridors to courtrooms, chambers, or U.S. Marshals' areas, and there are no secure elevators in the building. Holding cells are not contiguous to the courtrooms and secured parking is not available to the courts.

Tenant Agencies
The Campbell CT and the CT-Annex will house the Judiciary, Justice, Senate and a GSA customer service center.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on Courtroom Sharing Model

Space Requirements of the Courts
The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide seven courtrooms and ten chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will provide chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. Marshals and U.S. Attorneys. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

The table below outlines the current and future courts requirements.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	2	4	2	0	(1)	1
Magistrate	3	4	3	4	0	3	0	0
Bankruptcy	2*	2	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	12	17	5	7	2	4

* Bankruptcy Court is currently housed in leased space.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on Courtroom Sharing Model

Space Requirements of the Courts
The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide seven courtrooms and ten chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will provide chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. Marshals and U.S. Attorneys. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

The table below outlines the current and future courts requirements.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	2	4	2	0	(1)	1
Magistrate	3	4	3	4	0	3	0	0
Bankruptcy	2*	2	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	12	17	5	7	2	4

* Bankruptcy Court is currently housed in leased space.

Page 2

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on No Departures from the U.S. Courts Design Guide

Space Requirements of the Courts

The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide eight courtrooms and ten chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will provide chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. Marshals and U.S. Attorneys. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

The table outlines the current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	2	4	2	0	(1)	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	13	17	5	8	3	4

* Bankruptcy Court is currently housed in leased space.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Alternatives Considered (30-year, present value costs)

Lease:	$121,623,000
New Construction:	$86,250,000

The 30-year, present value cost of construction is $35,373,000 less than the cost of leasing, an equivalent annual cost advantage of $2,301,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 285,361
Gross square feet (including inside parking) 305,361

Project Budget

Site Cost	$2,895,000
Design (Annex)	4,642,000
Management and Inspection (M&I Annex)	3,627,000
Estimated Construction Cost ($197/gsf including inside parking)	60,174,000
Estimated Total Project Cost*	**$71,338,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

Page 5

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Option Based on Original Requirements of the U.S. Courts

Space Requirements of the Courts
The Five Year Courthouse Plan 2001-2005, as approved by the Judicial Conference of the United States, proposes site acquisition and design of a new court facility for Mobile for fiscal year 2001.

The CT-Annex will provide ten courtrooms and chambers for four district judges, two senior district judges and four magistrate judges. In addition, the CT-Annex will accommodate chambers for two circuit judges.

A physical connection between the CT-Annex and the existing Campbell CT will enable co-location of the entire Court in a Government-owned court complex and continued utilization of the Campbell CT.

Fifty secured inside parking spaces will be incorporated into the construction of the CT-Annex and made available to judges, probation officers, pretrial officers, U.S. marshals and U.S. attorneys. A 200-space deck is proposed to meet additional employee and visitor parking requirements. GSA proposes buying sufficient land to enable future construction to accommodate the 30-year space requirements. In the interim, the portion of the site reserved for future expansion will be used to provide approximately 50 secured surface parking spaces for the court.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

The table outlines current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	4	4	2	2	1	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2*	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	15	17	5	10	5	4

* Bankruptcy Court currently housed in leased space.

Alternatives Considered (30-year, present value costs)

Lease: $124,989,000
New Construction: $91,850,000

The 30-year, present value cost of construction is $33,139,000 less than the cost of leasing, an equivalent annual cost advantage of $5,426,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 301,722
Gross square feet (including inside parking) 321,722

Page 7

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

The table outlines current and future requirements of the courts.

	Current		Proposed		Number of Courtrooms		Change	
	No. of Court-rooms	No. of Judges	No. of Court-rooms	No. of Judges	No. of Existing	No. of New	No. of Court-rooms	No. of Judges
District								
- Active	2	3	4	4	0	4	2	1
- Senior	3	3	4	4	2	2	1	1
Magistrate	3	4	4	4	0	4	1	0
Bankruptcy	2*	2*	3	3	3	0	1	1
Circuit	0	1	0	2	0	0	0	1
Total	10	13	15	17	5	10	5	4

* Bankruptcy Court currently housed in leased space.

Alternatives Considered (30-year, present value costs)

Lease: $124,989,000
New Construction: $91,850,000

The 30-year, present value cost of construction is $33,139,000 less than the cost of leasing, an equivalent annual cost advantage of $5,426,000.

Project Summary

Site Information

To be purchased ..... Approximately 3 acres

Building Area

Gross square feet (excluding inside parking) 301,722
Gross square feet (including inside parking) 321,722

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
MOBILE, AL

Report Number: BAL-01001
Congressional District: 01

Project Budget

Site Cost	$2,895,000
Design (Annex)	4,887,000
Management and Inspection (M&I Annex)	3,782,000
Estimated Construction Cost ($198/gsf including inside parking)	63,837,000
Estimated Total Project Cost*	**$75,401,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

Recommendation
SITE AND DESIGN

Schedule

FY 2001	Site and Design
FY 2002	Construction
FY 2005	Occupancy

Certification of Need

New construction is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 11, 2000

Recommended Paul Christoline
for Commissioner, Public Buildings Service

Approved Thurman M. Davis Sr.
Deputy Administrator, General Services Administration

Page 8

GSA PBS

FACTSHEET
NEW U.S. COURTHOUSE
MOBILE, AL

BACKGROUND:

- Project Description: The construction of a 346,691 gsf Courthouse; including 50 inside parking spaces
- Project Justification: The CT will meet the 10-year needs of the court and court-related agencies and the site/building design is flexible enough to accommodate the 30 year needs of the court.

CURRENT STATUS:

- The design of the project is 100% complete, but storm mitigation concerns and modification to the HVAC systems now require redesign.
- The project is on hold pending receipt of additional funds for acquisition of remaining site parcels, design revision, and construction.

Site and Design	FY 2002
Construction	FY 2011
Occupancy	FY 2015

FUNDING:

The House Transportation and Infrastructure Committee authorized $97,033,000:

- $7,537,000 for site and design for a 305,361 gsf CT, including 50 inside parking spaces on 7/26/2000;
- $3,753,000 for additional site and design for a 325,452 gsf CT, including 50 inside parking spaces, on 7/18/2001; and
- $85,743,000 for additional design and for construction and management and inspection for a 342,273 gsf CT, including 50 inside parking spaces on 7/23/2003.

The Senate Environment and Public Works Committee authorized $141,861,000:

- $7,782,000 for site and design for a 321,722 gsf CT, including 50 inside parking spaces, on 7/26/2000;
- $3,753,000 for additional site and design for a 325,452 gsf CT, including 50 inside parking spaces, on 9/25/2001; and
- $141,861,000 for additional site and reduced design for construction and management and inspection for a 346,691 gsf CT, including 50 inside parking spaces on 9/13/2006.

Congress appropriated $11,290,000 for FY 2002 (Public Law 107-67).

Authorization and funding required for FY2010 is $190,400,000

Estimated Total Project Cost $201,690,000

Recent recommendations from Congress (in the ARRA conference report) concerning courtroom sharing may reduce the number of courtrooms and total space in the proposed building.

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of an expansion, up to 262,579 gross square feet, of the U.S. courthouse located in Greenbelt, MD at design costs of $10,000,000, for which a February 12, 1990 11(b) report and fact sheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Greenbelt, Maryland Courthouse Annex contains no more than 12 courtrooms;

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

INTRODUCTION:

In accordance with the resolution adopted by the House Committee on Public Works and Transportation on June 22, 1989, the General Services Administration (GSA) has investigated the space requirements of all components of the U.S. Courts, as well as the U.S. Marshals Service and the U.S. Attorneys, for a courthouse to serve the newly created Southern Division of the Judicial District of Maryland. This report supports a recommendation to construct a courthouse to serve the 5 counties comprising the Southern Division - Prince George's, Montgomery, Calvert, Charles, and St. Mary's. The courthouse shall be constructed within 5 miles of the Prince George's-Montgomery County boundary.

COMMUNITY PROFILE:

The Suburban Maryland portion of the National Capital Region (NCR) encompasses 2 of these counties - Prince George's and neighboring Montgomery. Suburban Maryland is one of the three areas comprising the National Capital Region (NCR), the other two being the District of Columbia and Northern Virginia. Suburban Maryland includes Prince George's and Montgomery County. The Northern Virginia component includes the counties of Arlington, Fairfax, Loudoun, and Prince William; and the independent cities of Alexandria, Fairfax, and Falls Church.

In 1987, the population of the Suburban Maryland portion was nearly 1.4 million, up almost 10 percent from its 1980 population. Suburban Maryland accounts for well over one-third of the population of the entire Washington, DC metropolitan area, which is approximately 3.7 million. Prince George's County has less office and retail development space than Montgomery County, and is slightly less populous.

COMMERCIAL SPACE DATA:

The metropolitan area has been the focus of substantial commercial development over the past several years, although the pace has leveled off during the past year. Construction of new office space in the suburban areas has surpassed that of the District of Columbia in recent years with overbuilding occurring in some areas, causing a higher than usual vacancy rate in the suburbs. The real estate industry predicts that much of the space now being completed will not be absorbed until the mid-1990's.

Much of this commercial and retail development has occurred in Montgomery County, especially along the Interstate 270 corridor.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

COMMERCIAL SPACE DATA: (cont'd)

In addition, the extension of the Metrorail system has been critical to Montgomery County's development. Not only has substantial office and retail development already occurred along the Metrorail corridor, but additional large-scale facilities are in the planning stages. However, developmental constraints, created by traffic limitations, have recently slowed this pace.

Prince George's County, however, continues to be extremely interested in attracting new office development, both for Government agencies and private industry. Presently, Prince George's County has much less major office development than Montgomery County. Part of this difference is due to the timing of Metrorail construction. Much of the Metrorail system in Prince George's County has yet to be completed, and certain portions are not funded. As such, there has not been the opportunity for dense development along its future Metrorail corridors.

Further differences between the 2 counties are reflected by their rental and vacancy rates. Since land has been cheaper in Prince George's County, more warehouses have been built there; but there has been a recent increase in first class office space. However, the office real estate market in Prince George's County has generally reflected a lower rental rate and higher vacancy rate than in Montgomery County. During 1988, the vacancy rates have varied between 13 and 23 percent in these 2 counties.

In both counties, locations closest to DC, Metrorail, and highway access tend to command the highest rates. Rental rate estimates for first class office space in Maryland are $22 to $35 per occupiable square foot for fiscal year 1991.

FEDERAL SPACE SITUATION:

In suburban Maryland, GSA controls 2.8 million Government-owned square feet and 5.6 million leased square feet. This 8.4 million total square feet of space in Suburban Maryland is 13 percent of the region's total. By contrast, 57 percent of the total is located in DC, which houses most agency headquarters; and 30 percent is in Northern Virginia, where the Department of Defense is headquartered at the Pentagon. Northern Virginia also has the headquarters of the Patent and Trademark Office (Department of

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

FEDERAL SPACE SITUATION: (cont'd)

Commerce), and major components of the Departments of Justice and Interior. The GSA space in Suburban Maryland is concentrated in the Montgomery County communities - such as Bethesda and Silver Spring - closest to Washington, DC, and along the Interstate 270 corridor between Bethesda and Germantown. Furthermore, nearly 1 million square feet will become occupied in Silver Spring during the next 2 years when the National Oceanic and Atmospheric Administration (NOAA) consolidates from several leased locations within Montgomery County.

Suburban Maryland	Gov't-owned	Leased	Total
Number of Bldgs.	27	79	106
Occupiable Sq. Ft.	2,837,702	5,455,916	8,293,618
Employees	11,282	21,406	32,688

Within Suburban Maryland, the current ratio of Government-owned space to leased space is 34:66. The current ratio of Federal employees in Government-owned space to those in leased space, in Suburban Maryland, is also 34:66.

Steady economic growth in the Washington area in recent years has resulted in a steep rise in the cost of commercial office space. Accordingly, GSA is facing a sharp increase in leasing costs over the next decade. This has been one of the catalysts for a number of the consolidation projects noted in this report.

GOVERNMENT-OWNED BUILDINGS AND SITES:

Suburban Maryland has 7 Government-owned office buildings of more than 100,000 square feet, all of which are in Prince George's County or Montgomery County. Four are in Prince George's County (all 4 are in Suitland) and 3 are in Montgomery County:

1) In Germantown (Montgomery County), the Department of Energy's largest Building, with 374,205 square feet;

2) One White Flint North (a building purchase) in North Bethesda, with 238,076 square feet occupied by the Nuclear Regulatory Commission (NRC);

3) Silver Spring Metro Center (a building purchase, and first building of the NOAA complex), with 126,441 square feet; and

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

GOVERNMENT-OWNED BUILDINGS AND SITES: (cont'd)

4) In Prince George's County, the Suitland Federal Center has several major office buildings: Federal Office Buildings (FOB) 3 and 4, at 500,085 and 239,160 square feet; and Naval Intelligence Command (NIC) 1 and 2, at 146,590 and 143,785 square feet respectively. Suitland serves as the headquarters for the Bureau of the Census (Department of Commerce) as well as NIC.

In Suburban Maryland, GSA controls one major development area - the Suitland Federal Center, cited immediately above. In addition to the office buildings at Suitland, there is a 798,000 square foot Federal Records Center, plus a power plant. GSA is preparing a Master Plan to guide development for the site, including the 1989 transfer of 44 acres to the Department of Navy to construct a new building for NIC which will house elements now located in NIC 1 and 2. The Master Plan will propose a combination of new construction plus renovation of selected Government-owned buildings. Some existing buildings may be demolished to make way for new development.

In addition to space that GSA controls, there are several major installations under other agencies' purview. In Montgomery County, these include the Department of Health and Human Services' (HHS) National Institutes of Health (NIH) campus in Bethesda. NIH is adding a 500,000 square foot building to house its administrative offices. The Bethesda Naval Hospital is across the street. In Gaithersburg, the Department of Commerce has the National Institute of Standards and Technology (NIST) (formerly the National Bureau of Standards) campus.

In Prince George's County, the Department of Agriculture controls a large research facility in Beltsville, but shares its jurisdiction with the Food and Drug Administration of HHS. The National Archives and Records Administration (NARA) has received approval for a 1.4 million square foot research facility and records center in College Park. This is scheduled for completion in 1994.

LEASED SPACE:

The Government leases 8 office buildings in Suburban Maryland with more than 100,000 square feet of space:

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

LEASED SPACE: (cont'd)

1. In Hyattsville, Center Building No. 1 with 220,590 square feet and Center Building No. 2 with 301,049 square feet. The Departments of Agriculture, Treasury, and Health and Human Services, are the primary tenants in these buildings;

2. The Gramax Building in Silver Spring with 159,530 square feet, which houses NOAA;

3. The Washington Science Center in Rockville with 235,280 square feet, occupied by NOAA;

4. The Parklawn Building, occupied by HHS in Rockville, with 1,317,255 square feet; and

5. In Bethesda, the Westwood Main Annex, 225,455 square feet, and Westwood Towers, 112,325 square feet. HHS and the Consumer Product Safety Commission (CPSC) are the primary tenants.

NOAA will vacate the Gramax Building and the Washington Science Center in 1990 and 1992, respectively, and relocate to Silver Spring as part of the NOAA consolidation. Ten leased locations in Maryland will be vacated as part of this consolidation.

There are numerous other leased locations in suburban Maryland which house agency functions required to be close to their headquarters. For example, there are several leased buildings near the Census Bureau at Suitland which house Census functions. Because of this constraint, there is no need to provide general office space within the proposed Courts complex discussed below.

SPACE REQUIREMENTS:

Public Law 100-487 established the new Southern Division of the Judicial District of Maryland in October 1988. Previously, the Maryland Bar Association had established a Task Force on the Organization of the United States District Court for the District of Maryland. This task force recommended the establishment of a Southern Division to better cope with the enormous growth in population, economic development, and court activity in the 5 counties comprising the Southern Division of Maryland. The Public Law states that the new courthouse shall be within 5 miles of the boundary of Prince George's and Montgomery counties.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

SPACE REQUIREMENTS: (cont'd)

By 1990, the Bureau of the Census projects that nearly 1.6 million residents, or almost 35 percent of the population of the entire State of Maryland, will reside in the five counties. In addition, these counties are the fastest growing in Maryland in terms of population, sales, and business development, as well as legal activity, as measured by civil, criminal, and bankruptcy court filings. Since there is not an existing courthouse in Prince George's or Montgomery counties, a new facility will have to be constructed. The Court's requirements cannot be satisfied in any existing Government-owned building or land site within Prince George's or Montgomery counties.

While there is no District Court in the 5 counties comprising the Southern Division, there are District Court functions in Prince George's and Montgomery counties. GSA leases space for Magistrates, U.S. Attorneys, and the Marshals Office in the Presidential Building in Hyattsville, and the Bankruptcy Court occupies leased space in Exchange Place in Rockville. The U.S. Marshals' space includes offices for Marshals personnel as well as holding cells for prisoners who are awaiting court appearances. A new courthouse will consolidate the existing Courts, Attorneys, and Marshals offices that are presently located in these two counties.

The elimination of constant shuttling among Court facilities by the Attorneys and Court personnel will create significant time saving as well as more efficient management of the judicial functions. Furthermore, public service will be improved by eliminating confusion about the various court locations.

The proposed facility would require a site of approximately four and a half acres to be acquired within 5 miles of the boundary of Prince George's and Montgomery counties. The courthouse should be located close to the Beltway and should be accessible to public transportation.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

SPACE REQUIREMENTS: (cont'd)

The proposed United States Courthouse will contain 96,887 occupiable square feet of space plus parking for 155 vehicles. The building will house all components of the U.S. Courts, as well as the U.S. Marshals Service and the U.S. Attorneys. There will be 7 courtrooms (three for the District Court, two for the Magistrates, and two for the Bankruptcy Court) which will meet the Court's projected requirements for the scheduled 1994 occupancy. The building will satisfy the expansion requirements of all the agencies, while consolidating them from three locations into one modern, functional, and secure facility.

The current (fiscal year 1990) commercial market rents in suburban Maryland average from $22 to $30 per square foot, fully serviced. However, due to the cost of altering leased space to accommodate courtrooms, chambers, and special facilities for handling prisoners, the rent incurred by the Government for a facility with these features would be well above these rates.

Approximately 86 percent of the nearly 12 million square feet of building space occupied by the Courts, nationwide, is in Government-owned buildings. GSA's policy to house Courts in Government-owned space, wherever practical, was reinforced by the Public Buildings Amendments of 1988. This legislation directed GSA to avoid leasing space to accommodate the U.S. Courts, in order to alleviate the high costs of alterations to commercial space.

ALTERNATIVES:

LEASE - This alternative proposes that GSA negotiate a lease to house the Courts and associated agencies in 96,887 occupiable square feet plus 155 parking spaces. The 30-year, present value cost of this alternative is $39,930,000.

CONSTRUCTION - This alternative proposes construction of a building to house the Courts and associated agencies in 96,887 occupiable square feet plus 155 parking spaces. The 30-year, present value cost of this alternative is $31,614,000.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

CONCLUSION:

The 30-year, present value of Federal construction is $8,316,000 less than the leasing alternative, or an equivalent annual cost advantage of $809,000. In addition, since it is GSA's policy to house the Courts in Government-owned buildings to alleviate the high cost of alterations to commercial space, the recommended alternative is direct Federal construction.

RECOMMENDATION:

CONSTRUCTION is recommended.

Occupants ..... Multiple Agencies
(Judiciary, U.S. Attorneys, U.S. Marshals)

Area
Gross ..... 156,100 Square Feet
Occupiable ..... 96,887 Square Feet
Parking*..... 50 inside spaces

Site..... To be acquired**

Estimated Construction Cost*** $21,883,000

Authority Requested in this Prospectus $21,883,000

*In addition, there are 105 outside spaces, for an overall total of 155 spaces.

**$3,000,000 was appropriated in fiscal year 1990 for site acquisition.

***Design, management and inspection, and construction supervision are funded in a single design and construction services budget activity. For design, $1,700,000 was appropriated in fiscal year 1990. Also, it is anticipated that the agencies will fund an additional amount for space alterations above the standard normally provided by GSA.

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

Statement of Need:

It has been determined that the above project is a Government need, and that the proposed solution is the best method to meet that need within the timeframe required.

Submitted at Washington, DC, on February 12, 1990

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

GSA PBS

REPORT OF BUILDING PROJECT SURVEY
United States Courthouse, Southern Division of Maryland
Suburban Maryland

Report Number: BMD-91W02

ECONOMIC ANALYSIS

	CONSTRUCTION	LEASE
DATA: Term used (yrs)	30	30
Occupancy Year	1994	1993
Square feet in analysis		
Leased	-	96,887
Government-owned	96,887	-
PRESENT VALUE COSTS ($ x 1,000)		
Net, net rent	-	26,147
Construction cost	16,061	-
Design	1,451	-
Management and inspection	1,243	-
Land	2,525	-
Less: Building reversion	(4,358)	-
Land reversion	(679)	-
Interim housing	2,215	1,595
Major R&A	1,959	-
Tenant alterations	1,347	1,439
Services & utilities	6,793	7,257
Property taxes, ins.	2,264	2,419
Property management	793	605
Total Tax Benefits to Lessor	-	468
Total Present Value Cost	31,614	39,930
PROPOSAL VALUE		31,614
PRESENT VALUE COST ADVANTAGE		8,316
OR		
EQUIV. ANNUAL COST ADVANTAGE		809

Factors Used (10/1/89 Values):
Net Rent: $30.00/osf
Operating Cost: $6.00/osf
Construction Cost to Build a New Building: $129.69/gsf
Land Cost: $2,774,000
Discount Rate: 9.0%

Housing Plan
United States Courthouse, Southern District of Maryland
(as of November 1989)

	CURRENT						PROPOSED					
	Total OSF	Total Pers.	Office OSF	Office Wksta.	Storage OSF	Special OSF	Total OSF	Total Pers.	Office OSF	Office Wksta.	Storage OSF	Special* OSF
U.S. COURTS:												
Exchange Place	9,315	52	7,890	52	75	1,350						
Presidential	16,304	55	13,718	55	42	2,544						
New Courthouse	–	–	–		–	–	67,652	150	36,140	150	–	31,512
Subtotal	25,619	107	21,608	107	117	3,894	67,652	150	36,140	150	–	31,512
U.S. MARSHALS:												
Presidential	2,149	–	1,859	–	–	290						
New Courthouse	–	–	–	–	–	–	12,100	40	5,400	40	200	6,550
Subtotal	2,149	–	1,859	–	–	290	12,100	40	5,400	40	200	6,550
U.S. ATTORNEYS:												
Presidential	598	–	598	–	–	–						
One Metro Square	2,774	9	1,670	9	–	1,104						
New Courthouse	–	–	–	–	–	–	14,635	53	8,360	53	300	5,975
Subtotal	3,372	9	2,268	9	–	1,104	14,635	53	8,360	53	300	5,975
CONGRESSMAN HOYER:												
New Courthouse	–	–	–	–	–	–	1,500	–	1,500	–	–	–
Subtotal	–	–	–	–	–	–	1,500	–	1,500	–	–	–
GSA CONCESSIONS:												
New Courthouse	–	–	–	–	–	–	1,000	–	–	–	–	1,000
Subtotal	–	–	–	–	–	–	1,000	–	–	–	–	1,000
TOTAL	31,140	116	25,735	116	117	5,288	96,887	243	51,400	243	500	44,987

Current U/R (Marshals + Attorneys) = N/A (9 employees)

Proposed U/R (Marshals + Attorneys) = 148

*Special Space Includes:

Lab and clinic	1,050
Food service	1,100
Structurally changed	27,812
ADP	500
Conference/training area	12,850
Light Industrial area	1,675
Total	44,987

Parking = 155 spaces

GSA PBS

FACT SHEET
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Description

The General Services Administration (GSA) proposes expansion of the U.S. Courthouse (CT) in Greenbelt, Maryland from 424, 816 gsf to 687,395 gsf. The 262,579 gsf courthouse addition will be accomplished by:

1) adding a tower onto the existing half-round portion of the building to increase the functionality of the Courtrooms by adding jury deliberation suites;

2) add to the existing building District Court chambers and U.S. Marshal Service (USMS) space;

3) add other court and court-related functions such as Bankruptcy courtroom and chambers, Pretrial and Probation, U.S. Attorney's Offices, and U. S. Trustee's, and 11 inside parking spaces; and

4) expand the parking structure from 463 parking spaces to a number to be determined during design.

Project Summary

Site Information

Government-Owned	9.3 acres
Building Area	
Existing gross square feet (including 50 inside parking spaces)	424,816
Additional gross square feet (including 11 inside parking spaces)	262,579
Total gross square feet (including 61 inside parking spaces)	687,395
Existing parking structure parking spaces	463
Additional parking structure parking spaces	TBD*
Total parking structure parking spaces	TBD

Project Budget

Design	**$10,280,000**
Estimated Construction Cost (ECC) ($473/gsf including inside parking)	**109,332,000**
Management and Inspection (M&I)	**8,786,000**
Estimated Total Project Cost (ETPC)**	**$128,398,000**

*Non court parking for the new facility will be affected by the consolidation of traffic court functions. The total number of parking spaces will be determined during design.
**Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

GSA PBS

FACT SHEET
U.S. COURTHOUSE ANNEX
GREENBELT, MD

Prior Authority and Funding

None

Overview of Project

The Greenbelt Courthouse was built in 1994. This expansion project provides:

- two additional District courtrooms with four additional chambers,
- two additional Magistrate courtrooms and chambers,
- two additional Bankruptcy courtrooms and chambers,
- additional space for the inclusion of Probation and the US Trustees (from leased space),
- expansion space for the US Attorney's Office and
- additional space for the USMS holding requirements.

Tenant Agencies

District Court; Bankruptcy Court; Federal Public Defender; Probation; Pretrial; Department of Justice – U.S. Marshals Service; Department of Justice – Office of the U.S. Attorney; Department of Justice – U.S. Trustees; U.S. House of Representatives Office

Justification

Renovation of the existing offices will provide more efficient usage of the existing facility. These additions will meet the Judiciary's 10-year need corresponding with the year 2020. The Five-Year Courthouse Project Plan for FYs 2010-2014 approved by the Judicial Conference on March 17, 2009, which reflects construction priorities approved by the Judicial Conference, includes expansion of the CT in Greenbelt, MD for site and design funding for FY 2011. (The Five-Year Courthouse Project Plan for FYs 2009-2013 approved by the Judicial Conference on March 11, 2008 included the project for site and design funding for FY 2010.)

The court's southern division has grown rapidly since the existing building opened and it needs to be expanded to accommodate current and future growth. The existing building lacks sufficient space to adequately house existing personnel and accommodate projected growth for the court and court related agencies through 2020. The existing building is structurally and functionally incapable of accommodating the projected expansion.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SAVANNAH, GA

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 184,955 gross square feet, located in Savannah, GA, at design costs of $7,900,000, for which a March 15, 1994 prospectus and fact sheet is attached to, and included in, this resolution. This resolution amends the Committee on Transportation and Infrastructure resolution of July 23, 2003.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided further, that the Administrator of General Services shall ensure that the Savannah Courthouse Annex contains no more than four courtrooms;

Provided further, that the Administrator of General Services shall prepare a feasibility report on the need for the courthouse and re-evaluate the design. The report shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives before proceeding with construction of the Savannah, Georgia Courthouse.

Provided further, that the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Description:

This prospectus proposes the acquisition of a site and the design of a Courthouse (CT) in Savannah, GA. The CT will provide 233,626 gross square feet of space including 100 inside parking spaces for the U.S. Courts and court-related agencies. The proposed building will be designed to meet the 10-year needs of the courts in conjunction with the continued use of the existing Federal Building-Courthouse (FB-CT). Five new courtrooms will be provided: two district, two bankruptcy, and one magistrate. The CT will also provide offices for the U.S. attorneys, the U.S. Trustees, the U.S. marshals, and the U.S. Postal Service (USPS). The new building will house approximately 331 employees.

Currently, the courts and related activities occupy space in three locations in Savannah. There is a total of four judges: two district, one magistrate, and one bankruptcy judge. The primary location of the courts is in the Government-owned FB-CT, which was completed in 1899 and is listed on the National Register of Historic Places. It provides a total of four courtrooms, two assigned to the district court, one to the magistrate, and one to bankruptcy. Two courtrooms meet the U.S. Courts Design Guide minimum requirement of 2,000 square feet for district courtrooms. The other two courtrooms are less than 1,500 square feet and below the standard for magistrate and bankruptcy judges.

The FB-CT cannot house the total current requirements of the courts and related activities. In May 1993, the U.S. attorneys required expansion space and were relocated from the FB-CT to leased space in the nearby J.C. Penny Building. The lease expires May 27, 2003, and has termination rights after May 28, 1998. The U.S. Trustees are located in leased space in the Commerce Building, 222 West Oglethorpe Street in downtown Savannah. The lease expires October 31, 1997.

The AOC wishes to retain the FB-CT because of its significance and prominence in the heart of the Savannah historic district. The courts are aware that the proposed project will result in split court functions. A site for the proposed project has been identified adjacent to the existing FB-CT. Its convenient location will permit construction of a tunnel between the new CT and FB-CT to facilitate operations. The two district courtrooms will continue to be utilized. The two courtrooms now assigned to the magistrate judge and bankruptcy judge will be converted to office space upon completion of the proposed project. In addition, the FB-CT will continue to provide space for the Clerk of the Court, Probation, and the U.S. marshals. The USPS will relocate from the ground floor of the FB-CT to the CT to provide expansion for the Clerk of the Court. A small amount of space will be retained by executive agencies.

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Space Requirements of the U.S. Courts:

	CURRENT COURTROOMS/JUDGES		10-YEAR REQUIREMENT COURTROOMS/JUDGES			
	Courtrooms FB-CT	Judges	Courtrooms FB-CT	Courtrooms New CT	Total	Judges
Circuit Court	0	0	0	0	0	1
District	2	2	2	2	4	4
Magistrate	1*	1	0	1	1	1
Bankruptcy	1*	1	0	2	2	2
TOTAL	4	4	2	5	7	8

*These hearing rooms provide 777 and 1,200 square feet of space. They are below minimum requirement and will be converted to office space.

Time Out and Review:

After careful consideration of the client agencies' housing needs and an analysis of current market alternatives, GSA has determined that site acquisition and design of this facility should proceed. However, a review of the original estimated construction costs resulted in a $4,623,000 reduction for construction. In addition, there will be opportunities to realize savings during the design stage and procurement and execution of the construction contract through value engineering techniques. Should savings be realized, they will be made available upon completion of the construction phase of the project.

Delineated Area:

The new courthouse will be located in the CBD of Savannah, GA, on a site that has been identified adjacent to the existing FB-CT. Acquisition of this site is instrumental for the courts' consolidation and continued utilization of the existing FB-CT.

Justification:

The Administrative Office of the United States Courts (AOC) completed a Long-Range Facility Plan for the Southern District of Georgia in June 1991. Based on projections, a total of seven courtrooms will be required in the Savannah division within the next 10 years. Three additional judgeships are anticipated for Savannah: one district judgeship is currently vacant and pending appointment; one district judge is projected within 10 years; and one bankruptcy judge is projected within 5 years. In addition, it is anticipated that within the next 10 years a circuit judge will be appointed to the district. The district court will require a total of four courtrooms, the magistrate judge will require one courtroom, and bankruptcy will require two courtrooms. In accordance with the Long-Range Facility Plan and the U.S. Courts Design Guide, additional space will be required by the district court, the Circuit Court, magistrate judge, clerk of the court, bankruptcy court, U.S. attorneys, U.S. Trustees and U.S. marshals.

[2]

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Justification (Cont'd):

The existing FB-CT cannot accommodate the increased space requirements of the U.S. courts and related agencies. Two courtrooms in the FB-CT are below the minimum standard size for both the magistrate and bankruptcy court. The proposed CT will provide the required expansion space and courtrooms that meet the minimum standard requirements. The office utilization rate will be 120 square feet per person excluding the judiciary and GSA joint-use space. The new building will be designed with ceiling heights that can accommodate the construction of six additional courtrooms, if necessary, beyond the 10-year needs because of the historic nature of Savannah and its structures and the difficulty in obtaining sites for future construction. To allow for expansion of the Judiciary, offices of related agencies such as the U.S,. attorneys and Probation, will be relocated to other space.

The proposed project includes 100 inside parking spaces consisting of 51 official, 39 employee, 5 visitor, and 5 handicapped spaces. The proposed parking will serve the needs of new CT and the existing Savannah Federal Complex that includes the FB-CT and the Juliet Gordon Low Federal Building where approximately 986 Federal employees are currently housed.

The 30-year, present value construction cost is $6,004,000 less than the cost of leasing the required space, or an equivalent annual cost advantage of $489,000.

Alternatives:

CONSTRUCTION - This alternative proposes the construction of a new courthouse facility to provide for the long-term housing of the U.S. courts and related activities. The 30-year, present value cost for this alternative is $43,626,000.

LEASE - this alternative proposes the leasing of a facility to provide for the long-term housing of the U.S. courts and related activities. The 30-year, present value cost of this alternative is $49,630,000.

Recommendation:

SITE ACQUISITION AND DESIGN are recommended.

Occupants: ..... U.S. Courts and Related Agencies

Building Area:
Gross Square Feet 186,567
Gross Square Feet (including inside parking spaces) 233,626
Parking Spaces ..... 100 inside

Site Information:
To be purchased ..... 1.4 acres

[3]

GSA PBS

PROSPECTUS - SITE AND DESIGN
U.S. Courthouse - Savannah, GA

Prospectus Number: PGA-95005
Congressional District: 1

Cost Information:

Site	$3,211,000
Estimated Design*	2,104,000
Management and Inspection	2,065,000
Estimated Construction Cost ($126 per gsf including inside parking)**	29,587,000
Total Project Cost	$36,967,000

Authority Requested in this Prospectus (Site and Design): $5,315,000

*If there are any additional design costs above the $2,104,000 due to increased project scopes that are not anticipated at this time, they will be accommodated within this line item of the new construction budget. Accordingly, GSA does not plan to request additional design authority for this project. Also, it is anticipated that the tenant agencies will fund an additional amount for the design of space alterations above the standard normally provided by GSA.

**A detailed construction prospectus will be submitted for this project with a future year construction budget request.

Statement of Need:

It has been determined that the above project is a Government need and that the proposed action is the most cost effective method to meet that need within the timeframe required.

Submitted at Washington, DC, on March 15, 1994

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

[4]

HOU: PLAN
U.S. Courts and Related Activities
Savannah, GA
(As of August 1993)

CURRENT							PROPOSED					
Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF	AGENCY/ LOCATION	Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF
19,587	24	15,114	24	1,412	3,061	District Court	23,500	15	9,800	15	500	13,200
9,793	20	7,569	20	945	1,279	Bankruptcy	To relocate to USCT-Annex					
8,330	11	7,450	11	880	0	Probation	11,000	30	7,980	30	1,000	2,020
3,530	4	3,226	4	80	224	Clerk of Court	13,000	20	8,800	20	1,200	3,000
5,226	19	4,157	19	0	1,069	U.S. Marshals	3,500	12	1,900	12	400	1,200
900	0	900	0	0	0	U.S. Attorneys	To relocate to USCT-Annex					
7,059	8	129	8	0	6,930	USPS	To relocate to USCT-Annex					
881	6	881	6	0	0	USGS	1,000	7	900	7	100	0
3,020	15	2,766	15	254	0	Fish & Wildlife	3,000	17	2,600	17	400	0
In leased space						EEOC	3,400	14	2,200	14	200	1,000
1,339	0	0	0	705	634	Joint Use	1,265	0	0	0	560	705
59,665	107	42,192	107	4,276	13,197	SUBTOTAL	59,665	115	34,180	115	4,360	21,125
						LEASED SPACE						
3,320	25	3,320	25	0	0	U.S. Trustees	To relocate to Proposed CT					
26,050	83	22,013	83	0	4,037	U.S. Attorneys	To relocate to Proposed CT					
29,370	108	25,333	108	0	4,037	SUBTOTAL						
						PROPOSED CT**						
						District Court	29,710	13	3,270	13	300	26,140
						Magistrate	5,740	10	1,380	10	150	4,210
						Bankruptcy	25,055	60	11,410	60	2,525	11,120
						Circuit Court	2,900	6	0	6	110	2,790
						U.S. Trustees	8,200	44	6,790	44	500	910
						U.S. Attorneys	33,025	155	24,525	155	1,000	7,500
						U.S. Marshals	5,975	26	3,375	26	400	2,200
						USPS	10,000	17	2,550	17	1,000	6,450
						Joint Use	4,395	0	1,795	0	800	1,800
						SUBTOTAL	125,000	331	55,095	331	6,785	63,120
						TOTALS						
89,035	215	67,525	215	4,276	17,234	Occupiable Square Feet	184,665	446	89,275	446	11,145	22,925
8,272		6,273		397	1,601	Square Meters	17,156		8,294		1,035	2,130

Current Office Utilization Rate = 229

*FB-CT contains 59,665 sf

Proposed Office Utilization Rate = 120
(Excludes Judiciary, joint use, and 8,193 sf support space)

**Special Space in Proposed CT Includes:

Private restrooms..	2,450
Food service.....	1,140
Courtrooms/chambers	23,170
Vaults.....	250
Library.....	6,800
Secured areas.....	2,450
ADP.....	1,200
Records storage/mai	6,250
Conference/training	19,410
TOTAL	63,120

Note: The occupiable square foot measure is used by GSA to assign space to client agencies. All rent to tenant agencies is calculated and billed on an occupiable square foot basis. The occupiable square foot measurement is defined as the actual area that is available for exclusive tenant use.

(6)

HOU: PLAN
U.S. Courts and Related Activities
Savannah, GA
(As of August 1993)

CURRENT							PROPOSED					
Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF	AGENCY/ LOCATION	Total OSF	Total Pers	Office OSF	Office Pers	Storage OSF	Special OSF
19,587	24	15,114	24	1,412	3,061	District Court	23,500	15	9,800	15	500	13,200
9,793	20	7,569	20	945	1,279	Bankruptcy	To relocate to USCT-Annex					
8,330	11	7,450	11	880	0	Probation	11,000	30	7,980	30	1,000	2,020
3,530	4	3,226	4	80	224	Clerk of Court	13,000	20	8,800	20	1,200	3,000
5,226	19	4,157	19	0	1,069	U.S. Marshals	3,500	12	1,900	12	400	1,200
900	0	900	0	0	0	U.S. Attorneys	To relocate to USCT-Annex					
7,059	8	129	8	0	6,930	USPS	To relocate to USCT-Annex					
881	6	881	6	0	0	USGS	1,000	7	900	7	100	0
3,020	15	2,766	15	254	0	Fish & Wildlife	3,000	17	2,600	17	400	0
In leased space						EEOC	3,400	14	2,200	14	200	1,000
1,339	0	0	0	705	634	Joint Use	1,265	0	0	0	560	705
59,665	107	42,192	107	4,276	13,197	SUBTOTAL	59,665	115	34,180	115	4,360	21,125
						LEASED SPACE						
3,320	25	3,320	25	0	0	U.S. Trustees	To relocate to Proposed CT					
26,050	83	22,013	83	0	4,037	U.S. Attorneys	To relocate to Proposed CT					
29,370	108	25,333	108	0	4,037	SUBTOTAL						
						PROPOSED CT**						
						District Court	29,710	13	3,270	13	300	26,140
						Magistrate	5,740	10	1,380	10	150	4,210
						Bankruptcy	25,055	60	11,410	60	2,525	11,120
						Circuit Court	2,900	6	0	6	110	2,790
						U.S. Trustees	8,200	44	6,790	44	500	910
						U.S. Attorneys	33,025	155	24,525	155	1,000	7,500
						U.S. Marshals	5,975	26	3,375	26	400	2,200
						USPS	10,000	17	2,550	17	1,000	6,450
						Joint Use	4,395	0	1,795	0	800	1,800
						SUBTOTAL	125,000	331	55,095	331	6,785	63,120
						TOTALS						
89,035	215	67,525	215	4,276	17,234	Occupiable Square Feet	184,665	446	89,275	446	11,145	22,925
8,272		6,273		397	1,601	Square Meters	17,156		8,294		1,035	2,130

Current Office Utilization Rate = 229

*FB-CT contains 59,665 sf

Proposed Office Utilization Rate = 120
(Excludes Judiciary, joint use, and 8,193 sf support space)

**Special Space in Proposed CT Includes:

Private restrooms..	2,450
Food service.....	1,140
Courtrooms/chambers	23,170
Vaults.....	250
Library.....	6,800
Secured areas.....	2,450
ADP.....	1,200
Records storage/mai	6,250
Conference/training	19,410
TOTAL	63,120

Note: The occupiable square foot measure is used by GSA to assign space to client agencies. All rent to tenant agencies is calculated and billed on an occupiable square foot basis. The occupiable square foot measurement is defined as the actual area that is available for exclusive tenant use.

(6)

GSA PBS

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

Description

This project involves the construction of a 166,955 gross square foot U.S. Courthouse Annex (Annex) in Savannah, GA. In conjunction with the renovation of the existing Federal Building-Courthouse (FB-CT), the Annex would be constructed to meet the 10-year space needs of the courts and court-related agencies. The Judiciary's Five Year Plan, which reflects priorities approved by the Judicial Conference, includes a CT Annex in Savannah, GA, for construction funding.

Project Summary

Site

Government-owned ..... 1..4 acres

Building Area

Gross square feet (no inside parking) 166,955

Project Budget

Site (Demolition) (FY 1995)	$3,211,000
Design (FY 1996)	2,386,000
Additional Design	668,000
Management and Inspection (M&I)	4,250,000
Estimated Construction Cost (ECC)($274/gsf)	45,818,000
Estimated Total Project Cost*	**$56,333,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

House Authorization Required (Additional Design, ECC and M&I) $50,736,000

Prior Authority and Funding

- The Senate Committee on Environment and Public Works authorized $5,315,000 for site and design on May 26,1994 and $46,462,000 for additional design, construction, management and inspection on September 23, 1998.
- The House Committee on Public Works and Transportation authorized $3,211,000 for site and $2,104,000 for design, for a combined cost of $5,315,000, on September 28, 1994.
- Through Public Law 103-329, Congress appropriated $3,000,000 for site. (FY95)
- Through Public Law 104-52, Congress appropriated $2,597,000. (FY96)

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

After completion, the existing FB-CT would be retained to provide space for the District Court, U.S. Probation Office, U.S. Attorneys, U.S. Marshals Service and the U.S. Trustee. The U.S. Attorneys and the U. S. Trustees will relocate from leased space. These leases would be extended or terminated to coincide with the occupancy of the new Annex and renovated FB-CT.

Space Requirements of the U.S. Courts

	Current		10-Year		
	Courtrooms	Judges	Courtrooms FB-CT	Courtrooms Annex	Judges
District					
- Active	2	2	1	1	2
- Senior	0	1	1	1	3
- Visiting	0	2	0	0	2
Magistrate	1*	1	0	1	1
Bankruptcy	1*	1	0	2	2
Total:	4	7	2	5	10

* These courtrooms do not meet minimum USCDG standards.

FACTSHEET
U. S. COURTHOUSE ANNEX
SAVANNAH, GA

After completion, the existing FB-CT would be retained to provide space for the District Court, U.S. Probation Office, U.S. Attorneys, U.S. Marshals Service and the U.S. Trustee. The U.S. Attorneys and the U. S. Trustees will relocate from leased space. These leases would be extended or terminated to coincide with the occupancy of the new Annex and renovated FB-CT.

Space Requirements of the U.S. Courts

	Current		10-Year		
	Courtrooms	Judges	Courtrooms FB-CT	Courtrooms Annex	Judges
District					
- Active	2	2	1	1	2
- Senior	0	1	1	1	3
- Visiting	0	2	0	0	2
Magistrate	1*	1	0	1	1
Bankruptcy	1*	1	0	2	2
Total:	4	7	2	5	10

* These courtrooms do not meet minimum USCDG standards.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

AMENDED COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SAN ANTONIO, TX

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the construction of a new U.S. courthouse, up to 334,335 gross square feet, located in San Antonio, TX, at additional design costs of $4,000,000, for which prospectus PTX-CTSD-SA04 and a fact sheet is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of adoption of the resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on the date of adoption of the resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services shall ensure that a sharing plan approved by the Judicial Conference on September 15, 2009, for courtrooms for magistrate judges is adopted within 30 days of this resolution and is implemented in the design of the courthouse.

Provided further, that the Administrator of General Services shall ensure that the design provides courtroom space for senior judges for up to 10 years from eligibility for senior status, not to exceed one courtroom for every two senior judges.

Provided, that the Administrator of General Services shall ensure that the San Antonio, Texas Courthouse contains no more than seven courtrooms;

Provided further, that the Judicial Conference of the United States shall specifically approve each

departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project that results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by the GSA) of such departure for each U.S. courthouse construction project to the GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Description

The General Services Administration (GSA) proposes the acquisition of a site and the design of a 377,691 gross square foot courthouse (CT), including 37 inside parking spaces, in San Antonio, TX. The new CT would be constructed to meet the 10-year from occupancy requirements of the District Court and the U.S. Marshals Service, and the site would accommodate the 30-year from design requirements. The Judiciary's Five-Year Plan, which reflects priorities approved by the Judicial Conference, includes a new courthouse in San Antonio, TX for site and design funding.

Project Summary

Site Information

To be acquired ..... Approximately 3-4 acres

Building Area

Gross square feet (excluding inside parking) 359,691
Gross square feet (including inside parking) 377,691

Project Budget

Site	$18,000,000
Design	8,177,000
Management and Inspection	5,856,000
Estimated Construction Cost ($237/gsf including inside parking)	89,383,000
Estimated Total Project Cost*	**$121,416,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

House Authorization Requested (Site) **$18,000,000**
Senate Authorization Requested (Site and Additional Design) **$19,251,000**

Page 1

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $6,926,000 for design for a 325,113 gross square foot Courthouse, including 37 inside parking spaces, on July 24, 2002, and $1,251,000 for additional design for a 377,691 gross square foot Courthouse, including 37 inside parking spaces, on July 23, 2003.
- The Senate Committee on Environment and Public Works authorized $6,926,000 for design for a 325,113 gross square foot Courthouse, including 37 inside parking spaces, on September 26, 2002.
- Through Public-Law 108-199, Congress appropriated $8,000,000. (FY 04)

Schedule

FY 2005	Site Selection and Design
FY 2008	Construction
FY 2011	Occupancy

Overview of the Project

The new CT will consolidate all of the District Court and U.S. Marshals Service space into one facility, thus improving efficiency of operations. The new CT will provide eight district courtrooms and five magistrate courtrooms.

Once the new CT is completed, the existing Training Center for the Administrative Office of the U. S. Courts (AOUSC) and the existing John H. Wood Jr. Courthouse (Wood CT) will be reported excess.

Tenant Agencies

The new CT will house the U.S. District Court, the U.S. Marshals Service, Probation, Pre-Trial Services, and the Public Defender.

Delineated Area

The new CT will be located in the Central Business District of San Antonio, TX.

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Justification

This project is driven by the court's projection for additional judgeships within the next ten years, and by the need to consolidate their space to improve efficiency. The courts have projected a need for one additional district judgeship and two additional magistrate judgeships. Also, four district judges will be eligible for senior status in the 10-year period and require replacements. Court support functions, including the clerk's office, probation, pre-trial services, and the public defender, also require expansion space. These requirements are based on a Long-Range Facility Plan for the Western District of Texas completed by the courts in February 2000. The Wood CT cannot provide this amount of expansion space, nor provide the consolidation needed for operations.

There are currently four active district judges, one visiting district judge, and three magistrate judges in San Antonio. These judges are all housed in the Wood CT and utilize eight available courtrooms. The district court also occupies space in the Federal Building for clerks and support space, and in the Training Center for other support space. The U.S. Marshals occupy space in the Wood CT and in the Federal Building. There are two bankruptcy judges located in the PO-CT, and one circuit judge in leased space. These three judges will remain in place.

The Wood CT sits between the Training Center and the Federal Building. Upon completion of the new CT, the Wood CT and the Training Center will be reported excess. The current occupants of the Wood CT will move to the new CT. The occupants of the Training Center will move to the new CT or the PO-CT.

The Wood CT does not lend itself to the court's and marshal's special security needs. There are few instances where separate circulation exists for judges and prisoners, or for the general public. Its circular design reduces the space efficiency factor, and its lack of windows (except in the lobby area) reduces tenant satisfaction.

GSA originally planned to use the existing Government-owned site to meet the courts needs. This would have first required demolition of the Training Center to provide the site for the new CT. Subsequent to the construction and occupancy of the new CT, the Wood CT was to be demolished to provide a site for future courts expansion. Executing this plan, however, would not have met the courts security setback requirement, because continued occupancy of the Wood CT during construction of the new CT restricts initial development to the Training Center portion of the site. Consequently, GSA now proposes to acquire a new site that will meet the security requirements of the courts in San Antonio. Design of the new CT can commence once the site has been selected, with subsequent purchase of the site pending the future availability of funds.

GSA PBS

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Space Requirements of the U.S. Courts

	Current		10-Year	
	Courtrooms	Judges	Courtrooms	Judges
District				
- Active	4	4	5	5
- Senior	0	0	3	4
- Visiting	1	1	0	0
Magistrate	3	3	5	5
Total:	8	8	13	14

Alternatives Considered (30-year, present value costs)

Construction: $120,133,000
Lease: $161,682,000

Recommendation

SITE AND ADDITIONAL DESIGN

The 30 year, present value cost of construction is $41,549,000 less than the cost of leasing, an equivalent annual cost advantage of $2,954,000.

GSA PBS

PROSPECTUS – SITE AND ADDITIONAL DESIGN
U.S. COURTHOUSE
SAN ANTONIO, TX

Prospectus Number: PTX-CTSD-SA04
Congressional District: 20

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, D.C. on JUN 2 3 2004

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

Page 5

May 2(| Ho' | ɪ Plan | i | CT | S' | ntonio, TX | P1 | .SD-SA04

Locations	Current							Proposed							Changes		
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF	Personnel	USF	RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total	Total	Total	Total
Wood CT																	
Jud-District CT	91	91	22,605	-	41,790	64,395	97,371	-	-	-	-	-	-	-	(91)	(64,395)	(97,371)
JD-US Marshals	51	51	6,550	122	1,934	8,606	13,013	-	-	-	-	-	-	-	(51)	(8,606)	(13,013)
Jud-Ct of Appeals	0	0	1,962	-	175	2,137	3,231	-	-	-	-	-	-	-	0	(2,137)	(3,231)
Joint Use	0	0	165	219	-	384	581	-	-	-	-	-	-	-	0	(384)	(581)
Subtotal	142	142	31,282	341	43,899	75,522	114,196	-	-	-	-	-	-	-	(142)	(75,522)	(114,196)
Training Center																	
Jud-AOC	32	32	6,575	-	1,122	7,697	10,358	-	-	-	-	-	-	-	(32)	(7,697)	(10,358)
Jud-District CT	27	27	5,689	-	-	5,689	7,655	-	-	-	-	-	-	-	(27)	(5,689)	(7,655)
Subtotal	59	59	12,264	0	1,122	13,386	18,013	-	-	-	-	-	-	-	(59)	(13,386)	(18,013)
Federal Building																	
Jud-District CT	141	141	31,436	969	2,559	34,964	44,996	-	-	-	-	-	-	-	(141)	(34,964)	(44,996)
Jud-Pub Def	36	36	11,875	168	303	12,346	15,888	-	-	-	-	-	-	-	(36)	(12,346)	(15,888)
JD-US Marshals	27	27	4,091	-	941	5,032	6,476	-	-	-	-	-	-	-	(27)	(5,032)	(6,476)
Other Agencies	400	400	73,965	2,018	4,963	80,946	104,172	600	600	121,367	3,155	8,766	133,288	171,532	200	52,342	67,360
Subtotal	604	604	121,367	3,155	8,766	133,288	171,532	600	600	121,367	3,155	8,766	133,288	171,532	(4)	0	0
Total	805	805	164,913	3,496	53,787	222,196	303,741	600	600	121,367	3,155	8,766	133,288	171,532	(205)	(88,908)	(132,209)
New CT																	
Jud-District CT	-	-	-	-	-	-	-	96	96	69,450	-	70,610	140,060	161,069	96	140,060	161,069
Jud-Probation	-	-	-	-	-	-	-	165	165	36,587	-	1,015	37,602	43,242	165	37,602	43,242
Jud-Pub Def	-	-	-	-	-	-	-	39	39	12,393	-	400	12,793	14,712	39	12,793	14,712
Jud-PreTrial	-	-	-	-	-	-	-	50	50	13,577	-	785	14,362	16,516	50	14,362	16,516
JD-US Marshals	-	-	-	-	-	-	-	100	100	22,834	775	9,890	31,114	35,781	100	31,114	35,781
Joint Use	-	-	-	-	-	-	-	-	-	2,500	-	-	2,500	2,875	0	2,500	2,875
GSA	-	-	-	-	-	-	-	-	2	1,750	812	-	2,562	2,946	2	2,562	2,946
Subtotal	-	-	-	-	-	-	-	450	452	159,091	1,587	82,700	240,993	277,142	452	240,993	277,142
Total	805	805	164,913	3,496	53,787	222,196	303,741	1,050	1,052	280,458	4,742	91,466	374,281	448,674	247	152,085	144,933

	Current	Proposed	Change
Utilization			
Rate	N/A	N/A	N/A

Special Space	USF
Toilets	4,682
Food Service	2,050
Vaults	1,920
Detention Cells	7,930
Courtrooms	29,760
Library	1,260
ADP	1,200
Judges Chambers	19,960
Conference/Training	12,738
Sallyport	1,200
TOTAL	82,700

Usable square footage means the portion of the building available for use by an tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

NEW U.S. COURTHOUSE
SAN ANTONIO, TX

BACKGROUND:

- Project Description: Construction of a 384,335 gsf Courthouse; including 55 inside parking spaces.
- Location: San Antonio, TX
- Project Purpose: To construct a courthouse that will include 12 courtrooms and 14 chambers to house the District Court, a Court of Appeals judge, and the U.S. Marshals Service (USMS).
- Project Justification: The project is driven by the court's projections for additional judgeships during the planning period and the need to consolidate the District Court and USMS (currently split between two buildings).

SCHEDULE:

- Design would start in October 2009.
- Construction is scheduled for FY 2012 if funded.

AUTHORIZATION AND FUNDING:

The House Transportation and Infrastructure Committee authorized $26,177,000:

- $6,926,000 for design for a 325,113 gsf Courthouse, including 37 inside parking spaces, on July 24, 2002; and
- $1,251,000 for additional design for a 377,691 gsf Courthouse, including 37 inside parking spaces on July 23, 2003; and
- $18,000,000 for site for a 377,691 gsf Courthouse, including 37 inside parking spaces on July 21, 2004.

The Senate Environment and Public Works Committee authorized $26,177,000:

- $6,926,000 for design for a 325,113 gsf Courthouse, including 37 inside parking spaces, on September 26, 2002; and
- $18,000,000 for site and $1,251,000 for additional design, or $19,251,000, for a 377,691 gsf Courthouse including 37 inside parking spaces, on June 23, 2004.

Congress appropriated $8,000,000 for FY2004 (Public Law 108-199).

Authorization and funding required for FY 2010 is $3,266,000 for additional design.

Estimated Total Project Cost: $142,612,000

Recent recommendations from Congress (in the ARRA conference report) concerning courtroom sharing may reduce the number of courtrooms and total space in the proposed building.

CONGRESSIONAL INTEREST:

Senator Kay Bailey Hutchison is a member of the Senate Committee on Appropriations.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, D.C.
PDC-05-WA10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease extension of up to 71,914 rentable square feet for the Federal Emergency Management Agency, currently located 395 E Street, SW, Washington, D.C., at a proposed total annual cost of $3,523,786 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-05-WA10

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

GSA PBS

PROSPECTUS –LEASE
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
WASHINGTON, DC

Prospectus Number: PDC-05-WA10

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
Department of Homeland Security
Federal Emergency Management Agency

Washington, DC
PDC-05-WA10

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Patriots Plaza	300	300	64,071			64,071	300	300	64,071			64,071
TOTALS	**300**	**300**	**64,071**	-	-	**64,071**	**300**	**300**	**64,071**	-	-	**64,071**

	Current	Proposed	
	Utilization Rate		
	167	167	

Current UR excludes 14,096 usf of office support space
Proposed UR excludes 14,096 usf of office support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR
POR-02-PO10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 126,500 rentable square feet for the U.S. Army Corps of Engineers, Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $5,060,000 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR
POR-02-PO10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 126,500 rentable square feet for the U.S. Army Corps of Engineers, Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $5,060,000 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR

Prospectus Number:	POR-02-PO10
Congressional District:	01, 03

Project Summary

The General Services Administration (GSA) proposes a replacement lease of 126,500 rentable square feet (rsf) of space and 25 parking spaces for the U.S. Army Corps of Engineers (USACE), Portland District Office, currently located at Robert Duncan Plaza, 333 SW First Avenue, Portland, OR.

Description

Occupants:	USACE
Delineated Area:	Portland CBD
Lease Type:	Replacement
Justification:	Expiring lease (September 17, 2011)
Number of Parking Spaces:	25
Expansion Space:	2,186 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	126,500
Current Total Annual Cost:	$3,195,097
Proposed Total Annual Cost[1]:	$5,060,000
Maximum Proposed Rental Rate[2]:	$40.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA **PBS**

PROSPECTUS - LEASE
U.S. ARMY CORPS OF ENGINEERS
PORTLAND, OR

Prospectus Number: POR-02-PO10
Congressional District: 01, 03

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

2

Hor Plan

Po d, OR

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
Robert Duncan Plaza	528	528	108,099	0	0	108,099	0	0	0	0	0	0
New Lease	0	0	0	0	0	0	549	549	98,400	0	11,600	110,000
Total:	**528**	**528**	**108,099**	**0**	**0**	**108,099**	**549**	**549**	**98,400**	**0**	**11,600**	**110,000**

	Current	Proposed
Utilization		
Rate	160	140

Current UR excludes 23,782 USF of office support space
Proposed UR excludes 21,648 USF of office support space

Special Space	
Laboratory	662
Clinic	568
Conference	3,229
Library	5,600
ADP	491
Retail	1,050
Total:	**11,600**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA
PPA-01-PH10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a superseding lease and space alteration of up to 345,000 rentable square feet for the National Archives and Records Administration, currently located at 14700 Townsend Road, Philadelphia, PA, at a proposed total annual cost of $3,795,000 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes a superseding lease and space alterations to the National Archives and Records Administration (NARA) facility currently located at 14700 Townsend Road, Philadelphia, PA. This facility, which was occupied in 1994 under a 20 year, firm term, non-cancelable lease, provides 1.58 million cubic feet of records storage in 345,000 rentable square feet (rsf).

The proposed alteration project, to be amortized in the rent paid to the lessor, will allow the conversion of approximately 40,000 usf of soon-to-be vacant record storage bays into bays capable of housing archives and permanent records. In order to comply with NARA's 2010 archive standards as detailed in 36 CFR 1228 Subpart K, the archive and permanent records space requires more stringent paper storage conditions and requires improvements to the HVAC, filtration, humidification, and fire protection systems, and light diffusion improvements.

Approximately 40,000 usable square feet (usf) of IRS taxpayer records, currently housed at this location will be destroyed in 2009 resulting in extra storage capacity. Upon completion of the conversion, archives currently housed in two existing federal facilities, the Robert NC Nix US Post Office and Courthouse in Philadelphia, PA and the Federal Building on Varick Street in New York, NY will be transferred into this space.

Justification

The existing federal facilities cannot be upgraded economically to meet NARA's archival facility standards. The archive vaults at the Nix Post Office and Courthouse are below grade and are incapable of meeting the proposed 2010 archival standards, and it would be cost prohibitive to upgrade the Varick Street Federal Building to meet these standards. In both locations NARA will keep its offices and public contact functions. The vacated archive vaults will be marketed to Philadelphia federal tenants with basic record storage needs.

The 30-year, present value cost of a superseding lease with alterations in the NARA records center is $28,965,000 less than the cost of new construction and $12,742,000 less than the cost of a leasing new space that would meet NARA's requirements.

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Alternatives

CONSTRUCTION - This alternative proposes the construction of a new 345,000 rsf NARA facility. The 30-year, present value cost of this alternative is $123,035,000.

NEW LEASE - This alternative proposes leasing a new 345,000 rsf NARA facility. The 30-year, present value cost of this alternative is $106,812,000.

SUPERSEDING LEASE WITH SPACE ALTERATIONS - This alternative proposes alterations and a 20-year superseding lease of the existing 345,000 rsf building. The 30-year, present value cost of this alternative is $94,070,000.

Recommendation

SPACE ALTERATIONS AND SUPERSEDING LEASE are recommended.

Major Work Items

Mechanical	$2,069,000
Electrical	993,000
Interior Architectural	1,071,000
Demolition	167,000
Estimated Construction Cost (ECC)	$4,300,000
Management and Inspection Costs (M&I)	$200,000
Total Alteration Authority Requested in this Prospectus[1]:	$4,500,000

[1] Design funding in the amount of $90,000 is being provided by NARA; ECC and M&I totaling $4,500,000 will be amortized in the rent paid to the lessor.

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number:	PPA-01-PH10
Congressional District:	08

Description

Occupants:	National Archives And Records Administration
Delineated Area:	14700 Townsend Road Philadelphia, PA 19154
Lease Type:	Lease/Alterations in Leased Space
Justification:	Consolidation and Relocation of Government-Owned Space
Number of Parking Spaces:	0
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	345,000
Current Total Annual Cost[2]:	$3,039,700
Proposed Total Annual Cost[3]:	$3,795,000
Maximum Proposed Rental Rate[4]:	$11.00 per RSF

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to alter approximately 40,000 rsf and enter into a superseding lease at the existing NARA facility.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[2]Current Total Annual Cost includes $338,341 of operating costs only for the Government Owned Locations.
[3]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[4]This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH10
Congressional District: 08

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 11, 2009

Recommended: _____
Acting Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

4

National Records ar chives Administration

PF -PH10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
NARA RECORD STRG CTR												
NARA - Records Depositing Operations	40	40	9,000	1,200	289,800	**300,000**	40	40	9,000	1,200	289,800	**300,000**
Sub Total:	**40**	**40**	**9,000**	**1,200**	**289,800**	**300,000**	**40**	**40**	**9,000**	**1,200**	**289,800**	**300,000**
ROBT N C NIX FB USPO												
NARA	63	63	8,250	0	21,105	**29,355**	63	63	8,250	0	0	**8,250**
Sub Total:	**63**	**63**	**8,250**	**0**	**21,105**	**29,355**	**63**	**63**	**8,250**	**0**	**0**	**8,250**
FEDERAL BLDG--201 Varick Street												
NARA	10	10	14,434	0	11,000	**25,434**	10	10	14,434	0	0	**14,434**
Sub Total:	**10**	**10**	**14,434**	**0**	**11,000**	**25,434**	**10**	**10**	**14,434**	**0**	**0**	**14,434**
Total:	**113**	**113**	**31,684**	**1,200**	**321,905**	**354,789**	**113**	**113**	**31,684**	**1,200**	**289,800**	**322,684**

	Current	Proposed
Utilization		
Rate	216	216

Special Space	
Other - Record and Archive Storage	289,800
Total:	**289,800**

Current UR excludes 7,279 USF of office support space
Proposed UR excludes 7,279 USF of office support space

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, D.C.
PDC-07-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 100,500 rentable square feet for the Internal Revenue Service, currently located at 1750 Pennsylvania Avenue, NW, Washington, D.C., at a proposed total annual cost of $4,924,500 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, DC

Prospectus Number: PDC-07-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 100,500 rentable square feet (rsf) for the Internal Revenue Service (IRS) currently located at 1750 Pennsylvania Avenue, NW, Washington, DC.

Description

Occupants:	IRS
Delineated Area:	Washington, DC: Central Employment Area, North of Massachusetts Avenue and Waterfront
Lease Type:	Replacement
Justification:	Expiring lease (7/31/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating
Proposed Maximum Leasing Authority:	10 Years
Maximum Rentable Square Feet:	100,500
Current Total Annual Cost:	$3,167,833
Proposed Total Annual Cost:[1]	$4,924,500
Maximum Proposed Rental Rate:[2]	$49.00 per rsf

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
WASHINGTON, DC

Prospectus Number: PDC-07-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

March 2008

Housing Plan
Internal Revenue Service

Washington, DC
PDC-07-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1750 Penn Ave. NW	420	420	83,026	700		83,726						
Proposed Lease		-					420	420	81,000	676	2,050	83,726
Total	420	420	83,026	700	-	83,726	420	420	81,000	676	2,050	83,726

	Current	Proposed
Utilization Rate	154	150

Current UR excludes 18,266 USF of office support space
Proposed UR excludes 17,820 USF of office support space

Special Space	USF
Conference	1,350
Food Service	250
Mail room	250
Copy room	200
Total	2,050

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C.
PDC-04-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 254,267 rentable square feet for the Small Business Administration (SBA), currently located at 409 Third Street, SW, Washington, D.C., at a proposed total annual cost of $12,459,083 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that within six months of the date of the resolution and prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the SBA in the National Capital Region.

Provided further, that within two years of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan approved by the Office of Management and Budget that provides Federal Government ownership for the SBA in the National Capital Region.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease for up to 254,267 rentable square feet (rsf) of space for the Small Business Administration (SBA), currently located at 409 Third Street, SW, Washington, DC.

Description

Occupants:	SBA
Delineated Area:	Washington, DC: Central Employment Area, North of Massachusetts Avenue, and Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (11/23/2010)
Expansion Space:	None
Number of Parking Spaces:	4 (Inside)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	254,267
Current Total Annual Cost:	$9,324,171
Proposed Total Annual Cost:[1]	$12,459,083
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
for Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

Octobe[illegible]97

W[illegible]gton, DC
[illegible]04-WA09

Ho[illegible] Plan
Small Bus[illegible] Administration
409 Third Street, SW

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)*				Personnel		Usable Square Feet (USF)*			
	Office	*Total*	*Office*	*Storage*	*Special*	*Total*	*Office*	*Total*	*Office*	*Storage*	*Special*	*Total*
LEASED												
409 Third Street												
Small Business Administration	636	636	184,613		27,276	211,889						
Proposed Lease			-	-	-	-	636	636	184,613	-	27,276	211,889
Total	636	636	184,613	-	27,276	211,889	636	636	184,613	-	27,276	211,889

Utilization Rate (UR)		
	Current	Proposed
Rate	226	226

Current UR excludes 40,615 USF of office support space.
Proposed UR excludes 40,615 usf of office support space.

Special Space	USF*
ADP	7,500
Auditorium	8,000
Conference	7,977
Food Service	2,799
Laboratory	1,000
Total	27,276

*Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND
PMD-01-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 159,731 rentable square feet for the National Institute of Allergy and Infectious Disease, currently located 6700 Rockledge Drive, Bethesda, MD, at a proposed total annual cost of $5,430,854 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 159,731 rsf for the National Institute of Allergy and Infectious Diseases (NIAID) located at 6700 Rockledge Drive, Bethesda, MD.

GSA is considering a consolidation of the tenants at 6700 Rockledge Blvd with other NIAID entities in neighboring buildings and plans to extend the 6700 Rockledge Blvd lease on a short-term basis. NIH leases in neighboring buildings were acquired directly by NIH through a delegation of authority from GSA and will expire on September 30, 2011 and March 31, 2012. NIAID plans to consolidate into a single leased location by 2012 under the authority of a consolidation prospectus to be submitted in a future fiscal year program. Since the present prospectus covers a short-term requirement, GSA has determined that it is not practical to consider relocating NIAID.

Description

Occupants:	NIAID
Delineated Area:	6700 Rockledge Drive, Bethesda, MD
Lease Type:	Succeeding
Justification:	Expiring lease (5/31/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years with termination rights
Maximum Rentable Square Feet:	159,731
Current Total Annual Cost:	$4,991,221
Proposed Total Annual Cost[1]:	$5,430,854
Maximum Proposed Rental Rate[2]:	$34.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

March 2008

Housing Plan
National Institutes of Health

Suburban Maryland
PMD-01-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
NIAID 6700 Rockledge	603	603	128,635		8,800	137,435	603	603	128,635		8,800	137,435
Total	**603**	**603**	**128,635**	**-**	**8,800**	**137,435**	**603**	**603**	**128,635**	**-**	**8,800**	**137,435**

Utilization Rate		
	Current	Proposed
Rate	166	166

Current UR excludes 28,300 USF of Office for support space
Proposed UR excludes 28,300 USF of office for support space

Special Space	USF
Food Service	500
ADP	1,800
Conf/Training	6,500
Total	**8,800**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA
PVA-01-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 102,238 rentable square feet for the Federal Emergency Management Agency, currently located at 1800 South Bell Street, Arlington, VA, at a proposed total annual cost of $3,885,044 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar
James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA

Prospectus Number: PVA-01-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 102,238 rentable square feet of space for the Federal Emergency Management Agency (FEMA), currently located at 1800 South Bell Street, Arlington, VA, known as Crystal Mall One. GSA plans to continue to house FEMA in this building until FEMA can be consolidated at St. Elizabeths West Campus. The succeeding lease term will be aligned with the date FEMA is scheduled to consolidate into the St. Elizabeths campus. The new proposed lease expiration date would coincide with the occupancy of FEMA's new headquarters space at St. Elizabeths West Campus. GSA requested a portion of design funding for a consolidated FEMA facility at St. Elizabeths in its fiscal year 2009 budget request. Construction funding will be requested in a future fiscal year. GSA will also negotiate cancellation options with the current landlord to permit flexibility should there be a change in the St Elizabeths schedule.

Description

Occupants:	FEMA
Delineated Area:	1800 South Bell Street, Arlington, VA
Lease Type:	Succeeding
Justification:	Expiring Lease (October 2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years with cancellation rights
Maximum Rentable Square Feet:	102,238
Current Total Annual Cost:	$3,119,281
Proposed Total Annual Cost:[1]	$3,885,044
Maximum Proposed Rental Rate:[2]	$38.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ARLINGTON, VA

Prospectus Number: PVA-01-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

October 2007

HOUSING PLAN
Federal Emergency Management Agency

Northern Virginia
PVA-01-WA09

Location(s)	Current						Proposed					
Leased Space	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Crystal Mall One	400	400.	83,456	-	-	83,456	400	400	83,456	-	-	83,456
TOTALS	400	400	83,456	-	-	83,456	400	400	83,456	-	-	83,456

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings and space available jointly to the occupants of the building (e.g. auditorium, health units, and snack bars).

Utilization Rate			
	Current	Proposed	
	163	163	

Current UR excludes 18,360 usf of office support space
Proposed UR excludes 18,360 usf of office support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRIGINA
PVA-03-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 312,976 rentable square feet for the Department of Defense, currently located at the Hoffman I building, 2461 Eisenhower Avenue, Alexandria, VA, at a proposed total annual cost of $10,641,184 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 312,976 rentable square feet (rsf) for the Department of Defense (DoD) located at the Hoffman I building, 2461 Eisenhower Avenue, Alexandria, VA.

The 2005 Base Realignment and Closure Act (BRAC) requires that DoD tenants in leased space relocate to DoD owned space by September 2011. The current lease expires September 30, 2010 and will need to be extended until DoD moves to owned space. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating DoD prior to their BRAC relocation date. GSA will negotiate with the lessor for termination rights.

Description

Occupants:	DoD
Delineated Area:	2461 Eisenhower Avenue Alexandria, VA
Lease Type:	Succeeding
Justification:	Expiring lease (9/30/2010)
Expansion Space:	None
Number of Parking Spaces[1]:	5 outside
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years (termination rights to align with final relocation date)
Maximum Rentable Square Feet:	312,976 rsf
Current Total Annual Cost:	$7,031,741
Proposed Total Annual Cost[2]:	$10,641,184
Maximum Proposed Rental Rate[3]:	$34.00 per rsf

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2011 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN I
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

April 2008

Housing Plan
Department of Defense
Hoffman 1

Northern Virginia
PVA-03-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Hoffman 1												
DoD	1,500	1,500	259,021		13,291	272,312	1500	1,500	259,021		13,291	272,312
Vacant *			13,024			13,024						
BRAC Swing									13,024			13,024
Total	1,500	1,500	272,045	-	13,291	285,336	1,500	1,500	272,045	-	13,291	285,336

*** Vacant space will be used to temporarily house DOD BRAC requirements moving from other locations.**

	Current	Proposed
Utilization		
Rate	141	141

Current UR excludes 59,850 USF of office support space
Proposed UR excludes 59,850 USF of office support space

Special Space	USF
Auditorium	451
Food Service	232
Loading Docks	184
Conference/Training	12,424
Total	13,291

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRIGINA
PVA-04-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a succeeding lease of up to 204,783 rentable square feet for the Department of Defense, currently located at the Hoffman II building, 200 Stovall Street, Alexandria, VA, at a proposed total annual cost of $6,962,622 for a lease term of up to five years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA09
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a succeeding lease of up to 204,783 rentable square feet (rsf) for the Department of Defense (DoD) located at the Hoffman II building, 200 Stovall Street, Alexandria, VA.

The 2005 Base Realignment and Closure Act (BRAC) requires that DoD tenants in leased space relocate to DoD owned space by September 2011. The current lease expires September 30, 2010 and will need to be extended until DoD moves to owned space. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating DoD prior to their BRAC relocation date. GSA will negotiate with the lessor for termination rights.

Description

Occupants:	DoD
Delineated Area:	200 Stovall Street Alexandria, VA
Lease Type:	Succeeding
Justification:	Expiring lease (3/2/2010)
Expansion Space:	None
Number of Parking Spaces[1]:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years (termination rights to align with final relocation date)
Maximum Rentable Square Feet:	204,783 rsf
Current Total Annual Cost:	$4,718,795
Proposed Total Annual Cost[2]:	$6,962,622
Maximum Proposed Rental Rate[3]:	$34.00 per rsf

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
HOFFMAN II
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA09
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX
PTX-02-FW09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 530,039 rentable square feet for the Federal Aviation Administration, currently located at the 2601 Meacham Blvd., Fort Worth, TX, at a proposed total annual cost of $18,551,365 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX
PTX-02-FW09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 530,039 rentable square feet for the Federal Aviation Administration, currently located at the 2601 Meacham Blvd., Fort Worth, TX, at a proposed total annual cost of $18,551,365 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number:	PTX-02-FW09
Congressional District:	12

Project Summary

The GSA proposes a replacement/expansion lease for 530,039 rentable square feet (RSF) of space and 2,532 surface parking spaces for the Federal Aviation Administration (FAA) in Fort Worth, TX. FAA currently occupies 254,630 RSF at the FAA Building, 2601 Meacham Blvd., Fort Worth, TX. The current lease expires on October 28, 2013 (with termination rights in October 2011). Because the FAA has changed their business model on a national scale, they requested expansion space to meet their continuing space requirements in Fort Worth. It is anticipated that lease construction will be required to meet this need.

The FAA recently realigned their largest group, the Air Traffic Organization (ATO) from nine regions into three service areas. The ATO Central Service Area (CSA) is headquartered in Fort Worth, TX and includes the legacy Southwest, Central, and Great Lakes Regions and serves a seventeen state geographic area. Currently authorized positions are already relocating from Central ATO, Kansas City, MO and Great Lakes ATO, Chicago IL, to Fort Worth. Due to this realignment, the existing leased building no longer has adequate space to meet FAA's present and future requirements. The FAA has leased temporary space under their own authority to handle this ongoing expansion in Fort Worth, but the existing building is nevertheless overcrowded. Expansion space is needed as soon as possible to alleviate the overcrowding, and to consolidate operations. The existing GSA and FAA leases will be terminated when the new space is available.

Description

Occupants:	DOT - FAA
Delineated Area:	An area of Fort Worth, including the CBD, which is roughly bounded by Beach Street and Texas 121 on the east, IH 30 on the south, Texas 199, IH 820, and Farm Road 156 on the west, and North Tarrant Parkway on the north.
Lease Type:	Replacement/Expansion
Justification:	The FAA is consolidating operations from three regions into the Fort Worth region.
Number of Parking Spaces:	2,532 surface spaces
Expansion Space:	119,790 rsf

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number: PTX-02-FW09
Congressional District: 12

Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	530,039
Current Total Annual Cost:	$4,866,745
Proposed Total Annual Cost[1]:	$18,551,365
Maximum Proposed Rental Rate[2]:	$35.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2012 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
FORT WORTH, TX

Prospectus Number: PTX-02-FW09
Congressional District: 12

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

3

Apr[illegible]008 | Ho[illegible]g Plan | PTX[illegible]-FW09

Federal Aviatio[illegible]ministration (FAA)
Fort Worth, TX

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
FAA Building - 2601 Meacham Blvd.												
DOT - FAA	915	915	188,530	9,651	36,683	234,864	0	0	0	0	0	0
FAA Leases - Various Locations												
DOT - FAA	659	659	98,850	0	15,000	113,850	0	0	0	0	0	0
Replacement Lease												
DOT - FAA	0	0	0	0	0	0	1,704	1,704	305,850	12,100	132,583	450,533
Total:	1,574	1,574	287,380	9,651	51,683	348,714	1,704	1,704	305,850	12,100	132,583	450,533

	Current	Proposed
	Utilization	
Rate	156	140

Current UR excludes 41,477 USF of office support space
Proposed UR excludes 67,287 USF of office support space

Special Space	
Laboratory	1,216
Restroom	208
Physical Fitness	7,209
Conference	34,015
Auditorium	10,422
Library	1,130
ADP	12,680
Food Service	15,779
Control Booth	1,928
Vaults	2,693
Press Room	1,737
Training Room	5,159
File Storage	32,519
Command Room	5,888
Total:	**132,583**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA
PWA-01-RE09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 518,865 rentable square feet for the Federal Aviation Administration, currently located in multiple locations in the Renton, WA area, at a proposed total annual cost of $24,386,655 for a lease term of up to 20 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that any lease agreement entered into pursuant to this resolution shall include an option to purchase and obtain fee title to the facility leased to the Federal Government. The lease agreement shall provide for the exercise of the purchase option on such dates prior to the expiration of the leasehold interest and under such terms and conditions deemed by the Administrator to be in the best interest of the Federal Government.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: **November 5, 2009**

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 518,865 rentable square feet (rsf) and 1,600 parking spaces to consolidate the Department of Transportation, Federal Aviation Administration (FAA) currently located in multiple locations in the Renton, WA, area.

Background

FAA's largest organization and one of their 24 Lines of Business (LOB), the Air Traffic Organization (ATO), has recently restructured from a nine (9) region to a three (3) Service Center Model. As a result of this restructuring, the Northwest Mountain regional office in the Renton area is now recognized as the Western Service Center (WSC) for the ATO LOB and consists of current FAA offices in Renton and surrounding communities as well as in California and Alaska. This reorganization is expected to spur tremendous growth in personnel for 2009 and beyond. This growth will be phased in over several years.

Currently, the FAA is scattered in over 419,000 rsf of space throughout several locations in the Renton area. FAA personnel are currently housed in 251,003 rsf of space at two separate GSA leased locations: the Federal Administration Building, 1601 Lind Avenue, and Valley Office Park, 1801 Lind Avenue; and in 115,164 rsf in three separate FAA leased locations: Seattle Manufacturing Inspection District Office (MIDO), Alaska Certificate Management Office (ACMO), Seatac City Hall 188th Street and, the Landmark Building, 1601 East Valley Road. A portion of FAA's warehouse space in GSA's facility in Auburn, WA will be moved to the proposed location and lastly, additional FAA personnel (approximately 230) will relocate to Renton from FAA and GSA leased locations in other western states (primarily CA and AK) as FAA's LOB structure evolves.

The existing FAA facilities are incapable of meeting FAA's enhanced security requirements and providing the square footage necessary to support the new expansion and consolidation requirements of the FAA. A new consolidated location will provide FAA with the space to meet the future requirements of its new functions.

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Description

Occupant:	DOT/FAA
Delineated Area:	Cities of Renton, Tukwila, SeaTac, Des Moines and Kent
Lease Type:	New
Justification:	Consolidation/Expansion
Expansion Space:	101,398 USF
Number of Parking Spaces:	1,600 surface
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	518,865 RSF
Current Total Annual Cost[1]:	$6,667,485
Proposed Total Annual Cost[2]:	$24,386,655
Maximum Proposed Rental Rate[3]:	$47.00/RSF

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Current Total Annual Cost is for GSA locations only.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2012 and may be escalated by 2.1 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
FEDERAL AVIATION ADMINISTRATION
RENTON AREA, WA

Prospectus Number:PWA-01-RE09
Congressional District: 7th, 9th

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim lease(s) if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on June 27, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 3

June 2008

Housing Plan
Federal Aviation Administration

Renton, WA
PW01-RE09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
FAA (RENTON AREA)												
GSA Leased												
1601 Lind Ave.	981	981	139,357	5,820	33,005	**178,182**	-	-	-	-	-	-
1801 Lind Ave.	300	300	50,898	0	0	**50,898**	-	-	-	-	-	-
Sub Total:	**1,281**	**1,281**	**190,255**	**5,820**	**33,005**	**229,080**	-	-	-	-	-	-
GSA Owned												
Auburn GSA Center Warehouse 5	0	0	0	44,475	0	**44,475**	-	-	-	-	-	-
Sub Total:	**0**	**0**	**0**	**44,475**	**0**	**44,475**	-	-	-	-	-	-
FAA Leased												
Seattle MIDO	15	15	3,600	0	0	3,600	-	-	-	-	-	-
Seatac City Hall on 188th St.	43	43	8,900	0	0	8,900	-	-	-	-	-	-
Landmark Bldg. on 1601 E. Valley Rd.	200	200	63,734	0	0	63,734	-	-	-	-	-	-
Sub Total:	**258**	**258**	**76,234**	**0**	**0**	**76,234**	-	-	-	-	-	-
Proposed GSA Lease												
DOT - FAA	-	-	-	-	-	-	1,950	1,950	343,533	37,000	70,654	**451,187**
Total:	**1,539**	**1,539**	**266,489**	**50,295**	**33,005**	**349,789**	**1,950**	**1,950**	**343,533**	**37,000**	**70,654**	**451,187**

	Current	Proposed
	Utilization	
Rate	135	137

Current UR excludes 58,628 USF of office support space
Proposed UR excludes 75,577 USF of office support space.

Special Space	
Restroom	531
Physical Fitness	5,810
Child Care	10,000
Conference	31,704
Auditorium	3,320
ADP	9,329
Food Service	8,300
Joint Use/Retail	1,660
Total:	**70,654**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.
PDC-03-WA09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 136,787 rentable square feet for the U.S. Department of Agriculture (USDA), currently located at 800 9th Street, SW, Washington, D.C., at a proposed total annual cost of $6,702,563 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that prior to exercising the authority granted in the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a draft housing plan, including Federal Government ownership options, for the USDA in the National Capital Region.

Provided further, that within 60 days of the date of the resolution, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a final housing plan approved by the Office of Management and Budget that provides Federal Government ownership for the USDA in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC

Prospectus Number: PDC-03-WA09

Project Summary

The General Services Administration (GSA) proposes a replacement lease for up to 136,787 rentable square feet (rsf) of office space for the U.S. Department of Agriculture (USDA), Cooperative State Research, Education, and Extension Service (CSREES), currently located in the Waterfront Center Building at 800 9th Street, SW, in Washington, DC. CSREES is responsible for administering competitively awarded grant programs.

Description

Occupants:	USDA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (1/17/2010)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	136,787 rsf
Current Total Annual Cost:	$3,295,780
Proposed Total Annual Cost:[1]	$6,702,563
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages vendors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC

Prospectus Number: PDC-03-WA09

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on August 20, 2008

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Page 2

June 2008

Housing Plan
U.S. Department of Agriculture

Washington, DC
PDC-03-WA09

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
800 9th Street	430	430	113,989			113,989						
Proposed Lease							435	435	113,989			113,989
Total	**430**	**430**	**113,989**			**113,989**	**435**	**435**	**113,989**			**113,989**

Utilization Rate		
	Current	Proposed
Rate	207	204

Current UR excludes 25,078 usf of office support space.
Proposed UR excludes 25,078 usf of office support space.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF LABOR
SEATTLE, WA
PWA-03-SE-09

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a consolidation lease of up to 85,608 rentable square feet for the Department of Labor, currently located at 1111 Third Avenue, and 719 Second Avenue, Seattle, WA, at a proposed total annual cost of $4,109,184 for a lease term of up to 15 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF LABOR
SEATTLE, WA

Prospectus Number:	PWA-03-SE-09
Congressional District:	07

Project Summary

The General Services Administration (GSA) proposes a consolidation lease of up to 85,608 rentable square feet (rsf) of space for the Department of Labor (DoL) currently located at 1111 Third Avenue and 719 Second Avenue in Seattle, WA. The proposed lease will accommodate approximately eight percent growth in personnel while achieving more shared support spaces and the agency consolidation initiative.

Description

Occupants:	Department of Labor
Delineated Area:	Seattle CBD
Lease Type:	Consolidation
Justification:	Expiring leases (March 14, 2010)
Number of Parking Spaces:	25 (structured or outside)
Expansion Space:	7,561 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	85,608
Current Total Annual Cost:	$2,886,600
Proposed Total Annual Cost[1]:	$4,109,184
Maximum Proposed Rental Rate[2]:	$48.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2010 and may be escalated by 2.05 percent annually to the effective date of the lease to account for inflation.

Apr[illegible]008 | Ho[illegible] Plan | S[illegible], WA
Depar[illegible] of Labor | PW[illegible]SE09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1111 Third Ave	83	83	18,889			18,889	-	-	-	-	-	-
Millenium Tower	215	215	48,784			48,784	-	-	-	-	-	-
New Lease	-	-	-	-	-	-	323	323	48,965	7,290	18,187	74,442
Total:	**298**	**298**	**67,673**	-	-	**67,673**	**323**	**323**	**48,965**	**7,290**	**18,187**	**74,442**

	Current	Proposed
	Utilization	
Rate	177	118

Current UR excludes 14,888 USF of office support space
Proposed UR excludes 10,772 SF of office support space

Special Space	
Conference	9,673
Library	3,748
ADP	1,755
Retail	3,011
Total:	**18,187**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

Apr[illegible]008 | Ho[illegible] Plan | S[illegible], WA
Depar[illegible] of Labor | PW[illegible]SE09

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1111 Third Ave	83	83	18,889			18,889	-	-	-	-	-	-
Millenium Tower	215	215	48,784			48,784	-	-	-	-	-	-
New Lease	-	-	-	-	-	-	323	323	48,965	7,290	18,187	74,442
Total:	**298**	**298**	**67,673**	-	-	**67,673**	**323**	**323**	**48,965**	**7,290**	**18,187**	**74,442**

	Current	Proposed
	Utilization	
Rate	177	118

Current UR excludes 14,888 USF of office support space
Proposed UR excludes 10,772 SF of office support space

Special Space	
Conference	9,673
Library	3,748
ADP	1,755
Retail	3,011
Total:	**18,187**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL
PIL-05-DE10

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an extension/expansion lease of up to 210,000 rentable square feet for the Great Lakes Regional Office of the Federal Aviation Administration currently located at 2300 Devon Avenue in Des Plaines, IL, at a proposed total annual cost of $4,979,100 for a lease term of up to 10 years, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services (Administrator) shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in the resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by the resolution.

Adopted: November 5, 2009

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL

Prospectus Number: PIL-05-DE10
Congressional District: 09, 06

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Paul F. Prouty
Acting Administrator, General Services Administration

2

GSA PBS

PROSPECTUS - LEASE
FEDERAL AVIATION ADMINISTRATION
DES PLAINES, IL

Prospectus Number: PIL-05-DE10
Congressional District: 09, 06

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Paul F. Prouty
Acting Administrator, General Services Administration

2

August 2009

Housing Plan
Federal Aviation Administration

Des Plaines, IL
PIL-05-DE10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
2300 E. Devon Ave, Des Plaines, IL												
DOT - Federal Aviation Administration	645	645	144,513	6,680	20,765	171,958						
New Lease							645	645	144,513	6,680	24,671	175,864
Total:	**645**	**645**	**144,513**	**6,680**	**20,765**	**171,958**	**645**	**645**	**144,513**	**6,680**	**24,671**	**175,864**

	Current	Proposed
Utilization		
Rate	175	175

Current UR excludes 31,792 USF of office support space
Proposed UR excludes 31,792 USF of office support space

Special Space	
Laboratory	110
Restroom	360
Physical Fitness	4,415
Conference	9,077
Library	970
ADP	8,799
Other - Health Space	940
Total:	**24,671**

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶145.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TANNER, for today.

And then,

¶145.27 ADJOURNMENT

On motion of Mr. KING of Iowa, at 8 o'clock and 30 minutes p.m., the House adjourned.

¶145.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. House Resolution 871. Resolution directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform (Rept. 111–341). Referred to the House Calendar.

¶145.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. KILROY (for herself, Mr. BLUMENAUER, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. PERRIELLO, Mr. TONKO, Mr. WU, and Mr. SESTAK):

H.R. 4099. A bill to establish incentives to increase the energy efficiency of federally assisted housing; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. GOHMERT, Mr. HALL of Texas, Ms. GRANGER, Mr. COLE, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. BISHOP of Utah, Mr. MARCHANT, and Mr. POSEY):

H.R. 4100. A bill to amend the Internal Revenue Code of 1986 to provide individual and corporate income tax relief, to reduce the employee share of payroll taxes, and to rescind unobligated stimulus funds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 4101. A bill to amend the African Growth and Opportunity Act and the Trade Act of 1974 to provide improved duty-free treatment for certain articles from certain least-developed countries, and for other purposes; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MINNICK, Mr. ROYCE, Mr. ROSS, and Mr. BURTON of Indiana):

H.R. 4102. A bill to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KLINE of Minnesota (for himself, Mr. GUTHRIE, Mr. MCKEON, Mr. HOEKSTRA, Mr. SOUDER, Mr. WILSON of South Carolina, Mrs. MCMORRIS RODGERS, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, and Mr. EHLERS):

H.R. 4103. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 4104. A bill to direct the Secretary of Transportation to establish and carry out a highway emergency responders safety grant program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H.R. 4105. A bill to prohibit smoking near executive, legislative, and judicial branch entryways; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIMES (for himself, Mr. WELCH, and Mr. OLVER):

H.R. 4106. A bill to authorize the Secretary of Housing and Urban Development to make grants and loans to owners of federally assisted housing projects for costs of making green retrofit improvements to such projects; to the Committee on Financial Services.

By Mr. KING of Iowa:

H.R. 4107. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. MCCLINTOCK:

H.R. 4108. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Natural Resources.

By Mr. PASCRELL:

H.R. 4109. A bill to amend the Internal Revenue Code of 1986 to allow the low income housing credit to be carried back 5 years, and for other purposes; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mr. WILSON of South Carolina, Mr. MCCARTHY of California, Mr. LEE of New York, Mr. PRICE of Georgia, Mr. LANCE, Mr. BURGESS, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. BACHUS, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. SCHMIDT, Mr. ROE of Tennessee, Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. THOMPSON of Pennsylvania, Mr. AKIN, Mr. CARTER, Mr. POSEY, Mr. MARCHANT, Mr. LAMBORN, Mr. KING of Iowa, Mr. ROONEY, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. COLE, Ms. GRANGER, Mr. HALL of Texas, Mr. GOHMERT, Mr. SHIMKUS, Mr. HENSARLING, Mr. CHAFFETZ, Ms. JENKINS, Mr. HARPER, Mr. LUCAS, Mr. TERRY, Mr. MANZULLO, Mrs. CAPITO, Mr. HELLER, Mrs. LUMMIS, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. MCCLINTOCK, Mr. GARY G. MILLER of California, Mr. CASTLE, Mr. FLEMING, Mr. MCHENRY, Mr. PUTNAM, Mr. SMITH of Nebraska, Mr. TIAHRT, Mr. GUTHRIE, Mr. HUNTER, Mr. CAO, and Mr. PAUL):

H.R. 4110. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 4111. A bill to prohibit the prosecution of unprivileged enemy combatants by the Department of Justice; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself, Mr. ROE of Tennessee, Mr. MOLLOHAN, Mr. GORDON of Tennessee, Mr. CHANDLER, Mr. TANNER, Mr. DAVIS of Tennessee, and Mr. MOORE of Kansas):

H.R. 4112. A bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property; to the Committee on Ways and Means.

By Ms. PINGREE of Maine:

H. Con. Res. 214. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. EHLERS:

H. Res. 911. A resolution requesting the Attorney General to appoint a special counsel to investigate allegations regarding the organization ACORN; to the Committee on the Judiciary.

By Ms. RICHARDSON (for herself, Mr. ROHRABACHER, Mr. THOMPSON of California, and Mr. CALVERT):

H. Res. 912. A resolution recognizing the Aquarium of the Pacific for winning the Super Nova Star of Energy and Efficiency Award and for providing national leadership in marine education, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself and Mr. ROGERS of Michigan):

H. Res. 913. A resolution recognizing and commending the American Speech-Language-Hearing Association on the 40th anniversary of the establishment of the Office of Multicultural Affairs; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself, Mr. SMITH of Washington, Mr. AL GREEN of Texas, Mr. CRENSHAW, Ms. ESHOO, Mr. WEINER, Ms. LEE of California, Mr. HILL, Mr. GORDON of Tennessee, Mr. CHANDLER, Ms. SUTTON, Mr. DELAHUNT, Mr. FOSTER, Mr. ETHERIDGE, Mr. RUSH, Mr. ELLSWORTH, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mrs. MCMORRIS RODGERS, Mr. GONZALEZ, Mr. DENT, Mr. MELANCON, Mr. CARNEY, Mrs. LUMMIS, Mr. MAFFEI, Mr. LIPINSKI, Mr. ISSA, Mr. CAMP, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, Mr. WU, Mr. MANZULLO, Ms. EDWARDS of Maryland, Mr. BLUMENAUER, Mr. MARKEY of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. LOBIONDO, Mr. PALLONE, Mr. UPTON, Mr. GENE GREEN of Texas, Mr. GEORGE MILLER of California, Mr. JOHNSON of Georgia, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. LEWIS of California, Mr. MATHESON, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BONNER, Mr. WILSON of South Carolina, Mr. BARROW, Mr. CULBERSON, Mr. DINGELL, Mr. TIERNEY, Mr. KLINE of Minnesota, Mr. LEWIS of Georgia, Mr. OLVER, Mr. SALAZAR, Mr. SHADEGG, Mr. SHIMKUS, Mr. SPRATT, Mr. TANNER, Mr. PITTS, Mr. SESTAK, Ms. CASTOR of Florida, Mrs. DAHLKEMPER, Mr. BOSWELL, Mr. LANCE, Mr. DOGGETT, Ms. BORDALLO, Mr. KIRK, Mrs. BLACKBURN, Mrs. BONO MACK, Ms. WATERS, Mr. BURGESS, Mr. CASTLE, Mr. HONDA, Mr. MCMAHON, Mr. DOYLE, Mr. MCINTYRE, Mr. ROSS, Mr. ABERCROMBIE, Mr. GRIFFITH, Mr. GINGREY of Georgia, Mr. NEAL of Massachusetts, Mr. ALEXANDER, Mr. NEUGEBAUER, Mr. KLEIN of Florida,

Mr. TEAGUE, Mr. BROWN of South Carolina, Mr. CUELLAR, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. OLVER, Mr. SOUDER, Mr. GRIFFITH, Mr. MCHENRY, Mr. HALL of Texas, Mr. BISHOP of Utah, Mr. LATTA, Mr. ORTIZ, Mr. ROONEY, Mr. LATHAM, Mr. BUCHANAN, Mr. POSEY, Mr. KLINE of Minnesota, Mr. SHADEGG, and Mr. MARCHANT.

H.R. 4089: Mr. TIAHRT, Mr. LATOURETTE, and Mr. CARDOZA.

H. Con. Res. 42: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.

H. Con. Res. 43: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.

H. Con. Res. 98: Mr. MOORE of Kansas and Mrs. MALONEY.

H. Con. Res. 200: Mr. MCHENRY.

H. Con. Res. 212: Mr. SESTAK and Mr. MCCOTTER.

H. Con. Res. 213: Mr. MCGOVERN, Mr. PIERLUISI, Mr. BURTON of Indiana, and Mr. ENGEL.

H. Res. 150: Mr. JACKSON of Illinois.

H. Res. 278: Mr. OBERSTAR, Mr. HOLT, Mr. RANGEL, and Mr. HONDA.

H. Res. 521: Mr. RUSH.

H. Res. 704: Mr. ISSA, Mrs. BONO MACK, Mr. SHERMAN, Mrs. BLACKBURN, Mr. EDWARDS of Texas, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. MILLER of North Carolina, Mr. GARRETT of New Jersey, Mr. HONDA, and Mr. MARKEY of Massachusetts.

H. Res. 812: Mr. ROTHMAN of New Jersey.

H. Res. 840: Mr. GALLEGLY and Mr. MCCOTTER.

H. Res. 852: Mr. BUCHANAN and Ms. FOXX.

H. Res. 874: Mr. INGLIS.

H. Res. 879: Mr. MCNERNEY, Mr. SCHIFF, Mr. SHULER, Mr. SHERMAN, Mr. DENT, Mr. MANZULLO, Mr. GRIJALVA, Mr. MCINTYRE, and Mr. PETERSON.

H. Res. 888: Mr. LAMBORN, Mr. MCCOTTER, and Mr. LATTA.

H. Res. 890: Mr. SCHIFF, Mr. CARSON of Indiana, Mr. FILNER, Mr. TOWNS, Mr. SNYDER, and Mr. FALEOMAVAEGA.

H. Res. 901: Ms. CLARKE, Mr. SERRANO, Ms. LEE of California, Mr. COHEN, Mr. YARMUTH, Mr. SARBANES, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. HODES, Mr. CROWLEY, and Mr. BISHOP of New York.

H. Res. 910: Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCGOVERN, Ms. LEE of California, and Mr. PAYNE.

¶145.31 PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of American Bar Association, Chicago, Illinois, relative to Resolution 301 supporting the enactment of federal legislation, and adoption of regulations and other governmental measures, designed to improve the regulation of financial institutions and markets in the United States; to the Committee on Financial Services.

82. Also, a petition of American Bar Association, Chicago, Illinois, relative to Resolution 300 supporting federal, state or territorial legislation, regulations, or court rules that promote the use of mediation to assist in resolving disputes that could lead to forclosure of mortagees on residential real property; to the Committee on the Judiciary.

83. Also, a petition of American Bar Association, Chicago, Illinios, relative to Resolution 111B supporting the enactment of legislation that would provide for a national study of the state of criminal justice in the United States; to the Committee on the Judiciary.

¶145.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. LATOURETTE.

H. Res. 648: Mr. TERRY and Mr. COHEN.

Mr. TEAGUE, Mr. BROWN of South Carolina, Mr. CUELLAR, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. OLVER, Mr. SOUDER, Mr. GRIFFITH, Mr. MCHENRY, Mr. HALL of Texas, Mr. BISHOP of Utah, Mr. LATTA, Mr. ORTIZ, Mr. ROONEY, Mr. LATHAM, Mr. BUCHANAN, Mr. POSEY, Mr. KLINE of Minnesota, Mr. SHADEGG, and Mr. MARCHANT.

H.R. 4089: Mr. TIAHRT, Mr. LATOURETTE, and Mr. CARDOZA.

H. Con. Res. 42: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.

H. Con. Res. 43: Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. LEE of California.

H. Con. Res. 98: Mr. MOORE of Kansas and Mrs. MALONEY.

H. Con. Res. 200: Mr. MCHENRY.

H. Con. Res. 212: Mr. SESTAK and Mr. MCCOTTER.

H. Con. Res. 213: Mr. MCGOVERN, Mr. PIERLUISI, Mr. BURTON of Indiana, and Mr. ENGEL.

H. Res. 150: Mr. JACKSON of Illinois.

H. Res. 278: Mr. OBERSTAR, Mr. HOLT, Mr. RANGEL, and Mr. HONDA.

H. Res. 521: Mr. RUSH.

H. Res. 704: Mr. ISSA, Mrs. BONO MACK, Mr. SHERMAN, Mrs. BLACKBURN, Mr. EDWARDS of Texas, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. MILLER of North Carolina, Mr. GARRETT of New Jersey, Mr. HONDA, and Mr. MARKEY of Massachusetts.

H. Res. 812: Mr. ROTHMAN of New Jersey.

H. Res. 840: Mr. GALLEGLY and Mr. MCCOTTER.

H. Res. 852: Mr. BUCHANAN and Ms. FOXX.

H. Res. 874: Mr. INGLIS.

H. Res. 879: Mr. MCNERNEY, Mr. SCHIFF, Mr. SHULER, Mr. SHERMAN, Mr. DENT, Mr. MANZULLO, Mr. GRIJALVA, Mr. MCINTYRE, and Mr. PETERSON.

H. Res. 888: Mr. LAMBORN, Mr. MCCOTTER, and Mr. LATTA.

H. Res. 890: Mr. SCHIFF, Mr. CARSON of Indiana, Mr. FILNER, Mr. TOWNS, Mr. SNYDER, and Mr. FALEOMAVAEGA.

H. Res. 901: Ms. CLARKE, Mr. SERRANO, Ms. LEE of California, Mr. COHEN, Mr. YARMUTH, Mr. SARBANES, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. HODES, Mr. CROWLEY, and Mr. BISHOP of New York.

H. Res. 910: Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCGOVERN, Ms. LEE of California, and Mr. PAYNE.

¶145.31 PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of American Bar Association, Chicago, Illinois, relative to Resolution 301 supporting the enactment of federal legislation, and adoption of regulations and other governmental measures, designed to improve the regulation of financial institutions and markets in the United States; to the Committee on Financial Services.

82. Also, a petition of American Bar Association, Chicago, Illinois, relative to Resolution 300 supporting federal, state or territorial legislation, regulations, or court rules that promote the use of mediation to assist in resolving disputes that could lead to forclosure of mortagees on residential real property; to the Committee on the Judiciary.

83. Also, a petition of American Bar Association, Chicago, Illinios, relative to Resolution 111B supporting the enactment of legislation that would provide for a national study of the state of criminal justice in the United States; to the Committee on the Judiciary.

¶145.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. LATOURETTE.

H. Res. 648: Mr. TERRY and Mr. COHEN.

[THIS PAGE LEFT INTENTIONALLY BLANK]